

# **PENDLETON COUNTY ADMINISTRATIVE CODE**

**Adopted by:  
Action of Pendleton Fiscal Court**

**November 2025**



## **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 Magistrates, 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 1<sup>st</sup> 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 than 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. (KRS 68.260(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 1<sup>st</sup> 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 at least two (2) years. Applicants may be required to 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. Applicant may be required to be 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.

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 first (1) by verbal and documented reprimand, second (2) by written reprimand, and third (3) by 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 first (1) by verbal and documented reprimand, and second (2) by 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 of the County Admin. Code**

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 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 words 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 that are paid through the County payroll system, whether they are supervised by the County Judge, the Treasurer, Department Supervisors, and/or by other offices of Elected officials.

**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, average of 23hrs per week.
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. Full-time employees shall be entitled to all benefits as provided in this Administrative Code

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**

Prior to 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. (Addendum)

#### **SECTION 5.12      Employee Records**

It shall be the obligation of the employee to maintain current information by notifying the Payroll Administrator and 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, direct deposit, 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 to the public and fellow employees, and 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. All employees will be required to view applicable OSHA training and safety videos routinely, at least every two years or as otherwise directed. All employees will be required to wear proper safety PPE when working with hazardous and/or cleaning materials. The County is striving to make everyone's job safe in all respects; therefore, all employees shall report all hazardous conditions in their work area at once to their immediate supervisor. All work-related injuries must be reported immediately to their supervisor and immediately to a Nurse Triage (Access 24 through KACO) to receive assistance with medical treatment and to initiate and report a claim. Employee must contact the County Judge's office and complete a First Report of Injury within 24 hours.

#### **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.

C. TRAINING OR SCHOOLING FOR CDL LICENSE:

Needs approval from Fiscal Court with the employee or potential employee signing an agreement to continue as an employee of the county for 3yrs, or reimburse the county for those cost of the training/schooling at a prorated rate.

#### **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 4<sup>th</sup>
- 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.
- F. Holiday hours will not be counted as hours worked.

## **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
  - 2-5 years of service                      80 hours
  - 6-10 years of service                      120 hours
  - 11+ years 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 one (1) hour.
- C. Use of Sick Leave:
1. Absence for part of a day that is chargeable to sick leave shall be charged proportionately in an amount not smaller than one (1) hour.
  2. Personal illness, injury, or visits to medical provider.
- D. 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.
- E. 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 least 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 eight (8) hours.
- G. Personal leave cannot be taken with vacation leave or holidays, unless approved by immediate supervisor or County Judge/Executive.

**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 vacation time, personal time, accumulated sick leave and/or any other accrued time off, 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:

1) 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 inpatient care; or

2) 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" must 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 stated in the Designation Notice, the County Judge or his designee shall authorize same in writing and provide the employee Payroll Clerk, and the County Treasurer a copy of the written approval. The Judge's office will retain a copy in the employee's personnel file. 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 (up to 3 days) in the event of a death in the immediate family. Immediate family for this purpose shall be deemed to include the parents, spouse, spouse's parents, children, step children, siblings, grandchildren, grandparents.

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. Leave of absence without pay may be revoked at any time upon 48 hours' notice to employee.

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, sick leave, or holiday pay) 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 full-time 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, Emergency Management Director, Planning and Zoning Administrator, Economic Development/Tourism Director and County Treasurer are "pre-adjusted" 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 Group Health and Life Insurance**

All full-time employees of the County shall be provided with a group health insurance plan as provided by the Fiscal Court. The single plan (employee) coverage will be paid by the County. If the employee desires to have dependent plan coverage, he will be required to pay the additional premium. Wellness Compliance may be required as a part of the group health plan. If an employee provides proof of coverage through a different employee-paid plan and waives coverage with the County, the employee may receive one-half the single premium through a HRA plan. If the employee is provided health insurance through the state as a retirement benefit, the HRA benefit through the County is not offered. Health Insurance benefits are subject to change as determined by the fiscal court based on the county's financial condition.



Individual Life insurance coverage is provided for Full time employees as a benefit at the face amount of \$50,000. This face amount will reduce due to age bracket changes as indicated by the provider.

#### **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 Public Pension Authority (CERS).

#### **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. 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.
- (11) Harassment or bullying of other county employees.

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 or is dismissed from a full-time position and is re-employed shall be the date of re-employment, unless reinstatement occurs within (14) 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.

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

E. 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**

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.

#### C. PRESCRIPTION AND OVER-THE-COUNTER DRUGS

Employees should be aware that the use of certain prescription, ~~or~~ over-the-counter drugs, or non-prescription 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.

#### D. 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.

## E. TESTING PROCEDURES/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, marijuana 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.

#### F. 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.

G. 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.

H. 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.

## **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-a-rounds.

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.



**SECTION 6.8      Alternate method in which a private road, street, or highway may be accepted into the county road system**

A. Prior to the fiscal court's acceptance of a private road, street, or highway into the county road system under this section, the specific requirements set forth in KRS 178.400 to 178.425 must be met.

B. A road accepted into the county road system under this alternative method shall not be required to be brought up to county specification, but shall be at a minimum maintained as a gravel road to ensure the provision of services such as garbage collection, postal service, fire protection service, ambulance service, etc.

**SECTION 6.9      SUBDIVISION STREETS**

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

B. 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.

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

#### **SECTION 6.10      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 intentional damage to, or destruction of County property or equipment, either through willfulness or total negligence, will be asked to pay all costs of repairs or replacement of the property and may be subject to discipline, up to and including dismissal and/or be subject to legal action.

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.

D.     Upon termination of employment, all employees must return all County property, including but not limited to uniforms, badges, keys, etc. in order to stay in good standing with the County.

## **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 than 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 \$40,000, 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 \$40,000 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 \$40,000. Purchases under \$40,000. 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 & County-Issued Credit Card Use**

- A. The Judge/Executive determines the need for incidental purchases when that amount is for less than \$5,000 and the expenditure is provided for in the budget. These purchases may be obtained with use of a County-issued credit card for any small purchases. County credit cards are also issued to the County Treasurer and the County Jailer, but only for the purpose of conference and training expenses.

#### **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 9           BOARDS AND COMMISSIONS**

### **SECTION 9.1       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 9.2       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 10       SPECIAL DISTRICTS**

### **SECTION 10.1     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 10.2     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 10.3 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 10.4      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 10.5      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 11      COUNTY SERVICES**

### **SECTION 11.1      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 11.2      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 11.3      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 12      INTERNET & E-MAIL POLICY**

### **SECTION 12.1      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 12.2      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 12.3      Communications**

Each employee is personally responsible for the content of all text, 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 12.4      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 12.5      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 12.6      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 12.7      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.

#### **SECTION 12.8      ADDENDUM – Pendleton County Acceptable Use Policy**

This policy applies to all County Employees who receive and utilize county assets, which includes all members of the workforce, third-party vendors, contractors, service providers, consultants, or any other individual that operates a county asset.

#### **SECTION 12.9      ADDENDUM – Information Technology Data Breach Policy**

This policy is to provide guidance to Pendleton County Fiscal Court, and those employees who may have access to personal information, in order to minimize the risk of disclosing personal information and set practical guidelines for effectively responding to security incidents.

#### **SECTION 12.10      ADDENDUM – Information Technology Disaster Recovery Plan**

This plan establishes a comprehensive procedure to recover quickly and effectively following a service disruption.

## CHAPTER 13 CAPITALIZATION POLICY

The policy of the Pendleton County Fiscal Court is to capitalize assets when the useful life is greater than 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.

<b>Asset</b>	<b>Useful Life (Expressed in Years)</b>
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

	<b><u>Tracking and Inventory</u></b>	<b><u>Capitalize and Depreciated</u></b>
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 14      CLASS SPECIFICATION AND POSITION DESCRIPTIONS**

### **Administrative Assistant**

Duties include assisting the managing operations of the County Judge's office by performing a wide variety of specialized and responsible secretarial and administrative support 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 in order to backup 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.

QUALIFICATIONS: Must have general knowledge of computers and standard office equipment. Must have good organizational and clerical skills.

### **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. When it becomes necessary, transport dogs to Veterinarian for additional care and/or to perform euthanasia.
- F. Follow all requirements of animal control ordinances and policies.
- G. Keep kennels clean
- H. Assist in responding to calls, 24 hours a day, 7 days a week, under the animal control call-out policy.

- 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.

### **Assistant Animal Control Officer**

The Animal Control Assistant acts as Shelter Manager and is responsible for the daily operations of the Shelter. Primary duties include watering and feeding all animals; cleaning the shelter, all kennels, dishes, bedding and toys; administering medications and procedures. Duties also include maintaining records and schedules for each dog, posting and updating information on the Shelter social media website, with particular emphasis on intake and adoption.

