

I.A. Classification of Employees

The Personnel System of Baldwin County and the contents of this handbook apply to all persons employed by Baldwin County; however, the following individuals are *not* subject to protection as classified employees under the personnel system of Baldwin County:

- Elected Officials;
- Members of Appointed Boards and Commissions;
- Volunteers who receive no compensation from the County;
- Persons performing work under contract with the County and not carried on the payroll as employees;
- Persons whose employment is subject to the approval of the United States Government or the State of Alabama;
- Appointed Employees; and
- Appointed Contract Employees-

Baldwin County has the following classifications of employees:

- **Appointed Employees:** A limited class of employees which serves in a County department at the pleasure of a department of Baldwin County as designated by *Ala. Code §45-2-120, et seq.*, as amended, or other statute.
- **Appointed Contract Employees (sometimes referred to herein as “Appointed Department Head”):** A limited class of employees which serves under contract with the County Commission as specified in *Ala. Code §45-2-120, et seq.*, as amended, or other statute.
- **Classified Employees:** An individual who is assigned to a regular position authorized by the County Commission, whose salary is paid with funds allocated by the County Commission, and whose employment initially includes a probationary period of not more than six (6) months, during which time such a probationary employee is not a classified employee.

Appointed Employees and Appointed Contract Employees are eligible for the benefits that may be provided to Classified Employees (*e.g.* leave, holidays, insurance, etc.), but these employees have no expectation of continued employment for a definite term or employment rights afforded to classified employees. Appointed Employees and Appointed Contract Employees serve only at the “pleasure of the Appointing Authority” (*i.e.* County Commission, Probate Judge or Revenue Commissioner) who appoints them, in accordance with applicable law. Appointed Employees and Appointed Contract Employees shall have no right to employment as a classified employee after completion of his or her appointed service. However, if a vacancy exists in the County, he or she may apply for the position; and if qualified, may be considered with any other qualified applicants for any vacant position, provided he or she applies within the time period for submitting applications for the vacant position.

An employee of the county may be further described as one of the following:

- **Probationary Employee:** An employee assigned to a classified position who has not achieved permanent status by being employed **and satisfactorily performing duties of the position** for more than six (6) months. ~~and who has not satisfactorily completed the probationary period.~~ (Change for better clarification)
- **Exempt Employee:** An employee not eligible for overtime as defined by the Fair Labor Standards Act. Additional pay may be allowed for pursuant to the “Inclement Weather/Declared Emergency” policy.
- **Non-Exempt Employee:** An employee eligible for overtime as defined by the Fair Labor Standards Act.

Only an employee who has satisfactorily completed the terms and conditions of his or her initial probationary period is eligible for classified service. Classified service is subject to satisfactory performance of work, personal conduct inherent to public service, demonstration of skills and work habits necessary for the performance of the work and availability of funds.

I.D. Probationary Employees

The probationary period is intended to give new and rehired employees the opportunity to demonstrate his or her ability to achieve a satisfactory level of performance. The County uses this working period to evaluate employee capabilities, work habits and overall performance. Probationary employees are encouraged to ask questions so that they will have a clear understanding of the job and performance expectations. All probationary employees shall receive an orientation to advise him or her of the policies of the County. Each probationary employee shall complete all necessary forms, sign for a copy of this Handbook, and attend all required orientation sessions.

The first six (6) consecutive months of employment in the position for which the employee is hired is considered the probationary period. During this time, an employee is an “at will employee” and may be terminated, with or without cause, without the right of appeal.

If a probationary employee is in a leave of absence status, the probationary period will be extended in the amount of time missed as a result of the leave of absence.

If the Appointing Authority or Appointed Department Head determines that the employee’s services should be terminated before the end of the probationary period, the employee will be notified in writing, and the Appointing Authority or Appointed Department Head shall notify the Personnel Director of such termination.

If a classified employee transfers to another position, he or she will not begin a new probationary period.

