

June 06, 2014

McCreary County Administrative Code as approved by the McCreary County Fiscal Court, originally adopted on March 12, 2012, amended during regular session on June 11, 2012, June 11, 2013 and again amended with changes denoted below during regular session of the Fiscal Court on June 06, 2014:

Page 33 – Section 5.14 – Amended Employee Safety chapter to include an Inclement Weather Policy.

Page 35 – Section 5.14, part C – Describes essential employees as part of work requirement and inclement weather policy.

Page 74 – Section 5.60 – Amended all Road Department positions to include certification levels regarding position status.

Page 86 – Section 5.60 – Included job description for County Transportation Officers.

Page 95 – Section 5.60 – Included Job Description for Park Office Manager.

Page 103 – Section 6.4 – Updated section regarding county road inventory to include coordination with 911 emergency system and mapping office.

Page 120 – Employees Documents Section – Included FMLA Designation Notice.

Douglas E. Stephens  
McCreary County Fiscal Court

**June 11, 2013**

McCreary County Administrative Code as approved by the McCreary County Fiscal Court, originally adopted on March 12, 2012, amended during regular session on June 11, 2012 and again amended with changes denoted below during regular session of the Fiscal Court on June 11, 2013:

Page 37 – Section 5.27 part B, subsection 7 – Regarding there shall be no allowance for utilization of accumulated sick time within 24 hours of a scheduled work shift that falls on a holiday.

Page 44 – Section 5.37, part D – Regarding activation of health insurance benefits for all employees beginning the first of the month following 60 days employment.

Page 64 – Regarding clarifications made to the job description status and duty guidelines of the county Community Services Coordinator to include that of inmate transportation, supervision of state and county inmates as well as fulfillment of certain duties as related to the county's solid waste department.

Douglas E. Stephens  
McCreary County Fiscal Court

## **June 11, 2012**

McCreary County Administrative Code as approved by the McCreary County Fiscal Court, originally adopted on March 12, 2012 and amended to include the following changes during regular session on June 11, 2012:

Page 31 – Section 5.18 part 2 – Regarding requirement to perform actual job functions as part of application process.

Page 31 – Section 5.19 part 4 – Advertising requirement for full-time positions deleted.

Page 33 – Section 5.24 part b – Included timesheets must be signed by employee and supervisor in order to be considered valid and compensation authorized.

Page 34 – Section 5.26 part b – Removed requirement that full time employees work one full year before can utilize vacation time.

Page 36 – Section 5.27 part c.2 – Sick leave use change to chargeability rate of a minimum of 4 hours instead of chargeability on hour for hour basis.

Page 42 – Section 5.35 – Allowance for County Judge to grant compensatory time to employees on a case for case basis.

Page 53 – Section 5.54 – Change random drug testing policy from designated employees only to include all county employees as defined in section. Changed requirement for 3 testing pool to include all employees. Changed random testing will be held twice a year instead of quarterly. Removed various testing pool requirements and allow testing to be conducted at discretion of County Judge.

Page 96 – Section 9.1 – Added requirement to have original invoices to be presented to County Judge's Office to accompany purchase order, before payment can be authorized.

Douglas E. Stephens  
McCreary County Fiscal Court

**McCreary County  
ADMINISTRATIVE CODE**

**Adopted by:  
Action of McCreary County Fiscal Court**

**June 06, 2014**

## PREAMBLE

McCreary County Government exists for the sole purpose of serving the citizens of McCreary County, Kentucky.

## INTRODUCTION

As a result of the Judicial Form, the 1976 Extraordinary Session of the General Assembly enacted Senate Bill 18 which redefined the traditional role of the County Judge as being predominately Judicial Officer to a County Judge/Executive and setting forth his or her new duties and responsibilities as the Chief County Administrator.

The 1978 regular session of the General Assembly in and for the Commonwealth of Kentucky enacted legislation H.B. 152 which re-established home rule counties. House Bill 152 sets forth specific requirements of county governments as well as permissive authority to enact ordinances governing various county functions as long as they are not in conflict with the Constitution of the State of Kentucky or any existing state laws.

County governments throughout the State of Kentucky result of the passage of H.B. 33 in the 1978 General Assembly Session are required by law to adopt a "County Administration Code" which includes, but is not limited to, procedures and designation of responsibility for (1) General Administration (2) Administration of County Fiscal Affairs (3) Personnel Administration (4) County purchasing and contracts and (5) Delivery of county services by January 1, 1979.

It is the intent and purpose of the Administrative Code to comply with K.R.S. 68.005 as well as to serve as a guide to the County Judge/Executive and the Fiscal Court in carrying out the task of providing and delivering services to the constituents who elected them to do so.

As federal, state and local laws change and the need arises it will be necessary and should be the responsibility of the County Judge/Executive to make revisions in the code to conform and comply with applicable changes and needs. Such revisions in the code are subject to the approval of the Fiscal Court.

The Fiscal Court shall, at least annually, review the Administrative Code during the month of June and at other times as requested by the County Judge/Executive.

## ***COUNTY GOVERNMENT SUMMARIZED***

The basic structure and authority of Kentucky's 120 County Governments, which had remained relatively constant during the past 90 years are now undergoing major modification. Many of these changes were initially raised by the removal of the Judicial Article in 1975. However, the form these changes actually took are even more a response to pressures of which have been building for several years for a basic reorientation of county government in terms of contemporary local needs.

This summary is designed to provide an overview of the current function, powers and organization of general purpose county government with emphasis on the changes enacted by the General Assembly in 1976 and 1978. While not designed to serve as a definitive legal reference, it hopefully will provide a relatively current picture of the statutory framework of general county government during this transition period.

This summary does not, except by reference, attempt to address specific changes in the offices of the independently elected offices, ie.; Clerk, Sheriff, Jailer, etc.

## A. GENERAL OVERVIEW

One of the principal effects of the County Legislation enacted by the 1978 General Assembly is a formal and explicit statutory declaration that the county is a unit of general purpose local government authorized to provide and finance a wide range of governmental functions and services. Under Legislation, Fiscal Courts are given broad authority to enact local laws (ordinances), issue regulations, levy taxes, borrow money, appropriate funds, and employ employee personnel in order to carry out appropriate public activities. While statutes are designed to provide the Fiscal Court with considerable latitude and flexibility in defining and responding to local needs, exercise of this authority must be done within the limits of (a) the Constitution of Kentucky, (b) those statutes which explicitly prohibit or prescribe certain Fiscal Court activities, or (c) the specific public functions permitted by K.R.S. 67.083.

## B. TAXING POWERS

Under K.R.S. 67, the Fiscal Court is authorized to levy all taxes not in conflict with the Constitution and statutes of the state.

Section 181 of the Kentucky constitution places specific limitations on taxing authority of counties. It specifies the types of taxes permitted: (a) property (or Ad Valorem), (b) occupational and franchise taxes, (c) poll taxes and (d) license fees.

Relative to the property tax, the Constitution sets specific limitations on the tax rate (.50 cents per \$100 valuation of property) and, according to a 1965 Court ruling, requires that all property be assessed at 100% of its fair cash value. The statutes go on to provide definitions of property to be taxed and procedures for collection (K.R.S. Chapters 132 to 143). Since 1966 the so called "Roll Back Law" has fixed the property tax rates of individual counties relative to revenue levels of 1965. Under this statute (K.R.S. 68.245), increase in property values or by tax rate increases mandated by local referendum. (K.R.S. 68.520)

While K.R.S. 67.083 provides the basic authority for levying a county occupational tax, other statutes impose some limitations in terms of rates and local referendum required for certain counties. In counties with population of 30,000 or more, the imposition of an occupational license tax or fee requires a referendum within one year after adoption (K.R.S. 68.197). Counties over 30,000 are also limited to a tax of 1% (68.197 and those over 300,000 to 1 1/4 (68.180). No such limits apply to counties under 30,000.

An Ad Valorem tax can be made either for general or specific purposes. If levied for general purposes, revenues may be used for any legal purpose, but if a tax was levied for a specified purpose, resulting revenues may be used only for that purpose.

## C. COUNTY LAW MAKING AUTHORITY

The 1978 amendments to K.R.S. 67.083 authorized the Fiscal Court to "enact ordinances and issue regulations" in performance of an extensive list of specified public function. Also enacted were

provisions which establish the use of county ordinances: "An ordinance is an official written act of a Fiscal Court, the effect of which is general and lasting in nature..."

The 1978 statutes also define the jurisdictional limits of County Legislative authority relative authority relative to other Governmental units. County regulatory acts (in the form of ordinances) must be consistent with state laws or regulations on the same subject except that county regulations may be more stringent when State laws or regulations are stated in terms of minimum standards.

Relative to municipalities, county ordinances must be enforced county wide unless individual municipalities within the county enact ordinances equal to or more stringent than those of the county.

#### D. PROGRAM FUNCTIONS OF COUNTIES

K.R.S. 67.083, as amended in 1978, identifies specific public functions for which Fiscal Courts may, in addition to enacting ordinances, levy taxes, appropriate funds, issue bonds, and employ personnel. These include:

Additionally, the statutes identify functions which may be carried out by local governments for which explicit statutory procedures or limitations are prescribed.

Airports (183.475 762)  
Air Boards (183.132 133)  
Air Pollution Districts (77.010 195)  
ABC Control (241.110 150, 243 060, 244.290)  
Animals, Control of Diseased (67.082)  
Building Commissions (67.450 555)  
Condemnation (67.085)  
Detention Facilities, Juvenile (208.130)  
Easements, Local Scenic (65.410 480)  
Electrical Codes (277.450 500)  
Entertainment, Places of (231.010 990)  
Ferries (280.180)  
Forest (149.510 600)  
Health Departments, County (212.010 920)  
Jails  
Mental Health Programs (210.370 580)  
Nudists (232.010)  
Planning (Ch. 100)  
Public Service Programs (68.510 540)  
School Bus Aid (158.115)  
Speed Limits (189.390)  
Sunday Sales (436.160)  
Tourist and Convention Commissions (91A.350)  
Vehicles, Abandoned (189.751)  
Water Resources (151.250)  
Zoning (Ch. 100)

ABANDONED VEHICLES  
ALCOHOLIC BEVERAGE CONTROL  
AGING PROGRAMS  
AIR TERMINALS  
AGRICULTURE EXT. SERVICE  
AMBULANCE SERVICE  
ANIMAL CONTROL  
ARMORIES

BRIDGES  
BUILDING CODES  
BUILDING FOR INDUSTRIAL DEV.  
BUILDINGS, PUBLIC  
BUSES  
BUS TERMINALS

CABLE T.V. FRAN.  
CEMETERIES  
COMMERCE  
CONVENTIONS  
CORRECTIONS  
CULTURAL PROGRAMS

ECONOMIC DEVELOPMENT  
EDUCATIONAL SERVICES  
EXTENSION SERVICES

FIRE PROTECTION  
FLOOD CONTROL

GATHERINGS, PUBLIC  
GRADE CROSSINGS

HEALTH FACILITIES AND SERVICES  
HOSPITALS  
HOUSING PROGRAMS

INDUSTRIAL DEV.  
INDUSTRIAL DEV. FAC.  
INTERGOVERNMENTAL COOP.

LIBRARIES

MEMORIALS  
MUSEUMS

PARKS  
PLANNING  
PARKING FACILITIES  
PARKING REGULATIONS  
POLICE PROTECTION  
PORT FACILITIES

RAIL TERMINALS  
RECREATIONAL PROGRAMS  
ROADS, ACCESS

SANITATION, PUBLIC  
SEWAGE TREATMENT AND CONTROL  
SOLID WASTE MANAGEMENT  
STREETS AND ROADS  
SUBDIVISION CONTROL  
SWIMMING POOLS

TAXES  
TRAFFIC REGULATIONS  
TOURISM  
TRAINING  
TRANSPORTATION, PUBLIC  
TUNNELS

UNFIT STRUCTURES

VECOR CONTROL  
VEHICLES, PASSENGER FOR HIRE

WATER SUPPLY

YOUTH PROGRAMS

ZONING

## ***THE LEGISLATIVE FUNCTION***

### **A. THE FISCAL COURT**

One of the most basic statutory principals established by the County Legislation enacted in 1976 and 1978 is the explicit declaration of the legal status of the Fiscal Court as the Legislative governing body of the county and formal delineation of legislative and executive functions within the organizational structure of county government.

While the Fiscal Court has traditionally served in both an administrative and legislative like role in the county, the degree to which is possessed legislative authority, comparable say, to the General Assembly or amendments to K.R.S. 67.080 and K.R.S. 67.083, the powers of the Fiscal Court as the legislative governing body of the county are clearly defined: "Carry out governmental functions necessary to the operation of the county" by means of such actions as levying of taxes, issuance of bonds, appropriation of funds, and enactment of ordinances and regulation. In addition the 1978 amendments delineate the form in which these legislative functions may be exercised.

In general the Fiscal Court is responsible for setting the policies and priorities of McCreary County and for insuring that the updated functions and responsibilities of the county are carried out. Responsibility for the specific execution of these policies, on the other hand, is vested in the Judge/Executive.

With the exception of the Judge/Executive capacity, no individual member of the Fiscal Court has the power to act individually.

The actions required of McCreary County Fiscal Court include the appropriation of such funds as are required by law, provision of necessary public facilities, and adoption of an Administrative Code establishing the rules of procedure for the county operations.

Required county expenditures include the County Judge/Executive's salary (K.R.S. 62.705), Coroner's salary (K.R.S. 64.185), PVA's office expense (K.R.S. 132.590); payments for voting machines (K.R.S. 117.105) and election expenses (K.R.S. 117.345); and payments for audits of county funds and offices (K.R.S. 43.070).

The statutes also establish very specific requirements for the incurring and repayment of county debts. (K.R.S. Chapter 66)

As the legislative governing body of the county, the Fiscal Court is permitted to appropriate county funds for legal purposes, enact ordinances regulation activities in the areas statutorily authorized, buy or sell land for county purposes, provide for the proper management of the County's Fiscal affairs, exercise the corporate powers of the county, establish appointed offices and approve appointments to these offices, and investigate all activities of the county government.

## B. LEGISLATIVE PROCEDURE

The statutes provide minimum uniform procedures to be used by the Fiscal Court in exercising legislative responsibilities.

Prior to the enactment of HB 152 official actions of the Fiscal Court were done by means of "resolutions" and "orders" with specific procedures governed more by local tradition than by any prescribed statutory guidelines.

The statutes do not provide any specific guidance or other limitation on the use of orders or resolutions by Fiscal Courts except that these forms may not be used for actions which are included in the statutory definition of a county ordinance.

While the form and use of orders or resolutions are left to local discretion, the following principals may be useful in determining local legislative procedures.

The term "order" usually applies to directive by the Fiscal Court to someone (usually the Judge/Executive) to take or refrain from taking a specified action. For example, the Fiscal Court may enter an order directing the Judge/Executive to prepare and present to it a plan for the use of county vehicles. An order may also express a formal declaration of the Fiscal Court such as declaring the result of a bond election or petition referendum.

Finally an order may be used to decide a question before the Fiscal Court such as an order awarding a contract, approving a personnel appointment, or transferring of funds from one account to another (but not a budget amendment, which must be done by ordinance).

A "resolution" usually expresses the sense of the Fiscal Court on questions of policy before it. For example, the board may adopt a resolution requesting action by other governmental bodies, i.e., municipalities special districts, etc. A resolution may also be used to formally declare the county's intention to pursue a particular policy direction, ie., a clean up campaign, an economic development program, or to honor an individual or organization.

K.R.S. 67.120 as amended provides that the County Clerk will have the option whether to serve as clerk (or secretary) to the Fiscal Court, for the recording and maintaining of Fiscal Court proceedings. If the Clerk declines to serve in this capacity, the decision should be made in the form of a written statement by the Fiscal Court.

### C. LEGISLATIVE OVERSIGHT OF EXECUTIVE ACTIONS

In order to promote a system of checks and balances within the county structures, the statutes provide for specific legislative (Fiscal Court) response to several executive actions. These include:

Review and adoption of County Administrative Code  
(K.R.S. 67.710)

Review and adoption of the annual budget  
(K.R.S. 67.710 68 240)

Approval of the creation of all appointed offices, the duties of these offices and of all appointments to these offices. (K.R.S. 67.080)

Approval of all appointments by Judge/Executive to boards, commissions and authorities as may be so designated in the County Administrative Code. (K.R.S. 67.710)

Approval or disapproval of any action of the Judge/Executive to create, abolish or combine county agencies or departments. (This must be done within 60 days or the action takes effect without Fiscal Court approval). (K.R.S. 67.715)

Approval or disapproval of actions of the County Judge/Executive to abolish or combine certain special districts. (67.715)

In the employment and supervision of county personnel, the Fiscal Court's principal role is (a) to assure that complete and acceptable personnel policies and procedures adopted and implemented by the Judge/Executive, and (b) to review and approve the appointment of individuals nominated by the Judge/Executive to fill designated appointed positions.

The Fiscal Court has a basic responsibility to fix the number, compensation and basic duties of all county personnel as a part of the budget process. However, to assure an unbroken line of authority in the day to day execution of county programs, the Fiscal Court also has a responsibility to avoid direct contact with county department personnel except as provided by law or agreed upon by the Judge/Executive.

#### D. THE FISCAL COURT AND THE OTHER ELECTED COUNTY OFFICIALS

Action required of the McCreary County Fiscal Court by statute include:

Fix the compensation of the following elected officials: the Sheriff, the County Clerk, Coroner and the Jailer (this is done every four years proceeding primary elections and within statutory and constitutional limits).

Fix the number and compensation of deputies in the offices of Sheriff, County Clerk and Jailer, Coroner

Pay the salary of the Coroner within limits set by statute

Pay fees set by statute for mandated services such as voter registration (Clerk); tax collection (Sheriff); and dieting fees for County Prisoners (Jailer)

Provide "reasonable office space for each official (the statutes provide few if any standards for this requirement)

Actions which the Fiscal Court may take at its option include:

Provide a salary to the County Attorney for their legal services to the county.

Compensate the County Clerk (or Clerk's Office) for record keeping and secretarial duties for the Fiscal Court.

Provide expenses for the performance of services approved by the Fiscal Court such as additional Sheriff's duties for county law enforcement, or improvements to County Jail.

At the same time, each elected county official is required to take certain actions in relation to the Fiscal Court, including:

The remittance of all excess fees to the county

The performance of certain required duties such as the reporting and remittance of collected taxes by the Sheriff and the maintenance of county records by the County Clerk.

The several statutes directing the County Attorney to perform various legal duties on behalf of the county were not repealed, that he remain and continue to serve as legal advisor to the county.

However, recognizing that in some instance the Fiscal Court may require legal services above and beyond that available from the County Attorney, the statutes also clearly empower the employment of additional legal counsel (outside the County Attorney's Office) for such services.

AN ORDER RELATIVE TO THE ADOPTION OF AN  
ADMINISTRATIVE CODE FOR MCCREARY COUNTY, KENTUCKY

WHEREAS; The 1978 regular session of the Kentucky State General Assembly enacted HB 33 and created a new section of Kentucky Revised Statutes 68.055 requiring counties to adopt a County Administrative Code;

WHEREAS; The County Judge/Executive of McCreary County has drafted procedures and designation of responsibility for the (1) General Administration of the Office of the County Judge/Executive, County Administrative Agencies and Public Authorities; (2) Administration of McCreary County Fiscal Affairs; (3) McCreary County Contracts; and (5) Delivery of McCreary County services as required in K.R.S. 68.005 and,

WHEREAS; The Fiscal Court members of McCreary County, Kentucky have had adequate time to review and comment on the McCreary County Administrative Code as presented.

NOW, THEREFORE, BE IT ORDERED BY THE FISCAL COURT OF MCCREARY  
COUNTY, KENTUCKY:

- (1) That the procedures and designation of responsibility for providing county services as set forth in the Administrative Code in and for McCreary County, Kentucky be adopted and adhered to.
- (2) That periodic review and necessary revision of the County Administrative Code be made when deemed necessary by the Fiscal Court.

Originally adopted this 12th day of March, 2012 and updated on this 06<sup>th</sup> day of June, 2014

\_\_\_\_\_  
Douglas E. Stephens  
McCreary County Judge/Executive

The undersigned Clerk states that the above stated ORDER was duly  
adopted by the McCreary County Fiscal Court on the date stated.

\_\_\_\_\_  
Eric Haynes  
McCreary County Court Clerk

## **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 McCreary County enacts the following County Administrative Code.

### **McCreary County Administrative Code**

McCreary Fiscal Court does hereby establish a County Administrative Code; dividing the administrative service of McCreary 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 McCreary County:**

## **CHAPTER 1                    GENERAL PROVISIONS**

### **SECTION 1.1   Short Title**

A.        This document shall be known and may be cited as the “McCreary 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 McCreary County.
- (2)        *County* is McCreary County, Kentucky, a governmental entity.
- (3)        *Fiscal Court* is the County body vested with the legislative powers of McCreary County.
- (4)        *Elected Official* means the County Clerk, Sheriff, Jailer and County Attorney.

### **SECTION 1.3   Amendments**

A.        The Fiscal Court shall review the McCreary 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 McCreary County Administrative Code at that time. The County Judge may at other times prepare and submit amendments to the McCreary County Administrative Code for approval by the majority of the Fiscal Court.

