NOTICE OF SUMMARY
OF PROPOSED AMMENDMENTS TO
PENDLETON COUNTY, KENTUCKY
ADMINISTRATIVE CODE
ORDINANCE NO. 230.6

AN ORDINANCE RELATING TO THE ESTABLISHMENT OF AN ADMINISTRATIVE CODE FOR THE PURPOSE OF SOUND AND EFFICIENT ADMINISTRATION OF COUNTY GOVERNMENT UNDER THE AUTHORITY OF KRS 68.

BE IT ORDAINED by the Fiscal Court of the County of Pendleton, Commonwealth of Kentucky as follows:

CHAPTER 1 sets forth the general provisions for titling, defining and amending this ordinance.

CHAPTER 2 sets forth matters relating to the general administration of the County government including powers, duties and procedures of various officials, boards, agencies and departments of the County and the administration

CHAPTER 3 deals with the operations of the Fiscal Court including rules governing meetings, Fiscal Court records, adoption County ordinances, orders and resolutions.

CHAPTER 4 sets forth matters relating to the financial management of the County including duties of various County officials, preparation of the County Budget, and payment of claims.

CHAPTER 5 sets forth provisions relating to personnel administration, policies and procedures including employment, job classifications, employee benefits, employee safety, drug and alcohol policy, employees with disabilities, discipline, use of County vehicles, equipment and facilities; and provisions regarding whistle blower policies and the dispatcher and road department manuals.

CHAPTER 6 provides for the establishment and operation of the County Road Department including Department property, road inventory, conditions, specifications for private drives connecting to County roads.

CHAPTER 7 sets forth the provisions for use and care of county property.

CHAPTER 8 sets forth provisions relating to County purchases and contracts including bidding, negotiation, small purchases and disposition of surplus property.

CHAPTER 9 provides for the fiscal court's requirements for boards and commissions and laying out guidelines for conducting business.

CHAPTER 10 provides requirements for boards and commissions to disseminate information, dissolution process, removal and appeal process and guidelines for single and multicounty districts.

CHAPTER 11 set forth objectives for the provision of county services such as public works (road department), county road system and for planning and subdivision regulations as provided in accordance with the Pendleton County Joint Planning Commission.

CHAPTER 12 provide guidelines for the use of county internet, the use of county email, use county software, copyright issues, communication security and describing violations for such guidelines.

CHAPTER 13 set forth a capitalization policy for describing capital assets, infrastructure and laying out useful depreciation life for the like.

CHAPTER 14 Provides for and sets out the duties of various positions of County employment.

NOTICE

The public will take note that said ordinance was given 1st reading before the Pendleton Fiscal Court on 8 January 2013, and publication on January 15, 2013. The second reading, with passage, occurred in the Fiscal Court Chambers, Old Courthouse, 233 Main Street, Falmouth, Kentucky on 22 January 2013 at 7 PM and final publication will be on January 29, 2013. A copy of the full text of the ordinance is available for public inspection in the Pendleton County Judge Executive's office in the courthouse at said address during ordinary business hours.

HENR W. BERTRAM
Pendleton County Judge Executive

PENDLETON COUNTY ADMINISTRATIVE CODE

Adopted by:
Action of Pendleton Fiscal Court

January 2013

PENDLETON COUNTY ADMINISTRATIVE CODE

EMPLOYEE AGREEMENT

I have received a copy of Pendleton County Fiscal Court's Administrative Code, Ordinance #_____, dated _____.

I understand that it is my obligation to read the Pendleton County Administrative Code and agree to follow all policies and procedures that are set forth therein. I agree to abide by the standards outlined in the document for the duration of my employment with Pendleton County Fiscal Court. I understand that this Administrative Code, and my signature below, does not constitute an employment contract and that the County is an at-will employer. Should I have any questions related to the Pendleton County Administrative Code, it is my obligation to seek assistance from my supervisor, director or Department Head.

Furthermore, I understand that this Ordinance may be amended at any time.

_____ _____

Employee Signature **Date**

_____

Employee Printed Name

Received by:

_____ _____

County Judge/Executive Signature or designee **Date**

PENDLETON COUNTY E-MAIL AND INTERNET USER AGREEMENT

EMPLOYEE AGREEMENT

I have received a copy of Pendleton County Fiscal Court's Policy Guidelines on e-mail/internet acceptable use (Chp. 13). I recognize that the County's e-mail/Internet is to be used for conducting the County's business. Keep in mind that county computer systems, Internet access and email accounts are governmental tools. Very limited, reasonable and appropriate personal use of these tools is permitted if such does not:

1. Interfere with your or any other user's work
2. Adversely impact system performance
3. Violate any county procedure or policy

As part of Pendleton County and user of Pendleton County's gateway to the internet and e-mail system, I understand that this e-mail/internet County guideline applies to me.

I understand that it is my obligation to read the aforementioned document and agree to follow all policies and procedures that are set forth therein. I further agree to abide by the standards set in the document for the duration of my employment with Pendleton County Fiscal Court. Should I have any questions related to the Pendleton County Administrative Code, it is my obligation to seek assistance from my supervisor, director or Department Head.

I am aware that violations of this County guideline on acceptable e-mail/internet use may subject me to disciplinary action, up to and including dismissal from employment.

I further understand that my communications on the internet and e-mail reflect on Pendleton County Fiscal Court. Furthermore, I understand that this policy can be amended at any time or that I may receive further direction from my superiors related to proper e-mail/internet usage.

_____ _____

Employee Signature Date

_____

Employee Printed Name

Received by:

_____ _____

County Judge/Executive Signature or designee Date

INTRODUCTION

PURPOSE AND AUTHORITY

The General Assembly of the Commonwealth of Kentucky enacted KRS 68.005 in 1978 for the purpose of promoting efficient administration of County government. KRS 68.005 requires the Fiscal Court to adopt a County administrative code which includes, but not limited to, procedures and designation of responsibility for the following:

(1) General administration of the office of County Judge-Executive (hereinafter 'County Judge'), County administrative agencies and public authorities;

(2) Administration of County fiscal affairs, including budget formulation; receipt and disbursement of County funds, preparation of records required for the County audit, and for filing of claims against the County;

(3) Personnel administration, including description and classification of non-elected positions, selection, assignment, supervision and discipline of employees, employee complaints and the County affirmative action program;

(4) County purchasing and award of contracts; and

(5) Delivery of County services.

The County Judge, as the chief executive officer of the County, is responsible for the organization and management of the administrative functions of County government. The Fiscal Court sets the County's policies and priorities. The County Judge must execute these policies and priorities. The statute provides only general guidance as to the form and substance of a County's internal administrative organization. For this reason, the Fiscal Court of Pendleton County enacts the following County Administrative Code.

Pendleton County Administrative Code

Pendleton County Fiscal Court does hereby establish a County Administrative Code; dividing the administrative service of Pendleton County into departments under the County Judge; prescribing administrative policy and procedure; prescribing the function and duties of administrative units and officials of the government; prescribing the administration of fiscal affairs and procurement procedures; and prescribing for the delivery of County services.

BE IT ADOPTED BY THE FISCAL COURT OF PENDLETON COUNTY:

CHAPTER 1 GENERAL PROVISIONS

SECTION 1.1 Short Title

A. This document shall be known and may be cited as the "Pendleton County Administrative Code".

SECTION 1.2 Definitions

A. As used in this Code, unless the context otherwise requires:

(1) *Chief Executive* is the County Judge of Pendleton County.
(2) *County* is Pendleton County, Kentucky, a governmental entity.
(3) *Fiscal Court* is the County body vested with the legislative powers of Pendleton County .
(4) *Elected Official* means the County Clerk, Sheriff, Jailer and County Attorney.

SECTION 1.3 Amendments

A. The Fiscal Court shall review the Pendleton County Administrative Code annually during the month of June and may by a two-thirds (2/3) majority of the entire Fiscal Court amend the Pendleton County Administrative Code at that time. The County Judge may at other times prepare and submit amendments to the Pendleton County Administrative Code for approval by the majority of the Fiscal Court

CHAPTER 2 GENERAL ADMINISTRATION

SECTION 2.1 County Judge

A. The Pendleton County Judge shall be the Chief Executive and Administrative Officer of the County and shall have all the powers and perform all the duties of an executive and administrative nature consistent with the Kentucky Constitution, Kentucky Revised Statutes and the Fiscal Court.

B. The responsibilities and/or duties of the Pendleton County Judge, as defined by KRS 67.710, are as follows:

(1) Provide for the execution of all ordinances and resolutions of the Fiscal Court, execute all contracts entered into by the Fiscal Court, and provide for the execution of all laws by the state subject to enforcement by him or by officers who are under his direction and supervision;

(2) Prepare and submit to the Fiscal Court for approval an administrative code incorporating the details of administrative procedure for the operation of the County and review such code and suggest revisions periodically or at the request of the Fiscal Court;

(3) Furnish the Fiscal Court with information concerning the operations of the County departments, boards, or commissions, necessary for the Fiscal Court to exercise its powers or as requested by the Fiscal Court;

(4) Require all officials, elected or appointed, whose offices utilize County funds, and all boards, special districts, and commissions exclusive of city governments and their agencies located within the County to make a detailed annual financial report to the Fiscal Court concerning the business and condition of their office, department, board, commission, or special districts;

(5) Consistent with procedures set forth in KRS Chapter 68, prepare and submit to the Fiscal Court an annual budget and administer the provisions of the budget when adopted by the Fiscal Court;

(6) Keep the Fiscal Court fully advised as to the financial condition and needs of the County and make such other reports from time to time as required by the Fiscal Court or as he deems necessary;

(7) Exercise with the approval of the Fiscal Court the authority to appoint, supervise, suspend, and remove County personnel (unless otherwise provided by state law); and

(8) With the approval of the Fiscal Court, make appointments to or remove members from such boards, commissions, and designated administrative positions as the Fiscal Court, charter, law or ordinance may create. The requirement of Fiscal Court approval must be designated as such in the County administrative code or the County charter.

SECTION 2.2 Procedures for Organization/Reorganization of County Departments and Agencies

A. The County Judge may create, abolish or combine any County department or agency or transfer a function from one department or agency to another, provided that the County Judge submits a **written plan** for the reorganization to the Fiscal Court.

B. The reorganization plan shall state the need, how the reorganization will meet the need, the services and functions to be expanded, abolished, or reduced as a result of the plan, the long and short term costs, and the plan's impact on existing and/or proposed personnel and services.

C. The plan shall be submitted to the Fiscal Court for approval at a meeting of the Fiscal Court. If not disapproved within sixty (60) days, the plan shall become effective. The plan shall be subject to public inspection at least 60 days prior to its effective date.

D. The County Judge or the Fiscal Court may cause the records and accounts of any administrative agency to be examined at any time.

SECTION 2.3 Special Districts

A. The County Judge may, with approval of the Fiscal Court, create any special district; or abolish or combine any special districts, provided such district was created solely by the County.

SECTION 2.4 County Representation on Boards and Commissions

A. The County Judge shall assure the representation of the County on all boards, commissions, special districts, and joint city-County programs in which County participation is required.

B. Every independent board, commission, agency or special district which requires participation by County government shall submit a copy of its by-laws and a list of its governing body members to the County Judge and the Fiscal Court within thirty (30) days of the start of the County term of office. The independent board, commission, agency or special district shall submit a revised copy of its by-laws within 30 days of their approval when amended. When a vacancy exists, the list of governing body members should be submitted to the County Judge no later than thirty (30) days before the County Judge nominates a candidate for the vacancy.

SECTION 2.5 Appointed Positions

A. The County Judge may appoint an executive secretary to assist with the execution of his administrative duties.

B. The County Judge may appoint a Deputy County Judge/Executive.

C. The County Judge may appoint, subject to the approval of the Fiscal Court, a budget officer to assist with the County fiscal affairs.

D. The County Judge may appoint, subject to the approval of the Fiscal Court, other personnel to assist with the County administrative and fiscal duties.

E. A member of the Fiscal Court may be appointed by a majority of the Fiscal Court to temporarily assume the duties of the County Judge, where both the County Judge and the Deputy County Judge/Executive, if a Deputy County Judge/Executive has been appointed, are absent from the County during an Emergency, or where both are incapacitated due to sickness, injury, or mental incompetence.

SECTION 2.6 Procedures for Appointment/Removal of Administrative Personnel and Members of Boards and Commissions

A. The County Judge shall inform the Fiscal Court of any open position on County Boards or Commissions, or in designated administrative positions.

B. The County Judge shall appoint qualified individuals to administrative positions and to Boards and Commissions in writing, with the writing submitted to Fiscal Court. The Fiscal Court shall act on such nomination within thirty (30) days. If the Fiscal Court does not act on the nomination within the thirty (30) day period, said appointment shall be deemed approved by the Fiscal Court.

C. If the Fiscal Court rejects the nomination, the County Judge shall submit an additional nomination(s) for each position.

D. The appointment shall be filed and entered into by index into the Pendleton County Executive Order Book which shall be maintained in the Office of the County Clerk.

E. The Pendleton County Fiscal Court may require a nominee to appear at a public hearing for the purpose of questioning the nominee about matters relating to the appointed position. The nominee shall be notified by mail if this is the intention of the Fiscal Court. The Fiscal Court shall provide the nominee with an opportunity to make a statement to the Fiscal Court concerning his nomination and qualifications.

F. No person shall be selected as a member of a board or commission or for an administrative position if the person holds or is employed in an incompatible position.

CHAPTER 3 OPERATION OF FISCAL COURT

SECTION 3.1 Procedures for Meetings of Fiscal Court

A. The County Judge shall annually set the dates and times for all regular Fiscal Court meetings via Executive Order. The Executive Order shall be issued no later than January 1st of each year, except in the first year of the term of office, when the Executive Order shall be entered no later than one week from the date the term begins.

B. All meetings of members of Fiscal Court at which any public business is discussed or any action taken shall be open to the public in accordance with the Kentucky Open Meetings Act (KRS Chp. 61).

C. The County Judge may call a Special Meeting of the Fiscal Court for the purpose of transacting any business over which the Fiscal Court has jurisdiction.

D. Whenever the County Judge is unable, or refuses to call a Special Meeting, a majority of the Fiscal Court may call a Special Meeting. The County Judge must refuse a request to call a Special Meeting, with the request made by a Fiscal Court member, prior to the majority of the Fiscal Court being able to call a Special Meeting.