I.E. Part-Time Employment

A part-time classified position is one that is scheduled for no more than twenty-nine (29) hours a week on average. All part-time positions must be approved, and budgeted for, by the Baldwin County Commission. Part-time employees will be eligible for paid time off (PTO) at a rate as outlined in section IV. *Leave Policies*. Part-time employees are not eligible for any other benefits with the exception of retirement and the Employee Assistance Program (EAP.)

~~If a part time employee accepts a full time position, all PTO accumulated will be converted to annual leave, and he or she will begin to accumulate full time leave benefits as outlined in IV.A. Leave Policies and IV.C. Sick Leave. He or she will also be eligible for full time benefits as outlined in section V. Employee Benefits.~~ (already addressed in section IV. Leave Policies)

Part-time employees will follow all other policies as outline in the Baldwin County Commission Employee Handbook.

II.A. Equal Employment / Workplace Discrimination and Harassment Policy

Baldwin County is an Equal Opportunity Employer and complies with all applicable state and federal laws, rules and guidelines, including, but not limited to, Title VII of the Civil Rights Act of 1964, governing discrimination in employment. Baldwin County recruits, selects, trains and promotes all employees without regard to race, color, sex, religion, national origin, age, marital status, political belief, actual or perceived disability or history of disability, or genetic information, except where specific age, sex or physical requirements constitute a bona fide occupational qualification that is necessary to proper and efficient administration.

The Baldwin County Commission hereby establishes and reaffirms its commitment to a clearly defined Equal Employment Opportunity Program (EEOP) as set forth by the following guidelines:

- *Equal opportunity for all of our citizens is a historic American ideal, and it is the policy of the Baldwin County Commission to maintain equal employment opportunity in the public service position of county government by considering job applicants and employees for hiring and advancement on the basis of job-pertinent individual differences and not on the basis of the extraneous factors such as race, religious creed, color, national origin, ancestry, sex, marital status, medical condition, age or disability. The objective of this program is to continue to ensure nondiscrimination in all employment related decisions.*

Baldwin County is committed to creating a workplace free from the unlawful harassment/discrimination of employees by other employees and officials, or the unlawful harassment/discrimination of its officials and employees by its vendors or visitors. Likewise, Baldwin County will not accept the unlawful harassment/discrimination of a vendor or visitors by any employee of Baldwin County. This policy includes harassment/discrimination because of race, sex, religious creed, color, national origin, ancestry, disability or medical condition, age, or any other basis protected under Title VII.

Baldwin County encourages employees to address harassment/**discrimination** directly when it occurs. Any incident of harassment/**discrimination** shall be reported immediately to the Personnel Director or the respective Appointing Authority, Appointed Department Head, or supervisor in the manner as described under the section *II.B. Equal Employment Opportunity/Employment Grievance Procedures*. If an employee is not satisfied with the results or action(s) taken as a result of his or her initial complaint, then the employee must report his or her complaint to the County Administrator.

All complaints for harassment/**discrimination** will be investigated, and the results of the investigation will be reported to the complaining party. Investigation of a harassment/**discrimination** complaint may include, but is not limited to, interviewing the complaining and accused parties as well as other employees and/or vendors necessary to obtain sufficient information upon which to make an assessment of the situation. While Baldwin County will make every effort to be sensitive to privacy issues, there is no guarantee of confidentiality. Retaliation ~~and/or—discrimination~~ against an employee who complains of harassment/**discrimination** are strictly prohibited and also may be a violation of Title VII.

- Sexual Harassment: Each Appointing Authority, Appointed Department Head, supervisor and employee has a responsibility to maintain a workplace free of any form of sexual harassment. Sexually harassing conduct in the workplace, whether committed by supervisors or non-supervisory personnel, is prohibited. Such conduct includes, but is not limited to:
 - a. Sexual flirtations, touching, advances or propositions;
 - b. Verbal abuse of a sexual nature;
 - c. Graphic or suggestive comments about an individual's dress or body;
 - d. Sexually degrading words to describe an individual; or
 - e. The display of sexually suggestive objects or pictures, including nude photographs.