REPORTS TO: Reports to the Animal Control Officer and/or Pendleton County Judge/Executive.

QUALIFICATIONS: Must have good organizational skills, general knowledge of computers and the manipulation of social media, and the utmost desire for the well-being of all animals entering/departing shelter.

### **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.

### **Code Enforcement Officer**

Code Enforcement Officer will serve as the enforcement for County Nuisance Ordinance and assist with violations of the Planning & Zoning and Solid Waste offices. The Code Enforcement Officer will establish compliance and maintain good relationships with property owners and the general public.

REPORTS TO: Directly reports to the Pendleton County Judge/Executive for direction.

QUALIFICATIONS: Must have good understanding of Pendleton County Nuisance Ordinance and Planning & Zoning requirements, general computer knowledge and organizational skills.

### **Pendleton County Treasurer**

The County Treasurer 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 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 (OAG 82-145)

### **Emergency Management Director**

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

Will coordinate and participate in all four phases of emergency management:

- MITIGATION – Activities which reduce or eliminate loss of life, injuries, and damage to property or the environment resulting from an emergency or disaster.
- PREPAREDNESS – Actions taken to facilitate disaster response and recovery. These include developing and updating emergency operations plans, training response personnel, and maintaining emergency resources.
- RESPONSE – Utilize all systems, plans and resources available in the community to save lives, reduce damage to property and the environment, and to aid in recovery.
- RECOVERY – Actions taken to return a community to pre-disaster or improved conditions.

Additional job responsibilities include but are not limited to:

1. Lead or participate in the coordination of emergency response activities during an incident
2. Attends various meetings, conferences, and training sessions within and outside the County/State to stay abreast of the latest information.
3. Develop and maintain relationships with surrounding county entities for the purpose of mutual aid
4. Foster relationships with various stakeholders, including government agencies, private organizations, responders, and community groups.
5. Organize training sessions, drills, and exercises for staff, responders, and the community to ensure preparedness
6. Ensure adequate resources are available to support emergency operations, including personnel, equipment, and supplies
7. Ensure effective communication between relevant parties during an emergency, including public information and warning dissemination.
8. Coordinate damage assessments following an emergency to determine the extent of the impact and guide recovery efforts.
9. Educate the public about potential hazards and how to prepare for and respond to emergencies
10. Coordinate mass care on who will shelter and feed populations that have been evacuated or displaced by an emergency
11. Maintain an effective Emergency Operations Center
12. Manage and use the Code Red system to provide public notifications
13. Monitor river gauges
14. Manage and administer Active 911 program
15. Act as Addressing Officer for the County

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

### **Economic Development/Tourism Director**

JOB DEFINITION: To lead efforts to foster growth and prosperity within the County, working to attract new businesses, retain existing ones and improve the overall economic health of the community and attract visitors.

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

QUALIFICATIONS: Must have knowledge of public relations/marketing/branding in community, economic and tourism development along with the ability to meet and work with the public to pursue growth and leadership of the 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

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.

### **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.

### **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.

### **Occupational/Transient Tax Administrator**

JOB DEFINITION: Aid taxpayers with establishing Occupational and/or Transient Room 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 monthly, 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 and Amendments and Transient Room Tax Ordinance 460.0 and Amendments . Must have excellent written and oral communication skills along with knowledge of tax collection.

### **Payroll Administrator/Human Resources**

JOB DEFINITION: Provide employee payroll forms and update information, including withholding forms, direct deposit forms and deductions from employees for all departments, Sheriff department and County Clerk department. Set up and update benefit deductions including the appropriate health care and retirement rates and elected voluntary deductions and taxable fringe benefits. Maintain and administer any Tax Levies, Garnishments, FMLA. Set up and assist in timekeeping process. Review timecards, corrections and adjustments per Department Heads. Input wages, salaries, incentive training through payroll processing, noting changes/increases when necessary, submitting pertinent information to outside Payroll Vendor. Review monthly, quarterly and annual tax returns and reports. Monitor and process specific liability checks and reports. Provide paystubs and reports to appropriate departments. Monitor all Time Off Accrual reports for Comp Time, Personal, Sick and Vacation hours. Complete Workers Compensation Reports and Unemployment Reports. Maintain personnel files on each employee, and maintain payroll records in accordance with the Kentucky Department for Libraries and Archives. Transfer funds from each department to the Payroll Account in a timely manner. Reconcile bank statements.

REPORTS TO: Reports to County Treasurer for Kentucky Retirement System requirements, Health Insurance Administration/COBRA, and ACA requirements. Reports 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. Must have good understanding of employee benefits, Administrative Code as it applies to all County employees, and basic understanding of legal parameters.

### **Planning - 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 in-order to be better capable and more efficient in job performance.

### **Planning - Zoning Assistant**

To assist with the operations of the Planning and Zoning office by performing a wide variety of specialized and responsible secretarial and administrative support duties.

REPORTS TO: Planning and Zoning Administrator and/or County Judge

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 in-order to be better capable and more efficient in job performance.

### **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.

### **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

**TRAINING OR SCHOOLING FOR CDL LICENSE:**

Needs approval from Fiscal Court with the employee or potential employee signing an agreement to continue as an employee of the county road department for 3yrs, or reimburse the county for those cost of the training/schooling at a prorated rate.

**Senior Center Manager**

The Senior Center and all Center employees shall adhere to and comply with all State Regulations and any other relevant State requirement and/or laws. The Senior Center Manager acts as liaison between the Senior Center and community; develops and coordinates educational, recreational and social services for participants; supervises nutrition programs; supervises and provides transportation, when able, to Senior Citizens.

**REPORTS TO:** Reports to Pendleton County Judge/Executive for direction and addresses requirements to State representative.

**QUALIFICATIONS:** Must have general knowledge of computers, electronics and standard office equipment. Must have good organizational and planning skills. Certification requirements include CPR, First Aid, AED and Blood Born Pathogen training.

**Assistant Senior Center Manager/Activity Director**



The Senior Center and all Center employees shall adhere to and comply with all State Regulations and any other relevant State requirement and/or laws. The Senior Center Assistant Manager supports the Senior Center Manager in all efforts to develop and coordinate educational, recreational and social services for participants; assists with nutrition programs and transportation, when able, to Senior Citizens.

REPORTS TO: Reports to Senior Center Manager and ultimately to the Pendleton County Judge/Executive for direction and may address requirements to State representative.

QUALIFICATIONS: Must have general knowledge of computers, electronics and standard office equipment. Must have good organizational and planning skills. Certification requirements include CPR, First Aid, AED and Blood Born Pathogen training.

### **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.

### **Fire Chief**

The Fire Chief is responsible for the overall management and operations of the Pendleton County Fire Department. The Fire Chief oversees all firefighter personnel, managing the Department's day-to-day operations, enforcing safety procedures and paperwork.

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

QUALIFICATIONS: Must have a combination of education, experience and training with a thorough understanding of fire department operations. Strong leadership, communication and management skills are crucial.

### **Deputy Fire Chief**

The Deputy Fire Chief is greatly responsible for specialized training for the Pendleton County Fire Department. The Deputy Chief assists with daily management of the Department, supervising personnel, ensuring adequate training, and representing the Department in various capacities.

REPORTS TO: Directly reports to the Fire Chief and/or the County Judge.

QUALIFICATIONS: Must have a combination of education, experience and training with a thorough understanding of fire department operations. Strong leadership, communication skills and knowledge of relevant regulations are required.

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### 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\_\_  
Donor

\_\_\_\_\_, 20\_\_  
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**

\_\_\_\_\_  
Signature

\_\_\_\_\_, 20\_\_

Recommended for Approval By:

\_\_\_\_\_  
Signature

\_\_\_\_\_, 20\_\_

Approved By:

\_\_\_\_\_  
Signature

\_\_\_\_\_, 20\_\_

**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:

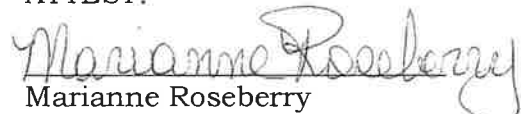
This ordinance shall be read and published by summary.

ADOPTED BY THE PENDLETON COUNTY FISCAL COURT ON November 10, 2025.