E. Special meetings shall be called and conducted in accordance with the Kentucky Open Meetings Act (KRS Chp. 61).

SECTION 3.2 Presiding Officer

A. The County Judge shall be the presiding officer of the Fiscal Court at all regular and special meetings.

B. If the County Judge is not present or able to preside, a majority of the magistrates shall elect one of their members to preside.

SECTION 3.3 Quorum

A. Not less than a majority of the members of the Fiscal Court shall constitute a quorum for the transaction of business.

B. No proposition shall be adopted except with the concurrence of at least a majority of the members present; with the exception that passage of an ordinance requires a majority of the entire Fiscal Court.

SECTION 3.4 Disturbing Meetings

A. It shall be unlawful to disturb any meeting of the Fiscal Court or to behave in a disorderly manner at any such meeting.

B. Any person violating any provision of this section may be prosecuted under the appropriate provisions of the Kentucky Penal Code.

SECTION 3.5 Order of Business

A. At each regular meeting of the Fiscal Court an agenda will be presented prior to the meeting. This agenda shall be followed unless dispensed with by a majority vote of the members presented.

B. At each Special or Emergency Meeting of the Fiscal Court, the agenda shall be followed with no other topics presented or discussed during the Special or Emergency Meeting.

C. The County Judge shall prepare an itemized list of all valid bills requiring Fiscal Court approval.

D. No bill shall be approved for payment unless contained in the itemized list for the meeting.

E. A majority of the Fiscal Court members may vote to forgo Section 3.5(D) and approve payment of bills not included on the itemized list as long as the bill is presented to Fiscal Court.

F. The Fiscal Court may approve payment of the list of valid bills as a whole unless there is an objection voiced to any specific item.

SECTION 3.6 Fiscal Court Minutes

A. The clerk of the Fiscal Court shall attend all meetings of the Fiscal Court and keep a full and complete record of its proceedings.

B. The clerk of the Fiscal Court shall keep an index of all Fiscal Court records and make such index of all Fiscal Court records available for public inspection in accordance with the Kentucky Open Records Act (KRS Chp. 61). Such records shall be kept in the office of the county clerk.

SECTION 3.7 Ordinances, Orders and Resolutions

A. An "ordinance" means an official written act of the Fiscal Court, the effect of which is general and lasting in nature, which is enforceable within the jurisdiction of the County; or a lawful appropriation of money.

B. All ordinances shall be introduced in writing; relate to one subject only; and contain a title which expresses the subject; such as, "An Ordinance relating to. . . ."

C. There shall be inserted between the title and the body of each County ordinance an enacting clause written in the following manner: "Be It Ordained by the Fiscal Court of the County of Pendleton Commonwealth of Kentucky;"

D. County ordinances shall be amended by ordinance and only by setting out in full each amended section;

E. No County ordinance shall be passed until it has been read on two separate days, unless an emergency is properly declared, but ordinances may be read by title and a summary only.

F. No County ordinance shall be passed until it has been published pursuant to KRS Chapter 424. Prior to passage, ordinances may be published by summary. Publication shall include the time, date and place at which the County ordinance will be considered, and the place within the County where a copy of the full text of the proposed ordinance is available for public inspection. In the event consideration for passage is continued from the initial meeting to a subsequent date, no further publication is necessary provided that each meeting, the time, date and place of the next meeting is announced.

G. All County ordinances and amendments shall be published after passage and may be published in full or in summary form at the discretion of the Fiscal Court.

H. An order or resolution may be utilized for action by the Fiscal Court where the action is specific in nature, not for an uncertain time period, and which is enforceable within county boundaries. Examples of where an order or resolution may be appropriately used include: (1) Approval of claims against the county; and (2) Approval of a question to be submitted to the electorate for the creation of a taxing district where there is statutory authority for a referendum.

CHAPTER 4 FINANCIAL MANAGEMENT

SECTION 4.1 Budget Preparation Procedures

A. The County Judge/Executive shall prepare a proposed budget for review and adoption by the Fiscal Court as provided in KRS Chapter 68.240, as well as any rules and regulations prescribed by the State Local Finance Officer.

B. On or before April 1 of each year, every county agency, department, public authority and county office that receives county funds shall submit to the County Judge/Executive a **written** budget request showing the amount of funds requested and a brief explanation of the need for such funds.

C. On or before April 1 of each year the County Judge/Executive, County Treasurer and Jailer shall prepare and submit a Jail budget to the Fiscal Court, as required by KRS 441.215.

D. The County Judge/Executive shall submit the complete proposed budget and estimate of receipts to the Fiscal Court not later than May 1 of each year. (KRS 68.240(1).

E. The County Judge/Executive shall cause a copy of the proposed budget to be posted in a conspicuous place in the courthouse near the front door seven (7) days before final adoption. (KRS 6-8.260(1)

F. The County Judge/Executive shall cause an advertisement notice of adoption of the budget ordinance to be published in a newspaper of general circulation in the County at least seven, but not more that twenty-one days before final adoption by the Fiscal Court. (KRS 424.130(b).

G. The County Judge/Executive shall cause a **summary** of the budget ordinance to be published in a newspaper of general circulation in the County at least seven (7) days before final adoption by the Fiscal Court. (KRS68.260(1) Note: This and the preceding notice may be advertised together, so long as the notice time requirements are correct.

H. Not less than twenty (20) days before the time for adoption of the county budget, the County Judge/Executive shall submit two (2) copies of the proposed budget, including statements of both anticipated receipts and expenditures by budget funds, to the State Local Finance Officer for approval as to form and classification. (68.250(2)

I. The County Judge/Executive shall certify to the State Local Finance Officer a copy of the original budget ordinance as approved by his/her office within fifteen (15) days of adoption, indicating clearly all changes made by the Fiscal Court. (68.270)

J. Within thirty days of adoption of the budget ordinance by the Fiscal Court, the County Judge/Executive shall cause a summary of the budget ordinance to be published in a newspaper of general circulation in the County. (KRS 424)

K. The County Judge/Executive shall maintain a copy of the budget as adopted, together with any amendments adopted thereafter, for public inspection.

L. The Finance Officer shall obtain from the Sheriff an annual settlement, showing County taxes collected, not later than May 1 of the current year.

M. The Finance Officer shall obtain from the Property Valuation Administrator, an official estimate of net assessment growth and an estimate of the ad valorem taxes that would be produced using the proceeding year's tax rate.

SECTION 4.2 Duties and Procedures of the Pendleton County Budget Committee

A. The Budget Committee shall consist of the County Judge, the County Treasurer and all members of the Fiscal Court.

B. The Budget Committee shall review in detail the proposed budget that the County Judge has prepared and submitted to the Fiscal Court not later than May 1.

C. The Budget Committee shall include such budgets as may be required by the activities of the County.

D. The review shall be conducted at a meeting or meetings held not later than May 21 of each year.

E. Immediately upon approving a proposed budget for the County, the Budget Committee shall forward a copy of the proposed budget to the Fiscal Court. The Pendleton County Fiscal Court shall make comments, amendments, and tentatively adopt the proposed budget prior to the County Judge submitting the budget to the Kentucky State Local Finance Officer.

F. Following action by the Fiscal Court, but not later than June 10, the budget shall be submitted to the Kentucky State Local Finance Officer for approval as to form and classification.

G. The Pendleton County budget approved by the State Local Finance Officer shall be submitted to Fiscal Court for adoption, in the form of an ordinance not later than July 1.

H. The County Judge shall cause a copy of the proposed budget to be posted in conspicuous place in the courthouse near the front door not less than seven (7) days before final adoption.

(1) A summary of the County budget shall be published in accordance with KRS Chp. 424 before final adoption by Fiscal Court.

(2) A summary of the County budget shall be published in accordance with

KRS Chp. 424 within 30 days after adoption by Fiscal Court.

(3) The County Judge shall maintain a copy of the budget as adopted, together with any amendments adopted thereafter, for public inspection.

SECTION 4.3 County Road Aid and Local Government Economic Assistance Public Hearing and Budget Process

A. County Road Aid Fund (CRA) and Local Government Economic Assistance (LGEA) Fund

1. The Judge/Executive will publish a notice of the proposed use hearing on the CRA fund and LGEA fund not less than seven (7) nor more than twenty-one (21) days in advance of the scheduled hearing.

2. The Judge/Executive shall conduct the proposed use hearing.

3. Copies of the published notice and written minutes of the hearing shall be maintained by the Judge/Executive as public record.

B. Prior to adoption of the county budget and submittal to the state local finance officer, the first reading shall be conducted by the fiscal court on the entire county budget to show the relationship of the County Road Aid fund and the Local Economic Assistance Fund used to other funds and used therein.

C. Notice of the 1st reading of the entire county budget shall be not less than seven (7) nor more than twenty-one (21) days prior to the scheduled reading.

SECTION 4.4 County Procedures for County Treasurer

A. County Treasurer shall receive and deposit all funds due the County.

B. County funds shall be paid out only on order of Fiscal Court.

C. No expenditures may be made in excess of revenues or for purposes other than appropriated.

D. No appropriations may be made which exceed adopted budget amounts.

E. The Treasurer shall keep an Appropriation Expenditure Ledger. The ledger shall be a record of each budget appropriation, all expenditures from the appropriation and each budget fund.

F. The Treasurer shall maintain general ledger in which all transactions are entered, either in detail or in summary. Each fund (General Fund, Road Fund, Local Government Economic Aide, etc.) has a complete balancing set of general ledger accounts. Control accounts are established for the Cash Receipts Register and the Appropriation Expenditure Ledger.

G. The Treasurer shall maintain a Cash Receipt Register containing columns for total cash received, source of revenue and miscellaneous revenue for each fund

H. The Treasurer and budget officer shall maintain an Appropriation Expenditure Ledger. This ledger is a group of accounts supporting in detail the appropriation and expenditure accounts of the General Ledger. An account must be provided for each appropriation made in the budget. The original appropriation and all amendments and transfers authorized by order of the Fiscal Court shall be entered. All expenditures shall be charged to an appropriation account.

I. The Treasurer and budget officer shall maintain a record of all warrants paid (except payroll) in chronological order in a Warrant Distribution Register. Columns shall provide for date, payee, warrant number, appropriation expenditure account number and amount. Separate columns shall provide for each fund so that one register serves all funds.

J. The Treasurer or Finance Officer shall maintain a Payroll Authorization Book, designed to facilitate convenient preparation and certification of the payroll. One order of the Fiscal Court may be made to authorize payment for all employees for more than one payroll period.

K. The Treasurer or Finance Officer shall maintain an Individual Earnings Record for each employee, including gross earnings, deductions and net pay at the time computed.

L. The Treasurer shall maintain a Notes Payable Register which provides information on notes for temporary loans in anticipation of the current year's revenue, indicating the principal amount, interest rate, due date, fund and other necessary details.

K. The Treasurer shall maintain a Bond Register which records the history and authorization of each bond issue, whether general obligation bonds, revenue bonds or special levy bonds. A separate sheet shall be prepared for each issue.

SECTION 4.5 Pendleton County Procedures for Fiscal Court Administration by the County Judge

A. At the beginning of each fiscal year, the total amount of the appropriation represents the free balance, or unused appropriation amount, for each account.

B. As expenditures are made during the year, the amount of the expenditure is subtracted from the free balance to keep an accurate record of the exact amount of the unused appropriation at any time.

C. When any item is ordered, the free balance is encumbered in that amount, although it may be considerable time before the actual expenditure occurs.

D. The County Judge shall write and sign all warrants directing the Treasurer to make payments authorized by Fiscal Court. The County Judge shall maintain a record of all warrants.

E. At the close of each fiscal year the County Judge will be responsible for the preparation of records necessitated by the annual County audit and audit of the County Judge's office. The annual audits of the books, accounts, and papers of the County and the County Judge shall be conducted by the State Auditor of Public Accounts or a Certified Public Accountant.

SECTION 4.6 Claims Against Pendleton County

A. The County Judge shall account for all claims against the County.

B. All claims for payment from the County shall be filed in writing with the County Judge.

C. Each claim shall be recorded by date, receipt and purchase order number and presented to the Fiscal Court at its next meeting.

D. Each order of Fiscal Court approving a claim shall designate the budget fund and classification from which the claim will be paid and each warrant shall, specify the budget fund and classification.

E. The payroll for County officials and regular County employees and recurring utility expenses are hereby preapproved. Other recurring expenses may be preapproved by the Fiscal Court upon authorization of the State Local Finance Officer.

F. The depositor of Pendleton County funds shall not honor any warrant on the County unless it is signed by both the County Judge and the County Treasurer. In the absence of the County Judge, the Deputy County Judge may sign.

G. All offices collecting County or state monies shall utilize a daily deposit in an interest drawing account until settlement is made to the Commonwealth and County. County fees shall be remitted to the County no later than the 10th day of each month following the month of collection unless a written waiver is given by Fiscal Court.

CHAPTER 5 PERSONNEL ADMINISTRATION

It shall be the policy of the County to maintain equal employment opportunities for its labor force which will be in compliance with applicable federal and state laws. The County is an **at-will** employer and is not subject to merit system governance or regulations.

As an Equal Opportunity Employer, the County is committed to nondiscrimination in hiring, promotion, discharge, pay, fringe benefits and other aspects of employment, on the basis of race, color, religion, sex, disability, age, national origin, veteran status, sexual orientation, gender identity, genetic information or ancestry, or because the individual is a smoker or nonsmoker, as long as the person complies with any workplace policy concerning smoking.

Should you have any questions regarding this matter, please contact your Department Head or the County Judge.

SECTION 5.1 Job Classification

A. The County Judge will be responsible for the preparation of a descriptive job classification plan for all non-elected positions.

B. Each job classification shall be in writing and include:

(1) A concise, descriptive title;

(2) Description of the duties and responsibilities of each position in each classification;

(3) State of minimum and desirable qualifications for each position.

C. All positions in a single class shall be sufficiently alike to permit use of a single title, description, qualifications, and pay range.

SECTION 5.2 Personnel Policy of Constitutional Officers

A. Each Elected Official shall develop a personnel policy for the operation of their respective office.

B. In the alternative, each Elected Official may choose to adopt the personnel policies approved by Fiscal Court for the operation of their office (Chp. 5). Should the Elected Official elect to utilize the personnel policies of the Fiscal Court, the Elected Official shall designate same, in writing, and deliver same to the County Judge?

SECTION 5.3 Applicants

A. Each applicant shall fill out and sign a standard written job application form, and each application shall be kept on file for the length of time as stated by the

Department of Libraries and Archives. All applicants shall sign a release authorizing the County to download and review the applicant's Kentucky Driving History Record or the Driving History Record for the state in which the applicant is licensed.