**CHAPTER 2                    GENERAL ADMINISTRATION**

**SECTION 2.1                County Judge**

A.     The McCreary 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 McCreary 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 McCreary County Executive Order Book which shall be maintained in the Office of the County Judge.

E. The McCreary 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.

**SECTION 2.7 McCreary County Procedures for Administrative Agencies**

A. Each McCreary County Agency shall maintain the following records:

- (1) A financial record of the agency's activities.
- (2) Within thirty (30) days after the close of each fiscal year, each administrative agency shall make full report to the County Judge and to the Fiscal Court. The report shall include a financial statement and the general scope of the operation of the agency during the preceding year.
- (3) Each administrative agency requesting McCreary County budget funds shall submit a detailed annual budget request to the County Judge by April 1st of each year.
- (4) Each administrative agency of McCreary County shall keep minutes of its meetings to reflect on record its official actions.

## **SECTION 2.8                      Public Records**

(A) All public records shall be open for inspection by any person, except otherwise provided by law. The County Judge/Executive and Clerk of the Fiscal Court shall make available suitable facilities for the exercise of this right:

(1) No person shall remove original copies of public records from the offices of any county agency without written permission of the County Judge/Executive, who shall be designated the official custodian of county records.

(2) Any person shall have the right to inspect public records during the regular office hours of the public agency. The official custodian may require written application describing the records to be inspected.

(3) If requested records are not within the custody or control of the official custodian the applicant shall be furnished the name and location of the custodian of the public record, if such facts are known.

(4) If the public record is in active use, in storage or not otherwise available, the official custodian shall immediately so notify the applicant and shall designate a place, time and date for inspection of the public records, not to exceed three (3) work days from receipt of the application, unless a detailed explanation of the cause is given for further delay and the place, time and earliest date on which the public record will be available for inspection.

(5) If the application places an unreasonable burden in producing voluminous public records or if the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the public agency, the official custodian may refuse to permit inspection of the public records.

(B) Upon inspection, the applicant shall have the right to make abstracts of the public records and memoranda thereof, and to obtain copies of all written public records. When copies are requested, the custodian may require a written request and advance payment of the prescribed fee. If the applicant desires copies of public records other than written records, the custodian of such records shall permit the applicant to duplicate such records, however, the custodian may ensure that such duplication will not damage or alter the records.

(1) For access to general records or publications not involving a search of the files, the Official Custodian may waive a written request. Otherwise, the appropriate DATA REQUEST FORM will be made available to potential applicants.

(2) For general publications made available normally without charge, no charge shall be made. When a copying charge is necessary to recompense normal costs, the custodian shall advise the applicant of the current charge schedule and shall provide an appropriate COPY REQUEST FORM.

(3) Copies of 8 x 11 or 8 x 14 pages shall be reproduced as expeditiously as possible. Where more numerous copies (10 or more pages) are required, the applicant shall be advised when copies will be completed.

(4) Copies of maps, books, odd sized charts, tapes or any material for which the custodian does not have copying devices shall be copied under the supervision of the custodian with all costs to be paid by the applicant.

(C) The following records are excluded and subject to inspection only upon order of a court of competent jurisdiction:

(a) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

(b) Records confidentially disclosed to an agency and compiled and maintained for scientific research, the regulation of commercial enterprise, including mineral exploration records, unpatented, secret commercially valuable plans, appliances, formulas, or processes, which are used for the making, preparing, compounding, treating, or processing of articles or materials which are trade commodities as confidential, or for the grant or review of a license to do business and if openly disclosed would permit an unfair advantage to competitors of the subject enterprise. This exemption shall not, however apply to records the disclosure or publication of which is directed by other statute.

(c) Public records pertaining to a prospective location of a business or industry where no previous public disclosure has been made of the business or industry's interest in locating in, relocating within or expanding within the Commonwealth.

Provided, however, that this exemption shall not include those records pertaining to application to agencies for permits or licenses necessary to do business or to expand business operations within the state, except as provided in paragraph (b) above.

(d) The contents of real estate appraisals, engineering or feasibility estimates and evaluations made by or for a public agency relative to acquisition of property, until such time as all of the property has been acquired; provided, however, the law of eminent domain shall not be affected by this provision.

(e) Test questions, scoring keys and other examination data used to administer a licensing examination, examination for employment or academic examination before the exam is given or if it is to be given again.

(f) Records of law enforcement agencies or agencies involved in administrative adjudication that were compiled in the process of detecting and investigating statutory or regulatory violations if the disclosure of the information would harm the agency by revealing the identity of informants not otherwise known or by premature release of information to be used in a prospective law enforcement action or administrative adjudication. Unless exempted by other provisions shall be open after enforcement action. Provided, however, that the exemptions provided by this subsection shall not be used by the custodian of the records to delay or impede the exercise of rights granted by K.R.S. 61.

(g) Preliminary drafts, notes, correspondence with private individuals, other than correspondence which is intended to give notice of final action of a public agency.

(h) Preliminary recommendations, and preliminary memoranda in which opinions are expressed or policies formulated or recommended;

(i) All public records or information the disclosure of which is prohibited by federal law or regulation;

(j) Public records or information the disclosure of which is prohibited or restricted or otherwise made confidential by enactment of the General Assembly.

(k) Statistical information descriptive of any readily identifiable person, unless the person provides authenticated written permission for disclosure.

(D) If any public record contains material excluded by the foregoing exemptions and material not excluded by these exemptions, the applicant may request that the non exempt material be excerpted.

Where records contain information, the disclosure of which might constitute an invasion of individual privacy, the Official Custodian may require the applicant to provide sufficient justification and authorization for disclosure to indemnify the custodian from any claims.

Any applicant submitting the written Data Request Form shall be provided a written and signed Agency Response Form, which shall describe the conditions under which records may be inspected, the cause for any delay in making records available, or the reasons why requested records may not be made available.

**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.

**NOTE**

*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 with at least a draft copy of the agenda presented the Friday before each Monday regular session. 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).

### **SECTION 3.7 Rules of Order**

A. Except when in conflict with the foregoing provisions, Robert's Rules of Order shall govern the deliberations of the Fiscal Court.

B. The rules of order, other than those prescribed by statute, may be suspended at any time by consent of a majority of the members present at the meeting.

### **SECTION 3.8 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 McCreary, 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.        By April 1st of each fiscal year, the County Judge shall obtain budget proposals prepared by each County office or agency receiving funds from the Fiscal Court, including the Jailer.

**NOTE**

*The County Clerk and Sheriff operate on a January 1-December 31 fiscal year with a mandatory budget approval date of January 15. Therefore, the County will already have the County Clerk's and Sheriff's budget.*

B.        The County Judge shall prepare a report of anticipated revenue from general fund taxes and intergovernmental transfers from city, state, and federal government.

C.        The County Judge shall review the expenditures in each classification of each fund for the preceding year and for the current year.

D.        The County Judge may obtain from the McCreary County Treasurer receipts for actual expenditures made during the current fiscal year.

E.        An estimate shall be made of expenditures for the remainder of the current year and of any surplus, by fund, which will remain.

F.        The County Judge shall obtain from the sheriff an annual settlement showing County taxes collected, not later than October 1 of the current year and by April 1 of each year of the McCreary County Property Assessment levels from the McCreary County Property Valuation Administrator.

G.        The County Judge shall submit the completed proposed budget to the Fiscal Court not later than May 1 of each fiscal year.

**SECTION 4.2                Duties and Procedures of the McCreary County Budget Committee**

A.        The Budget Committee shall consist of the County Judge, the County Attorney, the County Treasurer and at least two (2) 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.

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 McCreary 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 McCreary 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 Budget Hearing Procedures and Requirements**

A. County Road Aid Fund (CRA):

- (1) Publish notice of the proposed use hearing on the CRA fund shall be published not less than seven (7) days in advance of the scheduled hearing.
- (2) The County Judge shall conduct the proposed use hearing.
- (3) Copies of the published notice and written minutes of the hearing shall be maintained by the County Judge as public record.

B. Prior to adoption of the County budget and submittal to the State Local Finance Officer, the Fiscal Court shall conduct a budget hearing on the entire County budget to show the relationship of LGEA fund uses to other funds and uses. The date of the final budget hearing may be immediately prior to the first reading of the budget ordinance.

C. Notice of the budget hearing shall be published in at least one (1) newspaper of general circulation and other news media in the community shall be advised. The preceding shall be as follows:

- (1) Published notice of budget hearing not less than ten (10) days prior to the scheduled hearing;
- (2) The Fiscal Court shall conduct the budget hearing;
- (3) Copies of the published notice and written minutes of the hearing shall be maintained by the County Judge as public record.

#### **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                    McCreary 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 McCreary 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 McCreary 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. For hiring ethics and nepotism regulations, see McCreary County Ordinance No. 1030.1.

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 (For detailed descriptions on all job classifications, please see Section 13).

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. All applicants shall sign a release authorizing the County to download and review the applicant's Kentucky Driving History Record or

the Driving History Record for the state in which the applicant is licensed as well authorization for a pre-employment background check.

**NOTE:**

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

- B. No employee may be hired until having been interviewed by the Department Head or Immediate Supervisor.
- C. The County Judge shall make the selection, subject to approval of Fiscal Court, and notify the applicant and supervisor in writing of the selection.
- D. Equal Employment Opportunity (EEO) information may be obtained from the applicant but shall not be used to exclude any person from employment.
- E. All part-time and temporary employees, funded through state or federal programs, shall be recruited and selected in accordance with the appropriate program guidelines.

**SECTION 5.4 Supervision**

The County Judge is responsible for the supervision of County employees. This responsibility may be delegated to appropriate department heads and supervisors. Each elected official shall be responsible for the supervision of all employees working within their particular office. All department heads and supervisors are to report regularly to the County Judge regarding issues within their department and shall be required to attend monthly Fiscal court meetings in order to provide departmental updates to the court and general public.

**SECTION 5.5 Discipline Procedures**

- A. The County Judge shall discipline County employees by written reprimand, suspension or discharge in the best interest of the County. All disciplinary actions require Fiscal Court approval. Approval can come after the imposition of the discipline.
- B. Any employee who is disciplined by the County Judge may appeal the action to the Personnel Committee of McCreary Fiscal Court at any time within ten (10) days after said action.
- C. The Personnel Committee of Fiscal Court shall conduct whatever investigation it believes the appeal warrants and render a written decision within ten (10) days after said appeal has been made.

**SECTION 5.6 Affirmative Action**

- A. The County Judge shall develop and maintain an Affirmative Action Plan consisting of
  - (1) A statement of Policy
  - (2) Methods of Dissemination of the Policy

- (3) Workforce Analysis
- (4) Goals and Timetables

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

**SECTION 5.7            Scope of Coverage**

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

- (1) The County Judge, Fiscal Court members, Constables and all Elected Officials.
- (2) All members of boards and commissions of the County.
- (3) Consultants, advisors and counsel rendering temporary professional advice.
- (4) Independent contractors.
- (5) Employees of the McCreary County Elected Officials.
- (6) Employees made available to County by other agencies.

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

**SECTION 5.8            Definitions**

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

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

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

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

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

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.

Probationary Period: A working test normally established as ninety (90) days, during which an employee is required to demonstrate by actual performance, his or her fitness to perform the duties of the position to which appointed. Upon justification to the appointing authority and written notification to the employee involved, a department head may extend the Probationary period beyond ninety (90) days. The probationary period does not apply to transfers from another department.

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 workforce shall be classified as full-time, part-time seasonal or temporary.

- (1) Full-Time Employee: An employee who works 40 hours per week on a regular scheduled basis.
- (2) Part-Time Employee: An employee who works less than 40 hours per week and averages no more than 99 total hours per month.
- (3) Seasonal Employees: Temporary positions which coincide in duration with a particular season or seasons of the year and that may recur regularly from year to year, in which case the period of time shall not exceed nine (9) months in any event.
- (4) Temporary Employee: are positions of employment with a participating agency for a period of time not to exceed twelve (12) months and not renewable (full or part-time).

### **NOTE:**

*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. County offices shall be open during the following hours: 8:00 a.m. to 4:30 p.m.
- C. An employee’s work hours shall be assigned by the Department Head or Direct Supervisor.
- C. Overtime work shall be approved in advance by the County Judge except in necessary circumstances where the County Judge shall be required to approve the overtime work after the overtime work has occurred (*See section 5.35*).

**SECTION 5.11           Personnel Records**

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

**SECTION 5.12           Employee Records**

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

**SECTION 5.13           Personal Conduct**

Images presented and statements made by all employees of the County can affect the entire organization; therefore, employees are expected to be friendly, courteous, appropriately dressed at all times and acting in accordance with the County Drug Policy.

**Section 5.14           Employee Safety**

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

- B. Inclement Weather Policy
- 1. Inclement weather may be classified as a snow event, ice storm, tornado, flooding, wildfire or any unforeseen act of nature that may temporarily prevent the availability and operations of county services.
  - 2. The policy pertains to all level of county employees including those volunteering or otherwise providing service to the county. This policy shall not apply to those working in “essential” services such as road employees engaged in snow or ice removal, emergency services personnel or other essential personnel as deemed necessary by the County Judge-Executive.
  - 3. The McCreary County Emergency Operations Plan, when placed into effect by executive order, takes precedence over this policy.
  - 4. Other local and state offices utilizing county facilities may utilize this policy as they deem necessary.

5. The decision to close county facilities and/or offices and alter daily employee work schedule will be made by the County Judge-Executive and administered by the Judge-Executive through department heads.
6. If an employee believes the inclement weather policy may be in effect, please refer to the following schedule. Decisions regarding the inclement weather policy will be made by 7 a.m. and made available through local media (WHAY 98.3 FM), county website or by contacting the appropriate department head.
7. Failure to comply with any portion of this policy may result in appropriate disciplinary action, up to and including dismissal.

**Inclement Weather Plan A** – Inclement Weather has occurred, but offices and facilities will operate on a normal schedule

1. All employees shall make every reasonable effort, consistent with personal safety, to report to work unless instructed otherwise by the County Judge-Executive.
2. All employees will make a good faith effort to report to work on time, including allowing for sufficient travel time and using alternate routes or methods of transportation.
3. If inclement weather makes it difficult for an employee to arrive at their workplace, they must contact their supervisor within a half hour of their start time to advise of their anticipated arrival or subsequent unavailability for work due to conditions. At that time employees can arrange to use vacation time for their leave, but sick time will not be allotted for inclement weather days. Supervisors do not have authority to dismiss their employees with pay unless vacation time is available and utilized.
4. There may be circumstances where county facilities and offices remain open but certain programs and services will be limited or canceled for the inclement weather period.

**Inclement Weather Plan B** – Inclement Weather has occurred, offices and facilities will operate on one hour delay

1. If local schools are closed for the day due to inclement weather (first day of single event), all county offices and facilities automatically will enter Plan B. If a determination for further action and alteration of the work schedule is necessary that decision will be made by 8 a.m. and announced through local media. If no alterations are made to Plan B, county facilities and operations will commence at 9:30 a.m.

**Inclement Weather Plan C** – Inclement Weather has occurred, offices and facilities will operate on two hour delay

1. If inclement weather is severe enough to cause a greater amount of hazard to personal safety, whether or not Plan B has already been enacted, the Judge-Executive will by 9 a.m. issue an order to implement Plan C. If a determination for further action is necessary, that determination will be made and announced through local media by 9 a.m. If no alterations are made to Plan C once implemented, county facilities and operations will commence at 10:30 a.m.

**Inclement Weather Plan D** – Inclement Weather has occurred, offices and facilities will be closed for full day

1. Under severe cases of inclement weather, the County Judge-Executive can implement Plan D. This determination can be made whether or not another schedule has already been implemented and

will be made by 10 a.m. of the work day. Under Plan D, all county programs, facilities and operations will be closed for the day (with the exception of essential personal).

C. Policies for personnel with inclement weather plans in place:

1. Essential personal include road department snow and debris removal crews, emergency dispatchers, ambulance service personnel, law enforcement and any other member of county government the Judge-Executive deems necessary for managing inclement weather. Essential personnel, in all cases, are required to report to work as scheduled or requested by your supervisor and will be paid at normal rate of pay.
2. All non-essential personnel, under order of the Judge-Executive will be paid at their regular rate of pay for the time scheduled to work, but altered under one of the above inclement weather plans. Employees, who are not scheduled to work during the hours of the inclement weather plan enactment, will not be paid as a result of this policy.
3. If an employee has a vacation day pre-authorized and scheduled at the time an inclement weather plan is put into effect for that day, the employee will not be charged with vacation time for the hours offices are closed.
4. Failure to comply with this policy may result in appropriate disciplinary measures, up to and including dismissal.
5. If inclement weather should be severe enough that the Judge-Executive issues a Declaration of Emergency, nothing in this policy shall supersede that Declaration nor take precedence over the adopted McCreary County Emergency Operations Plans or addendums to that Plan as detailed in the Standard Operating Guidelines or Emergency Support Functions.

#### **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.

**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 which may require performance of job functions as related to position for which one is applying.

**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.
- (4) All open positions, whether part-time or full time, shall be posted publicly (county clerk’s bulletin board) and on the county’s website at [www.mccrearycounty.com](http://www.mccrearycounty.com). Vacant full-time positions may be, but are not required to be, published in the local newspaper of greatest general circulation.
- (5) All current county employees shall be notified of vacancies in the same manner and have first option at promotion or transfer to fill those positions when practical.

**SECTION 5.20 Applications**

A. All applicants shall utilize the McCreary County Application form, adopted by the County March 12, 2012. 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. Upon selection of any candidate for hiring to any position within county government, said prospective employees shall be subjected to meeting all conditions of employment as set forth in this administrative code including pre-employment drug screening, criminal background check (a felony conviction will negate the employment of an individual) and other required criteria and

documentation as set forth by the county finance officer and state employment laws. The applicant shall also be subjected to a one-day orientation session prior to beginning work that will include: completion of employment documentation; review of county administrative code and policies; sexual harassment and equal opportunity policy; department code of conduct and operating procedures; safety training and other information as specified by the department or as required by the County Judge.

## **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 provide 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.

## **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. All attendance records on which employee compensation is based must be signed by the said employee, reviewed and signed by the said supervisor prior to submittal to the payroll clerk/finance officer to be considered valid and authorized for compensation.

#### **SECTION 5.25 Holidays**

A. The Fiscal Court shall adopt a holiday schedule prior to commencement of each calendar year and shall distribute same to all County employees and department heads. The current holiday schedule is:

- (1) The first day of January (New Year's Day), plus one day
- (2) The First Monday following the 15<sup>th</sup> day of January (Martin Luther King, Jr. Day)
- (3) The third Monday of February (President's Day)
- (4) The last Monday in May (Memorial Day)
- (5) The fourth day of July (Independence Day)
- (6) The first Monday in September (Labor Day)
- (7) The 11<sup>th</sup> day of November (Veteran's Day)
- (8) The fourth Thursday in November (Thanksgiving Day)
- (9) The fourth Friday in November (day after Thanksgiving Day)
- (10) The 24<sup>th</sup> day of December (Christmas Eve)
- (11) The 25<sup>th</sup> day of December (Christmas Day)

B. Each elected County Official shall follow the same holiday schedule for its employees as adopted by the Fiscal Court.

C. Employees that are required to work on any holiday will be compensated for that holiday time at the employees regular rate of pay up to eight (8) hours for each day worked that has been officially declared a holiday in addition to any time physically worked during that holiday period.

**SECTION 5.26            Vacation**

- A.      Vacation time will only be granted to full-time employees and shall accrue only after a 90-day probationary period has been completed.
  
- B.      All regular full-time employees shall be entitled to vacation of ten (10) working days calculated on an hourly scale for a total of eighty (80) hours per year as earned. All regular full-time employees with ten years of service or more shall be entitled to vacation of fifteen (15) working days (120 hours) per year as earned. All regular full-time employees with twenty years of service or more shall be entitled to vacation of twenty (20) working days (160 hours) per year as earned. Vacation time will be earned and attributed to each employee on a monthly basis, after each month of service to the County only after completion of the three month probationary period and exclusive of any time spent under disciplinary suspension or leave of absence without pay. Unless extraordinary circumstances prevail and authorization is granted by the County Judge, vacation time cannot be accumulated at any time to a degree over the base amount stated above. The employee must notify their supervisor in advance before taking their vacation time. All vacation time may be annually adjusted by the finance officer/payroll clerk, by December 31 of each year, to ensure compliance with the conditions of this administrative code.
  
- C.      Part-time employees, Seasonal employees and Temporary employees shall not be eligible to earn Vacation leave.
  
- D.      No employee will be permitted to take Vacation leave that has not been earned. Vacations shall be at full pay at the current rate of salary.
  
- E.      Vacation will be scheduled on anticipated "slack" time in a manner that does not interfere with the functions and services of the office. Employees shall select vacation dates that do not coincide with dates of other employees. Senior employees shall have first preference. The Department Head shall review all Vacation leave requests and shall forward the Department Head's recommendation to the County Judge. All vacation requests must be submitted in writing and approved by the County Judge or their designee.
  
- F.      The County Judge's office, through the local finance officer or payroll clerk, or its designee shall keep records of vacation leave for each individual employee.
  
- G.      All employees may take leave without pay if the leave is approved by the Department Head and County Judge.
  
- H.      Absences on account of sickness, injury, or disability in excess of that authorized for such purposes may, at the request of the employee with the approval of the County Judge, be charged to vacation leave credit.
  