David S. Fields  
Pendleton County Judge/Executive

ATTEST:



Marianne Roseberry  
Pendleton County Fiscal Court Clerk

First Reading: 10-14-2025  
Second Reading: 11-10-2025  
Passage: 11-10-2025  
Publication: 11-25-2025



# **Pendleton County Acceptable Use Policy**

*December 2024*



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# Acceptable Use Policy

## Purpose

This *Acceptable Use Policy* acts as an agreement between the county and the county employee receiving Information Technology (IT) assets. Assets are defined as anything that has value to an organization, including, but not limited to, another organization, person, computing device, IT system, IT network, software (both an installed instance and a physical instance), virtual computing platform (common in cloud and virtualized computing), and related hardware (e.g., locks, cabinets, keyboards). This *Acceptable Use Policy* defines permitted usage of these assets, as well as restricted actions that County Employees must take in order to reduce risk to the county.

## Applicability

This policy applies to all County Employees who receive and utilize county assets, which includes all members of the workforce (both on-site and remote), third-party vendors, contractors, service providers, consultants, or any other individual that operates a county asset. It is the employee's responsibility to read and understand this policy and to conduct their activities in accordance with its terms. In addition, County Employees must read and understand the county's Disaster Recovery Plan and Data Breach Policy. County Employees who find the policy statements within this document to be unclear are encouraged to reach out to IT in order to clarify any ambiguities.

## Policy

### User Responsibilities

1. County Employees must only use approved technology and services.
2. All county assets are on loan to County Employees so that essential job functions may be performed.
3. Upon separation from the county or contract termination, all supplied IT assets, and the associated data must be returned by the user.
4. County Employees must secure the physical environment around their workstation and lock their computers when stepping away.
5. County Employees must ensure that Personally Identifiable Information (PII), confidential, and any sensitive data that may be covered by government or other regulation, is not readily available or accessible on their desks or within their workspace.
6. All County Employees must take appropriate care to protect information, systems and related assets within their custody or care from loss, damage, or harm.
  - a. Lost or damaged equipment must be reported to IT as soon as practical.
7. County Employees must store their passwords in a secure manner.
8. County Employees shall not share passwords. Even with supervisors.
9. County Employees-assigned accounts must only access assets, operating systems, applications, files, and data to which they have been granted access. The ability to inadvertently read, execute, modify, delete, or copy data does not imply permission to do so.
10. Only authorized County Employees are permitted to post content or create the impression that they are representing, stating opinions, or otherwise making statements on behalf of the county on social networking sites, blogs, or other internet sites.
11. County Employees must keep knowledge about information and information systems gained during employment confidential and confidentiality must be maintained after employment ceases.



## **Prohibited Use**

1. Only approved and authorized devices may be connected to networks owned or managed by the county. This includes portable end-user devices, removable devices (e.g., USB sticks) and personally-owned devices.
2. County Employees must not share their passwords with others or allow the use of their account by others.
  - a. County Employees are responsible for all activity originating from their usernames and accounts.
3. County Employees must not circumvent user authentication mechanisms or the security of any user account or information system asset.
4. County Employees must not install software, hardware, or modify system configuration settings on any county asset, unless explicitly permitted by the user's role and responsibility.
5. County Employees must not engage in any activity with the intent to disrupt county assets or networks.
  - a. County Employees must not perform any form of network monitoring, port scanning or security scanning unless this activity is a part of the individual's normal job and is formally authorized.
6. County Employees must not leverage county assets for personal economic gain.

## **Expectations of Privacy**

1. When using county resources, the user shall have no expectation of privacy. Access and use of the Internet, including communication by email and instant messaging and the content thereof, are not confidential, except in certain limited cases recognized by law.
2. The county reserves the right to monitor, access, and disclose all information generated and actions performed using county IT assets. Files, messages (including attachments), and logs may be retained and used as evidence in litigation, audits, and investigations.

## **Personal Use**

1. County Employees are permitted limited personal use of county assets, such as visiting websites and checking personal email accounts.
  - a. County Employees may access web-based personal password managers on county assets. Local installation of a password manager must be approved by IT.
2. County Employees must work with IT to create county-specific accounts for required assets and third-party services.
3. County Employees must not use county license keys on personal devices unless authorized by the county.
4. County data must not be stored on non-county, personal cloud provider platforms (e.g., Google Drive, Microsoft OneDrive, Dropbox).

**Reporting Violations**

- 1. County Employees who are aware of any event which threatens the availability, integrity or confidentiality of county data, or which breaches any standard, policy, procedure, or any associated requirement, or is contrary to law, must immediately contact IT or their immediate supervisor.

**Remote Work**

- 1. County Employees must not connect county devices to open, public WiFi networks.
- 2. County Employees must be aware of their surroundings when working remotely to ensure others are not shoulder surfing or viewing sensitive material.

**Personal Devices**

- 1. Personal devices must be connected to the GUEST networks. Not our private networks. Private networks allow county files and printing to be accessed.
- 2. County data must not be stored on personal devices.

**Revision History**

Each time this document is updated, this table should be updated.

Version	Revision Date	Revision Description	Name
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# Appendix A: Glossary

<b>Asset</b>	Anything that has value to an organization, including, but not limited to, another organization, person, computing device, information technology (IT) system, IT network, IT circuit, software (both an installed instance and a physical instance), virtual computing platform (common in cloud and virtualized computing), and related hardware (e.g., locks, cabinets, keyboards).
<b>Asset inventory</b>	An asset inventory is a register, repository or comprehensive list of a county's assets and specific information about those assets.
<b>Asset owner</b>	The department, business unit, or individual responsible for a county asset.
<b>Cloud environment</b>	A virtualized environment that provides convenient, on-demand network access to a shared pool of configurable resources such as network, computing, storage, applications, and services. There are five essential characteristics to a cloud environment: on-demand self-service, broad network access, resource pooling, rapid elasticity, and measured service. Some services offered through cloud environments include Software as a Service (SaaS), Platform as a Service (PaaS), and Infrastructure as a Service (IaaS).
<b>County assets</b>	Assets with the potential to store or process data. For the purpose of this document, county assets include end-user devices, network devices, non-computing/Internet of Things (IoT) devices, and servers in virtual, cloud-based, and physical environments.
<b>End-user devices</b>	Information technology (IT) assets used among members of a county during work, off-hours, or any other purpose. End-user devices include mobile and portable devices such as laptops, smartphones, and tablets as well as desktops and workstations. For the purpose of this document, end-user devices are a subset of county assets.
<b>County asset identifier</b>	Often a sticker or tag with a unique number or alphanumeric string that can be tracked within an county asset inventory.
<b>Mobile end-user devices</b>	Small, county-issued end-user devices with intrinsic wireless capability, such as smartphones and tablets. Mobile end-user devices are a subset of portable end-user devices, including laptops, which may require external hardware for connectivity. For the purpose of this document, mobile end-user devices are a subset of end-user devices.
<b>Network devices</b>	Electronic devices required for communication and interaction between devices on a computer network. Network devices include wireless access points, firewalls, physical/virtual gateways, routers, and switches. These devices consist of physical hardware as well as virtual and cloud-based devices. For the purpose of this document, network devices are a subset of county assets.
<b>Physical environment</b>	Physical hardware parts that make up a network, including cables and routers. The hardware is required for communication and interaction between devices on a network.
<b>Portable end-user devices</b>	Transportable, end-user devices that have the capability to wirelessly connect to a network. For the purpose of this document, portable end-user devices can include

laptops and mobile devices such as smartphones and tablets, all of which are a subset of county assets.

**Remote devices**

Any county asset capable of connecting to a network remotely, usually from public internet. This can include county assets such as end-user devices, network devices, non-computing/Internet of Things (IoT) devices, and servers.

**Servers**

A device or system that provides resources, data, services, or programs to other devices on either a local area network or wide area network. Servers can provide resources and use them from another system at the same time. Examples include web servers, application servers, mail servers, and file servers.

**User**

Employees (both on-site and remote), third-party vendors, contractors, service providers, consultants, or any other individual that operates a county asset.



**Pendleton County Fiscal Court**

# **Information Technology Data Breach Policy**

December 2024



**Policy Statement:** The purpose of this policy is to provide guidance to Pendleton County Fiscal Court in order to minimize the risk of disclosing personal information and set practical guidelines for effectively responding to security incidents. This policy sets forth the procedures and practices pursuant to KRS 61.932 for the Pendleton County Fiscal Court to follow in order to:

- 1) Identify vulnerabilities;
- 2) Eliminate or mitigate those vulnerabilities;
- 3) Recognize when an incident has occurred;
- 4) Notify appropriate personnel in the event of an incident;
- 5) Respond to information security threats; and
- 6) Recognize events that require special handling due to their potential impact or special reporting due to legal or other concerns.