As with any form of harassment/**discrimination**, the employee has the responsibility to report sexual harassment to an appropriate authority as soon as possible. He or she may report the harassing behavior to his or her immediate supervisor, Appointing Authority, Appointed Department Head, or the Personnel Director. The complaint of sexual harassment will be investigated promptly and impartially, with confidentiality maintained to the greatest extent possible. The complaining employee will be advised of the findings following the investigation.

Any employee, supervisor or Appointed Department Head who is found to have engaged in any form of harassment of another employee will be subject to appropriate disciplinary action, up to and including termination.

If the employee is dissatisfied with the outcome of the investigation, or if any form of harassment persists or re-occurs, the employee has the responsibility to report the occurrence or re-occurrence to the appropriate authority as soon as possible.

II.B. Equal Employment Opportunity/Employment Grievance Procedures

If an employee or applicant feels he or she has been a victim of **harassment**/discrimination, the employee shall file a written complaint. Complaints by employees should be addressed to the employee's supervisor; if the supervisor is the subject of the complaint, it should be addressed to the employee's Appointed Department Head. Employees employed under the Revenue Commission should address the complaint to the Revenue Commissioner; employees employed under Probate Office should address the complaint to the Probate Judge. If the Appointed Department Head, Revenue Commissioner or Probate Judge is the subject of the complaint, or if for any reason the employee is unable to follow this process as outlined, the complaint should be directed to the Personnel Director. Complaints by applicants shall be filed directly with the Personnel Director, who would also serve as the EEO Officer for that purpose.

The complaint should contain the following:

1. Date(s), time(s) and location(s) of the incident/incidences that took place;
2. Description of each incident, including a statement as to any physical contact made and as to what was said and/or done;
3. Name(s) of witnesses, if any; and
4. The names of anyone with whom incident/incidences have been discussed.

All complaints of **harassment**/discrimination will be investigated, and the results of the investigation will be reported to the complaining party. Investigation of a **harassment**/discrimination complaint may include, but is not limited to, interviewing the complaining party as well as other employees and/or others necessary to obtain sufficient information upon which to make an assessment of the situation. While every effort will be made to be sensitive to privacy issues, in the course of an investigation, Baldwin County will discuss relevant information with appropriate parties on a need-to-know basis; and therefore, the information provided during the investigation may not be kept confidential. A record of the complaint and findings will become a part of the complaint investigation records and the file will be maintained separately from your personnel file.

The Personnel Director is principally responsible for investigating violations of the personnel policies of Baldwin County. When appropriate, the Personnel Director may explore informal means to resolve **harassment**/discrimination complaints. Informal dispute resolution procedures may include, but are not limited to, counseling the alleged violator or serving as a mediator between the two parties.

When the matter cannot be resolved informally, the Personnel Director or the appropriate party may prepare a written report of the investigation and a recommendation. Recommendations can include discipline for the violator as well as the restoration of any employment terms, conditions, or opportunities the complainant lost or was denied because of the discrimination.

If an employee is not satisfied with the resolution of the initial complaint, then the employee shall bring the complaint to the attention of the County Administrator in writing. The County

Administrator will decide whether to approve the Personnel Director's recommendation, dismiss the complaint or order further investigation. In the event the complaint is against the County Administrator, the Personnel Director will submit his or her recommendation to the Clerk/Treasurer, who will decide whether to approve the Personnel Director's recommendation, dismiss the complaint or order further investigation.

II.I. Dress Code

The Baldwin County Commission seeks to project a positive image and to promote professionalism in the workplace. Employees are required to dress in an appropriate manner consistent to the specific job duties to which he or she is assigned and to exercise good judgment. Appointing Authorities, Appointed Department Heads and supervisors are authorized/required to assure compliance in the particular areas for which they are responsible. **Dress codes are left to the discretion of the department head over the department.**

During business hours or whenever an employee represents the County, he or she should be clean, well-groomed and wear appropriate clothes.

If an employee's supervisor finds that the employee's personal appearance is inappropriate, he or she will be asked to leave work and return properly dressed and groomed. If an employee is asked to leave, he or she will not be paid for the time away from work.

Where necessary, the County may make a reasonable accommodation to this policy for a person with a disability.