Counties should review the Kentucky Department for Libraries & Archives Records Retention Schedule periodically. For applications, where the applicant becomes a county employee, the application, plus certain other employment records must be kept on file for sixty (60) years.

B. No employee may be hired until having been interviewed by the Department Head or Immediate Supervisor.

C. The County Judge shall make the selection, subject to approval of Fiscal Court, and notify the applicant and supervisor in **writing** of the selection.

D. Equal Employment Opportunity (EEO) information may be obtained from the applicant but shall not be used to exclude any person from employment.

E. All part-time and temporary employees, funded through state or federal programs, shall be recruited and selected in accordance with the appropriate program guidelines.

SECTION 5.4 Supervision

The County Judge is responsible for the supervision of County employees. This responsibility may be delegated to appropriate department heads and supervisors. Each elected official shall be responsible for the supervision of all employees working within their particular office.

SECTION 5.5 Discipline Procedures

A. The County Judge shall discipline County employees by written reprimand, suspension or discharge in the best interest of the County. All disciplinary actions, beyond written reprimand, require Fiscal Court approval. Approval can come after the imposition of the discipline.

B. Supervisors may discipline their employees through verbal or written reprimand. The County Judge shall be made aware of any disciplinary action taken by a supervisor.

C. Any employee who is disciplined by the County Judge may appeal the action to the Fiscal Court at any time within ten (10) days after said action.

D. The Fiscal Court may conduct whatever investigation it believes the appeal warrants and render a written decision within ten (10) days after said appeal has been made.

SECTION 5.6 Affirmative Action

A. The County Judge shall develop and maintain an Affirmative Action Plan consisting of

(1) A statement of Policy

(2) Methods of Dissemination of the Policy

(3) Workforce Analysis

(4) Goals and Timetables

B. The County Judge is responsible for the implementation of the affirmative action policy of the County.

SECTION 5.7 Scope of Coverage

A. The following County employees are expressly exempted from coverage:

(1) The County Judge, Fiscal Court members, Constables and all Elected Officials.

(2) All members of boards and commissions of the County.

(3) Consultants, advisors and counsel rendering temporary professional advice.

(4) Independent contractors.

(5) Employees of the Elected Officials excluding jail employees.

(6) Employees made available to County by other agencies.

B. All County employment positions not expressly exempted from coverage by this section shall be subject to the provisions herein.

SECTION 5.8 Definitions

Where used within these personnel rules, the following works and terms shall have the meaning indicated below:

Allocation: The assignment of an individual position to specific class of work based on the kind, difficulty, skill and responsibility of the work performed.

Appointing Authority: That person or body having authority under the laws of the Commonwealth of Kentucky to make appointments to positions. Unless otherwise specified, the Appointing Authority shall be construed to mean the County Judge.

Appointment: The act of appointing authority by which a position is filled.

County Employees: Those employees supervised by the County Judge, the Treasurer and Department Supervisors.

Demotion: Changing one employee from one class of work to a different class of at a lower pay grade.

Elected Official: Any elected official holding one of the constitutional County offices.

Performance Rating: An appraisal or evaluation of an employee's work performance.

Position: An individual job within the County's personnel system.

Position Description: A detailed written description of the specified duties assigned to and performed by a particular employee.

Termination: The separation of an employee from the County personnel system by resignation, retirement, layoff, dismissal or death.

Dismissal: The termination of an employee.

Layoffs: The involuntary separation of an employee from his position and class due to a reduction in work force.

Resignation: The voluntary termination of employment by an employee.

Retirement: The termination of employment and transfer to retired status of an employee

SECTION 5.9 Classification of Employees

A. All employees of the county shall be classified as full-time, permanent part-time, part-time, temporary or seasonal, and/or assigned and must be approved by the fiscal court. These categories are defined as follows:

1. Full-time employees – An employee who works forty (40) hours per week on a regularly scheduled basis.

2. Permanent part-time employees – Any employee who averages 100 or more hours per month.

3. Part-time employees – Any employee who works less than 100 hours per month but on a regularly scheduled basis.

4. Temporary or seasonal employees – An employee who works in a position which is of a temporary nature, typically not exceeding nine (9) months in a twelve-month period.

5. Assigned employees – An employee made available to the County by another agency.

6. Full-time employees shall be entitled to all benefits as provided in this Administrative Code. Part-time, seasonal, or temporary employees shall not be entitled to any benefits unless specified by resolution at the time of hiring.

Employees receive CERS benefits when averaging 100 hours per month over a one (1) year period. The period is either a fiscal or calendar year, is calculated by both methods with the employee qualifying by either method.

SECTION 5.10 Hours of Work

A. All full-time employees shall work at least forty (40) hours per week, unless otherwise prescribed by the Fiscal Court.

B. An employee whose duties require an irregular work schedule shall work according to a schedule recommended by his supervisor.

C. Overtime work shall be approved in advance by supervisor.

SECTION 5.11 Personnel Records

Beginning the first day of employment, all new employees shall report to an office designated by the County Judge to supply any information needed to complete personnel records, execute payroll withholding authorization and enroll in the employee benefit program. The County Judge shall provide each new employee a copy of the administrative code and county ethics code.

SECTION 5.12 Employee Records

It shall be the obligation of the employee to maintain current information by notifying his or her Department Head of all changes in personal or family status, home address, home telephone number, or any other changes which would affect payroll withholding or employee benefits.

SECTION 5.13 Personal Conduct

Images presented and statements made by all employees of the County can affect the entire organization; therefore, employees are expected to be friendly,

courteous, appropriately dressed at all times and acting in accordance with the County Drug Policy.

SECTION 5.14 Safety

The health and safety of all County employees is of major importance. The County is striving to make everyone's job safe in all respects; therefore, all employees shall report in writing all hazardous conditions in their work, area at once, to their immediate supervisor. All injuries should be reported immediately to their supervisor and within 24 hours to the County Judge's office.

SECTION 5.15 Credentials

If it should come to the attention of the County Judge that an employee was hired on the basis of false credentials, said employee will be subject to immediate demotion or dismissal. All employees shall be a high school graduate or GED recipient; unless otherwise approved by the Fiscal Court.

SECTION 5.16 Selection and Appointment

A. Each applicant shall fill out and sign a standard written job application and each application shall be kept for at least two (2) years.

B. County Employees. The County Judge shall select job candidates to be submitted to Fiscal Court for approval. Fiscal Court shall approve all salaries or appropriate salary schedules.

C. All employees whose positions are funded through state or federal programs shall be recruited and selected in accordance with the appropriate program guidelines.

SECTION 5.17 Methods of Filling Vacancies

If it is determined by the County Judge that no current County employee meets the education, experience and skill requirements set forth in the classification description, the positions shall be filled through applications on file. If no applicant on file meets the requirements, open public recruitment will be used to fill the position.

The County Judge may transfer or promote an existing employee into a vacant position where that employee meets all qualifications for that position. The County Judge is not mandated to fill open positions with internal candidates. The County Judge may fill vacant positions from applications already at hand or by any means which does not violate state law. The County is not required to advertise any employment vacancies prior to filling a position. In compliance with state law, most employee appointments made by the County Judge require Fiscal Court approval or the employment shall be considered invalid.

SECTION 5.18 Recruitment, Evaluation, and Certification

The County Judge or designee shall be responsible for:

(1) Accepting complete application forms from the applicants.

(2) Conducting interviews, reference checks, and evaluating training, experience and credentials.

SECTION 5.19 Announcements of Vacancies

A. Notice of employment opportunity and necessary examinations, if any, may be publicized at the County Judge's discretion.

B. Such notices shall:

(1) List the vacant position(s).

(2) Specify for each position its position title, nature of work to be performed, and qualifications for employment in the position.

(3) Tell when and where to file applications for employment in the position.

SECTION 5.20 Applications

A. All applicants shall utilize the Pendleton County Application form, adopted by the County. The applicant shall provide:

(1) Information about the applicant's training, experience and character.

(2) Whatever additional information the County Judge deems pertinent to an evaluation of the applicant's fitness for the position for which he applies.

B. The County Judge shall review each application to ascertain the applicant's qualifications for the position.

SECTION 5.21 Appointments

A. The qualifications of an applicant for a position shall be ascertained on the basis of one or more of the following:

(1) Job related performance (internal candidates);

(2) Information provided on the Application;

(3) Interview(s);

(4) References;

(5) Other appropriate means;

B. Where a declaration of emergency has been declared in accordance with KRS 39B, the County may hire employees on a temporary basis for emergency purposes without Fiscal Court approval. Most other employees are to be recommended by the County Judge to the Fiscal Court with Fiscal Court approval required for all hiring decisions. No employee should start work prior to Fiscal Court Approval being granted, except in accordance with KRS 39.B or extreme circumstances.

SECTION 5.22 Transfer

Any full-time employee may request a transfer from one position to another such position, provided the position to which the employee transferred is one for which he posses the qualifications, and provided that the position applied for is vacant.

SECTION 5.23 Promotion

A. An employee may be promoted from one position to another only if the employee has the qualifications for the higher position. These qualifications shall be ascertained on the basis of job related information, interview, and evaluations of performance, training and experience. The same procedures as those authorized for ascertaining his qualifications for initial appointment to a position shall be followed.

B. In the filling of a vacancy in a position above the entrance level, preference shall be given to promotion of present employees at the time the vacancy occurs. If, however, the County Judge deems that the best interests be outside the current workforce, he may fill the position by appointment of a person from outside the current workforce.

C. When such a vacancy occurs, the names of all persons who qualify for promotion to the vacant position shall be presented to the County Judge for consideration in filling the vacancy by promotion.

SECTION 5.24 Attendance, Leave and Fringe Benefit Provisions

A. The standard work week for County employees shall be forty (40) hours per week, unless otherwise prescribed by the Fiscal Court. Specific departmental work schedules shall be prescribed by department heads, with the approval of the County Judge. Work schedules for seasonal, temporary and part-time employees shall be specified by the County Judge according to the needs of the County and the rules and schedule stipulated for regular employees.

B. Employees shall be at their places of work in accordance with prescribed schedules. The direct job supervisor shall maintain daily attendance records of all employees.

SECTION 5.25 Holidays

A. The following days are declared paid holidays at the regular rate of pay for all full-time county employees.

- New Year's Day
- Martin Luther King Day
- Good Friday (1/2 Day)
- Memorial Day
- July 4th
- Labor Day
- Veterans' Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Eve
- Christmas Day
- New Years' Eve

B. In addition to the above, any day may be designated as a holiday by proclamation of the Judge/Executive.

C. The Judge/Executive may require offices located in the courthouse to remain open as required (i.e. county office to remain open when state offices are closed.)

D. When any holiday listed above falls on Saturday or Sunday, the holiday may be observed on either Friday or Monday, as determined by the Judge/Executive, for those departments which do not operate on a 24 hours a day 7 days a week basis.

Those departments that operate on a 24 hours a day / 7 days a week basis will receive holiday pay as though the holiday had fallen on a weekday. Example: Christmas falls on Saturday, the individuals working that Saturday will receive 1 and ½ times their regular rate of pay, plus regular pay for the holiday. Those individuals, who do not work the Saturday, will receive regular pay for the holiday.

E. In order for any employee to be paid for holiday, he/she must work the last scheduled day before and the first scheduled day after the holiday unless the absence(s) is/are approved by supervisor.

SECTION 5.26 Vacation

A. Full-Time employees are entitled to vacation leave, after one full year of employment at the rate listed below. Vacation leave must be taken between anniversary dates.

- 1 year of service 40 hours
- 2-7 years of service 80 hours
- 8-12 years of service 120 hours
- 13 years or more of service 160 hours

B. Insofar as possible, vacation leave shall be requested four (4) weeks in advance; vacation leave may be disapproved if the supervisor requires the employee's services at the requested time.

C. No employee will be permitted to take vacation leave until they have met the eligibility requirement. Vacations shall be at full pay at the current rate of salary.

D. The County Judge/Executive's office shall keep records of vacation leave for each individual employee.

E. Employees absent because of sickness, injury or disability may use vacation leave during the time off only after accrued sick leave has been exhausted.

F. All eligible vacation days will be paid at regular rate of pay upon termination of employment, provided that proper notice is given according to "RESIGNATION" in Section 5.47.

G. Vacation time cannot be taken in increments of less than 4 hours.

H. Part-time employees, Seasonal employees and Temporary employees shall not be eligible to earn Vacation leave.

SECTION 5.27 Sick Leave

A. All regular full-time employees shall be granted four (4) sick hours per month. Employees must work one-hundred twenty (120) hours during the month to receive sick time for the month. Sick leave credit may be utilized by employees when they are **incapacitated** for the performance of duties due to **sickness** or **injury**. An employee may use up to forty (40) sick hours per calendar year in the event of serious illness in the employee's immediate family. The immediate family, for these purposes, shall include the parents, spouse, children, brothers and sisters in any case. In the event of sick leave for 2 or more consecutive days, the Judge/Executive or department head shall require a certificate of a medical doctor giving information as to the circumstances involved. Any abuse of this sick leave policy may result in disciplinary action up to and including dismissal.

B. Employees shall be allowed to accrue an unlimited number of sick leave hours. Upon termination of employment by retirement after 15 years of service, the

employee will be paid for unused sick leave at a rate of eight (8) hours for every forty hours (40) hours of accumulated sick leave. As an example: someone retiring with two-hundred forty (240) hours of accumulated sick leave would be paid for forty eight (48) hours. Absence for part of a day that is chargeable to sick leave shall be charged proportionately in an amount not smaller than four (4) hours, unless approved by his or her supervisor.

C. An employee may donate accumulated and unused sick leave to another employee within the county workforce by filling out the required form. Unused sick leave may be donated to another employee only after said employee has exhausted all vacation, personal and sick leave that they had accumulated. Donated sick leave can be used only for extended sick leave with a doctor's statement.

D. The County Judge/Executive's office shall keep records of sick leave for each individual employee.

SECTION 5.28 Personal Days

A. All full time employees are entitled to personal time with pay after one full year of service.

B. The amount of personal time an employee has shall be determined as follows:

1. Each employee with at least one (1) year of service but less than two (2) years of service will be entitled to eight (8) hours of personal leave with full pay per year.

2. Each employee with at lease two (2) years of service but less than ten (10) years of service will be entitled to sixteen (16) hours personal leave with full pay per year.