**Policy Maintenance:** Pendleton County Fiscal Court will be responsible for maintaining this policy.

**Applicability:** This policy shall be followed by Pendleton County Fiscal Court and by any and all persons or entities with access to personal information in the possession or control of Pendleton County Fiscal Court. Such persons or entities include, but are not limited to, employees, contractors, consultants, temporary employees, volunteers and other workers with access to personal information whether printed, electronic or other format.

**Responsibility for Compliance:** Employees and others with permissive access to, or who may access, personal information will be familiar with the policy and all such persons or entities shall be aware of what constitutes an incident. Compliance with this policy is mandatory and Pendleton County Fiscal Court is responsible for enforcing this policy.

## **Policy**

Non-digital media containing personal information shall be physically controlled and securely stored in a manner meant to ensure that the media cannot be accessed by unauthorized individuals. Personal information stored in an electronic format, shall be protected from access by unauthorized individuals by software that prevents unauthorized access..

### **Point of Contact**

Pendleton County Fiscal Court's designated Point of Contact (POC) is the Director of Technology. The POC shall serve the following functions:

- 1) Maintain this Policy for the Pendleton County Fiscal Court and be familiar with its requirements;
- 2) Ensure Pendleton County Fiscal Court employees and others with access to personal information are aware of and understand this Policy;
- 3) Serve as contact for inquiries from other agencies regarding this Policy and any incidents;
- 4) Be responsible for responding to any incidents.

### **Software**

Financial Software must provide user identification, authentication, data access controls, integrity, and audit controls.

The financial software shall be adequately tested to confirm functionality and to ensure that it is minimally disruptive to all associated operating systems, communications, applications, and other associated software systems.

Security software must provide user identification, authentication, data access controls, integrity, and audit controls.

Systems, networks and application software used to process personal information must adhere to the highest level of protection reasonably practical. Pendleton County Fiscal Court shall use Intrusion Detection and Prevention software.

### **Access Control**

Only authorized individuals are permitted access to media containing personal information. In addition to controlling physical access, user authentication should provide audit access information.

### **Portable Computing Devices**

This policy prohibits the unnecessary placement (download or input) of personal information on portable computing devices. No personal information shall be placed on a portable computing device.



### **Physical Security Procedures**

Non-digital media containing personal information shall be physically controlled and securely stored in a manner meant to ensure that the media cannot be accessed by unauthorized individuals. This may require storing media in locked containers such as cabinets, drawers, rooms, or similar locations if unauthorized individuals have unescorted access to areas where personal information is stored.

Digital devices shall have a record of serial numbers and / or description in case of physical tampering, damage, theft, or unauthorized physical access. If any of these actions are evident, it will be reported immediately to the POC.

Only county employees who are authorized shall have access to restricted areas containing information technology resources or other sources of personal information. All authorized users must protect personal information contained on all Pendleton County Fiscal Court technology resources from unauthorized users.

When feasible, information technology equipment should be marked with some form of identification that clearly indicates it is the property of the Pendleton County Fiscal Court. If the media is being transported outside of secured areas, it shall be protected and controlled. Any activities associated with transport of such media is restricted to authorized personnel. Hand receipts shall be used to track any Pendleton County Fiscal Court media that is being used on a temporary basis. There will be no personal information on these devices.

### **Destruction of Records Containing Personal Information**

Pendleton County Fiscal Court shall secure and appropriately dispose of non-digital media.

Pendleton County shall follow the retention schedule as outlined by the Kentucky Department of Libraries and Archives General Records Retention Schedule for County Judges Offices located at: <https://kdla.ky.gov/records/RetentionSchedules/Pages/State-Government-Records-Retention-Schedules.aspx> .

When records containing personal or confidential information are ready for destruction, Pendleton County Fiscal Court shall destroy the information completely to ensure that the information cannot be recognized or reconstructed. In addition, any personal or confidential data contained on the computer media must be obliterated and/or made indecipherable before disposing of the tape, diskette, CD-ROM, zip disk, or other type of medium.

Pendleton County Fiscal Court shall provide appropriate methods and equipment to routinely destroy personal or confidential information. The methods set forth below are listed in priority order with the most highly recommended safeguard listed first. One of the following safeguards must be implemented:

- Secure and utilize shredding equipment that performs cross-cut or confetti patterns.
- Modify the information to make it unreadable, unusable or indecipherable through any means

### **Reporting of Incidents Involving Personal Information**

Pendleton County Fiscal Court will disclose a security breach in which personal information is disclosed to, or obtained by, an unauthorized person. Notification of the incident will be made in the most prompt and expedient manner after the incident has been discovered. Within thirty-five days, a letter notifying affected individuals of actual or suspected loss or disclosure of personal information will be sent by the Pendleton County Fiscal Court describing the types of information lost and recommended actions to be taken to mitigate the potential misuse of their information.

When Pendleton County Fiscal Court identifies a security breach has occurred in which personal information has been disclosed to, or obtained by, an unauthorized person, within three business days it shall notify Kentucky State Police, the Auditor of Public Accounts, the Attorney General and the Commissioner of the Department for Local Government and complete form COT-F012. The COT-F012 shall document the following:

- 1) Preliminary Reporting and description of the incident;
- 2) Response, including evidence gathered;
- 3) Final Assessment and corrective action taken; and
- 4) Final Reporting

Incident Response procedures can be a reaction to security activities such as:

- 1) Unauthorized access to Personnel, Data, or Resources;
- 2) Denial of Service Attacks;
- 3) Actual or Anticipated Widespread Malware Infections;
- 4) Data Breaches;
- 5) Loss/Theft of Equipment;
- 6) Significant Disruption of Services
- 7) Significant Level of Unauthorized Scanning Activity to or from Hosts on the Network

**Investigation:** Pendleton County Fiscal Court shall make reasonable efforts to investigate any security breaches in which personal information is disclosed to, or obtained by, an unauthorized person and shall take appropriate corrective action.

**Disclosure Communications:** Pendleton County Fiscal Court must comply with all federal and state laws and policies for information disclosure to media or the public. In some circumstances, communication about an incident is necessary, such as contacting law enforcement. Pendleton County Fiscal Court may use discretion in disclosing information about an incident. Such information includes network information, type of incident, specific infection type (if applicable), number of assets affected, specific detail about applications affected, applications used to employ corrective action/investigate, etc. Pendleton County Fiscal Court may proactively share relevant incident indicator information with peers to improve detection and analysis of incidents. Within the parameters of the law, minimal disclosure regarding incidents is preferred to prevent unauthorized persons from acquiring sensitive information regarding the incident, security protocols and similar matters, in an effort to avoid additional disruption and financial loss.





**Pendleton County Fiscal Court**

# **Information Technology Disaster Recovery Plan**

December 2024



## Revision History

Revision Number	Revision Date	Summary of Changes Made	Changed By

## Instructions

The Pendleton County Fiscal Court Information Technology (IT) Disaster Recovery Plan is designated For Official Use Only (FOUO). Only Pendleton County Fiscal Court representatives may distribute this document to individuals on a need-to-know basis. Distribution by other individuals without prior authorization is prohibited. This document is unclassified but contains sensitive information.

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## I. Introduction and Purpose

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Information systems are vital to the County's operation. It is critical that information technology services can operate effectively without excessive interruption. This Information Technology Disaster Recovery Plan (ITDRP) establishes a comprehensive procedure to recover quickly and effectively following a service disruption.

The following recovery plan objectives have been established:

- Maximize the effectiveness of contingency operations through an established plan that consists of the following phases:
  - **Preparation phase** to prepare for and mitigate damage from a disaster that would affect information technology systems.
  - **Activation and Notification phase** to activate the plan and determine the extent of damage.
  - **Recovery phase** to restore system operations; and
  - **Reconstitution phase** to ensure that systems are validated through testing and that normal operations are resumed.
- Compile an inventory of hardware (e.g. servers, desktops, laptops, printers and wireless devices), software applications.
- Ensure that all critical information is backed up.
- Ensure that copies of program software are available to enable re-installation on replacement equipment.
- Identify the activities, resources, and procedures to carry out system processing requirements during prolonged interruptions to normal operations.
- Assign responsibilities to designated personnel and provide guidance for recovering IT systems during prolonged periods of interruption to normal operations.
- Ensure coordination with other County personnel responsible for contingency planning strategies.
- Ensure coordination with external points of contact and vendors associated with IT and execution of this plan.

## II. Scope

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Procedures in this ITDRP are designed to recover County IT systems within Recovery Time Objective (RTO) expectations of 12 hours. This plan does not address replacement or purchase of new equipment, short-term disruptions lasting less than RTO expectations.