The following examples should help the employee understand the County's personal appearance guidelines:

1. Tank tops, tube or halter tops may not be worn under any circumstances;
2. Offensive body odor and poor personal hygiene is not professionally acceptable;
3. Perfume, cologne and aftershave lotion should be used moderately or avoided altogether, as some individuals may be sensitive to strong fragrances;
4. Facial jewelry and body piercings, such as eyebrow rings, nose rings, lip rings and tongue studs, is not professionally appropriate and must not be worn at work;
5. Torso body piercings with visible jewelry or jewelry that can be seen through or under clothing must not be worn at work;
6. Footwear should be ~~fastened and secured to feet for safety and shall be~~ appropriate for job duties;
7. "Thong" style sandals and flip flops may not be worn under any circumstances;
8. Skirt length must be no more than two (2) inches above the knee. Shorts may not be worn unless they are distributed as part of the uniform and/or authorized by the Appointed Department Head.

II.K. Work Hours and Time Records

The normal workweek for a full-time employee consists of forty (40) hours depending on the job classification and work location and for a part-time employee no more than twenty-nine (29) hours a week on average. Core business hours are 8:00 am to 4:30 pm. Some jobs may require other hours of service. In such cases, the immediate supervisor will inform the employee of the required work hours.

Hourly (non-exempt) employees will be responsible for completing a time record with the beginning and ending work times, including lunch. This is necessary for payroll calculation of the employee's earnings.

All salaried (exempt) employees are expected to accomplish their duties irrespective of the time or days required to do so. Salaried exempt employees will be responsible for recording all time records if he or she is absent from work. **Salaried (exempt) employees' time cannot be reduced with Leave without Pay (LWOP) unless it is for one or more full workdays.**

The employee reserves the right to examine and verify his or her personal time record prior to supervisor approval. Employees who willfully falsify a time record will be subject to immediate termination.

A workday may not be shortened by "working through" or reducing the lunch period on a voluntary basis, nor may an employee voluntarily begin work before or after his or her regularly scheduled hours for the purpose of accumulating overtime. Every adjustment to the work schedule requires advance approval from the employee's immediate supervisor.

III.F. Appeals Procedures for Adverse Action

1. When an Appointing Authority or Appointed Department Head seeks to discipline an employee either through suspension without pay, involuntary demotion or termination, he or she will make a recommendation to the Personnel Director that such action be taken. The Appointing Authority or Appointed Department Head shall notify the employee in writing that he or she proposes disciplinary action in the form of suspension without pay, involuntary demotion or termination and the grounds for such proposed action. The employee will then have one (1) working day to request, in writing to the Personnel Director, a pre-disciplinary hearing before the County Administrator. In the event the County Administrator initiated the adverse action or otherwise has a conflict, then the pre-disciplinary hearing shall be held before the Clerk/Treasurer. If the employee does not request a hearing, the proposed discipline will become effective at the end of the one (1) working day period. **In the case of a suspension, an employee can still request a pre-disciplinary meeting as described above, however, the suspension will be effective at the time of action. If the pre-disciplinary hearing overturns the action, then the employee is entitled to back pay of time missed.**
2. Should the employee request such a pre-disciplinary hearing, the County Administrator or Clerk/Treasurer, in the case of the County Administrator is the Appointed Department Head,

will inform the employee of the date and time of such hearing which will be held within two (2) working days of the request, unless the County Administrator or Clerk/Treasurer, allows additional time. The hearing will be informal in nature. The employee may have a representative of his or her choosing present at his or her own expense.

3. Within two (2) working days after the pre-disciplinary hearing, the County Administrator or Clerk/Treasurer will issue a decision on the Appointing Authority or Appointed Department Head's recommendation. An employee may then appeal the hearing officer's decision to the Personnel Appeals Board as set out below. **If the hearing officer upholds a termination recommendation, the termination is effective the date the decision is issued, however, the employee may still appeal the decision as set out below.**
4. Should the County Administrator be the direct supervisor who is proposing the discipline, the Clerk/Treasurer will make the decision on the proposed discipline using the same procedure as set out in the subsections one (1) through three (3) above. In the event the County Administrator and/or Clerk/Treasurer are conflicted from hearing the case, the Personnel Director shall appoint an alternate hearing officer to hear the case which shall be one of the Appointed Contract Employees, unless all such employees have conflicts which would disqualify such employee from hearing the case.