3. Each employee with ten (10) years or more service will be entitled to twenty-four (24) hours of personal leave with full pay per year.

C. Insofar as possible, personal leave shall be requested one week in advance. Personal days may be disapproved if the supervisor requires the employee's services at the requested time.

D. Personal leave shall not be allowed to accumulate but must be taken between anniversary dates.

E. Personal leave will not be paid upon termination of employment.

F. Personal leave cannot be taken in increments of less than four (4) hours.

G. Personal leave cannot be taken with vacation leave or holidays.

SECTION 5.29 Family and Medical Leave Act (FMLA)

A. FMLA provides entitlement for up to 12 weeks of job protected, unpaid leave, during any twelve month period for the following reasons:

(1) The birth of a son/daughter or care for newborn child;

(2) The placement of a son/daughter for adoption or foster care;

(3) Care for the employee's spouse, son/daughter, or parent with a serious health condition;

(4) The employee's own serious health condition.

B. **Qualifying Exigency Leave.** The FMLA requires that employers provide employees up to 12 weeks of leave in a 12-month period to tend to any "exigency" resulting from a service member's call to duty. The new FMLA regulations clarify that exigency leave may be taken by eligible employees (consisting of not only a spouse, son, daughter, or parent, but also "next of kin" — the next nearest blood relative) while their spouse, son, daughter, or parent is on active duty or call to active duty status in the National Guard or Reserves, or if the family member is a retired member of the Regular Armed Forces or the Reserves. An employee whose family member is on active duty or call to active duty for the Regular Armed Forces does not qualify for this leave. Qualifying exigencies include short-notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and additional activities.

C. **Military Caregiver Leave.** An eligible employee is entitled to 26 workweeks of leave in a 12-month period to care for a covered service member in the Armed Forces (including the National Guard and Reserves) who becomes ill or injured as a result of his or her military service. The 12-month period begins when the employee starts using her or his leave. This leave may only be taken once per injury, but may be taken again if there are additional injuries. More than one family member may qualify for the leave.

D. If the employee was qualified for health insurance benefits when leave begins, the employer shall maintain health benefits for the employee in the same manner during periods of FMLA leave as if the employee continued to work.

E. However, the employee must exhaust all accumulated sick leave and annual leave time prior to receiving unpaid FMLA leave. Worker's Compensation shall be designated as FMLA leave as long as the illness or injury also qualifies as an FMLA qualifying event. If the illness or injury qualifies as FMLA leave, then FMLA runs concurrently with the Worker's Compensation Leave.

F. Upon employee being granted FMLA leave, the employee must continue to pay his/her own employee contribution to the health insurance plan ordinarily required of an employee. The employer will continue to pay the contribution ordinarily paid by the employer under the current health insurance plan. If the employee contribution payment is not paid by the employee, in such event, the employer may terminate the health insurance benefits of the employee during FMLA leave. However, the employee may exercise their rights for COBRA benefits.

G. In order to qualify for FMLA benefits, the employee must have worked for the employer for at least 12 months prior to the commencement of benefits and worked at least 1,250 hours in the prior year. The 12 month period need not be consecutive. Employment prior to a break in service of more than 7 years need not be counted unless the break in service was occasioned by the fulfillment of National Guard or Reserve Military Service Obligations.

H. Upon the employer granting FMLA leave, the employee receives an entitlement up to 12 weeks of job protected unpaid leave during any 12 month period. The fixed 12 month "leave year" shall commence January 1 of each year and conclude on December 31 of each year.

I. When the need for leave is foreseeable, the employee must give the employer at least 30 days written notice of his/her intent to receive FMLA leave benefits. If the leave is not foreseeable, the employee must provide written notice as soon as possible. The employer reserves the right to require medical certification of a serious health condition for the employee's health or a member of his/her family as defined herein. The employer may also require periodic written medical reports during the leave of the employee's health status, health status of his/her family as defined herein, as well as "fitness-for-duty" certification upon return to work from a health care provider.

J. "Serious health condition" means an illness, impairment, injury, or physical/mental condition that involves either:

i) any period of incapacity or treatment connected with inpatient care in a hospital, hospice, or residential medical care facility, and any period of incapacity or subsequent treatment in connection with such impatient care; or

ii) continuing treatment by a health care provider which includes any period of incapacity that prevents the employee or family member from working, attending school, or any other regular daily activity.

K. Any employee desiring to benefit from "donated sick leave" <u>must</u> be granted same and utilize same prior to applying for leave without pay under FMLA. Upon FMLA leave being granted to the employee, the employee may not participate in the donated sick leave plan until the employee has returned to work on a regular paid basis with a letter from a physician or health care provider stating that the employee is fit for duty.

L. Upon the employer granting leave without pay under FMLA, as provided for herein, the County Judge, Elected Official or department head shall authorize same in writing and provide the employee and the County Treasurer a copy of the written approval. All applications for leave without pay and all approvals of same, not

in writing, shall disqualify the employee from health benefits otherwise provided herein.

SECTION 5.30 Bereavement Leave

A. All full-time employees may receive bereavement leave in the event of a death in the immediate family. Immediate family for this purpose shall be deemed to include the parents, spouse, children, brothers, sisters and grandchildren. Leave may be limited to the day of the death until the day after the burial.

B. Leave due to death of other relatives may be limited to the day of burial only.

C. This leave must be approved by the County Judge or the Elected Official and is not charged against any leave accumulated. Leave is granted only for the actual time needed.

I. An employee who is unable to work because of death in the immediate family must notify his office or immediate supervisor by telephone or messenger prior to his scheduled time to report.

SECTION 5.31 Special Leave

A. In addition to authorized leaves, the office holder may authorize an employee to be absent, without pay, for personal reasons for a period or periods not to exceed 120 working days.

B. Leave of absence without pay will not be granted until all vacation leave has been exhausted.

C. Request for leave for personal reasons shall be submitted in writing to the County Judge or Elected Official, stating reasons for the request, the date the leave shall begin and the probable date of return.

D. An employee who has been on leave without pay status for thirty (30) calendar days may be terminated. The County Judge or Elected Official shall have the authority to make exceptions to this rule.

SECTION 5.32 Maternity Leave

A. The County Judge or Elected Official may grant maternity leave for full-time permanent employees with temporary disability due to pregnancy, childbirth, adoption, or any impairment thereof, and miscarriage for a period not to exceed six (6) weeks. An additional period may be extended if requested by the employee's physician.

B. An employee granted maternity leave shall use any accrued sick leave and vacation time with the remaining periods as time off without pay.

C. The employee must notify the County Judge or Elected Official as far as possible in advance of the employee's intention to request Maternity Leave, including

approximate dates, in order to allow the County Judge or Elected Official time to prepare for any staff adjustments.

D. The maximum allowable Maternity Leave, including the use of sick leave, sick leave without pay, and leave of absence without pay is six (6) months. If the employee returns to work at any time prior to the six (6) months maximum, she will return to full time pay status at the regular salary without loss of seniority or fringe benefits.

SECTION 5.33 Military Leave

Pursuant to KRS 61.394 and 61.396, all employees of this county, or of any department or agency thereof, who are members of the National Guard or of any reserve component of the Armed Forces of the United States, or of the reserve corps of the United States Public Health Service, shall be entitled to leave of absence from their respective duties, without loss of time, pay, regular leave, impairment of efficiency rating, or of any other rights or benefits to which they are entitled, while in the performance of duty or training in the service of this state or of the United States under competent orders as specified in this section. In any one (1) federal fiscal year, officers or employees, while on military leave, shall be paid their salaries or compensations for a period or periods not exceeding twenty-one (21) calendar days. Any unused military leave in a federal fiscal year shall be carried over to the next year. Any unused military leave shall expire two (2) years after it has accrued.

The employee shall give the County two (2) weeks notice prior to the scheduled leave if time permits.

SECTION 5.34 Civil Leave

A. Jury Duty: Upon receipt of the order requiring the employee to report for jury duty, the employee must show the order to the Office Holder. There will be no deduction from accumulated leave.

B The employee will be allowed to keep pay received for serving on a jury without deduction from full regular salary. A county may compensate an employee while they are on jury duty, but it is not required.

SECTION 5.35 Court Appearance

A Upon receipt of the order requiring the employee to make a court appearance, the employee shall make arrangements with the employee's Department Head to comply with the order.

B If appearing in an official capacity in connection with the County as an expert witness because of professional or observed knowledge, the employee's court time is considered working time and no charge is made against leave time.

C. If the employee is involved in a personal case, either as plaintiff or defendant in a suit not resulting from his duties with the County, he may be granted leave, but the time off he takes must be charged to his accrued vacation time, to leave of absence without pay or the employee may be allowed to work alternative hours if approved by

the Department Head and County Judge and if the alternative hours are within the same pay period as the needed leave.

SECTION 5.36 Overtime/Compensation Time

A. In accordance with requirements of the Fair Labor Standards Act (FLSA), the Judge/Executive shall cause for the declaration of positions "exempt" or "non-exempt." Non-exempt employees shall receive overtime payment at the rate of one and one-half times regular amount of actual hours worked in excess of 40 hours in any work week.

B. Time off with pay (such as vacation or sick leave) shall not be considered as hours worked for overtime pay purposes.

C. Overtime work shall be approved in advance by the employee's supervisor or the Judge/Executive whenever possible, and shall be kept at the minimum consistent with maintenance of essential county services and its financial resources.

D. All supervisory positions are eligible for comp-time in lieu of over-time. Employees eligible for comp time may not accrue more than 100 hours.

E. The salaries of the Road Supervisors and the Emergency Management Director are "preadjusted" to anticipate "overtime compensation during times of extraordinary or emergency situations such as snow removal, storms and things of a similar nature. Salary adjustments (one and one-half times regular amount for hours worked over 40 per week) will be made when an event reaches the magnitude to declare a Local, State and Federal Disaster Declaration.

SECTION 5.37 County Vehicles

A. Anyone driving a County vehicle will be responsible for that vehicle in case of an accident. A breathalyzer test, urinalysis, or other testing, or any combination of the three (3), will be required with refusal resulting in automatic dismissal of the County employee. Anyone driving a County vehicle must stay in good standing with the Department of Transportation and further maintain a valid operator's license. Any accident, traffic citation, or driving arrest of an employee in a County vehicle must be reported immediately to the supervisor or office holder.

B. Any employee found to be under the influence of alcoholic beverages or unauthorized drugs or controlled substances while operating a County vehicle or equipment shall be the subject of immediate dismissal from employment.

C. All county vehicles can only be used for county business. It shall be the general policy that no County employee shall allow a "passenger" to ride in a County vehicle unless that passenger is a County employee or the passenger represents County Government. Should an *emergency, business purpose* or extraordinary circumstance exist, it shall be permissible for a passenger to ride in a County vehicle. However,

should such an event exist, the County employee allowing the passenger to ride in the County vehicle shall report same to his/her supervisor as soon as possible.

SECTION 5.38 Health and Hospital Insurance

All full-time employees of the County shall be provided with a health and hospital insurance coverage plan as provided by the Fiscal Court. The single plan coverage will be paid by the County. If the employee desires to have family plan coverage, he will be required to pay the difference. Health Insurance benefits are subject to change as determined by the fiscal court based on the county's financial condition.

SECTION 5.39 Kentucky County Employees Retirement Program

The provision of this program may change from time-to-time. The County shall conduct the retirement program in accordance with the guidelines and directives of the Kentucky Retirement System (CER).

SECTION 5.40 Employee Relation Provisions Training and Career Development

The County Judge may permit or direct the attendance of employees at meetings, conferences, workshops or seminars intended to improve the knowledge, abilities and skills of County employees. The County Judge may release an employee from his regular duties during work days to attend classes at a recognized institution of learning if, in the department head's judgment, such classes contribute favorably to the County's goals and objectives and the career development of the employees.

SECTION 5.41 Performance Evaluation

The County Judge and each supervisor are responsible for appraising the performance and merit of personnel under their respective jurisdiction on at least an annual basis in writing. Where requested by an employee or supervisor, a designated magistrate shall set in on such an evaluation. At the conclusion of the evaluation, all parties involved, except for the magistrate, shall discuss the evaluation and shall sign off on such.

SECTION 5.42 Disciplinary Action

A. Grounds for disciplinary action of County employees, ranging from warnings to immediate discharge, depending upon the seriousness of the offense in the judgment of the supervisor or office holder, shall include, but not be limited to the following:

(1) Dishonesty or falsification of records;

(2) Use of alcoholic beverages or drugs which affect job performance. This shall include the consumption of alcoholic beverages or drugs during working hours as well as the abuse of alcoholic beverages or drugs during non-working hours which, as a result of said abuse, affect the job performance of the employee during actual working hours;

(3) Unauthorized use or abuse of County equipment or property;

(4) Theft or destruction of County equipment or property;

(5) Habitual tardiness, unauthorized or excessive absence or abuse of sick leave;

(6) Disregard or repeated violations of safety rules and regulations;

(7) Unsatisfactory performance of duties;

(8) Disobeying a supervisor;

(9) Performing outside work during working hours established by the County; or

(10) Displaying or distributing campaign material for a political campaign during normal working hours; the placement of any campaign or political material on a County vehicle; or participating in political activities while on the job site or during normal working hours.

B. The County Judge may place an employee on leave, with or without pay, pending investigation of any alleged activity. Fiscal Court shall be notified no later than the next regular meeting.

SECTION 5.43 Demotion

A. The County Judge may, with Fiscal Court approval, demote an employee provided the employee possesses the minimum qualifications for the position to which he is demoted.

(1) For his inability to carry out his duties in accordance with the standards prescribed for his position or these rules;

(2) For disciplinary reasons;

(3) With the consent of the employee, to a vacant position in lieu of layoff.

B. Written notice shall be given to the employee prior to, or at the time of the demotion.

SECTION 5.44 Suspension

A. The County Judge may suspend, with Fiscal Court approval, any County employee, with or without pay, for not more than thirty (30) calendar days for disciplinary reasons.

B. Any suspended employee shall receive written notice of suspension. The notice shall state:

(1) The reasons for the suspension;

(2) The duration of the suspension.

SECTION 5.45 Separation

An employee may be separated by:

(1) Dismissal;

(2) Resignation;

(3) Retirement;

(4) Lay off due to lack of work or funds or abolishment of position.

SECTION 5.46 Dismissal

A. All county employees are **at-will** employees and the County Judge, with Fiscal Court approval, may dismiss an employee.