### III. Assumptions

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The following assumptions were used when developing this ITDRP:

- Alternate sites and offsite storage are required and have been established.
- Current backups of system software and data are intact and available at an alternate location.
- Alternate facilities are available if needed for relocation.
- The County IT systems are inoperable and cannot be recovered within 12 hours.
- Key personnel have been identified and trained in their emergency response and recovery roles; they are available to activate the IT Disaster Recovery Plan.

### IV. Concept of Operations

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#### Overview of ITDRP Phases

This ITDRP has been developed to recover the IT system using a four-phased approach. This approach ensures that system recovery efforts are planned for and performed in a methodical sequence to maximize recovery efforts and minimize system outage time. The four system recovery phases are:

**Preparation Phase** - Compile an inventory of hardware (e.g. servers, desktops, laptops, printers and wireless devices). It is important to inventory and document all IT systems so they can be accounted for, proper system security can be maintained and monitored and since the location of everything is identified, infrastructure restoration can be quickly accomplished. Also, a critical process in the preparation phase is ensuring that all critical information is backed up.

**Activation and Notification Phase** – Activation of the ITDRP occurs after a disruption or outage that may reasonably extend beyond the RTO. The outage event may result from severe damage to the facility that houses the system, severe damage or loss of equipment, or other damage that typically results in long-term loss. Once the ITDRP is activated, system owners and users are notified of a possible long-term outage, and a thorough outage assessment is performed for the system. Information from the outage assessment is presented to the County Judge and system owners and may be used to modify recovery procedures specific to the cause of the outage.

**Recovery Phase** – The Recovery phase details the activities and procedures for recovery of the affected system. Activities and procedures are written at a level that an appropriately skilled technician can recover the system without intimate system knowledge.

**Reconstitution** – The Reconstitution phase includes actions taken to test and validate system capability and functionality at the original or new permanent location. This phase consists of two major activities: validating successful reconstitution and deactivation of the plan.

During validation, the system is tested and validated as operational prior to returning operation to its normal state. The system is declared recovered and operational by system owners upon successful completion of validation testing.

Deactivation includes activities to notify users of system operational status. This phase also addresses recovery effort documentation, activity log finalization, incorporation of lessons learned into plan updates, and readying resources for any future events.

## Roles and Responsibilities

The ITDRP establishes roles for System recovery and reconstitution support. Persons or teams assigned ITDRP roles have been trained to respond to a contingency event affecting the County's IT systems. At a minimum, a role will be established for a systems overall responsible party point of contact, a recovery coordinator, and a technical recovery point of contact.

- **Overall Responsible Party for County IT systems:** County Judge Executive, David Fields
  - Responsible for final decisions regarding relocation, system priorities, funding, IT support and any other major decision necessary to restore IT systems.
- **Recovery Coordinator:** IT Director, Michele Hamilton
  - Responsible for leading the efforts in all phases of the ITDRP. Inventories systems, backs-up systems, assesses damage and estimates time to restore operations, activates recovery plan, reconstitutes systems, validates systems after recovery, and leads the efforts of any other personnel tasked to support the ITDRP.
- **Technical Recovery Point of Contact:** George Cummins with Knight's Technologies
  - Responsible for higher level support to the Recovery Coordinator. Assists with all phases of back up, recovery and reconstitution.
- **Disaster Recovery Team:** Any person or persons tasked to help the Recovery Coordinator during any or all phases of the ITDR.

## V. Preparation

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The Preparation Phase is all the actions taken to be prepared to recover from a disaster that would affect IT system operations. This phase includes compiling an inventory of hardware (e.g. servers, desktops, laptops, printers, wireless devices, etc.) listed by item and serial number. An extremely important process in this phase is to ensure all critical information is backed up.

### Inventory

1. All IT hardware will be inventoried. This will include at a minimum the item, its location, the user's department/section, and serial number. Additional information may be included as well.
2. Current inventory of the County's IT assets is located in **Attachment 1**

### Back-up

1. Ninja One software is downloaded on each machine. Ninja One is a patching and cloud-based back-up that runs in the background.
2. User profiles are automatically backed-up, but additional locations can be manually added by the IT Director.
3. In addition to Ninja One, the server in the County Judges office is backed up locally by using WINDOWS SERVER back-up. Five portable hard drives are switched out on a rotation and stored in an offsite location.

4. The Server also has a USB portable hard drive that back-ups up this critical piece of hardware on a daily basis.
5. There is also a Network Attached Storage (NAS) device in various locations (EOC, Judges Office, Sheriff's Office).
6. Each facility with IT systems has a mini-PC used for vulnerability scanning and local back-up.

## **VI. Activation and Notification**

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The Activation and Notification Phase defines initial actions taken once a System disruption has been detected or appears to be imminent. This phase includes activities to notify recovery personnel, conduct an outage assessment, and activate the ITDRP. At the completion of the Activation and Notification Phase, ITDRP staff will be prepared to perform recovery measures.

### **Activation Criteria and Procedure**

The ITDRP may be activated if one or more of the following criteria are met:

1. The type of outage indicates IT systems will be down for more than RTO expectations
2. The facility housing IT systems is damaged and may not be available within RTO expectations

The following persons or roles may activate the ITDRP if one or more of these criteria are met:

- Chief Executive or his alternate
- ITDRP Recovery Coordinator or her alternate

### **Notification**

The first step upon activation of the ITDRP is notification of appropriate support personnel. Contact information for appropriate POCs is included in Section IX of this plan.

The following method and procedure for notifications are used:

1. After consultation with the Chief Executive, the ITDRP will make the notification on activation of the ITDRP.
2. Users affected by the event will be notified as soon as possible. As much information as possible will be relayed regarding what happened and the status of the IT system.
3. Users will be notified by e-mail, phone call, text or face-to-face depending on the situation.

### **Outage Assessment**

Following notification, a thorough outage assessment is necessary to determine the extent of the disruption, any damage, and expected recovery time. This outage assessment is conducted by users and the ITDRP Coordinator. Assessment results will be used by the ITDRP Coordinator to assist in the coordination of the recovery of the affected IT system.

The assessment should include:

1. Cause of the outage
2. The potential for additional disruption or damage
3. Assessment of affected physical areas and its status for continued use

4. Using the inventory, what equipment is missing and what equipment or system is functional and what is non-functional
5. Document what items will need to be replaced and estimated time to restore service to normal operations

## **VII. Recovery**

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The Recovery Phase provides formal recovery operations that begin after the ITDRP has been activated, outage assessments have been completed (if possible), personnel have been notified, and appropriate teams have been mobilized. Recovery Phase activities focus on implementing recovery strategies to restore system capabilities, repair damage, and resume operational capabilities at the original or an alternate location. At the completion of the Recovery Phase, IT systems will be functional and capable of performing their normal day-to-day functions.

### **Sequence of Recovery Activities**

The following activities occur during recovery of IT Systems:

1. Identify recovery location (if not at original location)
2. Identify required resources to perform recovery procedures
3. Retrieve backup and system installation media
4. Recover hardware and operating system (if required)
5. Recover system from backup and system installation media.

### **Recovery Procedures**

The following procedures are provided for recovery of IT systems at the original or alternate location.

1. Go to the Ninja One website and navigate to the device that needs to be restored. From there files or folders can be downloaded.
2. On local devices that are networked, navigate to the file or folder and copy the files. Paths to the local devices will be documented on the inventory sheet.
3. On local portable hard drives that are stored off site, connect to the hard drive and copy the file or folder.
4. If there's a problem that can't be solved locally, Knights Technologies can assist with recovery.
5. Notify leadership and users of recovery efforts and /or problems.

## **VIII. Reconstitution**

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Reconstitution is the process by which recovery activities are completed and normal system operations are resumed. If the original facility is unrecoverable, the activities in this phase can also be applied to preparing a new permanent location to support system processing requirements. The phase consists of two major activities: validating successful reconstitution, and deactivation of the plan.

## **Validation Data Testing**

Validation data testing is the process of testing and validating recovered data to ensure that data files or databases have been recovered completely. The following procedures will be used to determine that the recovered data is complete and current to the last available backup:

1. Log into the system database and check to determine if data is current.
2. Open up various files and folders to ensure they contain data

## **Validation Functionality Testing**

Validation functionality testing is the process of verifying that the IT system functionality has been tested, and the system is ready to return to normal operations.

1. Reinstall program software and drivers such as Microsoft Office and printer Drivers.
2. Have users log into the system and run a series of operations as a test to ensure all parts of the system are operating correctly and all files and folders are current.
3. Ensure the back-up program is installed prior to turning system over to the user.

## **Recovery Declaration**

Upon successfully completing testing and validation, the ITDRP Recovery Coordinator will formally declare recovery efforts complete, and that IT systems is in normal operations.

