

**BOONE COUNTY**

**PERSONNEL POLICIES**

**AND PROCEDURES**

# Boone County Personnel Policies and Procedures

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## I. INTRODUCTION

### A. Purposes

These policies help provide for the recruitment, development, and retention of the best employee for each position within the service of Boone County.

1. Recruiting, selecting, and advancing employees on the basis of their ability, knowledge, and skills, including open competition of qualified applicants for initial appointment;
2. Establishing proper pay rates;
3. Training employees, as needed, to assure high quality performance;
4. Retaining employees on the basis of performance; correcting inadequate performance and terminating employees when appropriate;
5. Assuring treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, disability, race, color, age, national origin, sex, religion or any other status protected by applicable law; and
6. Assuring that employees are protected against coercion for partisan, political purposes and are prohibited from using their official authority for the purpose interfering with or affecting the results of an election or a nomination for office.

### B. Interpretation and Employment Relationship

These policies are intended to provide some guidance on many personnel problems and actions, which may arise. **These policies are not an employment contract. Unless a statute indicates otherwise, employment at the County is at-will. This means that employees may terminate their employment at any time for any reason without breaching an "employment contract," just as the County can do the same. County employees acquire no property rights in or to their employment with the County. Because the policies are not an employment contract, the County can modify and interpret them at any time.** However, the only way the County may modify at-will employment would be to execute a written contract signed by the employee and a County Official authorized to contract on behalf of the County. Currently, statutes in Kentucky modify the employment relationship for some police personnel, but other employees remain at-will. The policies in this handbook do not supersede federal or state law.

### **C. Categories of Employment**

The Judge/Executive is the "appointing" authority for all County positions of employment. On most occasions the Fiscal Court must approve the Judge/Executive's appointment. Employees are "appointed" to one of the categories of employment presented below.

Each employee of the County shall be classified as full-time, part-time, temporary, or seasonal. Each position will be classified as exempt which is not paid overtime or non-exempt, which is paid overtime. The exempt and non-exempt classification of positions will be based on the "Guide List for Determining Exemptions (Exemption Test) as provided under the Fair Labor Standards Act" Wage and Hour Law.

**Initial Review Period:** All new employees will begin employment with an initial review period of six (6) months. During this initial review period employees will not be eligible to enroll in the County Employees Retirement System. Upon completion of the initial review period all employees qualifying for retirement benefits will be required to participate in the retirement system. All Boone County Employees are at-will employees, the initial review period does not alter the employee's at-will employment status during the initial six (6) months of employment, nor does the completion of the initial review period alter the employee's at-will status. The employee shall remain an at-will employee throughout the time of employment.

**Full-Time:** A full-time employee is one who works forty (40) or more hours per week on a regularly scheduled basis.

**Part-Time:** A part-time employee is one who works less than forty (40) hours per week on a regularly scheduled basis for a period longer than six (6) months.

**Temporary or Seasonal:** A temporary or seasonal employee is one who works either full-time or part-time, for a period of less than six (6) months per calendar year.

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

All employees working 100 or more hours per month (except seasonal employees who work a maximum of six (6) months per calendar year) must participate in the County Employment Retirement System upon eligibility.

The following individuals of the Boone County Fiscal Court are exempted from coverage:

1. All elected officials;
2. All citizen members of boards, committees or commissions;
3. Consultants, advisors, and legal counsel rendering temporary professional services;
4. Independent contractors; and
5. Members of volunteer organizations.

All individuals not explicitly exempted from coverage or these policies and procedures shall be subject to its provisions.

## **II. EMPLOYEE PAY AND BENEFITS**

### **A. Employee Pay**

#### **1. Pay Structure**

The Human Resources Department helps to establish, implement and administer the salary administration program. The salary administration program includes developing compensation policies, evaluating and describing jobs, and reviewing salary competitiveness. Department Heads are also involved in administering pay to their employees. Department Heads typically conduct employee evaluations, recommend pay changes, and communicate personnel or job changes.

The County tries to maintain a competitive pay structure, which consists of pay grades and ranges. The County evaluates jobs to assign a level of overall value/responsibility based on several factors. Each job is then placed into a class with a pay grade and a corresponding pay range. The County will periodically review the pay grades of each position to maintain competitiveness.