B. Written notice shall be given to the employee prior to, or at the time of, dismissal.

SECTION 5.47 Resignation

A. An employee shall, in order to resign in good standing, give the County Judge written notice at least two weeks before the date of the resignation is to take effect. The County Judge may agree to a shorter notice because of extenuating circumstances.

B. A resignation made without the notice required by these rules may be regarded as cause for denying the resigning employee future employment by the County.

C. An employee's resignation and the circumstances pertinent to it shall be recorded in his personnel file.

D. The employment date of an employee who resigns and is reinstated or is dismissed and is re-employed shall be the date of re-employment, unless reinstatement occurs within 30 days or less with fiscal court approval.

SECTION 5.48 Layoff

A. The County Judge shall submit in writing to the Fiscal Court whenever the County Judge thinks a layoff of County workers is needed. If the court does not act in any manner within thirty (30) days, the County Judge may go ahead with layoff procedures as prescribed herein.

B. In layoff

(1) The order of layoff shall be established by the Fiscal Court on the basis of the needs of the County;

(2) Consideration shall be given to both the seniority and merit of the persons considered for layoff;

C. Two weeks before the effective date of the layoff of an employee, if time permits, the County Judge shall:

(1) Notify the employee of the layoff;

(2) Explain the reason for the layoff;

(3) Certify whether his service has been satisfactory.

E. A copy of the notice shall be retained in the employee's personnel file.

F. An employee who has given satisfactory service, and is laid off, shall be eligible for re-employment in other positions for which the employee qualifies.

SECTION 5.49 Reinstatement

The County Judge with the Fiscal Court's approval:

(1) May re-employ any former employee:

a. Who has resigned from County employment with a good record;

b. Who has been laid off because of lack of work or funds;

(2) Shall reinstate any employee who has been demoted or dismissed for a reason prohibited by local, state or federal employment regulations.

SECTION 5.50 Grievances

A. An employee who has a grievance regarding working conditions or conditions of his or her employment by the county, should discuss the grievance with his/her supervisor even if the grievance involves his/her supervisor. If, following the

discussion with the supervisor the employee is not satisfied, he/she should discuss it with the county judge or the fiscal court member of his/her choosing, who will take it to the county judge. If the grievance involves the County Judge/Executive, the employee should contact the Fiscal Court member of his/her choosing who will take it to the fiscal court. Any employee who feels that he/she has not received justification through this policy process may seek outside council.

SECTION 5.51 Grievance Procedure for Complaints Relating to Suspected or Alleged Discrimination on Basis of Handicapped Status

A. Any person (employee or citizen) who believes that he or she has been subjected to discrimination as prohibited by Section 504 of the Rehabilitation Act of 1973, may personally or by representative, file a complaint with the Office of the County Judge. A person who has not personally been subjected to discrimination may also file a complaint.

B. When any person, (employee, citizen or applicant) who believes he or she has been adversely affected by an act or decision by the County and that such act or decision was based on handicapped status said person shall have the right to process a complaint or grievance in accordance with the following procedure:

Step One: An aggrieved person must submit a written statement to the County Judge setting forth the nature of the discrimination alleged and facts upon which the allegation is based.

Step Two: The County Judge shall contact the complainant no later than twenty (20) days after receiving the written statement to establish an informal meeting with the objective of resolving the matter informally. However, in no case shall the informal meeting be conducted sooner than five (5) days nor more than forty-five (45) days after receiving the written statement. The County Judge and the County Attorney or the County Attorney's designee shall represent the County during the informal meeting. There shall be prepared written documentation of the discussions at the informal meeting, which shall be preserved in the records of the County.

Step Three: Within fifteen (15) days of the informal meeting, the County Judge shall present to the Fiscal Court a proposed remedy.

Step Four: The Fiscal Court shall approve the proposed remedy, approve a different remedy or choose to take no action. The Fiscal Court shall issue a written decision on the matter within fifteen (15) days

In the discussion of the grievance, the complainant may designate any person of his choice to appear with him and participate in the discussion. The Fiscal Court shall require the County Judge and the County Attorney or the County Attorney's designee to participate in the discussion of the grievance, when it is brought before the Fiscal Court. The decision shall be the final procedure for the complainant at the local level. However, should the complainant not be satisfied with the remedy, the complainant may offer an alternate remedy

within fifteen (15) days of receipt of the Fiscal Court's written decision. The Fiscal Court has fifteen (15) days to act upon the complainant's alternate remedy or the earlier written decision shall be considered final.

SECTION 5.52 Miscellaneous Provisions

Personnel Records:

A. For each County employee, a personnel file shall be maintained in the office of the Pendleton County Judge.

B. The file shall include, but not limited to:

(1) The employee's name;

(2) The title of his position;

(3) The department or office to which he is assigned;

(4) Salary;

(5) Past changes in his status as a County employee;

(6) Whatever additional information deemed relevant or required by this Administrative Code;

(7) Employee's application for employment.

SECTION 5.53 Political Activity

Any employee while in the service of the County is not required to contribute to any political fund or be denied the rights of political activity, as specified by the Kentucky Revised Statutes.

SECTION 5.54 Sexual Harassment

A. Purpose

(1) To advise employees that sexual harassment is a violation of law.

(2) To clearly state that employees or employee applicants should not be subjected to unwelcome sexual conduct, on or off the job, regardless of whether such action results from conduct of co employees, supervisory staff, department heads, the public or others.

(3) To provide for disciplinary action in the event this policy is not followed.

B. Policy

(1) Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

b. Submission to or rejection of any such conduct by an individual is used as the basis for employment decisions; or

c. Such conduct has the result of unreasonably interfering with an individual's work performance or creating an intimidating or offensive work environment.

(2) Examples of specific conduct, include but are not limited to:

a. Visual displays of sexually explicit or suggestive materials;

b. Sexually explicit or suggestive comments, jokes, etc...;

c. Sexually explicit or suggestive gestures;

d. Sexually explicit or suggestive e-mail;

e. Using the internet to view sexually explicit or suggestive material;

f. Viewing or showing sexually explicit videos;

g. Touching co-workers in sexually suggestive or explicit manners;

h. Removal of clothing that involves actual or threatened physical conduct or that involves a sexually explicit or suggestive element.

(3) The activities described above are prohibited on the part of all employees, Department Heads, supervisors and all elected county officials. It is not necessary that there be a supervisory relationship between the involved persons for the activity to be unlawful.

(4) Any employee or employee applicant who feels that he or she has been subjected to any prohibited activity described above, should report the incident immediately to his or her immediate supervisor or the County Judge. If the immediate supervisor is involved in the activity, the violation should be reported immediately to the County Judge. In the event the County Judge is the subject of the problem, the employees should notify the County Attorney. All resulting investigations shall be kept confidential; to the extent possible consistent with taking appropriate steps to stop the behavior that is the subject of the complaint.

(5) Any employee violating this policy will be subjected immediately to disciplinary action ranging from a written warning to discharge, depending upon the nature and severity of the violation in this case.

(6) In addition, capricious and unfounded charges of sexual harassment by an employee may be a cause for disciplinary action. Refusal by a supervisor to act in legitimate cases of harassment may be a cause for disciplinary action.

SECTION 5.55 Drug Free Workplace

A. PURPOSE

Pendleton County Fiscal Court is committed to providing a safe and healthful work environment for its employees and to conduct all operations in a safe and efficient manner. Safety in all facets of the operation is our number one consideration. The use of alcohol or illegal drugs in the workplace is incompatible with a safe work environment. Alcohol and drug abuse can adversely impact an employee's overall productivity and absenteeism.

Our goal is to strive for a work environment that is free from the effects of alcohol and illegal drugs. To achieve this goal, employees may be required to submit to alcohol and drug testing. The use of alcohol and drugs will not be tolerated in the workplace under any circumstance.

Because of the foregoing, Pendleton County Fiscal Court has developed this policy on alcohol and illegal drugs to maintain a drug and alcohol free workplace. This policy applies to all employees of the Pendleton County Fiscal Court, including but not limited to management-level employees.

B. COMPLIANCE WITH THIS POLICY IS A CONDITION OF EMPLOYMENT

1. ALCOHOL AND ILLEGAL DRUG WORK RULES

a. An employee should never report to work under the influence of alcohol or illegal drugs.

b. No employee may use, sell, distribute, possess, or receive alcohol or illegal drugs while on the job, on county business at any location, on county property or in county vehicles at any time (including during paid and unpaid meal periods during working hours.)

b. The distribution or sale of illegal drugs at any time or any place will result in immediate discharge.

d. Any employee who attempts to alter a drug or alcohol-testing specimen or otherwise manipulate the drug or alcohol testing process is subject to disciplinary action up to and including termination of employment.

e. Any employee refusing or failing to comply with the drug-testing program will be considered as having voluntarily terminated their employment with the Pendleton County Fiscal Court.

B. PRESCRIPTION AND OVER-THE-COUNTER DRUGS

Employees should be aware that the use of certain prescription or over-the-counter drugs could also affect their ability to properly perform their job duties or create a risk to themselves or others. Therefore, employees are responsible to report such use to their immediate supervisor, if the employee believes that the therapeutic use may affect the employee's ability to perform job functions or create a safety risk to the employee or others. Employees should keep all prescribed medication in its original container, which identifies the drug, the date of the prescription, and prescribing doctor or be able to provide such information upon request. The supervisor will then decide if the employee should be actively working.

C. DRUG AND ALCOHOL SCREENING

1. PRE-EMPLOYMENT SCREENING/CONDITIONAL OFFERS OF EMPLOYMENT.

An offer of employment to any individual will be conditioned upon that individual passing a drug screen test. Should an individual refuse to take the test or fail the test, the offer of employment will be withdrawn.

2. EMPLOYEE DRUG AND ALCOHOL SCREENING

Employees may be required to submit to drug and alcohol screening test(s) under the following circumstances:

a. State or Federal regulations require drug and/or alcohol screening. Such testing will be performed in conformance with the relevant law.
b. Where the Judge/Executive and supervisor determines there is **reasonable** cause to believe that an employee is using, selling, distributing, in the possession of or under the influence of alcohol or illegal drugs on the job or where the Judge/Executive and supervisor determines there is a **reasonable** cause to believe that the use of alcohol or drugs has adversely affected an employee's job performance, had an adverse impact on Pendleton County or resulted in the employee jeopardizing the safety or property of other employees, personnel or the public.
c. Post accident – when an employee has been involved in a workplace accident, which has resulted in injury or property damage.

d. All employees may be tested from time to time for the presence of illegal drugs. Appointments for such testing will be arranged at random by the testing facility.
e. Due to Road Department employees required to abide by Federal DOT Standards, the County Road Supervisor shall transport the selected employee to random drug testing.

D. TESTING PROCUDURES/CONFIDENTIALITY

1. TESTING METHODOLOGY

a. Pendleton County Fiscal Court shall ensure that drug and alcohol screening shall be conducted at a certified laboratory and through methods with proven reliability and in strict compliance with appropriate methodology.

b. Upon random notification of a pending drug screening test by a certified laboratory, the County Judge's Office shall notify the employee's supervisor who shall in turn notify the employee. The employee upon receiving notification must sign a consent form stating he/she will complete the drug test within 24 hours of initial notification.

2. CONSENT FORM

Employees will be required to sign a consent form agreeing to submit to a drug and alcohol-screening test at the time the test is administered. These forms will be maintained on file with the testing facility. Refusal to sign a consent form will be considered refusal to take the test, and the employee will be considered to have voluntarily terminated his/her employment with the Pendleton County Fiscal Court.

3. CONFIDENTIALITY

All records and information regarding the administration and results of drug and alcohol screening results will be confidentially maintained and access permitted only to those specifically designated by management with need to know.

4. DISCIPLINE

Any employees, who as the result of drug and/or alcohol screening or random testing, if found to be under the influence of alcohol or illegal drugs will be considered to be in violation of this policy, regardless of when or where the substance entered the employee's system. Employees found to be in violation of any portion of this policy shall be subject to disciplinary action up to and including termination.

5. ARREST OR CONVICTION FOR A DRUG RELATED OFFENSE

a. If any employee is arrested for drug or alcohol abuse or for drug related offenses (except sale or distribution of illegal drugs) and returned to work pending resolution of the arrest (acquittal, conviction or plea) he/she will be subject to an immediate drug or alcohol screening test upon return to work. If the employee refuses the test, he/she will be considered to have voluntarily terminated his/her employment. If he/she submits to the drug or alcohol screening test and the result is negative, the employee will be returned to work pending resolution of the charges. If the drug or alcohol-screening test is positive, the employee will be subject to disciplinary action up to and including dismissal.

b. Any employee arrested for drug or alcohol related reasons while not on County property or County business must report the arrest to his/her immediate supervisor. If the arrest is not reported, the employee is subject to discipline up to and including discharge from Pendleton County employment.

c. The provision above shall not apply to employees arrested for the sale or distribution of illegal drugs as defined herein: any employee determined to be selling or distributing illegal drugs at any time or place shall be subject to immediate discharge.

E. DEFINITIONS

1. "Under The Influence" for purposes of this policy, means that a drug or alcohol or the combination of a drug or alcohol affects the employee in any detectable manner. The symptoms of influence are not confined to that consistent with misbehavior, nor to obvious impairment or physical or mental ability, such as slurred speech or difficulty in maintaining balance. A determination of influence can be established by a professional opinion, a scientifically valid test, and in some cases, such as alcohol, by a layperson's opinion.

2. "Illegal Drugs" means any drug or substance (1) which is not legally obtainable; or (b) which is legally obtainable but has not been legally obtained. The term includes prescribed drugs or substances not legally obtained and prescribed drugs not being used for prescribed purposes in accordance with the prescription. It also includes marijuana.

3. "Legal Drug" means prescribed drugs and over-the counter drugs that have been legally obtained and are being used for the purpose for which they were prescribed or manufactured.

F. SEVERABILITY. The provisions of this Drug and Alcohol Test Policy are severable. If any provision hereof or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions hereof or applications hereunder which can be given effect without the invalid provisions or application.

G. PARTICIPATION. Nothing herein shall prevent or prohibit any employee who voluntarily agrees to participate in the random testing program from so participating; nor shall it prevent or prohibit a requirement that any employee who has tested positive on a drug and alcohol test from being required to participate in the random testing program as a condition of continued employment.

SECTION 5.56 Whistleblower

A. Whistleblower as defined by this policy is an employee of the Pendleton County Fiscal Court who reports an activity that he/she considers to be illegal or dishonest. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures. Appropriate Pendleton County officials are charged with these responsibilities.