## **Notifications (Users)**

Upon return to normal system operations, users will be notified by the ITDRP Recovery Coordinator using email, broadcast message, phone calls, etc.

## **Cleanup**

Cleanup is the process of cleaning up or dismantling any temporary recovery locations, restocking supplies used, returning manuals or other documentation to their original locations, and readying the system for a possible future contingency event.

## **Offsite Data Storage**

Make sure any backup and installation media is returned to its offsite data storage location. This includes making sure that backup media is securely stored at the offsite location.

## **Data Backup**

As soon as reasonable following recovery, the system should be fully backed up and a new copy of the current operational system stored for future recovery efforts. This full backup is then kept with other system backups.

## **Event Documentation**

It is important that all recovery events be well-documented, including actions taken and problems encountered during the recovery and reconstitution effort, and lessons learned for inclusion and update to this ITDRP. It is the responsibility of each recovery team person to document their actions during the recovery and reconstitution effort, and to provide that documentation to the ITDRP Coordinator. Types of documentation that should be generated and collected after a contingency activation include:

- Activity logs (including recovery steps performed and by whom, the time the steps were initiated and completed, and any problems or concerns encountered while executing activities)
- Functionality and data testing results
- Lessons learned documentation
- After Action Report.

## Deactivation

Once all activities have been completed and documentation has been updated, the ITDRP Recovery Coordinator will formally deactivate the ITDRP recovery and reconstitution effort. Notification of this declaration will be provided to the Chief Executive.

## IX. Personnel Contact List

ITDRP Key Personnel	
Key Personnel	Contact Information
<b>Chief Executive</b>	<b>Work: 859-654-4321</b>
David Fields	<b>Mobile: 859-322-6458</b>
Pendleton County Judge Executive	<b>Email: judgeexec@pendletoncountyky.gov</b>
<b>Chief Executive (ALTERNATE)</b>	<b>Work: 859-496-0004</b>
Alan Whaley	<b>Mobile: 859-496-0004</b>
Magistrate, District 1	<b>Email: alanwhaley331@gmail.com</b>
<b>ITDRP Recovery Coordinator</b>	<b>Work: 859-654-1930</b>
Michele Hamilton	<b>Mobile: 859-462-2151</b>
Pendleton County Technology Director	<b>Email: technologydirector@pendletoncountyky.gov</b>
<b>ITDRP Recovery Coordinator (ALTERNATE)</b>	<b>Work: 859-654-1930</b>
Mike Moore	<b>Mobile: 859-743-9468</b>
Pendleton County Emergency Manager	<b>Email: emdirector@pendletoncountyky.gov</b>
<b>Technical Recovery Coordinator</b>	<b>Work: 270-825-9827</b>
George Cummins	<b>Mobile: 270-875-8923</b>
Owner, Knights Technologies	<b>Email: george@knightstechnologies.com</b>

## X. Vendor Contact List

ITDRP Vendor Contacts		
Vendor Name		Contact Information
<b>Knights Technologies and Technical Support</b> George Cummins	<b>Back-ups</b>	<b>Work:</b> 270-825-9827 <b>Mobile:</b> 270-875-8923 <b>Email:</b> George@knightstechnologies.com
<b>Vendor Name</b> FiscalSoft Jacob Lawhorn		<b>Work</b> 859-537-0910  <b>Email</b> jake@fiscalsoft.com
<b>Vendor Name</b> Government Utility Technology Services Will Faden		<b>Work</b> XXX.XXX.XXXX  <b>Email</b> willf@g-uts.com
<b>Vendor Name</b> Eagle Information Kathy Dillow		<b>Work</b> 606-776-3751  <b>Email</b> kdillow@eagle-is.com

## XI. Alternate Storage and Operational Sites

This section provides information for alternate storage, alternate processing site, and alternate telecommunications for the system. Information that should be provided for each area includes:

### Alternate Storage Site:

- Pendleton County Emergency Operations Center (EOC); 2275 Hwy 27 N, Falmouth, KY.
  - Point of Contacts for EOC:
    - Mike Moore: Work: 859-654-1930; Cell: 859-743-9468
    - Michele Hamilton: Work: 859-654-1930; Cell: 859-462-2151
- Pendleton County Courthouse; 233 Main St, Falmouth KY
  - Point of Contacts for Courthouse:
    - David Fields: Work: 859-654-4321; Cell: 859-322-6458
    - Marianne Roseberry: Work: 859-654-4321; Cell: 859-620-5236



## Alternate Operational Facilities:

- Pendleton County Emergency Operations Center (EOC); 2275 Hwy 27 N, Falmouth, KY.
  - Point of Contacts for EOC:
    - Mike Moore: Work: 859-654-1930; Cell: 859-743-9468
    - Michele Hamilton: Work: 859-654-1930; Cell: 859-462-2151
- Pendleton County Courthouse; 233 Main St, Falmouth KY
  - Point of Contacts for Courthouse:
    - David Fields: Work: 859-654-4321; Cell: 859-322-6458
    - Marianne Roseberry: Work: 859-654-4321; Cell: 859-620-5236
- Pendleton County Extension Office; 45 David Pribble Dr, Falmouth KY
  - Point of Contact for Extension Office:
    - Kenna Knight: Work: 859-654-3395; Cell: 859-462-4433

## XII. Plan Maintenance

This ITDRP should be reviewed and updated at least annually or whenever there is a significant change to the IT system.

Other actions to accomplish to ensure an effective IT Disaster Recovery Plan

- Ensure a current, accurate inventory is on file of all IT system components.
- Ensure IT systems are being backed up. Periodically check back-up systems to make sure data is being continuously backed up.
- Ensure users are aware of their responsibility to protect IT systems under their control.

## XIII. Inventory

Location	Device	Device Make	Device Model	Serial Number
Alan Whaley	iPad	iPad 6th Gen MR7J2LL/A	iPad - Magistrate 1	DMPXWACUJF8M
Animal Shelter	Router	Zyxel	EMG3415-B10A	S180Z50004692
Animal Shelter	Printer	HP	LasterJep Pro MFP 3301fdw	UND1J07706
Animal Shelter	Mini PC	AceMagic	T8PLUS	C13002MR02030726533
Animal Shelter	ANIMALSHELTERDesktop	Dell Inc.	OptiPlex SFF Plus 7020	8BT0Q54
Animal Shelter	ANIMALCONTROLLaptop	Dell Inc.	Latitude 5540	BKQC054
Charlie Purdy	Cell Phone	iPhone SE	Cell Phone - Road Department	FFMFT0R2PMFG
Courthouse	PZLAPTOP2024	Dell Inc.	Latitude 5540	8JW0C24
Courthouse	CODEENFORCEMENT	Dell Inc.	OptiPlex 5070	FM20P23

Pendleton County Fiscal Court Information Technology Disaster Recovery Plan

Courthouse	PCJO1	Dell Inc.	OptiPlex 3090	1WQJPR3
Courthouse	JUDGE	Dell Inc.	OptiPlex SFF Plus 7010	C6WKDZ3
Courthouse	SERVER	Dell Inc.	PowerEdge T350	C4WL2Z3
Courthouse	PAYROLLADMIN	Dell Inc.	OptiPlex 3080	5JLZWM3
Courthouse	TAXADMINNEW	Dell Inc.	OptiPlex 3000	4R8CGT3
Courthouse	COUNTYTREASURER	Dell Inc.	OptiPlex 3080	2JLZWM3
Courthouse	ADMINASSIST	Dell Inc.	OptiPlex 3080	3JLZWM3
Courthouse	ECODEVTOUR	Dell Inc.	Latitude 5540	G2J8Q34
Courthouse	PLANNINGZONING	Dell Inc.	OptiPlex SFF Plus 7020	J8T0Q54
Courthouse	NAS	Symbology	NAS - Judges Office	40169520200869
Courthouse	Mini PC	AceMagic	T8PLUS	C13002MR020230727064
Courthouse	Printer	Canon	ImageRunner Advance DX C5840i	3GE09476
Courthouse	Printer	HP Tax Admin	LaserJet Pro MFP M283fdw	VNBRQ9L6LW
Courthouse	Router	SonicWall	TZ370W	2CB8EDCDFE48
Courthouse	Printer	Brother Admin Assist	MFC- L2750DW	U64988B2N379007
Courthouse	Printer- Treasurer	Lexmark Treasurer	M1145	4514 20HH 033Y7
Courthouse	Printer - Payroll Admin	HP Laserjet 100 Color	Color MFP M175NW	1H89EJGCJ9
Darrin Gregg	iPad	iPad 6th Gen MR7J2LL/A	iPad - Magistrate 3	GG7XWG7MJF8M
David Fields	iPad	iPad 6th Gen MR7J2LL/A	iPad - Judge	GG7XWGTSJF8M
David Fields	Cell Phone	iPhone 13 Pro Max	ML9C3LL/A	J0XYMGTX3N
Dispatch	Printer	Canon	Printer - Dispatch	iR-ADV C5540 (WXE10564)
EOC	EMDIRECTOR2024	Dell Inc.	Latitude 5540	C6BY424
EOC	EOC 2 Laptop	Dell Inc.	Latitude 5540	15RC054
EOC	EOC 3 Laptop	Dell Inc.	Latitude 5540	90QC054
EOC	EOC4	Dell Inc.	Latitude 5540	7FPC054
EOC	Interact Laptop Station 4	Dell Inc.	Precision 3551	B30ZXD3
EOC	iPad	iPa 7th Gen MW772LL/A	7th Gen MW772LL/A	DMPZ50LGMF3Q
EOC	Mini PC	AceMagic	T8PLUS	C13002MR020230727048
EOC	NAS	DS115j	NAS - EOC	1810MNN644500
EOC	PCEMAOfficeDesktop	Dell Inc.	Latitude 5540	3L485Y3
EOC	PCFC 1	Dell Inc.	OptiPlex SFF Plus 7020	7BT0Q54