VII.D. Workers Compensation

All employees are protected under the State of Alabama's Workers Compensation Law for injuries and occupational diseases that result "out of and in the course of employment." This includes injuries that take place when the employee is performing tasks he or she was hired to perform at times and in places where he or she was hired to work.

For all life threatening injuries or illnesses, please notify 911.

If an employee experiences an on-the-job, non-life threatening injury or illness, he or she is required to:

1. Report the incident to his or her supervisor immediately;
2. Provide written notification of how the injury occurred to the supervisor within twenty-four (24) hours;
3. Provide information to the supervisor so that the supervisor can complete the Alabama First Report of Injury within twenty-four (24) hours from the time of the incident. The supervisor will then send it to the Risk Manager;
4. All initial medical visits are made at one of the following clinics:
 - a. **Industrial Medical Center Infirmary Occupational Health** located at **7901 Hwy 90, Suite 101 27961 U.S. Highway 98, Daphne, Alabama 36526**. Follow up visits will be scheduled **by the Industrial Medical Center** as needed;

- b. **Coastal Health Institute** located at 915 W. Laurel Ave. Foley, Alabama 36535. Follow up visits will be scheduled ~~by the Industrial Medical Center~~ as needed; or
 - c. **Infirmery Urgent Care** located at 108 McMeans Ave. Bay Minette, Alabama 36507. Follow up visits will be scheduled ~~by the Industrial Medical Center~~ **Infirmery Occupational Health** as needed.
5. In the event the ~~Industrial Medical Center~~ **Infirmery Occupational Health** is closed, after hours non-life threatening medical treatment may be sought at the following locations as deemed necessary by management:
- a. North Baldwin ~~Infirmery Medical Center~~, in Bay Minette, Alabama; or
 - b. Thomas Hospital, in Fairhope, Alabama; or
 - c. South Baldwin ~~Hospital~~ **Regional Medical Center**, in Foley, Alabama.

All related follow up visits for treatment rendered at North Baldwin ~~Infirmery Medical Center~~, Thomas Hospital, or South Baldwin ~~Hospital~~ **Regional Medical Center** must be made at the ~~Industrial Medical Center~~ **Infirmery Occupational Health**. **At no time will a referral to the employee's personal physician be made by the emergency room doctor in regards to workers compensation cases.**

6. Every employee injured on the job is required to:
- a. Keep all scheduled appointments with physicians/therapist as scheduled;
 - b. Be aware that Baldwin County has a Temporary Transitional Duty program for all employees. For more information on this program, please refer to the Baldwin County Temporary Transitional Duty Policy;
 - c. Notify his or her supervisor immediately if the physician advises the employee not to return to work, to work with restrictions and when he or she releases you to full duty; and
 - d. Give the supervisor a copy of the Return to Work and/or Work Restriction Form(s) received from the physician. A copy must be given to the Risk Manager so that it may be retained in the employee workers compensation file.
7. If an employee requires emergency medical treatment for "life threatening" injuries, he or she should use the emergency room at any Baldwin County hospital. Only one (1) visit to the emergency room will be covered by workers compensation per each work related incident. Notification to Risk Management should be made immediately.
8. If there is a follow-up appointment required after the initial visit to the emergency room, then the follow-up visit **MUST** be scheduled at the ~~Industrial Medical Center~~ **Infirmery Occupational Health**. The employee's workers compensation case manager will assist the Risk Manager in scheduling this appointment for the employee. The employee is not authorized to return to the emergency room for follow-up treatment (i.e., removal of stitches, change of injury dressings, etc.).