Examples of illegal or dishonest activities are violations of federal, state or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting or improper removal of county property through theft or deception.

If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee is to contact his or her department head. The employee may also contact the County judge/executive or magistrate if he feels wrong doing is being committed by his or her department head. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination. Whistleblower protections are provided in two important areas – confidentiality and against retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. The Pendleton County Fiscal Court will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes he or she is being retaliated against must contact the county judge/executive

immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated. All reports of illegal and dishonest activities will be promptly reviewed and investigated, and the appropriate corrective action taken. Employees with any questions regarding this policy should contact the county judge/executive. If there is suspicion that there is wrong doing by the county judge/executive, the whistle blower is to contact the county attorney.

B. Reporting Procedures Example

Great care must be taken in the investigation of suspected improprieties or irregularities so as to avoid mistaken accusations or alerting suspected individuals that an investigation is in progress. An employee who discovers or suspects fraudulent activity should immediately contact their immediate supervisor, when possible, and/or the county judge/executive. If considered necessary due to the nature of the issue, the county attorney should be contacted directly. All inquiries concerning the activity under investigation from the suspected individual, his or her attorney or representative, or any other inquirer should be directed to the county attorney. No information concerning the status of an investigation will be given to anyone without a legitimate need to know. The status of an investigation should be "I am not at liberty to discuss this matter." Under no circumstances should any reference be made to the allegation, the crime, the fraud, the forgery, the misappropriation, or any other specific reference. The reporting individual should be advised of the following:

1. Do not contact the suspected individual in an effort to determine facts or demand restitution.
2. Do not discuss the case, facts, suspicions, or allegations with anyone unless specifically asked to do so by the county judge/executive or county attorney.

Section 5.57 Dispatch Policy and Procedures Manual

The Dispatch Policy and Procedures Manual is an addendum to this document and the context is approved by official action of the Pendleton County Fiscal court during a regularly scheduled meeting.

Section 5.58 Road Department and Procedures Manual

The Road Department Policy and Procedures Manual is an addendum to this document and the context is approved by official action of the Pendleton County Fiscal court during a regularly scheduled meeting.

CHAPTER 6 COUNTY ROAD DEPARTMENT

SECTION 6.1 Establishment of Department

A. There is hereby created and established a Pendleton County Road Department consisting of a County Road Engineer or County Road Supervisor and such other employees of said department as may from time to time be provided for by the County Judge and the Fiscal Court.

B. The County Road Engineer/Supervisor shall be appointed by the County Judge with the approval of Fiscal Court, and shall serve a period of four (4) years.

SECTION 6.2 Duties of Road Supervisor

A. The County Road Engineer/Supervisor shall be the head of the road department subject to the order and direction of the County Judge.

B. The County Road Engineer/Supervisor shall be responsible for the performance of the road department and its functions, and all persons who are employees of the road department shall be subject to the supervision and direction of the County Road Engineer/Supervisor.

SECTION 6.3 Road Department Property

A. Employees of the department shall be responsible for the good care of departmental equipment and property, assigned to their use and keeping and shall promptly report to their supervisor the loss or damage to our unserviceable condition of such property.

B. No departmental property or equipment may be used for private purposes or on private property except for waterways and turn-arounds.

C. Equipment and materials for the road department shall be acquired in accordance with the provisions of this code.

D. All employees of the road department shall immediately report to their supervisor the loss of any departmental property or equipment that has been furnished to the individual.

E. Any employee found to be using alcoholic beverages during work hours, while using County equipment or on County property, will be dismissed immediately.

H. Each employee shall be responsible for inspecting the equipment operated by the said employee on a regular basis including a regular check for oil levels and the necessity for an oil change. Any equipment problems or deficiencies should be reported immediately to the road supervisor.

SECTION 6.4 County Road Inventory/Condition

A. The County Judge shall maintain a map(s) that clearly identifies all County maintained roads.

B. The County Judge and Road Engineer/Supervisor shall inventory and review all County roads for identification and condition at least annually.

C. The inventory shall identify all roads by name and/or number; list the number and location of all bridges; and any other information that may identify County roads and the condition thereof.

D. The Road Engineer/Supervisor shall contact all area utilities relative to their planned activities prior to surfacing or resurfacing any County road.

SECTION 6.5 Procedures for County Road Repairs and Maintenance

A. Each magistrate shall inspect roads in his district periodically to determine needs.

B. Each magistrate shall file a road report with the County Judge, including, but not limited to, the following information:

(1) Road name and number;

(2) Description of work to be performed;

(3) Any additional information, which shall be deemed necessary.

C. The County Judge shall compile all reports from magistrates and present a final report to the Fiscal Court for their action.

D. When the Fiscal Court makes approval of County road work, the County Judge shall direct the Road Engineer/Supervisor to perform these activities subject to budgetary constraints.

SECTION 6.6 Miscellaneous Requirements

A. Any Road Department employee who notices any deficiencies in the roads maintained by the County shall report them to the Road Department Supervisor as soon as possible and no later than the end of the same workday. Any problems noticed during off duty hours shall be reported to the Department Supervisor during the following workday.

SECTION 6.7 Specifications for County Roads and Subdivision Streets, which are not governed Under the Pendleton County Subdivision Regulations

A. Roads may be accepted into the county road system and forwarded to the Department of Transportation Rural and Municipal Aid Program at the county's discretion, subsequent to the specific minimum requirements set forth in this code, and/or state law, being met.

B. Prior to fiscal court consideration of a road for acceptance into the county road system, the county road supervisor, county judge and county attorney shall certify that the following minimum specifications have been met or exceeded.

1. Surveyed – Center line and legal description of proposed road has been prepared by a licensed KY registered land surveyor.

2. A copy of all deeds and a certification of title certifying good, marketable and fee simple title of the right of way proposing to be deeded to the county.

3. Certification by the property owners that fences, buildings, gates and cattle gates have been removed from the proposed county road and right of way.

4. Road right-of-way have a minimum of thirty (30) ft.

5. Road banks shall be stabilized and grass or other suitable cover in place.

6. Road surface shall be smooth and properly graded and crowned.

7. Compacted sub-grade, approved by county road supervisor.

7.5 Road surfaces shall be at least 12 feet in width or essentially the same width as the existing county road which is proposed to be extended by any such adoption and incorporation of such new road or section, whichever is a greater width.

8. 6" of base material to be put in two lifts, must be 6" after compacted.

9. 2" of bit-asphalt binder after rolling, approved by county road supervisor.

10. 1" of bit-asphalt surface after rolling, approved by county road supervisor.

11. Drainage ditch and pipe size will be determined by county road supervisor.

12. The said road has to have county road supervisor's approval before the Pendleton County Fiscal Court will consider taking said road into county maintenance program.

C. Subdivision streets may be accepted into the county road system after certain specifications are met.

D. Prior to fiscal court consideration of a subdivision street for acceptance into the county road system, the county road supervisor, county judge and county attorney shall certify that the following minimum specifications, or above minimum specifications if deemed necessary by the county road supervisor, have been met or exceeded:

1. There shall be a deeded or dedicated 30 feet of right of way.

2. Street surfaces shall be at least 18 feet in width.

3. There shall be a two (2) foot shoulder between street and ditch line.

4. Topsoil shall be removed, sub-soil shall be leveled and free of soft areas. Any fill dirt shall be compacted.

5. Drainage and culvert pipe shall be installed to assure proper drainage. Drainage pipes at a minimum of 12 inches in diameter, to be a least 16 gauge coated steel or double walled HDPE "black plastic culvert pipe", at a minimum of 20 feet in length.

E. All phases of construction shall be inspected and approved by the county road supervisor or representative of the Pendleton County Fiscal Court.

1. 2 inches of dense grade leveled and rolled, 5 inches of reinforced concrete of a least 3,500 lb. Mix.

2. 4 inches of #2 stone, 2 inches of dense grade gravel leveled and rolled, 4 inches of reinforced concrete at least 3500 lb.

3. 4 inches of #2 stone, 3 inches of dense grade gravel and rolled, 2 inches of bituminous asphalt base mix, 2 inches of bituminous asphalt surface mix.

F. The Pendleton County Fiscal Court shall reserve the right to determine the number of dwellings on streets that should constitute a subdivision.

SECTION 6.8 Private Drive Connections to County Roads

A. Any person wishing to abut a private drive to a county road must first contact the Pendleton County Planning and Zoning Administrator.

B. Pendleton County Planning and Zoning Administrator, in conjunction with the Pendleton County Road Department Supervisor must review the entrances of a private drive for line of sites; need of culvert and need for ditching.

C. After review of the drive, the zoning administrator and the county road department supervisor will set standards needed to locate and qualify such drive.

D. In order for a private drive to receive approval all specifications as established by the road supervisor must be met.

E. The process for applying for a private drive connection to a county road is as follows:

1. Contact the Pendleton County Zoning Administrator to complete an application for encroachment.

2. Mark proposed driveway location for inspection of sight distance and drainage and contact the Pendleton County Zoning Administrator to schedule an inspection.

3. If a culvert is needed as determined by the county zoning administrator or the county road department supervisor, it may either be installed by the county road department at the expense of the property owner or contractor, or, installed by the property owner or private contractor, at the expense of the property owner, and under supervision of the Pendleton County Road Department Supervisor.

4. The Pendleton County Road Department must receive payment prior to any culvert/gravel installation.

5. If a culvert is placed by a private party, the property owner or contractor shall provide financial security to the county in the form of a check or bond for the amount of the culvert installation as determined by the Fiscal Court. The check or bond will be held until the Pendleton County Road Department has inspected and approved the culvert/entrance. The Road Department will charge an inspection fee, as determined by the Fiscal Court, for private installation. The property owner has a maximum of one (1) year from date of application or three (3) inspections to have the culvert installation approved. If conditions are not met within the aforementioned timeframe, the road department shall use the bond or check to install the culvert for the property owner.

6. All costs are set by the Fiscal Court and are subject to change from time to time through action taken by the Fiscal Court.

F. If at any time the zoning administrator determines that a culvert of any type is needed at an intersection of a private drive and a county road and the owner fails to remit total cost of installation to the county, the county may take the following action:

1. Ninety (90) days after the installation of the aforementioned culvert and after notifying the owner by certified mail of his obligation to pay for the installation of said culvert, the county attorney may through the powers of this ordinance, place a statement of lien on the premises where the culvert was installed equal to the cost of installation.

2. The County Attorney may file with the County Clerk the

aforementioned statement of lien to constitute an encumbrance on the title to the land. This statement shall contain a legal description of the premises, the expenses and costs incurred, the date the culvert was installed, and a notice that the County claims a lien for this amount. Notice of the lien claim shall also be mailed by certified mail to the Owner or Owners of the property concerning which the culvert was installed. The lien shall accrue interest at a rate which will be calculated by adding one (1%) percent to the interest rate the county receives on its checking accounts, adjusted on the annual anniversary of the filing of the lien. It may be enforced at any time thereafter as in the nature of a mortgage.

G. Anyone installing a culvert that abuts a county road after the adoption of the Administrative Code Ordinance in October 2001, shall be totally responsible for the cost of the culvert and the installation of same. Such culvert shall be the responsibility of the property owner to maintain and where necessary replace, when it does not carry out its intended purpose.

CHAPTER 7 COUNTY PROPERTY

A. Any County employee found guilty of damage to, or destruction of County property or equipment, either through willfulness or total negligence, shall be required to pay all costs of repairs or replacement of the property and may be subject to discipline, up to and including dismissal.

B. Each office holder or supervisor is responsible for the equipment that is used in their office. A list of each office's equipment is to be kept current. A copy of the list shall be sent to the County Judge's office annually or as any changes are made.

C. It shall be the general policy that no County employee shall allow a "passenger" to ride in a County vehicle unless that passenger is a County employee or the passenger represents County Government. Should an *emergency, business purpose* or extraordinary circumstance exist, it shall be permissible for a passenger to ride in a County vehicle. However, should such an event exist, the County employee allowing the passenger to ride in the County vehicle shall report same to his/her supervisor as soon as possible.

CHAPTER 8 PURCHASES AND CONTRACTS

SECTION 8.1 Authorization of County Contracts

Every contract, change or amendments thereto, of the county shall be executed by the Judge/Executive.

SECTION 8.2 Selection of Vendors and Contractors (Procedures for Sealed Bidding)

A. The Judge/Executive shall place an advertisement in the newspaper of largest circulation in the county at least once, not less that seven (7) nor more than twenty-one (21) days before bid opening. The advertisement shall include the time and place the bid will be opened, and the time and place where the specifications may be obtained. If the durability of the product, the quality of service or other factors are to be considered in bid selection, such factors shall be stated in the advertisement.

B. The Judge/ Executive shall open all bids publicly at the time and place stated in the advertisement; and shall select the lowest and/or best bid by a qualified bidder. If the lowest bid is not selected, the reasons for the selection shall be stated in writing.

C. The Judge/Executive shall submit the bids to the Fiscal Court for final approval.

D. The Judge/Executive shall sign the contract, if one is used.

SECTION 8.3 Procedures for Determinations of Qualifications of Bidders

A. Each bidder shall furnish in writing information pertaining to all contracts completed in the past two years and financial institutions used, if required.

B. In the event the information is conflicting or incomplete the Judge/Executive shall make further inquiry of the bidder.

C. The contractors who have demonstrated by past performance the ability to perform satisfactorily in accordance with contracts on a timely basis and have shown a sound financial structure shall all be qualified responsible.

D. The Judge/Executive shall make a written determination as to the extent or responsibility of each bidder and shall maintain a list of those who qualify as responsible contractors for particular types of supplies, services and construction items.

E. A new business may be exempt from the qualification requirements where circumstances warrant.

SECTION 8.4 Procedures Prerequisite to Use of Negotiated Process

A. The negotiated process may be used instead of advertisement for bids if the amount exceeds $20,000, in the following circumstances: (as per KRS).

1. An emergency exists
2. Contract for professional services
3. All bids received exceed the amount budgeted
4. When no bids were submitted after completion of all items under section 5.2.
5. When the purchase is less than $20,000 and no advertisement is needed.

B. Before an emergency is declared the Judge/Executive shall determine whether or not the delay in obtaining bids will result in danger to health, safety, or property.

C. The Judge/ Executive shall certify the existence of any emergency and files a copy of such certification with the clerk of the fiscal court.