The County also prepares a job description for each position. These descriptions enable employees to understand their jobs and to help the County when it reviews job applicants, job performance, and pay. Positions and job descriptions change from time-to-time. If an employee wants to review a job description, contact the Human Resources Department.

#### **2. Performance Evaluation Increases**

Employees may be eligible for a pay raise upon a satisfactory performance evaluation. Performance evaluations occur annually on the anniversary date of your employment, or the latest date of position upgrade. In cases of exemplary performance the County Administrator has the authority to authorize additional increases.

If you rate unsatisfactory in any one category of the performance evaluation, corrective measures shall be listed by the supervisor to improve job performance. Performance will then be rated and observed on a continuous basis. If improvement does not occur, disciplinary action may begin.

### 3. Overtime Pay

The County pays hourly employees time and a half for all hours earned over 40 in a week (sick time shall not be considered earned hours in relation to overtime pay). The department head with the approval of the County Administrator sets regularly scheduled work hours. For example, 16 vacation hours and 32 regular hours will result in eight hours of overtime. Salaried employees at the County are exempt from overtime payments, and may be expected to work extra hours to complete their tasks. Full-time hourly employees will be paid two and half times their regular rate for any hours worked on an actual or scheduled holiday. Employees called in to work after regularly scheduled work hours will be paid a minimum of 3 hours overtime pay at a rate of 1.5 the normal hourly rate, the pay shall begin at the time the employee is called.

### 4. Compensatory Time

The County does not recognize compensatory time for exempt or non-exempt employees. Non-exempt employees will be paid overtime as described in section II. A. 3. of this policy or have their work schedule adjusted by the department head within the same pay period as the hours were worked to avoid the payment of overtime. Exempt employees shall not receive compensatory time. In cases where deemed appropriate by the County Administrator, exempt employees whose jobs require an extraordinary amount of hours worked during peak seasons may be allowed to adjust work schedules to fewer hours during non peak seasons, but in no case shall these fulltime exempt employees be allowed to have less than 2080 earned hours during any calendar year.

## **B. Paid Vacation**

### 1. Eligibility

Full time employees are eligible for vacation after successfully completing six months of employment.

### 2. Amount of Vacation

An employee receives vacation time based on years of service and amount of time worked per month during the year. The employee must receive earned pay more than three fourths (3/4) the workdays during a month to accrue vacation time for that month. The employee will be credited with the following vacation hours per month based on years of service:

Years of Service	Vacation Hours
0-2	7 hours per month
2-5	10 hours per month
5-10	12 hours per month
10-15	14 hours per month
15-20	16 hours per month
20-25	18 hours per month
25-30	20 hours per month

The County Judge-Executive may grant exceptions to the years of service/vacation amount ratio as deemed necessary in certain cases of employment negotiations.

### 3. Use of Vacation

Vacation time must be used in one-hour increments. To avoid conflicts with the County's operating schedules and needs, notification must be given in advance of vacation time usage. Consideration will be given to all requests, however, the County may deny the vacation time if conflicts occur. Generally a request must be made at least two weeks in advance. No employee shall be permitted to accrue vacation time in excess of 240 hours at the conclusion of the fiscal year (June 30<sup>th</sup>). Any employee who reaches the maximum accrual amount in any fiscal year (or began the year at the maximum) may receive compensation for unused vacation time not to exceed twenty-five percent (25%) of their annual vacation allotment. Such compensation shall be at the current rate of pay. Any unused vacation time at June 30<sup>th</sup> of each year, in excess of this 25% amount, shall be forfeited by the employee. *(As an example, an employee receives four (4) weeks of vacation annually, has already reached the maximum 240 hours of accrued time, and uses forty (40) hours of vacation during the fiscal year – 360 hours remain. This employee would have one hundred and twenty (120) hours remaining of unused vacation time over the 240 hours previously accrued and be eligible to receive compensation for 25% of the unused time, or thirty (30) hours. This compensation would be made at the current rate of pay and the employee would forfeit the remaining ninety (90) hours of vacation)*

### 4. Vacation Pay at Termination

When an employee resigns, is laid off, is terminated, retires, or dies, the employee (or estate) will receive pay equal to the vacation credit. Any hours paid at termination over 240 will be paid at 25% as outline in section II. B. 3.