- I.      Absences for part of a day that is chargeable to vacation leave credit shall be chargeable proportionately in an amount not smaller than one half (1/2) day, (4) hours.
  
- J.      Upon the termination of employment with the county, or the employee's departure from employment with the county, the employee will not be credited with or compensated for any unused vacation time.

## **SECTION 5.27            Sick Leave**

### **A.        Accumulation of Sick Leave:**

- (1)       Sick leave is a benefit, not a right. Paid sick leave entitles employees to time off to recuperate from illness or accident, while retaining their employment rights and pay for the time off. Its main purpose is to provide income for employees absent a relatively short time because of personal illness or injury.
- (2)       Full-time employees shall be eligible for sick leave at the rate of one day, per month. Part-time, Seasonal and Temporary employees are not eligible for sick leave.
- (3)       Employees in their first three full calendar months of service shall not be credited with Sick leave. On the first day of their fourth full month of service, the employee shall be credited with one (1) sick leave day with days accumulating for each month of service afterward.
- (4)       Sick leave may be accumulated up to sixty (60) days (480 total hours).

### **B.        Use of Sick Leave:**

- (1)       Personal illness, injury, or visits to the physician which cannot be accomplished during off-duty hours.
- (2)       Enforced quarantine of the employee in accordance with community health regulations.
- (3)       Illness in the immediate family (spouse, children, parents, or relatives living in the employee's home), when approved by the office holder.
- (4)       A County official may allow two (2) consecutive days of sick leave without a doctor's excuse, but any days over a two (2) day period must be accompanied by a doctor's excuse unless otherwise authorized by the Department Head.
- (5)       Upon retirement, an employee may transfer accumulated sick leave up to sixty (60) days to the County for retirement credit only. Upon said election, the County shall purchase retirement service credit in an amount equal to the unused sick leave of said employee.
- (6)       Upon the termination of employment with the county, or the employee's departure from employment with the county, the employee will not be credited with or compensated for any unused sick time
- (7)       Employees may not utilize accumulated sick time within 24 hours of any active shift for which they are scheduled to work that falls upon any of the accredited holidays as determined by this administrative code. If an employee utilizes said sick time, they shall not be compensated additionally, beyond scheduled hours of work, for the gratuitous holiday hours. Should an employee wish to take additional leave during holiday periods, said leave shall fall under vacation leave credit guidelines.

**NOTE:**

*Once the County has adopted a sick leave conversion to retirement policy, there is no opt out provision. The policy is universal to all employees unless the constitutional officer has their own account with retirement.*

C. Reporting Sick Leave:

- (1) To be paid sick leave, the employee has the responsibility to report their inability to be on the job. An employee must notify their immediate supervisor or County Judge in a reasonable amount of time prior to the beginning of each shift on days sick leave will be utilized. Failure to notify his office or Department Head prior to the established work time may result in loss of pay for that day and may result in disciplinary action against the employee. If notification is not possible prior to the start of the established work time, the employee shall notify the Department Head as soon as is possible.
- (2) Sick leave absences for part of a day that is chargeable to sick leave credit shall be chargeable proportionately in an amount not smaller than one half (1/2) day, (4) hours.
- (3) Upon return to work the employee shall file a Notice of Leave form stating the reasons for the absence, unless the employee filed the form prior to taking Sick leave. The form must be approved by the Department Head before being charged to sick leave. Individual records of all sick leave credit shall be maintained by the County.
- (4) A Department Head may require the employee to submit a medical statement, period of treatment, and date that the employee may return to work from sick leave when it occurs before or after a holiday or other scheduled day off or when an employee has a record of repetitious usage of short amounts of sick leave over an extended time period. The employee may be required to take a medical examination on returning from sick leave or on such occasions that it is in the best interest of the County. The medical examination shall be given by a physician designated by the County.
- (5) The County Judge, an Elected Official or a designee may investigate the alleged illness of an employee under the Elected Official's supervision absent from work on sick leave. False or fraudulent use of sick leave shall be cause for disciplinary action, up to, and including, dismissal.

D. Sick Leave Donation Program

**ELIGIBILITY**

- Both recipients and donors must be current employees of the County.
- A donor may not donate an amount of sick leave which would cause his/her sick leave balance to go below 75 hours.

- An employee becomes eligible to receive donated sick leave at the point in time when all four of the criteria below are met:
  1. The employee or member of his/her immediate family suffers from a "medically certified" illness, injury, impairment, or physical or mental condition which has caused, or is likely to cause, the employee to go on leave for at least ten consecutive working days;
  2. The employee's need for absence is certified by a licensed practicing physician;
  3. The employee has exhausted all of his/her available paid leave: and
  4. The employee has complied with administrative regulations governing the use of sick leave.

Participation in the Sick Leave Sharing Program is at the discretion of the employee and requires approval of the County Judge or Elected Official.

#### Guidelines on Sick Leave Sharing Regulations

In the event of a prolonged or catastrophic illness or injury, or an extended absence due to illness of a family member, eligible employees who accrue sick leave and who have exhausted their leave balances may have sick leave donated to them by other eligible County employees. The forms needed to receive or donate leave may be obtained from the County Judge's or the Elected Official's office. Listed below is the chronological flow of actions and documents.

1. RECIPIENT COMPLETES APPLICATION AND SUBMITS IT ALONG WITH THE PHYSICIAN'S CERTIFICATION TO HIS PAYROLL OFFICER. The payroll officer collects all information, and transmits the appropriate documents to the Appointing Authority.
2. THE APPLICATION IS REVIEWED TO ENSURE THAT THE CERTIFICATION OF THE PHYSICIAN IS COMPLETE AND THE FORM IS CORRECTLY FILLED OUT. Verify that the employee will exhaust his leave during the projected absence. Note that the employee does not have to have exhausted his leave before he submits the application. Also, note that the employee does not have to have already been off for 10 days in order to apply, but must have a situation where it is likely to cause an absence for at least 10 consecutive days. A file is created for the recipient by the payroll officer. All medical information must be kept in a locked file separate from the personnel files.
3. DONOR(S) COMPLETES DONATION FORM AND SUBMITS TO HIS PAYROLL OFFICER. The donor's payroll officer verifies the donor's leave balance for eligibility. After the form is signed by the appointing authority, a copy is sent to the recipient's payroll officer. The donor's payroll officer must reduce the donor's sick leave balance upon receipt of the memo from the recipient's payroll officer.
4. RECEIVE AND FILE FORMS. As the donation forms are received by the recipient's payroll officer, they are stamped with a received date, and the time of receipt is recorded on the form. The recipient's payroll officer will file the donor forms in the file for the appropriate recipient.
5. PREPARE AND PROCESS PAYROLLS. Upon certification of eligibility, all donated leave

is to be added to recipient's sick leave balance. As the employee utilizes leave for the Sick Leave Sharing qualifying condition he will be paid as usual, reporting sick leave used.

6. **SEQUENCE OF LEAVE USAGE.** Transfer all leave donated to the recipient at the time of donation, not on a pay period basis, up to the amount requested. As the recipient accrues leave of his own, his leave time must be used first. He can then use time donated to him. The recipient uses donated leave in the order in which it is received.
7. **RECIPIENT CAN RETAIN LEAVE AFTER RETURN TO WORK.** The recipient may retain the donated leave upon return to work only if the recipient documents that leave will be needed for continuing treatment relating to the condition which caused the individual's absence. For example, if the employee was absent due to surgery to remove a malignant tumor and returns to work, but will require periodic absences for radiation therapy, the excess leave may be retained for that purpose. However, the employee may not retain the excess leave to be used for any unrelated condition.
8. **SEQUENCE OF RESTORING UNUSED LEAVE TO DONORS.** When the recipient returns to work and the donated leave is no longer needed for the qualifying condition, excess leave shall be returned to donors in reverse order of donation (last donor's leave is returned first.) If the donor has left employment, the returned hours should be credited to the inactive record for restoration if the employee is rehired.

## **SECTION 5.28            Family and Medical Leave Act (FMLA)**

- A. FMLA provides entitlement for up to 12 weeks of job protected, unpaid leave, during any twelve month period for the following reasons:
  - (1) The birth of a son/daughter or care for newborn child;
  - (2) The placement of a son/daughter for adoption or foster care;
  - (3) Care for the employee's spouse, son/daughter, or parent with a serious health condition;
  - (4) The employee's own serious health condition.
- B. **Qualifying Exigency Leave.** The FMLA requires that employers provide employees up to 12 weeks of leave in a 12-month period to tend to any "exigency" resulting from a service member's call to duty. The new FMLA regulations clarify that exigency leave may be taken by eligible employees (consisting of not only a spouse, son, daughter, or parent, but also "next of kin" — the next nearest blood relative) while their spouse, son, daughter, or parent is on active duty or call to active duty status in the National Guard or Reserves, or if the family member is a retired member of the Regular Armed Forces or the Reserves. An employee whose family member is on active duty or call to active duty for the Regular Armed Forces does not qualify for this leave. Qualifying exigencies include short-notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and additional activities.

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

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

E. However, the employee must exhaust all accumulated sick leave and annual leave time prior to receiving unpaid FMLA leave.

**NOTE**

*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 and shall be implemented immediately upon the employee's notice they cannot return to work due to the workers compensation qualifying event.*

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

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

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

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

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

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

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

K. Any employee desiring to benefit from “donated sick leave” 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 provided for herein, the County Judge, Elected Official or department head shall authorize same in writing and provide the employee and the County Treasurer a copy of the written approval. All applications for leave without pay and all approvals of same, not in writing, shall disqualify the employee from health benefits otherwise provided herein.

#### **SECTION 5.29           Bereavement Leave**

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

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

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

D. 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 5.30           Special Leave**

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

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

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

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

**SECTION 5.31            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 5.32            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 5.33            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.

**SECTION 5.34 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 5.35 Overtime and Compensation Time**

A. The County does not contemplate the granting of compensatory time or the payment of overtime compensation except in extraordinary circumstances as determined by the County Judge. The supervisor or office holder shall not require overtime of their employees except in extraordinary situations. As stated in section 5.10 (*Section 5.10 - Overtime work shall be approved in advance by the County Judge except in necessary circumstances where the County Judge shall be required to approve the overtime work after the overtime work has occurred*), where overtime is pre-authorized by the County judge the following option for overtime time shall apply:

**OPTION**

*A County employee who is authorized to work one (1) or more hours in excess of the prescribed hours per week may be granted compensatory leave on an hour-for-hour basis. Granting of compensatory time will be determined by the County Judge on a case-for-case basis upon request of an employee. Upon the written request by a County employee, made freely and without coercion, pressure, or suggestion by the employer, and upon a written agreement reached between the employer and the County employee before the performance of the work, a County employee who is not exempt from the provisions of the Federal Fair Labor Standards Act, 29 U.S.C. et seq., may be granted overtime pay, at the rate of not less than one and one-half (1-1/2) hours for each hour the County employee is authorized to work in excess of forty (40) hours in a work week.*

B. The salary of supervisors is "preadjusted" to anticipate "overtime compensation during times of extraordinary or emergency situations such as snow removal, storms and things of a similar nature. Therefore, supervisors shall not be entitled to "overtime compensation" in addition to their regular salary.

**SECTION 5.36 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.

### **SECTION 5.37 Health and Hospital Insurance**

A. All full-time employees of the County shall be provided with a health and hospital insurance coverage plan as provided by the Fiscal Court. The single plan coverage will be paid by the County. If the employee desires to have family plan coverage, he will be required to pay the difference.

B. All full-time employees of the county who are enrolled in the county health insurance coverage plan, may elect to have their health insurance benefits continued for up to 60 days given the employee is unavailable to work due to circumstances beyond their control or beyond the control of the county.

C. All secondary health insurance and life insurance plans made available to and accepted for use by employees is the sole financial responsibility of said employee and not the county. All policies offered to said employees and paid for through automatic payroll deductions, must be paid for in advance and at any time the employee's employment status is such that a regular payroll check is not being issued by the county's finance officer/payroll clerk, the secondary insurance policy must be paid for in advance, at least 30 days prior to due date and/or effective date of the policy, or the policy will be subject to automatic cancellation.

D. Due to regulations as set forth in the U.S. Affordable Care Act of 2010, all new county employees, whether elected, appointed or otherwise included among the county's personnel roster, shall have health insurance benefits made available to them on the first day of the month following 60 full days of employment. This clause does not effect the employee's 90-day probationary period or the implementation period for other employee benefits.

### **SECTION 5.38 Kentucky County Employees Retirement Program**

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

### **SECTION 5.39 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 5.40            Performance Evaluation**

The County Judge and each supervisor are responsible for appraising the performance and merit of personnel under their respective jurisdiction.

**SECTION 5.41            Disciplinary Action**

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

- (1)        Dishonesty or falsification of records;
- (2)        Use of alcoholic beverages or drugs which affect job performance. This shall include the consumption of alcoholic beverages or drugs during working hours as well as the abuse of alcoholic beverages or drugs during non-working hours which, as a result of said abuse, affect the job performance of the employee during actual working hours;
- (3)        Unauthorized use or abuse of County equipment or property;
- (4)        Theft or destruction of County equipment or property;
- (5)        Habitual tardiness, unauthorized or excessive absence or abuse of sick leave;
- (6)        Disregard or repeated violations of safety rules and regulations;
- (7)        Unsatisfactory performance of duties;
- (8)        Disobeying a supervisor;
- (9)        Performing outside work during working hours established by the County; or
- (10)      Displaying or distributing campaign material for a political campaign during normal working hours; the placement of any campaign or political material on a County vehicle; or participating in political activities while on the job site or during normal working hours.

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

**SECTION 5.42            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 5.43            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 5.44            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 5.45            Dismissal**

- A. 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 5.46            Resignation**

- A. An employee shall, in order to resign in good standing, give the County Judge written notice at least two weeks before the date of the resignation is to take effect. The County Judge may agree to a shorter notice because of extenuating circumstances.
- B. A resignation made without the notice required by these rules may be regarded as cause for denying the resigning employee future employment by the County.
- C. An employee's resignation and the circumstances pertinent to it shall be recorded in his personnel file.
- D. The employment date of an employee who resigns and is reinstated or is dismissed and is re-employed shall be the date of re-employment.

**SECTION 5.47           Layoff**

- A.     The County Judge shall submit in writing to the Fiscal Court whenever the County Judge thinks a layoff of County workers is needed. If the court does not act in any manner within thirty (30) days, the County Judge may go ahead with layoff procedures as prescribed herein.
  
- B.     In layoff
  - (1)    The order of layoff shall be established by the Fiscal Court on the basis of the needs of the County;
  
  - (2)    Consideration shall be given to both the seniority and merit of the persons considered for layoff;
  
- C.     Two weeks before the effective date of the layoff of an employee, if time permits, the County Judge shall:
  - (1)    Notify the employee of the layoff;
  
  - (2)    Explain the reason for the layoff;
  
  - (3)    Certify whether his service has been satisfactory.
  
- E.     A copy of the notice shall be retained in the employee's personnel file.
  
- F.     An employee who has given satisfactory service, and is laid off, shall be eligible for re-employment in other positions for which the employee qualifies.

**SECTION 5.48           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 5.49           Grievances**

- A.     A Grievance Committee will be set up on request of a complaining employee. The committee will consist of (1) members of Fiscal Court, County Attorney, and the County Judge.
  
- B.     Grievance Procedure: Any grievance or dispute which may arise from employment with the County shall be settled in the following manner:

- (1) The employees shall present the grievance to his/her immediate supervisor within three (3) working days of its occurrence or within three (3) working days of knowledge of the occurrence by the employee. The supervisor should then attempt to respond to the employee within seven (7) days of the receipt of the complaint.
- (2) If the grievance remains unadjusted, it may then be presented by the employee to the County Judge for review by the grievance committee within a reasonable period of time.

**SECTION 5.50            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 5.51            Miscellaneous Provisions**

Personnel Records:

- A. For each County employee, a personnel file shall be maintained in the office of the McCreary County Judge-Executive.
- 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 5.52            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 5.53            Sexual Harassment**

- A. Purpose
  - (1) To advise employees that sexual harassment is a violation of law.
  - (2) To clearly state that employees or employee applicants should not be subjected to unwelcome sexual conduct, on or off the job, regardless of whether such action results from conduct of co employees, supervisory staff, department heads, the public or others.
  - (3) To provide for disciplinary action in the event this policy is not followed.
- B. Policy

- (1) Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
  - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
  - b. Submission to or rejection of any such conduct by an individual is used as the basis for employment decisions; or
  - c. Such conduct has the result of unreasonably interfering with an individual's work performance or creating an intimidating or offensive work environment.
  
- (2) Examples of specific conduct, include but are not limited to:
  - a. Visual displays of sexually explicit or suggestive materials;
  - b. Sexually explicit or suggestive comments, jokes, etc...;
  - c. Sexually explicit or suggestive gestures;
  - d. Sexually explicit or suggestive e-mail;
  - e. Using the internet to view sexually explicit or suggestive material;
  - f. Viewing or showing sexually explicit videos;
  - g. Touching co-workers in sexually suggestive or explicit manners;
  - h. Removal of clothing that involves actual or threatened physical conduct or that involves a sexually explicit or suggestive element.
  
- (3) The activities described above are prohibited on the part of all employees, Department Heads, supervisors and all elected county officials. It is not necessary that there be a supervisory relationship between the involved persons for the activity to be unlawful.
  
- (4) Any employee or employee applicant who feels that he or she has been subjected to any prohibited activity described above, should report the incident immediately to his or her immediate supervisor or the County Judge. If the immediate supervisor is involved in the activity, the violation should be reported immediately to the County Judge. In the event the County Judge is the subject of the problem, the employees should notify the County Attorney. All resulting investigations shall be kept confidential; to the extent possible consistent with taking appropriate steps to stop the behavior that is the subject of the complaint.
  
- (5) Any employee violating this policy will be subjected immediately to disciplinary action ranging from a written warning to discharge, depending upon the nature and severity of the violation in this case.

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

## **SECTION 5.54 Drug Free Workplace**

### **A. Policy Reasons:**

- (1) The Fiscal Court has determined that a comprehensive and effective drug use education, training, control and testing program will deter drug abuse and aid in ensuring a work environment that is as productive and as safe as possible to all employees and to the public. Abuse of drugs and use of illegal drugs is dangerous to employee health and safety and, in many cases, dangerous to the public as well. Drugs can interfere with an employee's effectiveness on the job and with clear and quick thinking. The effects of drug abuse linger and fester.
- (2) In addition, the Federal Highway Administration (FHA) has issued regulations which require that mandatory alcohol testing procedures be applied to all County employees subject to Commercial Driver License (CDL) testing and licensing procedures.

### **B. Drug and Alcohol Test Policy :**

#### **Introduction**

1. The County has determined that the safety of its employees, the general public and its citizenry is of paramount importance.

2. The County also believes that healthy, fit employees contribute to a productive atmosphere and one that promotes an efficient responsible delivery of services; that employees who are physically fit and who project a positive mental attitude have the greatest potential for success with the County and those individuals generally incur less health problems and medical costs.

3. It is in the best interest of the County to institute drug and alcohol testing to ensure that employees are free from drug and alcohol impairments, and are capable of fulfilling their job requirements and contributing their best to the County.

4.

The general physical condition, positive mental attitude and a fit appearance indicate positive personal habits that will carry over to job performance of all employees, and lifestyles tends to reflect working style;

5. Certain positions within County employment require more mental and physical alertness and coordination so as to not subject the employee filling said position, other employees and the general public and citizenry of the County to potential physical harm, injury or death or result in significant property damage from lack of such alertness and coordination due to the use of drugs or alcohol.

**STATEMENT OF PURPOSE.**

1. **INTRODUCTION.** The purpose of this drug and alcohol test policy is to intervene with employees who may be working in an impaired condition or under the influence that may harm themselves, fellow employees, the public or the County. "Drug or alcohol induced impairment" or "under the influence" under this policy includes impairment as a result of: (a) over-the-counter drugs; (b) prescribed drugs; (c) illegal drugs; or (d) alcohol.

2. **POLICY STATEMENT.** It shall be the policy of the County that an employee found to be in the possession of, under the influence of, impaired by, using, selling, offering for sale, or trading (whether or not for profit or pecuniary gain) drugs or alcohol during working hours or on County property will be subject to disciplinary action, up to and including immediate discharge. Nothing contained in this policy shall make an employee subject to discipline for mere possession of an over-the-counter drug or prescribed drug for an employee.

All employees shall be provided a copy of this policy and procedure. The policy shall be posted on all employee bulletin boards.

**DEFINITIONS.**

1. "Alcohol" means any liquid that has an alcoholic content in excess of one percent (1%) by volume.

2. "CDL Employee" means any employee who is required to have any type of commercial motor vehicle operator's license to perform his or her job.

3. "Candidate" means any individual tentatively selected for employment with the County or a "CDL" or "designated" employee.

4. "Designated Employee" means any deputy jailer employed by the McCreary County Jailer, any deputy sheriff with law enforcement responsibilities and/or in possession of firearms for the purpose of carrying out the employment duties and any County police officer.

5. "Drug" means any substance (other than alcohol) capable of altering the mood, perception, pain level, or judgment of the individual consuming it.

6. "Employee" means all hourly and salaried County personnel and employees and including the McCreary County Sheriff's Office, McCreary County Jailer, McCreary County Clerk's Office, McCreary County Coroner's Office, and the McCreary County Attorney's Office.