D. In the event all bids submitted are in excess of funds available, the Judge/Executive shall prepare a written determination that there are no additional funds available so as to permit an award to the responsible bidder with the lowest and best bid and delay on the advertising for additional bids is not in the best interest of the county.

E. A professional service is one performed by a licensed professional and an activity for which the license is required.

F. All procedures shall comply with the Kentucky Revised Statutes.

G. Advertisement is only required for purchases over $20,000. Purchases under $20,000.00 may be bid at the discretion of the Judge Executive and/or the Fiscal Court.

SECTION 8.5 Procedures for Negotiated Process

A. When the prerequisites have been met for use of the negotiated process, the Judge/Executive shall proceed to negotiate with one or more suppliers in order to obtain the most advantageous terms for the county.

B. The Judge/Executive shall prepare a record of all negotiated contracts, showing the items and quantities acquired, name of suppliers, cost and date of contract.

C. Professional services shall be negotiated with such persons as are properly licensed to perform such services.

D. Where more than one bid was received and all were in excess of the amount available, the lowest three bidders shall be notified that the county desires to negotiate a contract for a lesser amount based on revised quantities or specifications and fix a time limit for submission of proposals.

E. The Judge/Executive shall examine the proposals received and shall negotiate with the suppliers for the terms most advantageous to the County.

F. The best-negotiated proposal shall be submitted to the Fiscal Court for approval and award.

SECTION 8.6 Small Purchase Procedures

A. The Judge/Executive determines the need for any time requested and whether or not the contract is for less than $5,000 and the expenditure is provided for in the budget.

SECTION 8.7 Hold Harmless Clause

All contracts executed on behalf of the County concerning the purchase of services or products shall contain a "hold harmless clause", whereby the vendor, provider of services, or seller agrees to hold the County harmless from any liability concerning the use of their product or the receipt of their service.

SECTION 8.8 Storage and Inventory Control (Procedures for Receiving, Storing and Disbursing Repetitive use Items) (new)

The inventory file shall contain an item inventory number, item description, date purchased, purchase amount and office assigned for use.

SECTION 8.9 Disposition of County Surplus Property

A. Real Property:

(1) In the event the County Judge determines that the County retains surplus real property and that it will be in the best interest of the County to dispose of said real property, the County Judge shall make a written resolution:

(a) The real or personal property;
(b) Its intended use at the time of acquisition;
(c) The reasons why it is in the public interest to dispose of it; and
(d)The method of disposition to be used.

The property may be transferred via the following method:

(a) Transferred, with or without compensation, to another governmental agency;

(b) Sold at public auction following publication of the auction in accordance with KRS 424.130(1)(b);
(c) Sold by electronic auction following publication of the auction, including the uniform resource link (URL) for the site of the electronic auction, in accordance with KRS 424.130(1)(b); or
(d) Sold by sealed bids.

(2) The aforementioned resolution shall be submitted to the Fiscal Court for their action.

(3) In the event there are no bids for the property, the property shall be sold by the County Judge in the best interests of the County. No County real property shall be sold on a negotiated basis for less than the appraised value.

B. Tangible Property:

(1) The County office, agency, or person to which responsibility has been assigned by the County Judge to use and take care of a particular tangible item or items will notify the County Judge that a particular item is no longer needed or serviceable. The County Judge shall inquire of other County offices to determine if they have need of, or want to use, the item.

(2) If no use for the property can be found, the property shall be disposed of in the same manner as Real Property except that no appraisal is required.

CHAPTER 10 BOARDS AND COMMISSIONS

SECTION 10.1 Maintenance of Records of Administrative Agencies and County Departments

A. All agencies which receive County funding shall file a copy of the agency's annual budget with the County Judge. It shall also file a copy of each audit required by law with the County Judge and the Pendleton County Clerk.

SECTION 10.2 Regular Meetings

A. All meetings at which County business is discussed by an agency which receives County funds, or any action taken by said agency, shall be open to the public, unless exempt by KRS 61.810.

B. A majority of the members of the agency board shall constitute a quorum for the conduct of official business.

C. A record of all motions on official actions taken by the agency shall be kept and made available to the County Judge upon his request.

CHAPTER 11 SPECIAL DISTRICTS

SECTION 11.1 Procedures for Dissemination of Information

For the purpose of efficient and successful administration of County boards, districts, and commissions, the governing body of such board, district, or commission shall develop and present copies of minutes, audits, and fiscal year budgets to the County Judge for the purpose of sharing information.

SECTION 11.2 Procedures for Dissolution

A. A plan of dissolution of any special district shall be made by the County Judge in writing and shall be submitted to the Fiscal Court for approval for any district which was created by the County (KRS 67.715).

B. The County Judge shall notify the Chairperson of the special district which is the subject of the plan of dissolution. The notice shall be in writing and shall be provided at least five (5) days before the plan of dissolution is submitted to the Fiscal Court.

C. All plans of dissolution shall contain:

(1) A list of the reasons for dissolving the special district;

(2) A list of the services and functions, if any, which are to be transferred to another special district, agency, board, commission, or department, and the names of which agency, board, etc., is to receive the transferred services or functions;

(3) A list of all property owned or controlled by the special district and the method of disposing of such property;

(4) A list of all creditors of the special district and a plan for satisfying all creditors.

D. If a plan of dissolution transfers services or functions to another special district, the goals and objectives (or charter of the recipient district) shall require amendment in order to provide the services transferred.

E. The Fiscal Court shall vote on the plan of dissolution within sixty (60) days of its submission to the Fiscal Court by the County Judge, provided the Fiscal Court shall not vote on said plan of dissolution during the meeting in which it shall be submitted by the County Judge. If the plan is not disapproved within sixty (60) days, the plan shall become effective.

SECTION 11.3 Removal and Appeal Process

A. Unless otherwise provided by state law, an appointed member of the governing body of a special district may be removed from office by the appointing authority after a hearing with notice as required by KRS Chapter 424 for inefficiency, neglect of duty, malfeasance, or conflict of interest. The hearing shall be initiated and chaired by the appointing authority, who shall prepare a written statement setting forth the reason for the removal. The member to be removed shall be notified of the proposed removal and the reasons therefore by registered mail sent to their last known address at least ten (10) days prior to the hearing. The person to be removed may be represented by counsel at their own expense. The official record of the hearing shall be made by the appointing authority.

B. Where the removal of an appointed member of a special district governing body is by the County Judge pursuant to the preceding section, the removal shall be subject to approval by the Fiscal Court.

C. A member removed pursuant to this section may appeal within ten (10) days of the rendering of a decision or the approval of the Fiscal Court, if required, to the Circuit Court of the County of the appointing authority. The scope of the appeal shall be limited to whether the appointing authority or the Fiscal Court abused their discretion in removing the member.

SECTION 11.4 Single County Special Districts

A. The governing body of each special district shall annually prepare a budget and shall classify budget units in the same fashion as County budgets are classified pursuant to KRS 68.240 (2) through (5). The state local finance officer shall prepare standard budget forms for district use and shall furnish them to County Clerks for distribution to the district officers.

B. The governing body of each special district shall at least once every four years, employ an independent certified public accountant, or contact with the auditor of public accounts to perform an audit of the funds in the district budget. The audit shall conform to standard audit programs for governmental accounting which are approved by the Auditor of Public Accounts or to other generally accepted accounting procedures as set forth by the Kentucky Board of Accountancy.

C. At least once every twelve (12) months, a district shall:

(1) File with the County Clerk of each County with territory in the district, a certification showing the name of the district, a map or general description of its service area, the statutory authority under which it was created, and the names and addresses of the members of its governing body and chief executive officer.

(2) File a copy of the district budget, financial statement if prepared, and audit when performed, with the County Judge.

D. Each district commission shall elect from its membership a chairman, secretary, and treasurer.

E. Vacancies shall be filled by the same appointing authority which is empowered to make the original appointment.

SECTION 11.5 Multicounty Special Districts

A. Upon approval of the Fiscal Court, the County may join another County to form a special purpose district to fulfill any purpose which the County is authorized by State law to fulfill or may be authorized to fulfill in the future.

B. Before the County may participate in a multicounty special purpose district, the Fiscal Court shall determine that participation is feasible and necessary. The determination shall be made only after a duly advertised public hearing has been held by the Fiscal Court.

C. The membership of the governing body of any new multicounty special districts are to be appointed among the counties in ratio to their population which each County having at least one (1) member on the board.

CHAPTER 12 COUNTY SERVICES

SECTION 12.1 Public Works Department (Road Department)

Goals and Objectives: The Public Works Department shall be responsible for the maintenance, construction, and upkeep of all roads and bridges in the County Road System, and the construction, maintenance, and upkeep of the County parks and recreational areas. The County Road Engineer/Supervisor shall head this Department.

SECTION 12.2 County Road System

The Fiscal Court shall designate by Resolution which roads in the County will be on the County Road System and maintained by the Public Works Department. Those roads so designated shall include for County maintenance all appurtenant bridges, side ditches, headwalls, culverts, guard rail systems, and traffic control devices unless specifically excluded by an agreement.

SECTION 12.3 Contents of Planning and Subdivision Regulations

A. The County shall provide for comprehensive planning and the implementation of subdivision guidelines in accordance with the Pendleton County Joint Planning Commission.

B. Electrical Inspections, as required by state law, shall be provided by the Fiscal Court through contract with duly appointed inspectors.

CHAPTER 13 INTERNET & E-MAIL POLICY

SECTION 13.1 Acceptable Uses of the Internet and County E-mail

The County-provided internet and e-mail access is intended for business purposes. The County encourages the use of the internet and e-mail because it makes communication more efficient and effective. However, internet service and e-mail are County property, and their purpose is to facilitate County business. Every staff member has a responsibility to maintain and enhance the county's public image and to use County e-mail and access to the Internet in a productive manner. To ensure that all employees are responsible, the following guidelines have been established for using e-mail and the internet. Any improper use of the internet or e-mail is not acceptable and will result in appropriate disciplinary action, up to and including dismissal.

SECTION 13.2 Unacceptable uses of the Internet and County E-mail

The County internet and e-mail access may not be used for transmitting, retrieving or storage of any communications of a discriminatory or harassing nature or materials that are obscene or X-rated. Harassment of any kind is prohibited. No messages with derogatory or inflammatory remarks about race, age, disability, religion, national origin, physical attributes or sexual preference shall be transmitted. No abusive, profane or offensive language is allowed to be transmitted through the County's e-mail or Internet system. Electronic media may not be used for any purpose which is illegal, deceptive or against County policy or contrary to the County's best interest. Solicitation of non-county e-mail or Internet for personal gain is prohibited. Employees are prohibited from chat room interchange unless established by government agencies.

SECTION 13.3 Communications

Each employee is personally responsible for the content of all test, audio or images that they place or send over the county's e-mail/internet system. No e-mail or other electronic communications may be sent which hides the identity of the sender or represents the sender as someone else or someone from another entity. All messages communicated on the County's e-mail/internet system should contain the employee's name. Excessive personal communications are prohibited.

Any messages or information sent by an employee to another individual outside the County via an electronic network (e.g., bulletin board, online service or Internet) are statements that reflect on the County. While some users include personal "disclaimers" in electronic messages, there is still a connection to the County and the statements may be tied to the County.

All communications sent by employees via the County's e-mail/internet system must comply with this and other County policies and may not disclose any confidential or proprietary information.

SECTION 13.4 Software

To prevent computer viruses from being transmitted through the County's e-mail/internet system, there will be no unauthorized downloading of any unauthorized software. All software downloaded must be registered to the County. Employees should contact the County Judge/Executive if they have any questions.

SECTION 13.5 Copyright Issues

Copyrighted material belonging to entities other than Pendleton County may not be transmitted by employees on the County's e-mail/internet system. All employees obtaining access to other companies' or individuals' materials must respect all copyrights and shall not copy, retrieve, modify or forward copyrighted materials, except with permission, or as a single copy, to reference only. Failure to observe copyright or license agreements may result in disciplinary action up to and including termination.

SECTION 13.6 Security

The County routinely monitors usage patterns for its e-mail/internet communications. The reasons for this monitoring are many, including cost analysis/allocation and the management of the County's gateway to the internet. All messages created, sent or retrieved over the county's e-mail/internet are the property of the County and should be considered public information. The County reserves the right to access and monitor all messages and files on the County's e-mail/internet system. Employees should not assume electronic communications are totally private and should transmit highly confidential data in other ways. Passwords and sign-on access codes shall not be shared with anyone including co-workers, family members, or other unauthorized personnel. A county employee will be designated as system administrator for e-mail/internet purposes.

SECTION 13.7 Violations

Any employee who abuses the privilege of County-facilitated access to e-mail or the internet will be subject to corrective action up to and including termination. If necessary, the County reserves the right to advise appropriate officials of any suspected illegal violations.

CHAPTER 14 CAPITALIZATION POLICY

The policy of the Pendleton County Fiscal Court is to capitalize assets when the useful life is greater that one year and the acquisition cost meets the capitalization threshold.

Purchased or constructed capital assets and infrastructure are reported at acquisition or construction cost or estimated historical cost. Donated capital assets are recorded at their estimated fair value at the date of donation.

Capital assets and infrastructure are capitalized and depreciated as outlined in the attached capitalization threshold table for the Pendleton County Fiscal Court.

Assets will be depreciated on the straight-line basis over their estimated useful lives as outlined below.

The useful life table below shows the useful life by asset type for the Pendleton County Fiscal Court.

Asset	**Useful Life (Expressed in Years)**
Land Improvements	10-60
Buildings and Building Improvements	10-75
Machinery and Equipment	3-25
Vehicles	3-5
Infrastructure	10-50
Intangibles	2-40

Capitalization Threshold Table

	Tracking and Inventory	Capitalize and Depreciated
Land	$1	Capitalize Only
Land Improvements	$1	$12,500
Buildings	$1	$25,000
Building Improvements	$1	$25,000
Construction in Progress	$1	Capitalize Only
Machinery and Equipment	$50	$1,000
Vehicle	$50	$1,000
Infrastructure	$10,000	$20,000

CHAPTER 15 CLASS SPECIFICATION AND POSITION DESCRIPTIONS

ANIMAL CONTROL OFFICER

A. Pick up and maintain all stray dogs
B. Feed and water dogs daily
C. Keep all required documents current and provide monthly reports to Fiscal Court
D. To have any adoption policy
E. Assist local veterinarian and perform euthanasia of dogs with compassion
F. Follow all requirements of animal control ordinances
G. Keep kennels clean
H. Assist in responding to call 24 hours a day 7 days a week
I. Hours of work shall not exceed 40 per week unless approved by the Judge/Executive

REPORTS TO: Directly reports to the County Judge/Executive for directions, with input and ultimate authority provided by the Fiscal Court.