9. Baldwin County has contracted with local pharmacies to charge medications for work-related injuries after the following:
 - a. The employee has notified his or her supervisor and Risk Management of the injury;
 - b. The employee's prescription has been approved for payment by Risk Management; and
 - c. The pharmacy has contacted Risk Management for authorization.
10. If the employee's authorized treating physician releases the employee to return to work with specific temporary restrictions (i.e., transitional duty) and Baldwin County can provide a job within the recommended restrictions, he or she must return to work and attempt the transitional duty. Transitional duty is offered at the will of the County and is only offered on a temporary basis.
11. The employee's authorized physician determines what transitional duty work is appropriate. If clarification of transitional duty restrictions is needed, Risk Management should be contacted. Failure to report for the assigned transitional duty work as authorized may result in the employee having to use his or her sick or leave time to cover the employee's absence. An employee may qualify for benefits if Baldwin County cannot provide a job within the restrictions given by the authorized physician.
12. Medical bills and temporary benefits will not be paid until Risk Management has received the appropriate forms from the employee and his or her supervisor.
13. After the employee's claim has been received in Risk Management, it will be submitted to a workers' compensation case manager, to determine whether it is approved. The employee will be notified if a problem arises in the process of making that decision.

If a Workers Compensation claim is rejected as a Workers Compensation injury, it may be applied to the employee's medical insurance.

The goal is to process Workers Compensation claims as quickly and as fairly as possible while providing the employee with the best medical care possible. The length of time required for approval will vary for each claim.

14. All employees involved in a Workers Compensation Injury or a Liability Property Damage incident will be required to receive a Post-Accident Drug Screen immediately after the reported incident.
15. Official medical records in regard to Workers Compensation and Drug Screen Testing should only be maintained in the Personnel Department. At no time should any medical information (personal protected health information) be retained at any other location other than the Personnel Department, unless written consent has been otherwise given.

VII.E. Workers Compensation Payments

The employee will be paid a full day's pay for the day of the injury. The following three (3) days can be charged to annual leave, sick leave or leave without pay. These "following three (3)" days will be reimbursed under the workers compensation benefits after the employee remains off work for a period of twenty-one (21) calendar days. If an employee remains off of work for a period of twenty-one (21) days, he or she must reimburse the county for "following three (3)" days that was paid to the employee.

The only check an employee who has filed for workers compensation benefits will receive is a check received from the workers compensation insurance carrier for Baldwin County.

While on workers compensation leave, the employee shall be placed in a leave without pay status, **with the exception of using sick leave as outlined above.** The employee will not accumulate annual or sick leave while on workers compensation leave.

All individual health insurance premiums paid by Baldwin County for an employee will remain in force and continue to be paid by the County. All employees are required to continue to pay his or her portion of health insurance premiums. **However, and employee may use up to ten (10) hours of sick leave per pay period, while on workers compensation leave, to help pay for benefit premiums as outlined in section IV.C. Sick Leave, or** ~~Employees~~ will be issued an invoice from the Accounting Department.

If, while on workers compensation leave, the employee wishes to continue dependent coverage or other items that are customarily deducted from his or her paycheck, the employee must contact the Personnel Department for payment procedures. If payments are not submitted in a timely manner, coverages are subject to cancellation.

An employee (who has depleted his or her sick, annual leave and FMLA) out on workers compensation leave, who has reached "Maximum Medical Improvement (MMI)," shall be terminated, if he or she does not return to work.

VIII Forms

The following forms have been approved for use by the Baldwin County Commission:

- A. Application for Employment—————VIII-1
- B. Substance Abuse Screening and Pre-Employment Physical Exam Consent ———VIII-3
- C. Authorization for Background Investigation and Release of Information ———VIII-4

D. Personnel Appraisal Form (updated)	VIII-5
E. ADA Reasonable Accommodation Request Form	VIII-9
F. Employee Counseling Form	VIII-10
G. Notice of Disciplinary Action Form	VIII-11
H. Grievance Appeal Form (updated)	VIII-12
I. Leave Request Form (updated)	VIII-13
J. Temporary Transitional Duty Agreement	VIII-14
K. Medical Treatment Waiver	VIII-15
L. Property Damage/Collision/Injury/Illness Investigation Report	VIII-16
M. Witness Incident / Injury Report	VIII-21
N. Last Chance Assistance Agreement	VIII-22