7. "He" or "His" also means "She" or "Hers" in appropriate context.

8. "Illegal Drug" means any drug or controlled substance including, but not limited to, substances controlled or prohibited by Federal or State law, the sale or possession of which is illegal.

9. "Positive Alcohol Screen" means positive identification of an alcohol concentration of 0.02 or greater which has been confirmed by the testing procedure described herein.

10. "Positive Drug Screen" means positive identification of an illegal drug which has been confirmed by the testing procedures described herein.

11. "Prescribed Drug" means any substance prescribed for the individual consuming it by a licensed medical practitioner.

12. "Random Testing" means a system of drug testing imposed without reasonable suspicion in which the designated employee to be tested is selected from a statistically random sampling of designated employees.

13. "Reasonable Suspicion" means an articulated belief that an employee is using alcohol or drugs which is based on specific and particularized facts and reasonable inferences from those facts.

14. "Reasonable Suspicion Testing" means a test where an employee will be tested when there is a reasonable suspicion that the employee is under the influence of drugs or alcohol.

**TESTING TIMES.**

1. Pre-employment Testing. All candidates shall be subjected to the drug and alcohol testing described herein.

2. Reasonable Suspicion Testing. When, through observation, a department head has reasonable suspicion to suspect that an employee is under the influence of drugs or alcohol, the department head, when feasible, will arrange to have another department head, supervisor, or assistant supervisor observe and evaluate the employee's condition. Documentation of the employee's condition or behavior should be made part of the evaluation process. Examples of objective observation influencing work-related behavior include, but are not limited to, any of the following:

- a. Drowsiness and/or sleepiness;
- b. Odor of alcohol on breath;
- c. Slurred or incoherent speech;
- d. Disorientation;
- e. Aggressive behavior;
- f. Work errors;
- g. Difficulty in performing normal or routine duties;
- h. Changes in mood;
- i. Lack of coordination in walking or performing tasks; or
- j. Observation of use or possession of any of the prohibited substances.

If an employee has reasonable suspicion to suspect another employee is under the influence of alcohol or drugs he shall contact the department head of the employee under suspicion or, the office holder if applicable, or if the department head is unavailable, or if the office holder is unavailable, the employee shall contact the County Judge.

3. Random Testing. Since all county employees are employed in a position where the consequences of alcohol and drug use would be particularly damaging to said employee's safety, the safety of other employees, the general public and citizenry of the County and may result in significant property loss or damage, unscheduled drug testing shall be utilized.

a. Designated Employees. Each designated employee of the County shall be assigned a number at random by the County Judge who shall keep said list and numbers confidential and on file in his office.

The County Judge shall maintain 3 separate listings or pools. One pool shall be for the County Jail, the second pool shall be for the County Sheriff's Office and County Police Force, and the third pool shall be for all other employees employed by County Government. At least twice a year, the County Judge shall select numbers at random for drug and alcohol testing from each of the three pools of employees at his discretion.

**NOTE**

*The County Judge cannot force the jail employees or the sheriff's employees to submit to random testing without the permission of the sheriff or jailer.*

b. CDL Employees. Federal law requires the County to administer a number of random drug tests equal to at least 50% of the average number of CDL employees every year. For that reason, the County Road Engineer/Supervisor shall assign each CDL employee a number at random which shall keep said list of names and numbers confidential and on file in his office. The CDL employees shall be placed in a separate pool from the designated employees.

4. Post-Accident Testing. All designated employees and all CDL employees involved in any work-related accident involving a vehicle or resulting in personal injury to himself or others in which his job performance could have contributed to the accident shall be immediately tested for drugs and alcohol.

5. Initial Testing. During the first year of this policy, all designated employees and all CDL employees who have not previously been tested shall be required to undergo a drug and alcohol test arranged by the County.

**TEST PROCEDURE.** The procedure for directing employees to the testing facility for initial, random and reasonable suspicion drug and alcohol testing and evaluation are:

1. The Department Head shall inform the employees of their need to report for testing at the facility selected by the County.

2. County Judge contacts the testing center to inform of the referral.

3. Department Head or designee transports the employee to the testing center designated by the County.

4. The employee shall be asked to sign consent forms to undergo testing and release information to the County. The evaluation will include a breathalyzer test and urine screen.

5. Refusal to sign consent forms or to undergo such testing and evaluation constitutes insubordination and may result in discipline, up to and including discharge.

6. Results of the evaluation and tests will be provided to the County, and to the employee, upon written request.

**TESTS.** The drug testing will be a urine sampling process conducted by a recognized and certified testing source as selected by the County.

The alcohol testing will be a breathalyzer conducted by recognized and certified testing source selected by the County.

**POST-TEST PROCEDURE.** Any employee who has a positive drug screen or positive alcohol screen shall be relieved of duty, without pay, and transported home by taxi, County representative, friend, family, or co-worker. If an employee insists on driving, the department head

or County Judge shall: (a) inform the employee that the County will immediately contact law enforcement agencies to report the circumstances and (b) call the law enforcement agencies, should the employee drive despite the warning. The County reserves the right to require a second testing for any positive drug screen or positive alcohol screen in the County's absolute discretion. The County further reserves the right to require a second testing for any drug screen or alcohol screen that the testing center has determined to be inconclusive or suspicious.

**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.

**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 5.55            Expense Reimbursement**

A.     Subject to budgetary limitations, any officer or employee of the County incurring expenses for approved travel on behalf of the County shall be reimbursed for allowable out-of-County travel expenses as follows:

- (1)     Room Costs: Reimbursement for actual amount on receipt (conference rate). Non-conference rate shall not exceed \$65.00 per day, unless the County Judge or Fiscal Court approves reimbursement at a higher rate.
- (2)     Meal Costs: Not to exceed \$35.00 per day (upon presentation of receipt(s)). Expense for gratuity shall not be considered reimbursable and meals are only reimbursable if employee/official travel results in an overnight stay.
- (3)     Mileage: Rate paid by the Commonwealth of Kentucky if travel by personal vehicle is required.
- (4)     Air Fare: Lowest coach fare. County Judge approval required.
- (5)     Other Expenses: Tolls, parking and similar expenses not including gratuity. Expenses shall be necessary and reasonable. No expenses shall be reimbursed which are not directly related to job related purposes or other County business purpose.
- (6)     Higher reimbursement rates may be authorized due to travel site (i.e. high rate areas). Commonwealth of Kentucky regulations shall be utilized for guidance.

### **B.     Authorization**

All travel by County employees must be approved in advance by the employee's supervisor or the County Judge. Meeting notices supporting travel shall be submitted with the travel request, when available.

### **C.     Reimbursement**

- (1)     The Request for Reimbursement Form must be completed (including required receipts) and submitted to the County Judge within (30) thirty days after returning from travel.
- (2)     The Request for Reimbursement Form must be signed by the employee requesting reimbursement, the department director, and the County Judge.
- (3)     Exceptions to this rule may be made by the County Judge through use of a credit card in the County's name.

## **Section 5.60 Job Classifications/Descriptions**

### POSITION DESCRIPTION

#### **CLASS TITLE: Deputy County Judge/Executive**

**CHARACTERISTICS OF THE CLASS:** This is responsible supervisory, administrative, and technical work directly under the jurisdiction of the County Judge/Executive.

**EXAMPLES OF DUTIES:** Plans and coordinates the administrative support program for the County Judge/Executive and Fiscal Court. Prepares agendas and other materials for fiscal court meetings. Performs public relations work in interpreting county policies to citizens. Shall represent the County Judge/Executive as alternate to various boards and commissions at the pleasure of said official. Shall assist the County Judge/Executive in any assigned administrative activities as they occur, and have authority to carry out requests of said official. Serves as Judge/Executive in his absence. Shall perform other related duties as required by the Judge/Executive.

#### DESIRABLE QUALIFICATIONS

**TRAINING AND EXPERIENCE:** Graduation from a standard high school or the equivalency, with advanced training in management skills and considerable responsible experience in office management.

**SPECIAL KNOWLEDGE, SKILLS AND ABILITIES:** Ability to plan and coordinate the administrative support program for the County Judge/Executive and Fiscal Court. Ability to prepare agendas and other materials for fiscal court meetings. Ability to perform public relations work. Ability to represent the County Judge/Executive as alternate to various boards and commissions at the pleasure of said official. Ability to assist the County Judge/Executive in any assigned administrative activities as they occur, and have authority to carry out request of said official. Ability to perform other related duties as required by the Judge/Executive.

**WAGES:** Salaried position, salary is set at the discretion of the County Judge/Executive and the McCreary County Fiscal Court

**BENEFITS:** Full county benefits per administrative code

## POSITION DESCRIPTION

**CLASS TITLE: Administrative Clerk County Judge/Executive's Office**

**CHARACTERISTICS OF THE CLASS:** Under limited supervision of the County Judge/Executive and his/her Deputy, manages the general clerical function of the County Judge/Executive's Office.

**EXAMPLES OF DUTIES:** Manages all clerical functions of the County Judge/Executive's Office. Types, files, takes and transcribes dictation, enters and retrieves data from an electronic data base. Assists in the preparation and submission of state and federal grant and loan applications and the administration, thereof. Assists in the preparation, interpretation and dissemination of reports, changes to administrative regulations, executive orders and resolutions. Shall perform other related duties as required by the Judge/Executive.

## DESIRABLE QUALIFICATIONS

**TRAINING AND EXPERIENCE:** High school graduate. Two years college or equivalent experience preferred. Knowledge of Business English, general office practices and procedures. Knowledge of principles and ability to use electronic data base.

**SPECIAL KNOWLEDGE, SKILLS AND ABILITIES:** Professional appearance. Ability to exercise mature judgment, courtesy and tact in dealing with the public.

## COMPENSATION

**WAGES:** Salaried position, salary is set at the discretion of the County Judge/Executive and the McCreary County Fiscal Court

**BENEFITS:** Full county benefits per administrative code.

## POSITION DESCRIPTION

### **CLASS TITLE: Finance and Personnel Director**

**CHARACTERISTICS OF THE CLASS:** Immediate responsibility for all matters involving county finance and personnel administration.

Work is performed under the general supervision of the County Judge/Executive and is evaluated through conferences, reports and independent audits of personnel and financial records. Tact and courtesy are required in dealing with the general public, other officials and employees of the county. Must demonstrate the ability to effectively direct the activities of personnel assigned to the Finance and Personnel Office.

**EXAMPLES OF DUTIES:** Administers county payroll and personnel benefit programs. Participates in budget preparation. Prepares all county warrants. Maintains appropriation ledger for all funds; issues checks for all funds; maintains check register for all funds; prepares monthly, quarterly and annual reports of all funds. Maintains time sheets, vacation and sick leave records.

Serves as the County's Personnel Officer with immediate responsibility for the administration of employee benefits to include employee insurance, retirement, worker compensation and associated reports. Administers all purchase orders. Receives all claims against the county and insures the timely completion and delivery of master claims lists to members of the court.

Prepares transfers and amendments for Fiscal Court action. Shall perform other related duties as required by the Judge/Executive.

### **DESIRABLE QUALIFICATIONS**

**TRAINING AND EXPERIENCE:** Must be a high school graduate and possess actual, on the job experience in accounting and have some knowledge in the area of personnel administration. Purchasing experience is desirable. Must have working knowledge of computer systems and office machines used in the office.

**SPECIAL KNOWLEDGE, SKILLS AND ABILITIES:** Knowledge of commonly accepted principals of cost accounting. Knowledge of systems used to control the receipt and expenditure of public funds. Ability to compile, analyze and make recommendations regarding the expenditure of public funds. Ability to establish and maintain accounting systems and controls. Ability to operate common office machines and computer systems necessary for the administration of job requirements. General knowledge of state and federal labor standards. Ability to deal tastefully and courteously with the public. Ability to develop and maintain effective working relationships with superiors, subordinates and other employees.

**WAGES:** Salaried position, salary is set at the discretion of the County Judge Executive and the McCreary County Fiscal Court

**BENEFITS:** Full county benefits per administrative code

## POSITION DESCRIPTION

### CLASS TITLE: **County Treasurer**

**CHARACTERISTICS OF THE CLASS:** Performs responsible fiscal work in financial administration. An employee in this class plans and directs the receipt, disbursement, and accounting of county revenues and expenditures. Work includes responsibility for managing the investment of county funds under the direction of Fiscal Court. A considerable amount of independent judgment and personal initiative are required in planning and carrying out financial programs. Tact and courtesy are required in dealing with the public and other officials and employees of the county. Work is performed in accordance with established governmental finance procedures, and within the framework of the General Statutes and the policies of the Fiscal Court. Work is performed under general supervision of the County Judge and is evaluated through conferences, reports, and independent audits of financial records.

**EXAMPLES OF DUTIES:** Performs such duties as enumerated in Kentucky Revised Statutes. Maintains a general ledger; cash receipts register; appropriation expenditure ledger; warrant distribution register; payroll authorization book; individual earnings record for each employee; notes payable register and bond register. Prepares and presents reports of the financial condition of the county. Assists department heads in budget preparation. Shall perform other related duties as required by the Judge/Executive.

### DESIRABLE QUALIFICATION

**TRAINING AND EXPERIENCE:** Extensive experience in accounting, preferably in a unit of local government. Completion of university level courses in accounting or business administration. Qualified as enumerated in Kentucky Revised statutes.

### SPECIAL KNOWLEDGE, SKILLS AND ABILITIES:

Extensive knowledge of statutory limitations and requirements involved in handling public funds and of county fiscal policies.

Extensive knowledge of systems used in controlling the receipt and disbursement of public funds. extensive knowledge of the organization and functions of county government. Ability to compile and analyze financial records. Ability to establish and maintain accounting systems and control. Ability to plan and supervise the work of others. Ability to operate common office machines. Ability to deal tactfully and courteously with the public. Ability to maintain effective working relationships with other employees.

**WAGES:** Salaried position, salary is set at the discretion of the County Judge Executive and the McCreary County Fiscal Court

**BENEFITS:** Full county benefits per administrative code

## POSITION DESCRIPTION

### **CLASS TITLE: Court House Custodian Supervisor**

**CHARACTERISTICS OF THE CLASS:** This is routine custodial work in and around a public building. An employee of this class is responsible for the proper performance of all cleaning, custodial work, and minor maintenance during an assigned shift. The employee performs building cleaning and maintenance duties requiring some skill in use of cleaning materials and equipment, and in making repairs to equipment. The employee works under general supervision, receiving specific instructions on unusual jobs. Routine assignments are checked by spot inspections.

**EXAMPLES OF DUTIES:** Sweeps, mops, scrubs, and polishes floors; washes walls, windows, and woodwork. Cleans restrooms and replenishes supplies. Dusts, polishes, arranges, and moves furniture and equipment. Removes rubbish and waste paper. Replaces light bulbs. Performs related work as required or directed by supervisor. Performs lawn maintenance. May serve as parking lot attendant. May supervise jail inmates. Shall perform other related duties as required by the County Judge/Executive

### **DESIRABLE QUALIFICATIONS**

**TRAINING AND EXPERIENCE:** Some experience in janitorial or related custodial work; and ability. High School graduate.

**SPECIAL KNOWLEDGE, SKILLS, AND ABILITIES:** Working knowledge of building cleaning practices, supplies, and equipment. Ability to understand and carry out oral and written instructions. Ability to perform routine operations involved in custodial duties. Some skills in making minor repairs to building and equipment.

**WAGES:** Salaried position, salary is set at the discretion of the County Judge/Executive and the McCreary County Fiscal Court

**BENEFITS:** Full county benefits per administrative code

## POSITION DESCRIPTION

**CLASS TITLE: Animal Control Officer**  
(Classified as Department Head)

### DEFINITION:

Works independently without supervision, answering calls dispatched to him/her regarding Animal Control.

### DISTINGUISHING CHARACTERISTICS:

Works to insure citizen compliance with federal/state/local laws regarding Animal Control.

### TYPICAL TASKS:

Answers complaints regarding animal control; captures animals who are not restrained or in other ways non-compliant with laws; such as animals that are stray, abandoned, vicious, or injured, investigates cases of animal attack/bites; witness interviews, obtains warrants on investigations; speaking to school children and civic organizations; attends training; prepares daily, weekly, monthly, annual reports; must use various capture equipment including cages, nets, tranquilizer guns. Assure vehicle is kept in good condition. Shall perform other related duties as required by the Judge/Executive.

### MINIMUM QUALIFICATIONS:

**EDUCATION:** Ability to read, write and speak effectively. Must be trained in tranquilizer gun use. Must be familiar with communities and McCreary County roads.

**KNOWLEDGE AND ABILITIES:** Knowledge of: tranquilizer guns; McCreary County laws pertaining to animal control and accounting procedures. Ability to: act calmly and with accuracy in emergencies. Ability to establish and maintain effective working relationships with fellow employees, officials and the public.

**WAGES:** Salaried position, salary is set at the discretion of the County Judge Executive and the McCreary County Fiscal Court

**BENEFITS:** Full county benefits per administrative code

## POSITION DESCRIPTION

### CLASS TITLE: **Community Services Coordinator**

**CHARACTERISTICS OF THE CLASS:** Serves under supervision of the County Judge/Executive, and performs assigned tasks to community oriented service projects especially in relation to management of inmate work program and duties related to operation of solid waste department and programs and public works.

**EXAMPLES OF DUTIES:** Directly supervises state and county prisoners as well as K-TAP recipients, working on roadways, illegal dump sites, maintenance and repair of county parks and play grounds, assists county road supervisor in repairing bridges, maintaining road right-of-ways and road repairs in general. The Community Service Coordinator may serve as a transportation officer for inmates as defined by the Judge/Executive and McCreary County's jail transportation plan. The Community Service Coordinator may be required to and shall carry out all of the duties of the Solid Waste Coordinator as defined by this administrative code in the absence of a Solid Waste Coordinator including management of solid waste systems, recycling programs, litter abatement programs, inspection of open dumps and investigation of those violating county or state solid waste regulations.

The coordinator is responsible for maintaining records of all activities detailed above and submits monthly written reports to County Judge/Executive and to Fiscal Court members and to state officials where necessary for compliance with regulations or reporting of grant expenditures. Duties are varied and numerous as directed by the County Judge/Executive. Shall perform other related duties as required by the Judge/Executive.

**DESIRABLE QUALIFICATIONS:** High school diploma or GED, valid Kentucky drivers license, ability to operate equipment such as skid steer, forklift and backhoe is desired but not required. CDL desired but not required.

**SPECIAL KNOWLEDGE, SKILLS AND ABILITIES:** Good health and dexterity. Ability to communicate well, cooperate with and supervise other people. Ability to complete required reports, to exercise mature judgment and to independently handle varied situations is essential. Background in corrections or experience supervising those in a contained environment is desirable but not required.

**SPECIAL PERSONAL CHARACTERISTICS:** Willing to work a full week and stay on call 24 hours a day. Be in good physical condition. Honesty is a must. Must be able to work with public and deal with people of various backgrounds in environments where laws and regulations have been brought into question by their actions. Must be able to work under stressful conditions.

**WAGES:** Hourly position, rate to be set at the discretion of the County Judge Executive and the McCreary County Fiscal Court

**BENEFITS:** Full county benefits per administrative code

## POSITION DESCRIPTION

**CLASS TITLE: County Public Works/Road Supervisor**  
(Classified as Department Head)

**CHARACTERISTICS OF THE CLASS:** This is responsible supervisory work in the construction maintenance and repair of the county road system, and related public works. Work involves responsibility for organizing, and supervising the construction, maintenance, and repair of county road facilities. Supervision is exercised over a moderate sized force of road construction, maintenance, and repair personnel. Work is performed under general direction, and the incumbent is allowed considerable independence and initiative in accomplishing program objectives and is held responsible for the effectiveness of operations performed. Work is reviewed through conferences, reports, and general supervision of the overall condition of facilities.

**EXAMPLES OF DUTIES (Illustrative Only):** Plans, organizes and directs a continuing construction, maintenance, and repair program for county roads; including road clearing, street marking, and related public works activities. Plans and directs the work of skilled and unskilled workers engaged in the construction, maintenance and repair of roads, bridges, and related facilities; advises and assists subordinates as required. Determines and recommends priority of roads to be maintained and repaired; determines methods and materials to be used; directs the maintenance and repair of related county equipment. Orders materials, parts, and supplies, and maintains close working relationships with various other county departments; handles complaints from the public. Prepares and maintains necessary records and reports. Performs related work as required. Shall perform other related duties as required by the Judge/Executive.

## DESIRABLE QUALIFICATIONS

**TRAINING AND EXPERIENCE:** Graduation from high school; and considerable experience in the construction, maintenance and repair of roads, specifically as required in Kentucky Revised Statutes.

**SPECIAL KNOWLEDGE, SKILLS AND ABILITIES:** Thorough knowledge of methods, materials, and equipment employed in the construction, maintenance and repair of roads. Thorough knowledge of current literature, sources of information, trends, and developments in the construction, maintenance, and repair of a county road system. Knowledge of the basic principles and practices of the maintenance, repair, and minor construction of road systems. Ability to plan and implement a comprehensive and effective maintenance and repair program for roads. Ability to plan, organize, and direct the work of a moderate sized staff of employees. Ability to establish and maintain effective working relationships with government officials, employees, and the public. Ability to express ideas effectively, orally and in writing.