Pendleton County Fiscal Court Information Technology Disaster Recovery Plan

EOC	PCJO602	Dell Inc.	OptiPlex SFF Plus 7020	GBT0Q54
EOC	PENCAD-002	Dell Inc.	Precision 5820 Tower	2ZN01V3
EOC	PCVFD	Dell Inc.	OptiPlex SFF Plus 7020	DBT0Q54
EOC	Printer	Lexmark	DesignJet T520	CN89BHM04P
EOC	Printer	Idville	Edge	75591707
EOC	Router	SonicWall	TZ370W	2CB8EDCDFD88
EOC	TECHDIRECTOR	HP	HP ENVY Laptop 17-cg0xxx	CND01824TZ
EOC	IN MIKES VEHICLE			
EOC	Printer	HP	LaserJet P3015	VNBCC7L41W
EOC	Printer	Canon	C3930i	8.27587E+11
EOC	Camera	Eufy	380 HomeBase	T8030P1323310D16
EOC	Camera	Eufy	S300 EufyCam Front Door	T8161P10233501F3
EOC	Camera	Eufy	S300 EufyCam Backyard	T8161P1023351A0E
EOC	Camera	Eufy	S300 EufyCam Shed	T8161P10233501CC
EOC	Camera	Eufy	S300 EufyCam Back Door	T8161P10233328C0
EOC	Printer	Brother	DCP-7065DN	U62712H1N881264
IT Director	EOC1	Dell Inc.	Latitude 5540	25QC054
Jailers Office	Printer	Canon	Color Imageclass MF644Cdw	3QK24175
Jailers Office	PCJO601	Dell Inc.	OptiPlex SFF Plus 7020	BBT0Q54
Jailers Office	601TOUGHBOOK	Panasonic Connect Co., Ltd.	FZ55-3	4HTTA26581
Jailers Office	iPad	iPad	7th Gen MW742LL/A	F6MCJF00MF3M
Joshua Plummer	iPad	iPad	6th Gen MR7J2LL/A	GG7XW5ZGJF8M
Mike Moore	Cell Phone	iPhone 13 Pro Max	Cell Phone - EM	CX2VYNFQPD
Pendleton County SAR	PCSAR	HP	HP Laptop 17t-cn000	5CG3031WGS
Planning & Zoning	Printer	Canon	ImageRunner Advance DX C5830i	4TA01929
Planning & Zoning	Printer	HP	Color LaserJet Pro MFP M177fw	CNC6G667DD
Planning & Zoning	Cell Phone	iPhone 8	MQ6V2LL/A	C8QWK4SXJC67
Rick Mineer	iPad	iPad	6th Gen MR7J2LL/A	DMPXWLLGJF8M
Road Depart / Solid Waste	Router	Cisco Linksys E2500	Router - Road Department	ALCLEB3EAE56

Pendleton County Fiscal Court Information Technology Disaster Recovery Plan

Road Depart / Solid Waste	Printer	HP	T6B82A	VNBNM525G2
RoadDepartment	Mini PC	AceMagic	T8PLUS	C13002MR02030727050
RoadDepartment	ROADDEPARTMENT	Dell Inc.	OptiPlex SFF Plus 7020	CBT0Q54
RoadDepartment	RD Toughbook	Panasonic Connect Co., Ltd.	FZ55-3	4GTTA03507
SAR	Printer	Canon Imageclas 1031	SAR Printer	YMH19656
Senior Center	Mini PC	AceMagic	T8PLUS	C13002MR020230727051
Senior Center	SENIORCENTEROFF	Dell Inc.	OptiPlex SFF Plus 7020	9BT0Q54
Senior Center	SENIORCENTERPUB	Dell Inc.	OptiPlex SFF Plus 7020	HBT0Q54
Senior Center	SENIOR-CENTER-L	Dell Inc.	Inspiron 7375	1QZ10P2
Senior Center	Printer	Lexmark MC3224adwe	Printer - Senior Center	MC3224adwe
Senior Center	Camera	Reolink	Security Camera 1 - Senior Center	Parking Lot: 95270000US136Z7A
Senior Center	Camera	Reolink	Security Camera 2 - Senior Center	Back Porch - 95270002LWD0MUFN
Senior Center	Router	Zyxel EMG3415-B10A	Router - Senior Center	S182V18009259
Sheriffs Office	SHERIFF2022	ASUSTeK COMPUTER INC.	ROG STRIX G15DK_G15DK	MAPFAG00Z281434
Sheriffs Office	Mini PC	AceMagic	T8PLUS	
Sheriffs Office	SHERIFFSERVER	Dell Inc.	PowerEdge T40	HT6NH03
Sheriffs Office	NAS	LS210D (LS210D22E)	NAS - Sheriffs Office	2CB8EDCE15ES
Sheriffs Office	COMPUTERB	Micro-Star International Co., Ltd.	Modern TGL-U AM271 (MS-AF81)	
Sheriffs Office	SHERIFFADMIN	Micro-Star International Co., Ltd.	Vector GP76 12UH	21PN199695
Sheriffs Office	Router	SonicWall	TZ370W	
Sheriffs Office	Printer	Lanier		
SolidWaste	SOLIDWASTE	Dell Inc.	OptiPlex SFF Plus 7020	FBT0Q54
Steve Hill	Cell Phone	iPhone	MWHU2LL/A	F4GD2FLTIN

PENDLETON COUNTY

CODE OF ETHICS

250.1

AN ORDINANCE RELATING TO THE ESTABLISHMENT OF A CODE OF ETHICS FOR ELECTED COUNTY OFFICIALS, COUNTY EMPLOYEES AND CANDIDATES FOR PUBLIC OFFICE IN PENDLETON COUNTY.

WHEREAS, the Pendleton County Fiscal Court has the authority pursuant to KRS 65, to enact an ordinance establishing a code of ethics to guide the conduct of elected and appointed officers and employees of Pendleton County, including candidates for elected office, and

WHEREAS, public office and employment are a public trust and government has a duty both to provide their citizens with standards by which they may determine whether public duties are being faithfully performed, and to apprise their officers and employees of the behavior which is expected of them while conducting their public duties; and

WHEREAS, it is the purpose of this ordinance to provide a method of assuring that standards of ethical conduct for local government officers and employees shall be clear, consistent, and uniform in their application, and to provide local officers and employees with advice and information concerning possible conflicts of interest which might arise in the conduct of their public duties.

I. DEFINITIONS

A. "Business associate" includes the following;

1. a private employer;
2. a general or limited partnership, or a general or limited partner within the partnership;
3. a corporation that is family-owned or in which all shares of stock are closely held, and the shareholders, owners, and officers of such a corporation;
4. a corporation, business association, or other business entity in which the county government officer or employee serves as a compensated agent or representative.

B. "Business organization" means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, professional service corporation, or an legal entity through which business is conducted for profit;

C. "Candidate" means any individual who seeks nomination or election to a county government office. An individual is a candidate when the individual:

1. files a notification and declaration for nomination for office with a county clerk or the Secretary of State; or

2. is nominated for office by a political party under KRS 118.105, 118.115, 118.325, or 118.760.
- D. "County Government agency" means any board, commission or authority, nonstock corporation, or other entity formed by the county government or a combination of local governments.
- E. "County Government employee" means any person compensated whether full-time or part-time, employed by or serving the county government or county government agency who is not a county government officer, but shall not mean any employees of a school district or school board.
- F. "County government officer" means any person, whether compensated or not, whether full-time or part-time, who is elected to any county government office; or any person who serves as a member of the governing body of any county government agency or special taxing or nontaxing district, but shall not mean any officer of a school district or school board.
- G. "Member of immediate family" means a spouse, an unemancipated child residing in an individual's household, or a person claimed by the individual or individual's spouse as a dependent for tax purposes.