JANITOR

A. Clean offices daily
B. Open and close courthouse
C. General maintenance of building
D. Order maintenance supplies
E. Maintain overall appearance

REPORTS TO: Directly reports to the County Judge/Executive for directions, with input and ultimate authority provided by the Fiscal Court.

DISPATCH COORDINATOR/EMERGENCY MANAGEMENT DIRECTOR

A. The Pendleton County E911 Coordinator maintains and administers the E911 system to assist all emergency services for Pendleton County, the City of Butler, the City of Falmouth and the health, welfare and safety of the citizens of Pendleton County. The E911 Coordinator is responsible for receiving and relaying information to assist in addressing the county. Job responsibilities include but are not limited to:

1. Develop and post work schedules
2. Schedules all training and provides in-service training for dispatchers

3. Investigates complaints against telecommunications personnel
4. Performs daily database updates
5. Coordinates efforts between phone companies, post offices, mayors, county judge executives' office, and other related agencies to ensure ordinances, policies and procedures are in place to protect database accuracy and the system's integrity.
6. Drafts and enforces E911 policies and procedures
7. Prepares reports on major projects and daily operations for Fiscal Court
8. Receives all incoming communications
9. Records and maintains daily communications
10. Operates LINK/NCIC computer
11. Attend required training

B. The Pendleton County Emergency Management Director shall have all the powers, authorities, rights and duties as outlined and described in KRS 39B.

REPORTS TO: Directly reports to the County Judge/Executive for directions, with input and ultimate authority provided by the Fiscal Court.

E-911 DISPATCHERS

JOB DEFINITION: Performs all duties required of the Pendleton County E911 Center in a manner, which provides for the safety, health and welfare of the citizens of Pendleton County, emergency services personnel and other agencies within the county.

REQUIREMENTS: Must be 21 years of age. High School graduate or its equivalent. Must be able to attend required training courses in the required amount of time. Must pass initial and random drug test.

DUTIES: Perform all duties as required by the E911 Coordinator including but not limited to:

1. Receiving, processing and dispatching calls and messages
2. Perform clerical duties related to the operation of the E911 center
3. Communicate accurately with other city and county employees, officers, other agencies and the general public
4. Quickly and accurately perform clerical office duties
5. Ability to operate radio-telephone receiving and transmitting equipment
6. Ability to manage several work assignments at one time
7. Ability to handle life threatening situations
8. Ability to appear for work and complete assigned tasks within a reasonable amount of time

REPORTS TO: The E911 Coordinator and is subject to his/her authority and direction.

SOLID WASTE COORDINATOR

The Pendleton County solid waste coordinator maintains and administers a system to assist the citizens, businesses and other organizations of Pendleton County, and the incorporated cities therein to reduce, recycle and dispose of solid waste in a safe, economical and lawful manner while protecting the public health and welfare, preventing the creation nuisances, conserve our natural resources, preserve and improve the beauty and quality of our community. Job responsibilities include but are not limited to:

A. Monitor landfill operations
B. Inform community about solid waste issues through forum, school and homemaker presentations
C. Monitor Pendleton County Recycle program to include batteries, propane tanks, paint, used oil and antifreeze, tires, paper, plastics, cardboard, etc.
D. Responsible for filing annual solid waste report to Division of Waste Management.
E. Advisor to Pendleton County 109 Board
F. Supervise Pendleton County Litter Abatement Program
G. Community Service Supervisor
H. Monitors free day at the landfill for Pendleton County
I. Ensures Pendleton County stays in compliance with five- (5) year solid waste management plan.
J. Investigates illegal dumping, junk vehicles, and complaints for citizens
K. Assists Division of Waste Management field office
L. Manages Pendleton County Tire Amnesty Program
M. Enforces and cites for compliance in regards to The Pendleton County Nuisance Ordinance.

REPORTS TO: Directly reports to the County Judge/Executive for directions, with input and ultimate authority provided by the Fiscal Court.

ADMINISTRATIVE ASSISTANT

BASIC FUNTION:

To assist the managing operations of the County Judge's office by performing a wide variety of specialized and responsible secretarial and administrative support duties.

REPRESENTATIVE DUTIES:

A. Attend meetings and report back to county judge
B. Administer projects such as 911 and Jail
C. Assist in making arrangements for meeting and appointments for judge
D. Attend fiscal court meetings
E. Compile and organize magistrates' packets and mail

F. Receive, process and route judge's mail
G. Schedule courthouse calendar
H. Assist in compiling and preparing fiscal court agendas; responsible for publication in local paper prior to fiscal court meetings
I. Maintain various office files and records
J. Coordinate all county special districts
K. Maintain confidential information
L. Maintain County Judge's calendar and answer telephone
M. Assist in creating letters by applying correct English usage, grammar, punctuation, spelling and vocabulary
N. Learn Microbooks and Fiscalpay in order to backup payroll clerk and finance officer
O. Operate a variety of office equipment including computer, typewriter, calculator, copier and fax machine.

REPORTS TO: Directly reports to the County Judge/Executive for directions, with input and ultimate authority provided by the Fiscal Court.

PENDLETON COUNTY TREASURER

The County Treasure shall adhere to and comply with all duties, requirements and directives as outlined and described in KRS 68 and shall keep all records and documents as required by the Uniform System of Accounts for Kentucky Counties.

The treasurer is not authorized to designate anyone to sign checks on their behalf.

REPORTS TO: Directly reports to the Fiscal Court for directions and ultimate authority.

PENDLETON COUNTY FINANCE OFFICER

A County Judge/Executive is required to keep certain records and make certain reports. Most County Judge/Executives delegate this to a person known as the Finance Officer or administrative assistant. Their duties would be as follows:

1. Receive all county claims, then prepare a master claims list to present to the fiscal court
2. Prepare all checks on claims reviewed by the fiscal court.
3. Maintain an Appropriation Ledger
4. Be responsible for county's quarterly financial statement, pursuant to (KRS 68)
5. Reconcile the appropriation ledger with the treasurer's appropriation ledger at least once a month
6. Issue purchase orders and maintain a purchase order log

7. Maintain time records (vacation/sick)

Under no circumstances should a facsimile stamp be used by the finance officer.

REPORTS TO: Directly reports to the County Judge/Executive for directions, with input and ultimate authority provided by the Fiscal Court.

PENDLETON COUNTY DEPUTY JUDGE/EXECUTIVE

The County Judge/Executive may appoint a deputy. This appointment does not need the approval of the Fiscal Court. The Deputy County Judge/Executive may take on all the administrative powers and responsibilities of the Judge/Executive, but he may not act for the office holder at meetings of the fiscal court unless he/she is a member of the fiscal court (KRS 67)

The Attorney General has held that a Deputy County Judge/Executive has no authority to solemnize a marriage in Kentucky (OAOG 82-145)

PENDLETON COUNTY ROAD SUPERVISOR

JOB DEFINITION: The County Road Supervisor shall oversee the repair, maintenance and minor construction of County Roads that are covered under the Department of Transportation's Rural and Municipal Aid Program. The Road Supervisor shall also be responsible for maintaining county bridges, culverts and other types of water fords to the extent of new construction where affordable and possible.

REPORTS TO: Directly reports to the County Judge/Executive for directions, with input and ultimate authority provided by the Fiscal Court.

COUNTY ROAD EMPLOYEE

JOB DEFINITION: Performs all duties as required of the Pendleton County Road Department in a manner which supports the department in its efficient and effective service to the community.

PHYSICAL REQUIREMENTS: Must be physically capable to operate heavy equipment, and lift a minimum of 50 pounds. Additionally, individual must be able to bend, lift, squat, walk long distances, and have normal vision (with correction).

REPORTS TO: The County Road Supervisor and is subject to his authority and direction.

DUTIES:

1. Performs all duties as required by the County Road Supervisor, including but not limited to driving trucks, operating heavy equipment, physical labor (approximately 80% of work load.)
2. Complies with Human Resources policies as indicated in the Administrative Code
3. Complies with Commercial Drivers' License (CDL) Drug and Alcohol Testing Policy.

QUALIFICATIONS:

1. Must have a CDL license
2. Must have a safe driving record
3. Must pass initial and random drug testing

INFORMATION TECHNOLOGY DIRECTOR

JOB DEFINITION: Repair, upgrade and install information technology when needed for all part of county government that the Judge/Executive and/or fiscal court deem necessary and to train, where needed, those who may use such technology.

REPORTS TO: Directly reports to the County Judge/Executive for directions, with input and ultimate authority provided by the Fiscal Court.

QUALIFICATIONS: Must have vast knowledge of Microsoft Software and other software products along with an ability to service and repair hardware (none specific) and network computer systems.

ZONING ADMINISTRATOR

JOB DEFINITION: Administer the Pendleton County zoning ordinance along with issuing zoning permits, citations for zoning violations, field work for zoning compliance, act as staff for the Pendleton County Joint Planning Commission and staff for the Pendleton County Board of Adjustments and when needed, administer Pendleton County Subdivision Regulations.

REPORTS TO: Directly reports to the County Judge/Executive for directions, with input and ultimate authority provided by the Fiscal Court.

QUALIFICATIONS: Must have knowledge of zoning administration, along with the ability to meet and work with the public and willing to progress with suitable training inorder to be better capable and more efficient in job performance.

BUILDING INSPECTOR

JOB DEFINITION: Inspect and enforce buildings codes on structures and buildings as outlined in the Pendleton County Buildings Codes and to issue citation for those not in compliance or who are not willing to come into compliance with such building codes.

REPORTS TO: Directly reports to the County Judge/Executive for directions, with input and ultimate authority provided by the Fiscal Court.

QUALIFICATIONS: Must have knowledge of building code enforcement, along with the ability to meet and work with the public.

PAYROLL CLERK

JOB DEFINITION: Input employee information, gathering withholding forms and deductions from employees/departments. Input wages, salaries, training and expense hours through payroll processing, noting changes/increases when necessary. Process departmental liability checks, monthly, quarterly and annual tax returns and reports. Reconcile bank statements.

REPORTS TO: Reports to County Treasurer for payroll wage/hour review and to Judge Executive and the Fiscal Court for ultimate approval.

QUALIFICATIONS: Must have general knowledge of payroll accounting along with a knowledge of required local, state and federal forms and returns.

OCCUPATIONAL TAX ADMINISTRATOR

JOB DEFINITION: Aid taxpayers with establishing Occupational Tax account. Prepare and provide applicable taxpayers proper forms with which to remit payment to county. Input data into system with corresponding deposit to County Treasurer. Review quarterly and annual tax returns, W-2s/W-3 and Annual Reconciliation for tax year ended. Communicate any adjustments, corrections or other issues/ errors to taxpayers.

REPORTS TO: Directly reports to the County Judge/Executive for directions, with input and ultimate authority provided by the Fiscal Court.

QUALIFICATIONS: Must have good understanding of Pendleton County Occupational License Tax Ordinance 430.0. Must have excellent written and oral communication skills along with knowledge of tax collection.

PENDLETON COUNTY
MODEL ADMINISTRATIVE CODE
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Section 13.2	Unacceptable Uses of the Internet and County E-Mail
Section 13.3	Communications

Section 13.4	Software
Section 13.5	Copyright Issues
Section 13.6	Security
Section 13.7	Violations
CHAPTER 14	Capitalization Policy
CHAPTER 15	Class Specifications and Position Descriptions

APPLICATION FOR SICK LEAVE SHARING

Name of Recipient: _____

Department: _____

Social Security Number: _____

Amount of Sick Leave Needed: _____

Please provide a reason transferred leave is needed, including a brief description of the nature, severity,
and anticipated duration of the medical issue. (If this is an amended request, provide reason for extension.)

Please attach certification by one or more physicians of the medical reason that employee will be unable to perform the duties and responsibilities of his/her position for ten (10) or more consecutive working days or the reason for extension, if an amended request.

_____ _____, 20__
Recipient or Representative Date

_____ _____, 20__
Department Head/Supervisor Date

The above named employee has been approved to receive donated sick leave in accordance with the provisions of the sick leave sharing policy.

_____ _____, 20__
Appointing Authority Date

*The original should be kept by the Recipient's Payroll Officer.

SICK LEAVE DONATION FORM

Name of Donor: _____

Department: _____

Soc. Sec. #: _____

Amount of Donation to be credited to Recipient: _____

(Employee must have 40 hours remaining after donation. Minimum amount employee may donate is 8.0 hours.)

Recipient: _____

Department: _____

I hereby certify that this donation is given without expectation or promise for any purpose other than that authorized by the sick leave sharing policy.

_____	_____, 20__	_____	_____, 20_
Donor		Appointing Authority	

*The original should remain with the Donor's payroll officer. A copy should be transmitted to the Recipient's Payroll Officer so that Sick Leave balances may be adjusted.

RETURN OF UNUSED DONATED SICK LEAVE

This is to certify that ____ hours of sick leave donated by:

_____	_____	_____
Donor	Soc. Sec. #	Department

were unused by:

_____	_____	_____
Recipient	Soc. Sec. #	Department

Credit the Donor's sick leave balance accordingly.

_____	_____	_____
Recipient Payroll Officer	Payroll Officer Phone	Date

*The original should be sent to Donor's Payroll Officer.

Extended Sick Leave Request Form

Employee Name and Address: _____
_____
_____
_____

I request sick leave for the following dates and for the following reason:
_____
_____
_____
_____

A doctor's note is attached: ☐ **Yes** ☐ **No**

_____ _____, 20__
Signature

Recommended for Approval By:

_____ _____, 20__
Signature

Approved By:

_____ _____, 20__
Signature

SEVERABILITY. The provisions of this Administrative Code Ordinance are severable. If any provision hereof or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions hereof or applications hereunder which can be given effect without the invalid provisions or application.

SUMMARY READING AND PUBLICATION:

This ordinance shall be read and published by summary.

ADOPTED BY THE PENDLETON COUNTY FISCAL COURT ON January 22, 2013

Henry W. Bertram
Pendleton County Judge/Executive

ATTEST:

Vicky King
Pendleton County Fiscal Court Clerk

First Reading: January 8, 2013 (By Summary)
Publication: January 15, 2013 (By Summary)
Second Reading: January 22, 2013 (By Summary)
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Publication: January 29, 2013 (By Summary)