**WAGES:** Salaried position, salary is set at the discretion of the County Judge Executive and the McCreary County Fiscal Court

**BENEFITS:** Full county benefits per administrative code

## POSITION DESCRIPTION

**CLASS TITLE: Secretary Public Works**

**CHARACTERISTICS OF THE CLASS:** Under limited supervision, performs responsible and varied secretarial work, serving as receptionist and secretary for a county department head.

**EXAMPLES OF DUTIES:** Screens telephone calls and visitors, arranges appointments. Operates radio. Files office correspondence and records. Maintains files relative to the purchasing function. Administers purchasing procedures. Prepares reports. Does related work as required. Processes work orders. Shall perform other related duties as required by the Judge/Executive.

## DESIRABLE QUALIFICATIONS

**TRAINING AND EXPERIENCE:** High School Graduate, supplemented by responsible secretarial experience.

**SPECIAL KNOWLEDGE, SKILLS AND ABILITIES:** Knowledge of Business English, general office practices and procedures. Ability to exercise mature judgment, courtesy and tact in dealing with the public.

**WAGES:** Hourly position, salary is set at the discretion of the County Judge Executive and the McCreary County Fiscal Court

**BENEFITS:** Full county benefits per administrative code

## POSITION DESCRIPTION

### CLASS TITLE: **Public Works/ Road Mechanic**

**CHARACTERISTICS OF THE CLASS:** This is responsible mechanical work in the maintenance and repair of automotive and heavy equipment. Work involves responsibility for the performance of skilled tasks in repairing automobiles, trucks, road construction and maintenance equipment and the maintenance or records of work performed. Assignments arise in the form of oral instructions or written work orders, setting forth a complaint with respect to the operating condition of a piece of equipment.

**EXAMPLES OF DUTIES:** Does general overhaul and repair work of all county owned automotive equipment, including automobiles, trucks, tractors, and specialized construction equipment with gasoline or diesel engines, including welding. Maintains shop area and tools in a clean and orderly condition. Makes road tests to locate defects in equipment operation, and, has a check on repair work before the return of the equipment to active service; tests vehicles through use of test equipment and knowledge of vehicle operation. Prepares records of work performed on equipment.

Operate heavy equipment. Performs related work as required. Shall perform other related duties as required by the Judge/Executive.

### DESIRABLE QUALIFICATIONS

**TRAINING AND EXPERIENCE:** Thorough experience in the repair and maintenance of automotive equipment; and graduation from a standard high school.

**SPECIAL KNOWLEDGE, SKILLS AND ABILITIES:** Thorough knowledge of the standard practices and equipment used in the automotive mechanic trade. Knowledge of the principles and practices of records maintenance. Thorough knowledge of the occupational hazards and safety precautions of the trade. Thorough knowledge of the principles of operation of gasoline and diesel engines, and of mechanical repair methods applicable to heavy trucks and construction equipment. Skill in the use and care of tools and equipment employed in all phases of automotive repair and maintenance. Ability to keep accurate records and prepare reports.

**WAGES:** Hourly position, rate to be set at the discretion of the County Judge/Executive and the McCreary County Fiscal Court

**BENEFITS:** Full county benefits per administrative code

## POSITION DESCRIPTION

### **CLASS TITLE: Public Works - Heavy Equipment Operator (Certification Level A)**

**CHARACTERISTICS OF THE CLASS:** This is skilled work in the operation heavy duty automotive maintenance and construction equipment. Work involves responsibility for the safe and efficient operation of heavy duty automotive maintenance and construction equipment, which entails considerable manipulative difficulty in operation. Operation of assigned equipment is normally a full time or predominate task although other work may be performed. Assignments are usually received in the form of specific orders to accomplish a specified task. Work is performed independently within established policies, procedures, and standard equipment operation techniques, and is reviewed by a superior during progress and upon completion.

**EXAMPLES OF DUTIES:** Operates backhoe, pay loader, grader, heavy trucks and related types of public works equipment. Cleans and performs maintenance on equipment operated; reports equipment malfunctions. Performs related work as required. Shall perform other related duties as required by the Judge/Executive.

### **MINIMUM REQUIREMENTS**

**TRAINING AND EXPERIENCE:** Three years experience in the operation of heavy automotive equipment. High school graduation or GED equivalent and must possess valid CDL license.

**SPECIAL KNOWLEDGE, SKILLS AND ABILITIES:** Thorough knowledge of the operating characteristics and servicing of one or more types of heavy automotive and related public works equipment. Thorough knowledge of the work hazards and applicable safety precautions associated with assigned equipment and operations. Thorough knowledge of applicable traffic laws, ordinances, and regulations involved in the operation of assigned equipment. Ability to understand and follow oral and written instructions. Ability to make minor operating adjustments and to recognize operating deficiencies in assigned equipment. Skill in the operation and servicing of one or more types of heavy automotive equipment. Valid Kentucky driver's license.

**WAGES:** Hourly position, rate to be set at the discretion of the County Judge Executive and the McCreary County Fiscal Court

**BENEFITS:** Full county benefits per administrative code

## POSITION DESCRIPTION

### **CLASS TITLE: Public Works - Light Equipment Operator (Certification Level B)**

**CHARACTERISTICS OF THE CLASS:** This semi skilled manual work including the operation of trucks and similar automotive equipment. Work in this class involves responsibility for continuous safe and efficient operation of automotive equipment in performing such tasks as street repair, mowing, and transporting men and materials to and from jobs. Positions in this class require performing manual labor in loading or unloading materials and equipment and other tasks related to the work assigned. Work may also involve limited operation of equipment of a higher classification and performance of semi skilled work requiring the use of hand tools. Work is performed under supervision in accordance with definite instructions from a superior who reviews work through observation for compliance with work schedules and instructions.

**EXAMPLES OF DUTIES:** Drives trucks; participates in and directs the loading and unloading of materials; checks condition of truck, and reports the need of repairs or adjustments. Operates mower and mo trim. Performs semi skilled work in conjunction with job assignment. Participates in asphalt repair of streets. Participates in a variety of public works maintenance and construction activities. Performs related work as required. Shall perform other related duties as required by the Judge/Executive.

### **DESIRABLE QUALIFICATIONS**

**TRAINING AND EXPERIENCE:** Some experience in the operation of trucks, tractors and similar equipment; and completion of the high school graduation or GED equivalent and must possess valid CDL license.

**SPECIAL KNOWLEDGE, SKILLED AND ABILITIES:** Knowledge of the traffic laws involved in the operation of automotive vehicles; and knowledge of the county street layout. Skill in the operation of automotive equipment. Ability to operate automotive and related equipment safely and efficiently. Ability to understand oral and written instructions. Ability to detect operating defects. Ability to perform manual labor for extended periods of time under hot and humid conditions. Possession of valid Kentucky driver's license.

**WAGES:** Hourly position, rate to be set at the discretion of the County Judge Executive and the McCreary County Fiscal Court

**BENEFITS:** Full county benefits per administrative code

POSITION DESCRIPTION

**CLASS TITLE: Public Works - General Laborer (Certification Level C)**

**CHARACTERISTICS OF THE CLASS:** Under supervision, performs labor work on county road department projects.

**EXAMPLES OF DUTIES:** General laborers perform a combination of the following tasks, such as erecting, repairing, bridges and other structures; maintaining right of ways; widening, deepening and improving drainage channels; traffic control; etc.; requiring little or no independent judgment; digs, spreads and levels dirt and gravel, using picks, rakes shovels, etc. Lifts, carries and holds building materials, tools and supplies. Cleans tools, equipment, materials and work areas. Mixes, pours and spreads concrete, asphalt, gravel and other materials, using hand tools. Joins, wraps and seals sections of pipe. Performs a variety of routine, non ,machine tasks, such as removing forms from set concrete, filling expansion joints and cracks with asphalt, placing culvert sections of trenches, assembling culvert sections, etc. Many of these jobs are not full time, the size of the project and organization of work determines whether a worker spends all his/her time on one job or is transferred from task to task as the project progresses to completion. Shall perform other related duties as required by the Judge/Executive.

**DESIRABLE QUALIFICATIONS:**

**TRAINING AN EXPERIENCE:** Graduation from an accredited high school or equivalent (GED) degree. CDL license is preferred but not required.

**SPECIAL KNOWLEDGE, SKILLS AND ABILITIES:** Good health and dexterity.

**WAGES:** Hourly position, rate to be set at the discretion of the County Judge Executive and the McCreary County Fiscal Court

**BENEFITS:** Full county benefits per administrative code

## POSITION DESCRIPTION

**CLASS TITLE: Emergency Medical Services Manager**  
(Classified as Department Head)

**CHARACTERISTICS OF THE CLASS:** Under limited supervision of the County Judge/Executive, this individual manages the overall affairs of the McCreary County Emergency Medical Service.

**EXAMPLES OF DUTIES:** Manages the County's Emergency Medical Services Program. Coordinates activities of persons involved in rescue, transportation and care of accident or catastrophe victims and others requiring emergency medical assistance.

Arranges for the establishment of emergency medical facilities, staffing, communication, supplies, equipment and vehicles.

Maintains records of facilities, personnel, equipment and vehicles and periodically inspects same to insure capability of meeting the county's emergency medical needs. Develops, plans and participates in training programs for ambulance and rescue personnel. Maintains records of emergency medical service activities for coordination with records prepared by cooperating institutions and for billing purposes. Prepares reports stating progress, problems and plans for future implementation of emergency service for the county, for review by officials of the sponsoring agency. Confers with coordinators of emergency programs in other areas to discuss problems, coordinates activities and cooperates in area and statewide plans. Manages billing and accounts receivable function for the service, as well as, the preparation and tracking of the budget income and expenditures. Responsible for direct supervision of emergency medical service personnel in accordance with the service's organizational structure. Shall perform other related duties as required by the Judge/Executive.

## DESIRABLE QUALIFICATIONS

**TRAINING AND EXPERIENCE:** Graduation from an accredited high school or equivalent (GED) degree.

**SPECIAL NECESSARY REQUIREMENTS:** Management experience

**SPECIAL KNOWLEDGE, SKILLS AND ABILITIES:** Ability to keep and direct the preparation of complex records and to prepare reports from such records. Ability to establish and maintain effective working relationships with employees, employers, officials and the general public. Initiative. Resourcefulness. Tact. Firmness. Diplomacy. Courtesy. Sound business judgment. Integrity. Ability to maintain confidentiality of medical information.

## COMPENSATION

**WAGES:** Salaried position, salary is set at the discretion of the County Judge Executive and the McCreary County Fiscal Court

**BENEFITS:** Full benefits per administrative code.

## POSITION DESCRIPTION

### CLASS TITLE: **Administrative Clerk McCreary County EMS**

CHARACTERISTICS OF THE CLASS: Under limited supervision, performs responsible and varied secretarial and clerical work. Serves as secretary, receptionist and bookkeeper for McCreary County Emergency Medical Service. Reports to Manager.

EXAMPLES OF DUTIES: Screens telephone calls and visitors, arranges appointments. Operates radio. Files correspondence and records. Maintains files relative to accounts receivable function. Prepares reports. Administers purchasing function through Manager. Files claims with insurance carriers. Processes reports to affected agencies. Shall perform other related duties as required by the Judge/Executive.

### DESIRABLE QUALIFICATIONS

TRAINING AND EXPERIENCE: Graduation from high school supplemented by responsible secretarial and bookkeeping experience and/or training.

SPECIAL KNOWLEDGE, SKILLS AND ABILITIES: Knowledge of Business, English, general office practices and procedures. Knowledge of cash basis accounting systems. Ability to exercise mature judgment, courtesy and tact in dealing with the public. Knowledge of computers, medical terminology have valid drivers license, due to attending meetings and taking care of all mail and running errands.

### COMPENSATION

WAGES: Hourly position, rate to be set at the discretion of the County Judge Executive and the McCreary County Fiscal Court

BENEFITS: Full county benefits per administrative code

*POSITION CURRENTLY INACTIVE*

## POSITION DESCRIPTION

### CLASS TITLE: **Emergency Medical Technician**

**DESCRIPTION:** Administers medical aid to and transportation for the sick or injured under limited supervision.

**EXAMPLES OF DUTIES:** Responds to instructions from emergency medical dispatcher and drives specially equipped emergency vehicles to specified location(s). Monitors communication equipment to maintain contact with dispatcher. Removes or assists in the removal of victims from scene of accident or catastrophe. Determines nature and extent of illness or injury, or magnitude of catastrophe, to establish first aid procedures to be followed or need for additional assistance, basing decisions on statements of persons involved, examination of victim(s) and knowledge of emergency medical practices. Administers prescribed first aid treatment at site of emergency or in specially equipped vehicle, performing such activities as application of splints, administration of oxygen, treatment of minor wounds or abrasions, administration of artificial resuscitation and other basic life support procedures. Communicates with professional medical personnel at emergency treatment facility to obtain instructions regarding further treatment and to arrange for reception of victims at treatment facility. Assists in removal of victims from vehicle and transfer of victims to treatment center. Assists treatment center admitting personnel to obtain and record information related to victim's vital statistics and circumstances of emergency. Maintains vehicles, medical equipment and communication equipment and replenishes first aid equipment and supplies. May assist in controlling crowds, protecting valuables or performing other duties at the scene of catastrophe. May assist professional medical personnel in emergency treatment administered at medical facility. Shall be responsible for completing such reports as are necessary to document treatment and patient billing requirements. Shall perform other related duties as required by the Judge/Executive.

### DESIRABLE QUALIFICATIONS

**TRAINING AND EXPERIENCE:** Graduation from accredited high school or equivalent (GED) degree.

**SPECIAL NECESSARY REQUIREMENTS:** Valid operator's license; valid EMT certification; valid CPR certification; good health.

**SPECIAL KNOWLEDGE, SKILLS AND ABILITIES:** Knowledge of emergency medical skills and procedures. Physical dexterity and strength to administer medical aid and transport patients. Ability to understand and complete necessary forms and reports. Knowledge of medical terminology. Ability to read and write well. Ability to analyze and report the medical condition of a patient to professional staff at emergency medical treatment facility. Must exhibit excellent hygiene habits, good moral and ethical standards and conform to established dress codes. Ability to lift at least 200 pounds. Climb stairs with heavy loads. Climb steep inclines such as banks, etc., with heavy loads. As to where car wrecks may happen and falls from cliff areas, bridges, high banks, etc. Have at least 20/20 vision or better, require excessive night time driving and bad weather driving. Be flexible enough to climb in and out of small openings such as car windows to render care to patients when they are trapped and need medical care. Travel long distances with equipment for rough terrain rescue.

**WAGES:** Hourly position, rate to be set at the discretion of the County Judge Executive and the McCreary County Fiscal Court

**BENEFITS:** Full county benefits per administrative code

## POSITION DESCRIPTION

### CLASS TITLE: **Paramedic**

DESCRIPTION: Administers medical aid to and provides transport to the sick and injured under limited supervision. May provide and maintain a higher level of life support than that afforded by an EMT. PARAMEDICS shall serve in a supervisory role over EMTs.

EXAMPLES OF DUTIES: See position description for EMERGENCY MEDICAL TECHNICIAN. Additionally, an individual classified as PARAMEDIC shall serve in a supervisory capacity in his/her assigned team and shall administer medical aid in accordance with the parameters established by Kentucky Regulatory Statute as pertains to paramedics and ALS programs. Shall perform other related duties as required by the Judge/Executive.

### DESIRABLE QUALIFICATIONS:

TRAINING AND EXPERIENCE: Graduation from an accredited high school or equivalent (GED) degree.

SPECIAL NECESSARY REQUIREMENTS: Valid operator's license; valid EMT certification; valid CPR certification; valid Advanced Life Support certification from the American Heart Association and such other requirements as may be established by the Kentucky Board of Medical License for paramedics/ALS.

SPECIAL KNOWLEDGE, SKILLS AND ABILITIES: In addition to those set forth for EMT's, paramedics shall be proficient in those skills necessary for paramedics. The individual shall exhibit strong leadership ability; professional skill; initiative; sound judgment; integrity and the ability to function effectively under pressure.

WAGES: Hourly position, rate to be set at the discretion of the Judge Executive and the McCreary County Fiscal Court

BENEFITS: Full county benefits per administrative code

## POSITION DESCRIPTION

### **CLASS TITLE: 911 Center Director**

(Classified as Department Head)

*(Duties remain intact, however as of June 2014 approval, position is managed in conjunction with that of Emergency Medical Services Manager)*

**CHARACTERISTICS OF THE CLASS:** The position is to serve as the Director of the McCreary County Emergency 911 Dispatch Center. The position is responsible for the planning and adequate daily operations of the Emergency Dispatch Center.

### **EXAMPLE OF DUTIES:**

**SUPERVISION:** Provides daily supervision to an assistant director, four full time dispatchers and part time dispatchers adequate to provide twenty-four hour emergency dispatching services. Adequately maintain required documentation of requests for assistance and response records. Assures that schedules are adequate to provide adequate twenty-four hour dispatching services. Maintains said position descriptions to meet current standards and requirements. After proper approval of the position description the Director shall assure that each employee has current copy of the position description and understands his/her expected duties. Prepares a written evaluation form for each position under their supervision and presents the form to the Fiscal Court for review and approval. After approval maintains a written evaluation of each employee on a semi-annual schedule. In the event of an unsatisfactory rating of any position the Director shall prepare written notice and present to the employee with instructions and expectations. In the event of unacceptable performance or actions the Director may prepare a written report at any time prior or after the semi-annual rating due dates and present to the Fiscal Court for review and recommended corrective actions. The Director is responsible to assure that the McCreary County mapping project is carried out in a timely and most cost effective manner. The Director is responsible for keeping informed of training requirements for all employees and to assurance that training needs are met within budget restraints. Shall perform other related duties as required by the Judge/Executive.

### **RECORDS AND DOCUMENTATION:**

The Director shall assure that accurate and acceptable written logs, tapes, run records and other documents necessary for daily operations of the Emergency 911 services are maintained at all times.

### **DISPATCHING DUTIES:**

The Director shall serve as an alternate dispatcher or additional dispatcher when the event or occasion requires, under the same guidelines as other dispatchers assigned to the center.

### **FINANCIAL MANAGEMENT:**

The Director is responsible to the Fiscal Court to assure that accurate records are maintained documenting all expenditures incurred by the center operations and that all expenditures are within budget restraints. Is responsible for collecting all expenditure bills and invoices and

presenting to the Fiscal Court each month for review and recommendation for payment. Shall prepare an annual operation budget and present to the Fiscal Court for review and approval.

**PUBLIC AND INTERNAL RELATIONS:**

The Director is responsible for establishing and maintaining friendly, professional and cooperative working conditions with the general public and between the center and emergency agencies.

The Director is responsible for assuring that the public is informed of services available through the emergency 911 center.

**OTHER DUTIES:**

The Director is responsible to serve as an advisor to the Judge-Executive and for making recommendations to the Fiscal Court on issues relating to the daily operations of the center.

The Director is responsible for collecting and reviewing applications for employment of dispatchers. In the event a position as dispatcher were to be vacant the Director shall assure that no less than three applicants that qualify for the position be presented to the Fiscal Court with recommendations for review.

**WAGES:** Salaried position, salary to be set at the discretion of the County Judge Executive and the McCreary County Fiscal Court

**BENEFITS:** Full county benefits per administrative code

## POSITION DESCRIPTION

### **CLASS TITLE: Telecommunicator (911 Dispatcher)**

**CHARACTERISTICS OF THE CLASS:** Operates telephone and two-way radio in the receipt and transmission of police, fire and other emergency calls, and dispatches such equipments necessary. A Telecommunicator is responsible for the complete control of the public safety communications' system. Positions in this class involve dispatching by telephone and radio. Calls are received where upon the incumbent contacts, by telephone or radio the unit(s) to dispatched by giving the type and location if the emergency and other pertinent information. The Telecommunicator records all information concerning all complaints.

### **SPECIFIC STATEMENT OF DUTIES:**

Receives calls by telephone and various radio systems from emergency units. Determines the unit to be sent in response to such calls. Determines by inquiry the exact location of the emergency. Informs police and utility personnel of emergencies. Test systems each shift. Transmit special information through communication systems of the county to various units. Records all information in files. Shall perform other related duties as required by the Judge/Executive.

### **DESIRABLE QUALIFICATIONS:**

**Training and Experience:** Graduation from an accredited high school or its equivalent (GED), supplemented by completion of required telecommunications courses within the initial probationary period. Participation in required in-service training.

**SPECIAL KNOWLEDGE, SKILLS, AND ABILITIES:** Knowledge of federal and state regulations governing transmission by radio. Knowledge of the geography and the highway and street systems of the county and surrounding areas. Knowledge of the 911 Center's operations and other emergency services. Ability to act calmly and with accuracy in an emergency. Ability to speak clearly and concisely. Patience. Firmness. Tact. Courtesy. Sound judgement. Ability to establish and maintain effective working relationships with other employees, officials and the public.

**WAGES:** Hourly position, rate to be set at the discretion of the County Judge Executive and the McCreary County Fiscal Court. May be classed according to training level and departmental policy.