## II. STANDARDS OF CONDUCT

- A. No county government officer or employees or members of his immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in conflict with the proper discharge of his duties in the public interest.
- B. No county government officer or employee shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others.
- C. No county government officer or employee shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his objectivity or independence or judgement.
- D. No county government officer or employee shall undertake any employment or service, compensated or not, which might reasonably be expected to prejudice his independence of judgement in exercise of his official duties.
- E. No county government officer or employees, member of his immediate family, or business organization in which he or she has an interest, shall solicit or accept any gift having a fair market value of more than one hundred dollars (\$100), whether in form of money, favor, loan, contribution, service, promise or other thing of value was given or offered for the purpose of influencing him, directly or indirectly, in the discharge of his official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office as government by the Kentucky Revised Statutes.

- F. No county government officer or employee shall be prohibited from giving or receiving an award publicly presented in recognition of public service, commercially reasonable loans made in the ordinary course of the lender's business, or reasonable hosting, including travel and expenses, entertainment, meals or refreshments furnished in connection with public events, appearance, ceremonies or factfinding trips related to official county government business.
- G. No county government officer shall be prohibited from accepting a gratuity for solemnizing a marriage.
- H. No county government officer or employee shall use, or allow to be used, his public office or employment, or any information, not generally available to the members of the public, which he receives or acquires in the course of and by reason of his office or employment, for the purpose of securing financial gain for himself, and members of his immediate family, or any business organization with which he is associated except under the "rule of necessity";
- I. No county government officer or employee or business organization in which he has an interest shall represent any person or party other than the local government in connection with any cause, proceeding, application or other matter pending before any agency in the local government in which he serves.
- J. No county government officer shall be deemed in conflict with these provisions if, by reason of his participation in the enactment of any ordinance, resolution or other matter required to be voted upon or which is subject to executive approval or veto, no material or monetary gain accrues to him as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of such business, profession, occupation or group.
- K. No elected county government officer shall be prohibited from making an inquiry for information or providing assistance on behalf of a constituent, if no fee, reward or other thing of value is promised to, given to or accepted by the officer or a member of his immediate family, whether directly or indirectly, in return therefore; and
- L. Nothing shall prohibit any county government officer or employee, or members of his immediate family, from representing himself, or themselves, in negotiations or proceedings concerning his, or their, own interests.

## II. FINANCIAL DISCLOSURE

- A. The following individuals shall be required to file a financial disclosure statement:
  - 1. Elected officers;
  - 2. Candidates for elected office;
  - 3. Management personnel such as chief deputies, department heads;

4. Officers and employees with procurement authority exceeding five hundred dollars (\$500) per purchase;
  5. Members of boards and commissions which set tax rates, have procurement authority, or vote to adopt budget.
- B. The financial disclosure statement should include the following information:
1. name of filer;
  2. current business address, business telephone number and home address of filer;
  3. title of filer's public office or office sought;
  4. occupations of filer and spouse;
  5. positions held by the filer and any member of the filer's immediate family in any business organization or non-profit entity from which the filer or any member of the filer's immediate family received compensation in excess of \$5,000 during the preceding calendar year, and the name, address, and telephone number of the business organization or non-profit entity;
  6. name, address, and telephone number of each source of income from within the Commonwealth of Kentucky of both the filer and spouse which exceeded \$5,000 during the preceding calendar year;
  7. name, address, and telephone number of each business organization located within the Commonwealth in which the filer or any member of the filer's immediate family had an interest of ten thousand dollars (\$10,000) at fair market value or five percent (5%) ownership interest or more during the preceding calendar year;
  8. the location and type (commercial, residential, agricultural) of all real property within the county, other than the filer's primary residence, in which the filer or any members of the filer's immediate family had an interest of ten thousand dollars (\$10,000) or more during the preceding calendar year;
- C. The financial disclosure statement shall be on form provided by the Board of Ethics, or the administrative official designated by the Board of Ethics. The Board, or the designated administrative official shall deliver a copy of the form to each officer and employee required to file the statement, by first class mail or hand delivery, no later than March 1 of each year. The failure of the Board, or the designated administrative official, to deliver a copy of the form to any officer or employee shall not relieve the officer or employee of the obligation to file the statement. The financial disclosure statement shall be filed annually by officers and employees no later than 5:00 p.m. on April 30 each year. Candidates shall be required to file the statement no later than thirty (30) days after the deadline for filing as a candidate, or being nominated as a candidate, for elected office. Newly appointed officers and employees should be required to file their initial statement no later than thirty (30) days after the date of appointment.



- D. The Board of Ethics may grant a reasonable extension of time for filing a statement of financial interest for good cause shown.
- E. In the event there is a material change in any information contained in a financial statement that has been filed with the Board, the officer or employee shall, no later than thirty (30) days after becoming aware of the material change, file an amended statement with Board.
- F. The Board of Ethics, or the designated administrative official, shall notify by certified mail each person required to file a statement of financial interest who fails to file the statement by the due date, files an incomplete statement, or files a statement in a form other than that prescribed by the Board. The notice shall specify the type of failure or delinquency, shall establish a date by which the failure or delinquency shall be remedied, and shall advise the person of the penalties for a violation.
- G. The financial disclosure statement should be filed with the Board of Ethics by all filers who are subject to the jurisdiction of the Board. Failure to file, or refusal to remedy a deficiency in the filing identified in the notice under subsection (F) within the time period established in the notice, will result in the filer being guilty of a civil offense and being fined an amount not to exceed twenty five dollars (\$25) per day up to a maximum total fine of five hundred dollars (\$500). Any civil fine imposed by the Board under this section may be recovered by the county in a civil action in the nature of debt if the offender fails or refuses to pay the penalty within a prescribed period of time.
- H. Any person who intentionally files a statement of financial interests which he or she knows to contain false information, or intentionally omits required information shall be guilty of a Class A misdemeanor.

#### IV. NEPOTISM

After the effective date of this ordinance, a member of the immediate family of a county officer shall not be initially employed or appointed to a position in a governmental agency in the same county in which the officer serves. This provision shall not apply to a public officer's immediate family who, on the date of the officer's election or appointment has been employed for at least six (6) months in the same county in which the officer serves.

#### ENFORCEMENT

Attached hereto and incorporated herein by reference is in Interlocal Cooperation Agreement authorized by K.R.S. 65.210 et, seq, which the Judge Executive of Pendleton County Fiscal Court is hereby authorized and directed to sign on behalf of the County. The provisions of this ordinance shall be enforced by the Northern Kentucky Regional Ethics Authority and the Northern Kentucky Ethics Enforcement Committee according to the provisions thereof.

VI. REPRISAL AGAINST PERSONS DISCLOSING VIOLATIONS PROHIBITED

- A. No officer or employee of the County or any County shall subject to reprisal, or directly or indirectly use, or threaten to sue, any official authority or influence in any manner whatsoever which tends to discourage, restrain, deter, prevent, interfere with, coerce, or discriminate against any person who in good faith reports, discloses, divulges, or otherwise brings to the attention of the Northern Kentucky Ethics Enforcement Committee or any other agency or official of the County of the Commonwealth any facts or information relative to an actual or suspected violation of this ordinance.
- B. This section shall not be construed as prohibiting disciplinary or punitive action of an officer or employee of the County or any County agency discloses information which he or she knows to be false or which he or she discloses with reckless disregard for its truth or falsity.

VII. SEVERABILITY


if any provision of this ordinance is deemed by a court of competent jurisdiction to be unenforceable or unconstitutional, the remaining provision of this ordinance shall continue in full force and effect.

VIII. CONFLICTING ORDINANCES REPEALED

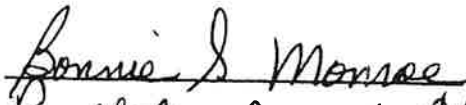
All other ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of conflict.

INTRODUCED AND GIVEN FIRST READING at a duly convened meeting of the Fiscal Court, Pendleton County, Kentucky, held on November 12th, 1998.

GIVEN SECOND READING AND ADOPTED at a duly convened meeting of the Fiscal Court, Pendleton County, Kentucky, held on December 15th, 1998, and of record in Fiscal Court Order Book #12, page       .

  
Donald R. Mays  
Pendleton County Judge/Executive

ATTEST:

  
Pendleton County Clerk