**BENEFITS:** Full county benefits per administrative code

## POSITION DESCRIPTION

### CLASS TITLE: **Chief Deputy Jailer**

**CHARACTERISTICS OF THE CLASS:** Assists the Jailer in the supervision and coordination of jail management.

**EXAMPLES OF DUTIES:** Assists Jailer in the preparation of work schedules and assignment of duties. Reviews commitment orders of new inmates to ensure legal requirements are met. Classifies and segregates inmates according to status. Communicates with court officials to insure availability of inmates for trials or hearings. Escorts inmates to courts, hospitals and other correctional institutions. Schedules visits for medical personnel treat inmates. Directs search of inmates and all areas for contraband. Inspects facilities for cleanliness. Selects trustees for special work assignments. Accepts and records bail and issues receipts. Arranges release of inmates. Prepares reports concerning inmate population and jail functions, as required by law. Writes daily activity reports for superiors. Assists Jailer in maintenance of financial records and budget preparation. Prepares requisitions for commissary, clothing and housekeeping supplies. Assists Jailer in evaluating subordinates and makes recommendations for disciplinary measures to be taken for inefficiency or violations of regulations. Maintains personnel records of subordinates. Shall perform other related duties as required by the Judge/Executive.

### DESIRABLE QUALIFICATIONS

**TRAINING AND EXPERIENCE:** High school graduate. Jail Management courses as prescribed by law.

**SPECIAL KNOWLEDGE, SKILLS AND ABILITIES:** Knowledge of federal, state, and local laws governing the maintenance of jail facilities and care and treatment of prisoners. Knowledge of rules concerning the maintenance of jail security. Ability to deal firmly and courteously with prisoners and the general public. Ability to maintain discipline and order in the county jail. Ability to maintain effective working relationships with superiors and subordinates.

**WAGES:** Hourly position, rate to be set at the discretion of the County Judge Executive and the McCreary County Fiscal Court

**BENEFITS:** Full county benefits per administrative code  
*(Position inactive as of January 2013 closing of the county jail)*

## POSITION DESCRIPTION

### CLASS TITLE: **Deputy Jailer**

**CHARACTERISTICS OF THE CLASS:** An employee in this class is responsible for the custody of prisoners. Considerable tact is required in frequent contacts with the public. Work is performed in accordance with statutory requirements. Some independent judgment must be exercised within statutory limits and rules regulating the operation of the jail. An employee is subject to the usual hazards of jail management work. Work is performed under the general supervision of the jailer and is evaluated by conferences and periodic inspection.

**EXAMPLES OF DUTIES:** Maintains records pertinent to the operation of the jail. Participates in admittance of prisoners to the county jail. Makes periodic inspections of the jail to insure the safety and security of inmates. Participates in necessary cleaning procedures, assuring the cleanliness and sanitation of jail facilities. Supervises visits to inmates of jail by family and friends. Collects and records jail fees. Performs other duties as required. Shall perform other related duties as required by the Judge/Executive.

### DESIRABLE QUALIFICATIONS

**TRAINING AND EXPERIENCE:** High school Graduate.

**SPECIAL KNOWLEDGE, SKILLS, AND ABILITIES:** Knowledge of federal, state, and local laws governing the maintenance of jail facilities and care and treatment of prisoners. Knowledge of rules concerning the maintenance of jail security. Ability to deal firmly and courteously with prisoners and the general public. Ability to maintain discipline and order in the county jail. Ability to maintain effective working relationships with other employees. Willing to attend (16) hours training as required by the Department of Corrections.

**WAGES:** Hourly position, rate to be set at the discretion of the County Judge Executive and the McCreary County Fiscal Court

**BENEFITS:** Full county benefits per administrative code  
*(Position inactive as of January 2013 closing of the county jail)*

## POSITION DESCRIPTION

### CLASS TITLE: **Transport Officer**

**CHARACTERISTICS OF THE CLASS:** An employee in this class is responsible for the custody of prisoners. Considerable tact is required in frequent contacts with the public. Work is performed in accordance with statutory requirements. Some independent judgment must be exercised within statutory limits and rules regulating the transportation of prisoners to and from detention facilities. An employee is subject to the usual hazards of transportation of prisoners. Work is performed under the general supervision of the jailer/chief transport office under a transportation plan established by the Fiscal Court.

**EXAMPLES OF DUTIES:** Coordinates with County Judge and Chief Transport Officer regarding transportation of prisoners to jail facilities. Works closely with law enforcement and court officials to manage custody and safe transfer of prisoners from one location to another. Maintains records pertinent to the transportation of prisoners and booking prisoners into jail facilities. Routinely inspects transport vehicles, personal effects of prisoners and jail facilities for contraband. Shall perform other related duties as required by the Judge/Executive.

### DESIRABLE QUALIFICATIONS

**TRAINING AND EXPERIENCE:** High school Graduate.

**SPECIAL KNOWLEDGE, SKILLS, AND ABILITIES:** Knowledge of federal, state, and local laws governing the transportation of, care of and treatment of prisoners. Knowledge of rules concerning the maintenance of jail security and prisoner holding facilities. Ability to deal firmly and courteously with prisoners and the general public. Ability to maintain discipline and order while in the course of transporting prisoners and while supervising prisoners during court hearings. Ability to maintain effective working relationships with other employees. Willing to attend transportation officer training as required by the Department of Corrections and the Fiscal Court.

**WAGES:** Hourly position, rate to be set at the discretion of the County Judge Executive and the McCreary County Fiscal Court

**BENEFITS:** Part-time position not to exceed 24 hours weekly.

## POSITION DESCRIPTION

### CLASS TITLE: **Deputy Jailer (Cook/Matron/Secretary)**

CHARACTERISTICS OF THE CLASS: This position involves serving as Matron at the jail; serving as cook for the jail facility, and performing the bookkeeping function for the county jail.

EXAMPLES OF DUTIES: Cooks and serves meals to inmates on scheduled basis. Records information in prisoners daily log. Maintains required data in "Admissions Log". Gives medication to inmates when medical information indicates scheduled need. Dispenses other medication when needed on non scheduled basis, and records medication given. Accepts bail bond money. Handles incoming phone calls for inmates. Assists prisoners in making phone calls. Answers incoming phone calls. Processes visitors. Maintains cells in clean condition. Escorts prisoners, as required, to courthouse for hearings. Make arrangements for prisoners to visit doctors when required. Performs bookkeeping function for jail. Shall perform other related duties as required by the Judge/Executive.

### DESIRABLE QUALIFICATIONS

TRAINING AND EXPERIENCE: High school graduate.

SPECIAL KNOWLEDGE, SKILLS AND ABILITIES: Some knowledge of the methods and uses in the custody and control of prisoners. Some knowledge of first aid methods and techniques. Ability to understand and effectively carry out oral and written instructions. Ability to maintain accurate records and prepare reports. Knowledge of nutrition, cooking ability. Must be willing to attend (16) hours training each year which is required by the Department of Corrections.

WAGES: Hourly position, rate to be set at the discretion of the County Judge Executive and the McCreary County Fiscal Court

BENEFITS: Full county benefits per administrative code  
*(Position inactive as of January 2013 closing of the county jail)*

## POSITION DESCRIPTION

**CLASS TITLE: Director of Community and Economic Development**  
(Classified as Department Head)

**CHARACTERISTICS OF THE CLASS:** The Economic Development Director directs community and economic development activities for McCreary County, Kentucky. Under minimal supervision, performs responsible administrative work in planning, directing and coordinating economic development programs within the county. Work involves encouraging the expansion of existing businesses and the establishment of new businesses. Employee is also responsible for promoting attributes of the area, and preparing reports and presentations concerning economic development activities. This person reports to the Judge-Executive and serves as liaison to the McCreary County Community & Economic Development Board.

**EXAMPLES OF DUTIES AND RESPONSIBILITIES:** With guidance from the Judge-Executives office and the McCreary County Community & Economic Development Board, this person shall perform the following duties and fulfill the following responsibilities:

- New Business Recruitment:
  - Direct all activities related to recruitment of new businesses to the county.
  - Respond to and prepare proposals for business prospects in a timely manner.
  - Host business site visits, lead negotiation process, develop incentive packages for consideration, and present financing/incentive packages to Judge-Executive and Fiscal Court for approval.
  - Work with local, state, and federal officials and agencies on issues such as infrastructure, incentives, grant preparation, and administration.
  - Support and assist community organizations in retail and commercial business attraction efforts.
- Existing Business Development:
  - Identify needs and develop programs to support existing businesses and encourage local expansion of jobs.
  - Identify local workforce issues and work with businesses, local, regional, state, and federal entities to develop programs to meet needs.
  - Meet on a regular basis with existing businesses and maintain relationships to assure first-hand knowledge of potential issues or expansions.
- Marketing, Communications, and Planning:
  - Develop, recommend, and implement an aggressive, targeted marketing plan and initiatives.
  - Work with regional and utility partners to develop and pursue marketing initiatives and campaigns.
  - Represent McCreary County at regional, state, and federal economic development functions and activities.
- Public Relations and Policy Advocacy:
  - Represent McCreary County actively before county, regional, state, and national organizations.

- Establish and maintain relationships with local civic organizations; local businesses; public secondary and postsecondary educational institutions; regional organizations; state government agencies, particularly the Kentucky Cabinet for Economic Development; and other state or national government agencies or organizations to foster a positive image for McCreary County.
- Advocate public policy initiatives impacting community and economic development to local, state, and federal governments.
- Support and assist local community development organization partners, including but not limited to the Chamber of Commerce and the McCreary County Tourism Commission.
- Serve on boards of various local, regional, or state organizations to further economic development opportunities.
- Present programs to local government, civic, educational, and other organizations to update and educate audiences on economic development.

- Management and Administration:

- Administer the properties, assets, and financial resources of the McCreary County Economic Development Board.
  - Manage grant programs related to economic development and perform all reporting requirements.
  - Administer the budget allocated to the McCreary County Community & Economic Development Board.
  - Manage small business loan programs.
  - Prepare monthly and annual reports to Judge-Executive and the McCreary County Community & Economic Development Board.
  - Manage database of business contacts and prospect activities.
  - Complete all office and other necessary duties as required.
- Shall perform other duties as required by the Judge-Executive.

EDUCATION, EXPERIENCE & QUALITIES: Should possess the following attributes:

- Bachelor of Science/Arts and/or degree in business, economics, marketing, planning or related field, or equivalent business experience.
- Four (4) or more years of experience in an economic development-related field or equivalent business experience.
- Equivalent combination of education, experience, and training.
- Should possess:  
Familiarity with recent economic development trends; Knowledge of and experience in developing projects from initial contact to completion; Strong negotiation and sales skills; Working experience with community, business, and elected officials; Desirable attributes of effective listening skills, strong verbal communication skills, high level of self-motivation, and a demonstrated record of integrity; Computer and technological proficiency, including Microsoft applications of Word, Excel, PowerPoint, and other economic development software applications.

WAGES: Salaried position; salary to be set at the discretion of the County Judge Executive and the McCreary County Fiscal Court.

BENEFITS: Full county benefits per administrative code.

## POSITION DESCRIPTION

**CLASS TITLE: Emergency Management Director**  
(Classified as Department Head)

**CHARACTERISTICS OF THE CLASS:** Directs and coordinates the development of disaster and emergency plans and programs in accordance with the policies and plans prescribed by the federal and state disaster and emergency response agencies.

**EXAMPLES OF DUTIES:** Directs and coordinates emergency preparedness programs put in place by the state, federal and county government. Directs plans of emergency response elements within the county's comprehensive plan. Compiles emergency response data from various governmental and private sector sources. Insures that adequate training is provided for all emergency response personnel who will be called upon to respond in the event of a disaster. Maintains good working relationships with all governmental and private sector agencies who will be called upon to serve the county in the event of a disaster.

Shall represent the county at all meetings which directly affect the county's ability to perform the necessary functions in the event of a disaster, including attendance at all state required training sessions. Updates County Judge and elected officials of the county on new requirements and laws that pertain to their jurisdiction; trains and informs residents and officials on the national flood zones. Attends all required training noted in K.R.S. Chapter 39. Trains school systems, manufacturing plants and other organizations that are required by law to have a "readiness plan" or have other requirements for emergency plans. Responsibility to insure that the requirements are met by local facilities under federal law for proper handling of extremely hazardous substances under the provisions to Title III, SARA. Shall perform other related duties as required by the Judge/Executive.

## DESIRABLE QUALIFICATIONS

**TRAINING AND EXPERIENCE:** High school graduate supplemented by two (2) years of experience in the area of emergency preparedness, or a related field or any combination of education and training which will provide the individual with the necessary skills to perform the duties required of this position. Specialized training in emergency preparedness.

**SPECIAL KNOWLEDGE, SKILLS, AND ABILITIES:** Knowledge of the basic principles in the area of public administration as well as the general governmental guideline as they pertain to the operation of the county department working in conjunction with various governmental agencies on a twenty four (24) hour basis with the flexibility to meet the needs of the position. This person must possess or have the ability to promptly obtain a Kentucky Driver's license. Knowledge of requirements of the state and federal (FEMA) governments and related to the DES County Office.

**WAGES:** Salaried position, salary to be set at the discretion of the County Judge Executive and the McCreary County Fiscal Court

**BENEFITS:** Full county benefits per administrative code

## POSITION DESCRIPTION

### CLASS TITLE: **Security Guard**

CHARACTERISTICS OF THE CLASS: Guards county property entrusted to his/her care against fire, theft, vandalism and illegal entry, performing any combination of the following duties.

EXAMPLES OF DUTIES: Patrols periodically, buildings and grounds of county property entrusted to him/her. Examines doors, windows and gates to determine that they are secure. Warns violators of rule infractions; such as loitering, smoking or carrying forbidden articles. Inspects equipment and machinery to ascertain if tampering has occurred. Watches for hazards, leaking water pipes and door left unlocked. Calls police or fire department by telephone in case of fire or presence of unauthorized persons. Performs janitorial duties and sets thermostatic controls at specified temperatures. May be required to perform special functions as directed by supervision. Completes reports by required supervision. Shall perform other related duties as required by the Judge/Executive.

DESIRABLE QUALIFICATIONS:

TRAINING AND EXPERIENCE: Graduation from high school desirable.

SPECIAL KNOWLEDGE, SKILLS AND ABILITIES: Ability to complete required reports, ability to exercise mature judgment.

WAGES: Hourly position, rate to be set at the discretion of the County Sheriff

BENEFITS: Full county benefits per administrative code

## POSITION DESCRIPTION

**CLASS TITLE: Executive Director, McCreary County Tourism Office**  
(Classified as Department Head)

**CHARACTERISTICS OF THE CLASS:** Serve as administrator of the McCreary County Tourism Office including managing funds, coordinating information for commission directors, coordinating local events and recreational opportunities as well as managing all aspects of promotion and marketing in order to increase tourism opportunities and visitorship in McCreary County.

**EXAMPLES OF DUTIES:** Supervise daily administration of the Tourism Office. Supervise all staff, employed or voluntary, assigned to the office. Create marketing opportunities and manage aspects of promotional materials and advertising through various mediums on a local, regional and statewide basis. Oversee projects as necessary related to tourism development and promotions within the county. Serve as primary contact point for organization and promotion of local events that will increase visitorship to the county including staffing and ensuring operation of a local visitor's center. Serve as a primary contact to distribute information and promotional materials to visitors. Shall be responsible for bookkeeping, audits and financial reporting to the Tourism Board of Directors and McCreary County Fiscal Court. Supervise collection of transient tax, follow up and collection of past due taxes. Attend meetings related to tourism on the local, state and regional levels. Complete applications in a timely manner related to matching funds and grant opportunities. Review all special funding applications and make recommendations to the Board. Prepare all materials for Board meetings and preside over meetings. Communicate with Board members on issues that need Board approval. Communicate with Board members on travel outside the local area. Maintain a working relationship with local Chamber of Commerce, Office of Economic and Community Development and local government officials. Shall perform other duties as required by the Judge Executive.

## DESIRABLE QUALIFICATIONS

**TRAINING AND EXPERIENCE:** Minimum of two years of college level courses resulting in an Associate's Degree or equivalent of four years of work related experience in tourism, community development or marketing field.

**SPECIAL KNOWLEDGE, SKILLS AND ABILITIES:** Required skills include but are not limited to knowledge of computer systems and financial management software, marketing and design as related to advertising through printed materials and the Internet, strong public relations skills and expertise in community relations and project development.

**WAGES:** Salaried position; salary to be set at the discretion of the County Judge Executive and the McCreary County Fiscal Court.

**BENEFITS:** Full county benefits per administrative code.

## POSITION DESCRIPTION

### **CLASS TITLE: McCreary County Park Operations Manager** (Classified as Department Head)

**CHARACTERISTICS OF THE CLASS: DEFINITION:** The property and affairs of the park shall be managed and controlled by the Board of Directors who shall supervise a park director and other park employees hired by the McCreary County Fiscal Court. The purpose of the park board is to develop, construct, operate, administer, maintain and equip the above described area as a community and recreation area, senior citizen facility, fairgrounds, ball fields and other facilities. The park operations manager, under general direction, plans, organizes, and manages the operations and maintenance of the McCreary County Park including coordinating ball fields, trails, open spaces and shelters; supervises staff directly and to develop and coordinate a volunteer program; to seek outside funding/grants and performs related duties as required.

**DISTINGUISHING CHARACTERISTICS:** The Park Operations Manager (POM) will be charged with the responsibility for managing operations and implementing policies through the development of operational procedures approved by the board and managing personnel and budget matters of the park area. The POM is responsible for the day-to-day supervision including the ball fields, open spaces and shelters, trails and county building landscape maintenance. the POM is also responsible for developing, maintaining and supervising volunteers. This employee will be required to attend monthly park board meetings.

**EXAMPLES OF DUTIES:** (1) Directly reports to the McCreary County Park Board, manages the operations and maintenance of a park are including: setting standards for acceptable levels and methods of park operations; conducting inspections of park and recreational areas; recommending and implementing new park projects and improvements; and researching necessary resources and recommending systems and procedures to carry out projects. (2) Administers the budget for the park area including monitoring and approving budget expenditures and making revenues and expenditure adjustments to stay within budget; provides recommendations for the budget based on analysis of various park needs such as position allocation and equipment needs. (3) Provides recommendations for and ensures compliance with operational policies, priorities, and standards relating to park operations in order to achieve long and short-term program objectives; establishes systems for monitoring programs; develops long-term work plans; and participates in developing department wide goals and objectives. (4) Interviews and recommends candidates for employment and/or volunteers; supervises and trains staff/volunteers; recommends and takes action on personnel matters; and interprets and ensures compliance with OSHA, ADA, and Civil Service Rules. (5) Acts as safety officer; ensures compliance with KY OSHA requirements; identifies safety concerns and implements preventative measures. (6) Manages difficult situations and unusual problems involving interpretation of park policies and reviews complaints from park patrons and recommends solutions to McCreary County Park Board. (7) Acts as liaison for the McCreary County Park Board, to other county departments, and contractors; coordinates special events held at county parks; and ensures that new construction and park improvement projects coordinate with department operations as a whole. Shall perform other related duties as required by the Judge/Executive.

**MINIMUM JOB REQUIREMENTS:** Education: High school diploma or GED equivalent, college courses in related fields not required but desired, recreation administration, business administration, public administration, landscape architecture or related field. And/or five years experience in Parks and Recreation management or business management, budget planning, public relations.

ADDITIONAL QUALIFICATIONS: (1) Knowledge of: principles and practices of park operations management; county, state and federal regulations concerning park operations; laws, ordinances and principles of park safety and enforcement activity; fiscal management and budget administration; project management, including the preparation of estimates and bid specifications; performance measurement; principles and practices of effective supervision and personnel management. (2) Ability to apply the principles, practices, and current trends in the field of park planning and operations; develop and implement program goals, objectives, policies, and procedures; ensure program operations integrate with department operations as a whole; formulate long range work plans; implement programs directly and through subordinates; manage competing priorities effectively; discuss and resolve differences among multiple parties; analyze and project needs and costs; communicate effectively both verbally and in writing; make recommendations and independent decisions; project consequences of decisions; evaluate service levels and performance; develop and administer operating budgets; read and interpret county, state, and federal laws and regulations; access and use personal computer applications including word-processing; work independently; establish and maintain effective working relationships with others; review, evaluate, and modify work methods; select, train, supervise, and evaluate volunteers/staff; and plan, organize, and prioritize volunteer/staff work assignments.

WAGES: Salaried position, salary to be set at the discretion of the County Judge Executive and the McCreary County Fiscal Court

BENEFITS: Full county benefits per administrative code

## POSITION DESCRIPTION

### CLASS TITLE: **Park Office Manager**

**CHARACTERISTICS OF THE CLASS:** Serves under direct supervision of the McCreary County Park Board as per a January 5, 2007 agreement between the Park Board and the McCreary County Fiscal Court. Performs and is responsible for varied secretarial and clerical work as it relates to operations of the county park, multi-generational center and other recreational facilities within the county.

**EXAMPLES OF DUTIES:** Manages all clerical functions as related to the county park. Answers phone calls, schedules events and maintains bulletin, publication and promotion of events, handles scheduling for multi-generational center and park facilities, provides accounting of all rental fees and receipts as relative to park operations, assists in coordination of programs and services with county senior citizen program.

Assists the Park Board in preparation of and justification of budget for areas of responsibility. Controls and accounts for expenditures of funds within the budget authorized by the Fiscal Court. Recommends charges for fee based programs. Responsible for collection of all fees relative to use of park and park facilities.

Effectively promotes and represents the McCreary County Park and associated facilities and events in the community.

Responds to public inquiries about recreation programs made by telephone, correspondence or during public meetings.

Prepares and presents monthly reports to the McCreary County Park Board and the McCreary County Fiscal Court.

Shall seek out resources for funding park projects including grants. Must be able to research, write and manage grants as they relate to the County Park.

Coordinates, schedules and maintains related records and statistics for programs and personnel.

Communicates official plans, policies and procedures to the staff and general public.

Shall be responsible for day-to-day operations of the park including, but not limited to scheduling of events and programs; budgetary administration; development of and compliance with written park policies and regulations, including safety standards; daily monitoring and reporting of maintenance issues; managing volunteers and other work staff; serves as liaison for McCreary County Park Board.

Shall perform other related duties as directed by the County Judge-Executive.

### DESIRABLE QUALIFICATIONS

**TRAINING AND EXPERIENCE:** High school graduate or equivalent. Two years college or equivalent experience in related fields is preferred, but not required. Knowledge of business management, general office practices and procedures. Knowledge of accounting principles and must display ability to use computer word processing, general ledger and accounting programs as well as manage electronic data bases. Recreation administration knowledge is desirable.

**SPECIAL KNOWLEDGE, SKILLS AND ABILITIES:** Professional appearance. Ability to exercise mature judgment, courtesy and tact in dealing with the public. Must be able to relate and work directly with varied age groups including children and senior citizens. Must have valid driver's license and ability to attend local and regional meetings to address issues relative to the county park. Ability to conduct conferences with community leaders and speak effectively before groups.

Ability to evaluate and implement changes in programs. Ability to maintain favorable public relations.

#### COMPENSATION

WAGES: Salaried position. Salary is set at the discretion of the County Judge/Executive and the McCreary County Fiscal Court.

BENEFITS: Full County benefits per administrative code.

## POSITION DESCRIPTION

### **CLASS TITLE: Public Facilities Maintenance Technician** (Classified as Department Head)

**CHARACTERISTICS OF THE CLASS:** Scope of work includes but is not limited to general maintenance and custodial duties on all properties owned, maintained or managed by the McCreary County Fiscal Court and its affiliate organizations. Employee of this class is responsible for proper routine inspection, maintenance and cleaning of public facilities including but not limited to the McCreary County Court House, Road Garage, Solid Waste Transfer Station, Emergency Services facilities, Sheriff's Office, County Clerk's Office and Voting Facilities, Jail, Cemeteries, Parks and Recreation facilities as well as other facilities under direct operation of the McCreary County Fiscal Court. Employee will be responsible for routine maintenance related to electrical fixtures, plumbing fixtures, HVAC units as well as more detailed assignments as related to general upkeep and maintenance of the facilities as required by the person or persons in charge of managing said facilities. Employee of this class will be required to utilize a variety of tools and equipment to complete assigned tasks as well as be available during emergency situations after normal business hours.

**EXAMPLE OF DUTIES:** Must be able to plan and prepare a general maintenance schedule for all county agencies, their offices and facilities. Must be able to manage simple maintenance tasks and projects and/or coordinate with other general laborers and/or contractors working in connection with the McCreary County Fiscal Court in order to complete the task assigned. In general, an employee of this class will be required on a routine basis to change air filters in HVAC units, light bulbs, make general repairs to plumbing fixtures, lighting fixtures, HVAC units and the facilities themselves which may include light carpentry, drywall and roofing duties. An employee of this class will be required as well to perform general landscaping duties as necessary including mowing, nuisance vegetation removal, pruning and planting of vegetation and maintain general cleanliness of public grounds. At times, an employee of this class will be asked to operate equipment, vehicles and handle various types of tools as necessary to complete the task as assigned. An employee of this class will be required to work under direct supervision of public facilities directors and elected officials. Said employee will also be required to supervise others as necessary (including jail inmates, community service program participants and volunteers). Other routine duties as assigned by the supervisor may also be delegated to an employee of this class at any time. Shall perform other related duties as required by the Judge/Executive.

## DESIRABLE QUALIFICATIONS

**TRAINING AND EXPERIENCE:** An employee of this class should be a high school graduate (or equivalent GED degree) with experience related to custodial work and general maintenance activities.

**SPECIAL KNOWLEDGE, SKILLS AND ABILITIES:** Knowledge of trades relative to the position (carpentry, HVAC, plumbing, electrical) as well as use of specialized tools, equipment and vehicles is preferable. Ability to comprehend basic math and vocabulary as related to the task at hand as well as calculate measurements and estimates of cost as related to the assigned project. An employee of this class would possess strong communication and leadership skills and be available to undergo training and certification as related to supervision of others, projects or a skilled trade as related to this project. Must be available outside of regular business hours ("on-call" nights and weekends) to

complete job assignments as related to emergencies and other unanticipated situations as directed by the supervisor.

WAGES: Salaried position, salary to be set at the discretion of the County Judge Executive and the McCreary County Fiscal Court

BENEFITS: Full county benefits per administrative code

## POSITION DESCRIPTION

### **CLASS TITLE: Solid Waste/Recycling Coordinator**

(Classified as Department Head)

*(As of June 2014 position is managed in conjunction with that of the Judge Executive's Administrative Secretary)*

**CHARACTERISTICS OF THE CLASS:** The purpose of the position of Solid Waste Coordinator is to serve as the single point of contact for the coordination, implementation, and management of solid waste and recycling activities. The Solid Waste Coordinator will implement the county's Solid Waste Management Plan, as well as other responsibilities as shall be prescribed in the County administrative Code and other duties as assigned by the Judge/Executive.

**EXAMPLE OF DUTIES:** The Solid Waste Coordinator is perpetually updating or improving the existing waste collection and disposal systems, recycling program and is responsible for managing the County's solid waste franchise agreements, including regulation of waste facilities in McCreary County. The coordinator is responsible for developing enforcement procedures and law enforcement agencies coordination. This person also works with the county attorney to amend or develop new solid waste ordinances. The Solid Waste Coordinator maintains a comprehensive inventory of open dumps and coordinates the cleanup of open dumps as well as works with the general public for reporting and monitoring of illegal dumping and littering activity.

Minor duties include attending, participating, and facilitating communication on behalf of McCreary county, as directed by the Judge/Executive, at all meetings at which county government has a presence as it pertains to solid waste. These duties also include representing the County at civic activities and community events as directed by the Judge/Executive.

The Solid Waste Coordinator compiles and presents solid waste information and provides technical assistance to the Fiscal Court and county employees. The Coordinator shall compile all reports required by the state necessary to meet requirements set forth for solid waste facility siting, landfills, operation of transfer facilities, waste haulers, litter abatement, recycling and other programs pertaining to solid waste as established by the state or county. He/she provides information to the public on solid waste issues and activities and will establish a public education program. This program will include public awareness activities in source reduction, recycling, and composting; articles in local papers, workshops, forums, press releases, giving speeches before civic organizations and communities on waste management issues and topics, interagency liaison work, and identifying recycling facilities accepting area recyclables.

Shall perform other related duties as required by the Judge/Executive.

## DESIRABLE QUALIFICATIONS

**TRAINING AND EXPERIENCE:** An employee of this class should have a high school diploma or GED equivalent and is preferred to have at least two years of college courses related to environmental education, solid waste management or related fields.

**SPECIAL KNOWLEDGE, SKILLS AND ABILITIES:** Required skills include but are not limited to knowledge of environmental systems and issues confronting the environment where solid waste is concerned, knowledge of the recycling process and how it is applicable to the lives of local

residents, ability to organize and plan volunteer and educational programs and activities, ability to understand laws and regulations pertaining to solid waste issues and possess the ability to use computer systems to develop, track and utilize reports related to the management, financial or otherwise, of the county's solid waste and recycling programs.

WAGES: Salaried position, salary to be set at the discretion of the County Judge Executive and the McCreary County Fiscal Court

BENEFITS: Full county benefits per administrative code

## POSITION DESCRIPTION

**CLASS TITLE: Occupational Tax Administrator**  
(Classified as Department Head)

**CHARACTERISTICS OF THE CLASS:** Monitor, manage and reconcile payroll taxes at the employer and employee level. Includes reconciliation to the general ledger as well as tax service reports, preparation, and ensuring compliance.

**EXAMPLE OF DUTIES:** Reconcile payroll tax reporting after each pay run to ensure accurate filings by tax service provider. Manage and audit business net profit returns against federal returns. Monitor quarterly tax filings. Prepare headcount tax forms. Reconcile payroll taxes to the general ledger and book journal entries. Reconcile cash activity and complete financial reports and auditing records. Reconcile Payroll reports to 941s and W-2s.

### Additional Responsibilities:

Special projects and research. Payroll reconciliations to the general ledger. Research and reconciliation of payroll taxes from prior periods. Gather and report requested data to internal and external recipients.

Shall perform other related duties as required by the Judge/Executive.

## DESIRABLE QUALIFICATIONS

**TRAINING AND EXPERIENCE:** An employee of this class should have a high school diploma or GED equivalent and is preferred to have at least two years of college courses in the financial management or accounting field. Two to four years experience with payroll tax filings and compliance issues is also desirable, but not required.

**SPECIAL KNOWLEDGE, SKILLS AND ABILITIES:** Strong accounting skills, detail oriented, proficient in Excel and other financial management and computer systems software. Must be able to create reconciliations that clearly communicate. Experience reconciling and preparing W-2 forms. Must be able to communicate effectively and in a constructive manner with management, peers and coworkers.

**WAGES:** Salaried position, salary to be set at the discretion of the County Judge Executive and the McCreary County Fiscal Court

**BENEFITS:** Full county benefits per administrative code

**CHAPTER 6                    COUNTY ROAD DEPARTMENT**

**SECTION 6.1                Establishment of Department**

- A.        There is hereby created and established a McCreary 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 shall be used for private purposes or on private property. School bus turnarounds and public cemetery work must be approved, in advance, by the County Judge, after consultation with the County Attorney and only where the turnaround or cemetery road has been placed in the County road system.
- 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.        No departmental property or equipment shall be used for private purposes or on private property without the prior written authorization of the County Judge.
- F.        Any employee found to be using alcoholic beverages during work hours, while using County equipment or on County property, will be dismissed immediately.
- G.        Each employee shall be responsible for servicing 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 equipment

supervisor. Trucks and equipment shall be cleaned at least once a week or more often as such need arises.

#### **SECTION 6.4 County Road Inventory/Condition**

A. The County Judge shall maintain a map(s) that clearly identifies all County maintained roads. This map shall be coordinated annually with road maps utilized by McCreary 911 system.

B. The County Judge, 911 Director and Road Engineer/Supervisor shall inventory and review all County roads for identification and condition at least annually and update said inventory as necessary.

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. GPS information for said roads can be coordinated through 911 office.

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

E. All county roads maintained by the road department and those maintained by citizens for private use shall be signed according to emergency dispatch standards set forth in McCreary County Ordinance 350.3. It shall be the responsibility of the 911 Director and Road Engineer/Supervisor to coordinate a sign installation and replacement policy according to the Ordinance.

#### **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 Road Supervisor, 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 Road Supervisor shall compile all reports from magistrates and present a final report to the County Judge/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. Vacation time for Road Department employees will be scheduled in January of each year for the upcoming year.

B. Any Road Department employee, on or off duty, who notices any deficiencies in the roads maintained by the County shall report them to the Road Department office as soon as possible.

## **CHAPTER 7                    COUNTY PROPERTY**

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

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

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

## **CHAPTER 8                    COUNTY POLICE (*Not applicable as of March 2012 adoption*)**

### **Section 8.1                    County Police Department**

A. The County Police Department shall consist of a County Police Chief and other such employees of the department as provided by the Fiscal Court.

B. The County Police Chief shall be appointed by the County Judge with the approval of the Fiscal Court and shall serve a period of one (1) year. The Police Chief shall be considered automatically reappointed to another one (1) year term, unless terminated by the County Judge with the approval of Fiscal Court.

C. The Fiscal Court shall set the number and compensation of all employees of the County Police Department.

D. All appointments to the County Police Department and dismissals from the County Police Department shall be made by the County Judge with the approval of the Fiscal Court.

E. The County Police Officers shall possess such qualifications as set forth in statute (currently KRS 70.540).

### **SECTION 8.2    Duties of the County Police Chief**

A. The County Police Chief shall be the head of the County Police Department, subject to the order and direction of the County Judge.

B. The County Police Chief shall keep such records and make such reports concerning the activities of his department as may be required by statute or by the County Judge.

C. The County Police Chief shall be responsible for the performance of the County Police Department and its functions. All persons who are employees of the County Police Department shall be subject to the supervision and direction of the County Police Chief.

## CHAPTER 9 PURCHASES AND CONTRACTS

### SECTION 9.1 Authorization of County Contracts

Every contract, change or amendment thereto, shall be authorized or approved by the Fiscal Court before being executed by the County Judge, except for small purchases. The County Attorney shall review every contract of the County, as to form and legality, except for contracts for small purchases. ***All purchases must be accompanied by a purchase order as issued by the County Finance Officer, which shall be issued prior to the time of purchase or authorization of purchase by an employee or department and will be paid only once an original invoice is in receipt of County Judge's Office.***

### SECTION 9.2 Selection of Vendors and Contractors (Procedures for Sealed Bidding)

A. The agency, department or person requiring supplies, services or construction shall submit to the County Judge a request containing specifications and quantities desired.

B. The County Judge shall determine the need for each item requested, the approximate cost and whether or not the expenditure is provided for in the budget.

C. Any expenditure or contract for materials, supplies (except perishable meat, fish, and vegetables), equipment, or for contractual services other than professional, involving an expenditure of more than Twenty Thousand Dollars (\$20,000) shall be subject to competitive bidding.

D. The County Judge shall place an advertisement in the newspaper of the largest circulation in the County at least once not less than seven nor more than twenty-one days before bid opening. The advertisement shall include 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.

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

F. The County may opt to allow bidders to submit their bids electronically if specified in the advertisement. The e-mail subject line shall acknowledge that the e-mail contains a sealed bid responsive to the particular advertisement. The e-mail shall be opened in accordance with Section 9.2(E). Any bid submitted via e-mail that does not include in the subject line information sufficient for the recipient to know that the e-mail contains a sealed bid shall not be considered by the County.

G. The County may utilize the reverse auction process in the selection of vendors and contractors.

H. The County Judge shall submit the bid selected to Fiscal Court for approval.

I. The County Judge shall sign the contract, if one is used.

**SECTION 9.3                    Procedures for Determination of Qualification of Bidders**

- A.     The County Judge may require all bidders to provide sufficient information to determine their qualification to provide the services or product that is the subject of the competitive bidding.
  
- B.     Contractors who have demonstrated, by past performance, the ability to perform satisfactory in accordance with the contracts on a timely basis and have shown a sound financial structure may be determined to be qualified and responsible bidders without additional documentation otherwise required of other potential bidders.

**SECTION 9.4                    Procedures Prerequisite to Use of Negotiated Process**

- A.     The negotiated process may be used instead of advertisement for bids if the amount exceeds \$20,000 in the following circumstances:
  - (1)     An emergency exists;
  - (2)     Bids exceed available funds; or
  - (3)     The contract is for professional services.
  
- B.     Before an emergency is declared the County Judge shall determine whether or not the delay in obtaining bids will result in danger to health, safety or property.
  
- C.     The County Judge shall certify the existence of any emergency and file a copy of such certificate with the chief financial officer of the County (the Treasurer).
  
- D.     In the event all bids submitted are in excess of funds available, the County Judge shall prepare a written determination that there are no additional funds available as to permit an award to the responsible bidder with the lowest and best bid and delay in advertising for additional bids is not in the best interest of the County .
  
- E.     The Fiscal Court must approve all circumstances in which the negotiation process is used.

**SECTION 9.5                    Procedures for Negotiated Process**

- A.     When the prerequisites have been met for use of the negotiated process, the County Judge shall proceed to negotiate with one or more suppliers in order to obtain the most advantageous terms for the County.
  
- B.     The County Judge 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 County Judge 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 9.6 Small Purchase Procedures**

A. All expenditures of less than \$20,000 shall be considered a “small purchase”, which under ordinary circumstances should not be subject to competitive bidding so long as said expenditure is provided for in the budget unless the Fiscal Court shall direct otherwise.

B. The County Judge determines the need for any item requested and whether or not the contract is for less than \$20,000 and the expenditure is provided for in the budget.

C. For all “small purchases”, as defined herein, any purchase exceeding the amount of \$1,000.00, the County Judge or his designee, shall obtain three quotes from prospective suppliers or vendors, prior to the purchase and then select a purchase most advantageous to the County, in the judgment and discretion of the County Judge.

#### **SECTION 9.7 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 9.8 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, condition, purchase amount and office assigned for use.

#### **SECTION 9.9 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 statement:

- (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);
- (d) Sold by sealed bids; or
- (e) Disposed of through and approved recycling/reuse facility

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

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

B. Tangible Property:

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

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

**CHAPTER 10                   BOARDS AND COMMISSIONS**

**SECTION 10.1               Maintenance of Records of Administrative Agencies and County Departments**

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

B.       All agencies which receive County funding shall maintain a financial record of the agency activities containing the amount budgeted for the year, the amount expended to date and the balance available. By the fifth business day of each month, the head of each County agency and each County department shall provide the County Judge with the following information:

- (1)      A statement which describes the agencies or departments activities during the month;
- (2)      A financial statement for each agency. The financial statement shall contain the total amount of appropriations for the agency, the amount spent and encumbered by the agency during the preceding month, the total amount encumbered during the fiscal year, and the amount of the total appropriation, which is still available for spending;
- (3)      A monthly personnel listing of the absent, sick, late, off, and vacation days used and remaining for each employee; and
- (4)      A list of any citizen complaints made about the department during the preceding month and the steps taken to correct the situation.

**SECTION 10.2               Regular Meetings**

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

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

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

## **CHAPTER 11            SPECIAL DISTRICTS**

### **SECTION 11.1            Procedures for Dissemination of Information**

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

### **SECTION 11.2            Procedures for Dissolution**

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

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

C.     All plans of dissolution shall contain:

- (1)     A list of the reasons for dissolving the special district;
- (2)     A list of the services and functions, if any, which are to be transferred to another special district, agency, board, commission, or department, and the names of which agency, board, etc., is to receive the transferred services or functions;
- (3)     A list of all property owned or controlled by the special district and the method of disposing of such property;
- (4)     A list of all creditors of the special district and a plan for satisfying all creditors.

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

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

### **SECTION 11.3            Removal and Appeal Process**

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

counsel at their own expense. The official record of the hearing shall be made by the appointing authority.

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

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

#### **SECTION 11.4 Single County Special Districts**

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

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

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

- (1) File with the County Clerk of each County with territory in the district, a certification showing the name of the district, a map or general description of its service area, the statutory authority under which it was created, and the names and addresses of the members of its governing body and chief executive officer.
- (2) File a copy of the district budget, financial statement if prepared, and audit when performed, with the County Judge.

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

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

#### **SECTION 11.5 Multicounty Special Districts**

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

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

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

## **CHAPTER 12 COUNTY SERVICES**

### **SECTION 12.1 Police and Protection Services**

Goals and Objectives: The McCreary County Sheriff's Department is responsible for the performance of various duties relating to the protection of life and property, enforcement of criminal and traffic laws, prevention of crime, preservation of the public peace, the apprehension of criminals, and the effective and prompt dispatching of emergency vehicles.

### **SECTION 12.2 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 other construction, maintenance and upkeep of county property and facilities where necessary and applicable. The County Road Engineer/Supervisor shall head this Department.

### **SECTION 12.3 County Road System**

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

### **SECTION 12.4 Parks and Recreation**

Goals and Objectives: To provide an adequate amount and variety of recreational opportunities to satisfy the full range of needs of the population. The provision of recreation services by the Fiscal Court shall be through efforts of the County through the formation of the McCreary County Parks and Recreation Commission.

### **SECTION 12.5 McCreary County Golf Courses *(Not applicable as of March 2012)***

The Fiscal Court provides a Golf Course to the public through a lease arrangement with \_\_\_\_\_, incorporated, a non-profit corporation as a joint venture with the City of \_\_\_\_\_ Kentucky. \_\_\_\_\_ Golf Course shall be available to all citizens of \_\_\_\_\_ County and the general public under the terms of the lease agreement previously referred to herein.

### **SECTION 12.6 Contents of Planning and Subdivision Regulations**

A. The County shall provide for comprehensive planning and the implementation of subdivision guidelines in accordance with a contract with the \_\_\_\_\_ - \_\_\_\_\_ County Planning Commission *(Part A - Not applicable as of March 2012)*

B. Building and Electrical Inspections, as required by state law, shall be provided by the Fiscal Court through contract with duly appointed inspectors. Contracts with said inspectors, a listing of and contact information for inspectors shall be maintained in the County Judge's Office.

## **SECTION 12.7 Law Enforcement Policies**

A. The McCreary County Sheriff's Department shall develop a "pursuit driving" policy, for the purpose of effectuating potential arrest or responding to any emergency situation, a use of deadly force policy, and a use of physical force policy, and provide same to the County Judge and McCreary Fiscal Court for review and approval.

B. The County Sheriff shall review said policies, on an annual basis, and present same for approval and review by McCreary Fiscal Court no later than July 15th of each fiscal year.

### **Note:**

*As boards, committees, services and agencies are established by the County Judge and Fiscal Court the appropriate authorizing guidelines; statutes; operating guidelines; responsibilities and general descriptions should be included within this section (12) or at least be referenced generally with direction given as to where the organizing and operating documentation is filed.*

*The following was approved by the Fiscal Court on March 12, 2012 as general guidelines for the county's existing boards and committees:*

### **Re: Recommendations for restructuring of county boards and committees**

Under the provisions of KRS 67.715 and KRS 67.083, the McCreary County Judge-Executive, working with authorization from the McCreary County Fiscal Court, has the authority to establish, define and reorganize agencies, boards and committees for the purpose of assisting in the creation and development of programs, projects and services to benefit the people of McCreary County. Given this authority, the current existence of several boards within the county and recommendations offered by state auditors and Department of Local Government officials, the following recommendations are being made to clarify the operations and future existence of the following:

**Community & Economic Development Advisory Council** *(Authorized generally through KRS 67.083 section 3 (x) and will be authorized separately through resolution of the Judge-Executive and Fiscal Court)*

- Create Community & Economic Development Advisory Council through resolution as well as establish council mission, guidelines for operation and membership.
- In general, the Advisory Council will serve in capacity to develop and administer projects in McCreary County relative to community and economic development, including the county's existing small business revolving loan program. All actions taken by the board will be made under the hand of the Judge-Executive, who will serve as an ex-officio member on the council, and with final approval from the Fiscal Court.

- Advisory council will establish own bylaws, developmental procedures and approve lending practices for the loan program.
- The Fiscal Court/Judge-Executive will budget for and manage financial reports for the community & economic development fund.
- All funding allocations/requests/disbursements are to be made by Fiscal Court.
- Fiscal Court may include Community & Economic Development director on staff and payroll but director can work under supervision of the council.

**Airport Board** *(Authorized as special district through KRS 183.475)*

- Managed autonomously as special district according to KRS.
- Fiscal Court should maintain guidelines for operational functions of the board, manages membership through appointments and should require financial reporting of activity of the board.
- Board shall provide Fiscal court with annual budget/financial reports/quarterly reports etc. and file with clerk and state accordingly
- Fiscal court must offer approval prior to board financing of projects

**Tourism Commission** *(Authorized through KRS 91A.350)*

- Quasi-governmental agency that can operate with some autonomy according to KRS.
- Commission can levy transient/restaurant taxes with approval of Fiscal Court.
- Commission shall submit annual budget to county for approval and file with clerk and state accordingly. Commission budget shall be included in county budget and include receipt of tax funds and allocation of those receipts.
- County shall establish bank account and provide for regular collection of and monthly distribution of transient taxes with disbursement approved by Fiscal Court and managed through County Treasurer.
- Commission shall issue monthly/quarterly/annual financial statements and file with Fiscal Court.
- Tourism Director is county employee, but may work under supervision of the Commission.

**Solid Waste Board** *(Authorized through KRS Chapter 109.00)*

- Redefine establishment of Board as that of an advisory council to assist Fiscal Court and Solid Waste Coordinator in managing issues directly related to solid waste and recycling.
- County maintains authority to levy special district solid waste tax, maintains ownership of property relative to solid waste, maintains insurance, and is the only entity that can engage in contract relative to solid waste and management of solid waste operations and facilities in the county.
- County will maintain financial control over board and will thus finalize board special district budget; complete monthly/quarterly/annual financial reports; manage bank accounts with disbursements made by hand of County Treasurer following Fiscal court approval; Fiscal Court/Judge-Executive will manage all grants relative to solid waste where board is concerned.
- Board can aid in developing solid waste and recycling policies, enforcement of solid waste laws, managing complaints issued from members of the public and assisting in review of and enforcement of solid waste contracts.
- Coordinator is county employee, but may work under supervision of the board

**Park Board** *(Authorized generally through KRS 67.083 section 3 (f) and KRS 097.00)*

- Board is established by resolution of the Judge-Executive and Fiscal Court and has no authority outside of that granted by Fiscal court through agreement.
- The Board can function as an advisory board to organize and develop projects and assist in management of county's park facilities and recreation programs.

- Park Director is a county employee that may work under the supervision of the board.
- The county shall maintain all financial control over park board and its associated funds. The Fiscal Court must budget park funds, issue purchase orders, manage financial reporting, approve all loans, contracts, disbursements, etc.
- Board can and should maintain own financial records including a receipts and disbursement ledger, cash on hand/budget availability ledger and cumulative expenses in accordance with guidelines and financial controls set forth by Fiscal Court.
- Fiscal Court shall maintain ownership of all property relative to parks and recreation facilities, maintain insurance and is the only entity that can engage in contracts relative to parks and recreation facilities.

## **CHAPTER 13 INTERNET & E-MAIL POLICY**

### **Section 13.1 Acceptable Uses of the Internet and County E-mail**

The County-provided internet and e-mail access is intended for business purposes only. 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, including access through personal devices such as smartphones where the county's image is still at hand. To ensure that all employees are responsible, the following guidelines have been established for using e-mail and the internet. Any improper use, unauthorized personal use, or use not consistent with the policies set forth in this code of the internet, e-mail or social media either through county owned electronic devices or personal electronic devices, is not acceptable and will result in appropriate disciplinary action, up to and including dismissal.

### **Section 13.2 Unacceptable uses of the Internet and County E-mail**

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

### **Section 13.3 Communications**

Each employee is personally responsible for the content of all text, audio or images that they place or send over the county's e-mail/internet system, including that shared through personal electronic devices or social media while under the employ of the county. 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, social media 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 and/or through social media on any electronic device must comply with this and other County policies and may not disclose any confidential or proprietary information.

#### **Section 13.4 Software**

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

#### **Section 13.5 Copyright Issues**

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

#### **Section 13.6 Security**

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

#### **Section 13.7 Violations**

Any employee who abuses the privilege of County-facilitated access to e-mail or the internet, or violates terms of this policy as it pertains to social media usage, 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.

**McCreary County**  
**MODEL ADMINISTRATIVE CODE**  
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Section 5.16	Selection and Appointment
Section 5.17	Methods of Filling Vacancies
Section 5.18	Recruitment, Evaluation, and Certification
Section 5.19	Announcement of Vacancies
Section 5.20	Applications
Section 5.21	Appointment
Section 5.22	Transfer
Section 5.23	Promotion
Section 5.24	Attendance, Leave and Fringe Benefit Provisions
Section 5.25	Holidays
Section 5.26	Vacation
Section 5.27	Sick Leave
Section 5.28	Family and Medical Leave Act (FMLA)
Section 5.29	Bereavement Leave
Section 5.30	Special Leave
Section 5.31	Maternity Leave

Section 5.32	Military Leave
Section 5.33	Civil Leave
Section 5.34	Court Appearance
Section 5.35	Overtime/Compensation Time
Section 5.36	County Vehicles
Section 5.37	Health and Hospital Insurance
Section 5.38	Kentucky County Employees Retirement Program
Section 5.39	Employee Relation Procedures Training and Career Development
Section 5.40	Performance Evaluation
Section 5.41	Disciplinary Action
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Section 5.44	Separation
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Section 5.47	Layoff
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Section 5.51	Miscellaneous Provisions
Section 5.52	Political Activity
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Section 5.60	Job Classifications/Descriptions
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Section 6.2	Duties of Road Supervisor
Section 6.3	Road Department Property
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CHAPTER 9	PURCHASES AND CONTRACTS
Section 9.1	Authorization of County Contracts

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Section 9.3	Procedures for Determination of Qualification of Bidders
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Section 10.2	Regular Meetings
CHAPTER 11	SPECIAL DISTRICTS
Section 11.1	Procedures for Dissemination of Information
Section 11.2	Procedures for Dissolution
Section 11.3	Removal and Appeal Process
Section 11.4	Single County Special Districts
Section 11.5	Multi-County Special Districts
CHAPTER 12	COUNTY SERVICES
Section 12.1	Police and Protection Services
Section 12.2	Public Works Department (Road Dept)
Section 12.3	County Road System
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Section 12.6	Contents of Planning and Subdivision Regulation
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CHAPTER 13	INTERNET AND E-MAIL POLICY
Section 13.1	Acceptable Uses of the Internet and County E-Mail
Section 13.2	Unacceptable Uses of the Internet and County E-Mail
Section 13.3	Communications
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Section 13.5	Copyright Issues
Section 13.6	Security
Section 13.7	Violations
Section 13.8	Attachments (Employee Documents)

## ATTACHMENTS

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### FAMILY & MEDICAL LEAVE ACT DESIGNATION NOTICE

TO:

FROM: Judge Executive Douglas Stephens

DATE:

I understand that you have been recovering from a work related injury that occurred on (DATE:\_\_\_\_\_). I further understand that your medical status is preventing you from fully performing your duties and as a result you have been medically unable to work since the date of that injury.

Based upon information the above information and medical information that you have provided on behalf of your doctor, you are being placed on Family & Medical Leave (FML) for up to 12 weeks beginning (DATE:\_\_\_\_\_).

You are expected to return to work no later than (DATE:\_\_\_\_\_). You will be required to submit a 'Fitness for Duty' certification from your medical provider prior to being allowed to return to work. If you fail to return to work by that time, your employment may be terminated.

During your FML leave period (DATES:\_\_\_\_\_ through \_\_\_\_\_), you will continue to receive health insurance and accrue your sick leave benefit and annual leave benefit. You may utilize these permitted leave benefits as you desire.

McCreary County utilizes a January 1-December 31 FML year. Should you exhaust your 12 week FML during this leave year, you will not be entitled to additional FML time prior to January 1, 2015. The FMLA benefits as attributed to you can be found in Section 5.28 of the McCreary County Administrative Code, which can be found at [www.mccrearycounty.com](http://www.mccrearycounty.com).

Should you have any questions please contact my office at (606) 376-2413.

Sincerely,

Douglas E. Stephens, McCreary County Judge-Executive

# ATTACHMENTS

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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.

## SICK LEAVE REQUEST FORM

Employee Name and Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Department: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

Recommended for Approval By:

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

Approved By:

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

**VACATION LEAVE REQUEST FORM**

Employee Name and Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Department: \_\_\_\_\_

I request vacation leave for the following dates:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_, 20\_\_  
Employee Signature

Recommended for Approval By:  
  
\_\_\_\_\_, 20\_\_  
Signature  
Department Supervisor

Approved By:  
  
\_\_\_\_\_, 20\_\_  
Signature  
County Judge-Executive

# McCreary County Administrative Code

## EMPLOYEE AGREEMENT

I have received a copy of McCreary County Fiscal Court's Administrative Code, entered before and approved by Fiscal Court order on March 12, 2012.

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

Furthermore, I understand that this Administrative Code may be amended at any time by further action of the Fiscal Court.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Printed Name

Received by:

\_\_\_\_\_  
County Judge/Executive Signature

\_\_\_\_\_  
Date

**McCreary County Fiscal Court  
E-MAIL AND INTERNET USER AGREEMENT  
EMPLOYEE AGREEMENT**

I have received a copy of McCreary County Fiscal Court’s Policy Guidelines on e-mail/internet acceptable use (Chapter 13). I recognize that the County’s e-mail/Internet is to be used for conducting the County’s business only. I understand that use of this equipment for private purposes is strictly prohibited.

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

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

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

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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Printed Name

Received by:

\_\_\_\_\_  
County Judge/Executive Signature

\_\_\_\_\_  
Date

## **McCreary County Fiscal Court Personnel Employment Verification and Waiver**

The following release and waiver has been signed in conjunction with an application for employment with the McCreary County Fiscal Court or associated agency. This release applies to all court records, criminal justice records, educational records, records of scholastic achievement and attendance, employment records and personnel files. Records are to be released to the McCreary County Fiscal Court or its associated agency at the address above. Your cooperation is greatly appreciated.

### **Release and Waiver**

I, \_\_\_\_\_ (applicant's full name printed), authorize the McCreary County Fiscal Court to make any investigation of my personal or employment history and authorize any former employer, person, firm, corporation, school or government agency to give the court records, criminal justice records, educational records, records of scholastic achievement and attendance, employment records and personnel files.

This authorization to obtain records and information is not intended to permit the release of my medical records, medical information contained in my employment or education records or information relating to any worker's compensation claims that may have been filed in conjunction with any prior employment.

In consideration of the McCreary County Fiscal Court's review of this application, I release the County and its officials, and all providers of information from any liability as a result of furnishing and receiving this information. I also understand that this waiver will be entered into my personal file kept with the McCreary County Fiscal Court, and upon consideration for employment, serve as additional authorization for compliance with the standards set forth in this administration including, but not limited to, a pre-employment drug screen. I also agree that a copy of this release and waiver from is as effective as the original.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Applicant's Social Security Number

\_\_\_\_\_  
Applicant's Date of Birth

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Applicant's Mailing Address

\_\_\_\_\_  
Date

## **Addendums**

### **A. MCCREARY COUNTY FISCAL COURT ORDINANCE NUMBER 1030.1**

#### **MCCREARY COUNTY CODE OF ETHICS**

An Ordinance relating to the establishment of a code of ethics for elected and appointed county officials and employees or candidates for public office in McCreary County, Kentucky.

Whereas; The McCreary County Fiscal Court is mandated and has the authority pursuant to KRS Chapter 65, to enact an ordinance establishing a code of ethics to guide the conduct of elected and appointed officers and employees of McCreary County, including members of the Fiscal Court, Sheriff, County Attorney, County Clerk, Jailer, Coroner, Surveyor & Constables; 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.

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF MCCREARY COUNTY, COMMONWEALTH OF KENTUCKY, as follows:

#### **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 any legal entity through which business is conducted for profit.

C. "Candidate" means an 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, 118.325, or 118.760.

D. "County-government agency" means any board, a commission, authority, non-stock corporation, or other entity formed by the county government or a combination of local governments.

E. "County government employee" means any person, whether compensated or not, 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 employee of 1a school district or school board.

F. "County government officer" means any person, 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 non taxing district.

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.

H. "Family member" means any relative who is 2nd cousin or closer in relationship.

## **II. STANDARDS OF CONDUCT**

A. No county government officer or employee or member of his immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in substantial 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.

C. No county government officer shall act in his official capacity in any matter where he is, 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 of judgment.

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 or judgment in the exercise of his official duties.

E. 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 reasonably hosting, including travel and expenses, entertainment, meals or refreshments furnished in connection with public events, appearance, ceremonies or fact finding trips related to official county government business.

F. No county government officer shall be prohibited from accepting a gratuity for solemnizing a marriage.

G. No county government officer or employee shall use, or allow to be used, in his public office or employment, any information, not generally available to the members of the public, which he receives or acquires in the course of an by reason of his office or employment, for the purpose of securing financial gain for himself, any member of his family, or any business organization with which he is associated.

H. 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.

I. No county government officer shall be deemed in conflict 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 member of such business, profession, occupation or group.

J. No elected county government official 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 be the officer or a member of his immediate family, whether directly or indirectly, in return therefore.

K. 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, however, no elected county government officer subject to this code may serve on or advise the County Ethics Commission in the execution of their powers and duties.

L. Use of county property, equipment, materials and personnel: No employee of the county shall use or permit funds, personnel, equipment or materials owned by the county for the private use of any person unless:

(a). The use is specifically authorized by the fiscal court;

(b). The use is available to the general public and then only to the extent and upon the terms that such use is available to the public.

### **III. NEPOTISM**

A. 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 members of immediate family who, on the date of the officer's election or appointment, has been employed for at least six months in the same county in which the officer serves.

1. No family member shall be compensated more than others in like job positions;

(a) All family members must meet job qualifications.

#### **IV. FINANCIAL DISCLOSURE**

A. The following individuals shall be required to file a financial disclosure statement:

1. Elected officers;
2. Candidates for elected office;
3. Commission or Board appointees, appointed and/or approved by the McCreary Fiscal Court that receive any compensation for such appointment;
4. Management personnel, chief deputies and department heads (e.g. Ambulance Director, Road Supervisor, Assistant Judge/Executive).

B. The financial disclosure statement shall include the following information:

1. Name the 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;
5. Positions held by the filer in any business organization or nonprofit entity from which the filer received compensation in excess of \$5,000 during the preceding calendar year, and the name, address and telephone number of the business organization or nonprofit entity.
6. Name and address of each source of income of the filer from within the commonwealth of Kentucky which exceeds \$5,000 during the preceding calendar year;
7. Name and address of each business organization located within the Commonwealth and outside the Commonwealth which the filer had an interest of five thousand dollars (\$5,000) at the fair market value; disclosure of out of state interest is not required if the business does not anticipate doing business with the county.
8. The location of all (commercial) property within the county, in which the filer or any member of the filer's immediate family had an interest of five thousand dollars (\$5,000) or more during the past year.
9. Any person listed in Section IV-A of this ordinance, or a member of his immediate family, who has a private interest in any matter pending before this court or any department or agency of the county shall disclose such private interest on the records of the court, department, or agency and shall disqualify himself from participating in any decision or vote relating thereto.

C. Each statement shall be signed and dated by the individual filing the statement of financial. Knowingly signing a fraudulent statement shall be a Class A misdemeanor.

D. All pay and benefits shall be withheld until a non-complying officer is in compliance with the filing requirements. Candidates and nominees who fail to comply with these filing requirements shall be fined \$25.00 for each day they are in non-compliance.

E. The financial disclosure statements shall be filed with the McCreary County Clerk no later than February 15th of each year for compensated board appointees and all elected county officials, and within 21 days after the filing date for candidates for county offices or their date of nomination.

## **V. COUNTY ETHICS COMMISSION**

A. The County Ethics Commission shall consist of five (5) members none of whom shall be any person subject to this code. The commission member selected as chairperson shall be a citizen member. Members shall receive no compensation but they may be reimbursed all necessary expenses. The terms of members shall be staggered and no longer than four (4) years. Members are to be nominated by the Fiscal Court subject to the approval of the majority;

1. All appointments shall be made no later than sixty (60) days after the adoption of this ordinance;

2. Vacancies on the County Ethics Commission shall be filled within sixty (60) days by the county judge/executive subject to the approval of the fiscal court. If a vacancy is not filled by the county judge/executive within sixty (60) days, the remaining members of the County Ethics Commission shall fill the vacancy. All vacancies shall be filled for the remainder of the unexpired term.

## **B. POWERS AND DUTIES**

1. The commission shall have jurisdiction over the administration of this code;

2. The commission may receive complaints, conduct investigations, inquiries, and hearings concerning any matter covered by this code;

3. The commission may render advisory opinions whether or not a given set of facts and circumstances constitute a violation of any provision of this code;

4. The commission shall prescribe and provide forms for reports, statements, notices, and other documents required by this code;

5. The commission shall determine whether the required statements and reports have been filed and, if filed, whether they conform with the requirements of this code. The commission shall promptly give notice to the filer to correct or explain any commission or deficiency;

6. The commission may retain private counsel at the expense of the county. The county attorney, by being legal advisor to other county officials may not provide counsel to the commission. Any counsel must be pre-approved by the fiscal court.

## **C. COMPLAINT PROCEDURE; PRELIMINARY INVESTIGATIONS**

1. (a) Upon a complaint signed under penalty of perjury by any person, the commission shall investigate any alleged violation of this code;

(b) No later than ten (10) days after the commission receives the complaint, the commission shall initiate a preliminary inquiry into any alleged violation of this code;

(c) Within thirty (30) days of the commencement of the inquiry, the commission shall forward a copy of the complaint and a general statement of the applicable law to the person alleged to have committed a violation.

2. All commission proceedings and records relating to a preliminary investigation shall be confidential until a final determination is made by the commission, except:

(a) The commission may turn over to the Commonwealth's Attorney or Grand Jury of the jurisdiction in which the offense allegedly occurred, evidence which may be used in criminal proceedings.

3. The complaint or alleged violator shall not publicly disclose the existence of a preliminary investigation, and the commission shall not publicly confirm the existence of the inquiry nor make public any documents which were issued to either party.

4. The commission shall afford a person who is the subject of a preliminary investigation an opportunity to respond to the allegation in the complaint. The person shall have the right to be represented by counsel, to appear and be heard and to offer evidence in response to the allegations in the complaint.

5. Any person who knowingly files with the commission a false complaint of misconduct on the part of any elected or appointed official or other person shall be guilty of

#### D. ACTION BY COMMISSION

1. If the Commission concluded in its report that in consideration of the evidence produced at the hearing there is clear and convincing proof of a violation of this ordinance, the Commission may:

(a) Issue an order requiring the violator to cease and desist the violation.

(b) In writing, publicly reprimand the violator for the violations and provide a copy of the reprimand to the executive authority and governing body (if different than the executive authority) of the county or county agency with which the violator serves.

(c) In writing, recommend to the executive authority and the governing body (if different than the executive authority) that the violation be sanctioned as recommended by the Commission, which may include a recommendation for discipline or dismissal.

(d) Refer evidence of criminal violations of this ordinance or state laws to the Grand Jury or Commonwealth's Attorney of the jurisdiction for prosecution.

#### E. APPEALS

1. Any person found by the commission to have committed a violation of this code may appeal the action to the McCreary Circuit Court. The appeal shall be initiated within thirty (30) days after the date of the final action of the commission by filing a petition with the court against the commission. The commission shall transmit to the clerk of the court all evidence considered by the commission at the public hearing. The court shall hear the appeal upon the record as certified by the commission.

#### **VI. SEVERABILITY**

A. The provisions of this ordinance are severable. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or applications.

#### **VII. CONFLICTING ORDINANCES REPEALED**

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

#### **VIII. EFFECTIVE DATE**

A. This Ordinance shall take full force and effect immediately upon its passage and publication as required by law.