## **C. Holidays**

The County currently provides 12 ½ days off from work for holidays. Full-time employees are paid for these days off. Sometimes, because of operating concerns, employees may be required to work on a holiday. If a salaried employee works on a holiday, a commensurate day off at a later time will be designated by the Department Head. If a full-time hourly employee is required to work on an actual or scheduled holiday the employee will receive 2 ½ times regular pay. County holidays are listed below.

New Year's Day  
Martin Luther King Day  
Presidents Day  
Spring Holiday (½ day)  
Memorial Day  
Independence Day  
Labor Day  
Columbus Day  
Veteran's Day  
Thanksgiving Day  
Friday following Thanksgiving  
Christmas Eve  
Christmas

The Fiscal Court Calendar will determine holidays that fall on a weekend. Any day may be designated as a holiday by proclamation of the Fiscal Court.

## **D. Paid Sick Time**

### **1. Eligibility**

Full time employees are eligible for paid sick days after successfully completing six months of employment

### **2. Amount of Paid Sick Time**

For each month of employment, an employee will be credited with eight (8) sick hours. The employee must receive earned pay for more than three-fourths (3/4) of the workdays during a month to be credited with sick time for that month. Unused paid sick time will carry over from year to year without a limit. Paid sick time must be used in one hour increments.

### 3. Proper Uses of Paid Sick Time

Paid sick time is provided to employees to prevent loss of wages during an illness. This time is not to be used as extra vacation. Accumulated sick time is intended to provide short-term disability pay for employees to bridge the time off until the County provided long-term disability pay begins. Long-term disability pay does not begin until an employee has been off work for sixty (60) days. Accumulated sick time may also be used towards retirement. The County will purchase up to six (6) months retirement time for accrued sick time per the sick leave program, as allowed by the County Employee Retirement Systems. Paid sick time may also be used for a medical, dental, or optical examination appointment or treatment. These appointments should be scheduled outside of normal work hours if possible. If not, the employee is expected to report to work before and or after the scheduled appointment.

Paid sick time may be used when or if a member of the immediate family becomes ill and the employee must provide actual care for them. The immediate family includes spouse, child, stepchild, father, mother, or any relative who lives within the household.

If injured on the job, paid sick time may be used to make up the difference between workers' compensation benefits and employee's pay. Because paid sick time is to be used for medical reasons; no compensation will be received for unused sick time upon termination.

### 4. Helping Your Co-Employees

An employee may donate vacation time to be used by a co-employee for sick time if all vacation and sick time has been used by the co-employee. For an employee to donate vacation time for a co-employee to use as sick time, a written request must be submitted to the Human Resources Department and approval given by the County Administrator.

### 5. Paid Sick Time Procedures

An employee must personally notify the supervisor when using sick time unless medically incapable. The notification must be made by the beginning of the shift, with the reason for and the length of absence given. The employee must personally notify the supervisor as far in advance as possible of the intention to use planned paid sick time. If making an appointment during work hours and advanced approval of the request is not received, paid sick time will not be granted.

If three or more consecutive days of sick time are used, a written doctor's excuse must be provided to the Department Head upon returning to work. The County may also require that an employee present a certification of fitness to return to work. Human Resources or Department Heads may require a doctor's excuse anytime an employee is using an inordinate amount of sick time.

## **E. Retirement, Health, Dental, Long-Term Disability and Life Insurance**

The County provides an employee retirement plan, health, dental and life insurance. Detailed plan documents explain the eligibility and receipt of these benefits. The sections below explain some of the basics of these benefits. The County's employee retirement, health, dental, long-term disability and life insurance plans may also change from time to time. If the sections below are determined to be inconsistent with the current or revised detailed plan documents, the detailed plan documents govern.

### **1. Retirement Plan**

After the completion of a six (6) month initial review period beginning on the first day of employment all full-time and part-time employees who average 100 hours or more a month on an annual basis must participate in the County's retirement plan. An employee may choose to receive a reimbursement of retirement funds upon employment termination if employment terminates prior to retirement. The County reserves the right to permit immediate enrollment into the County's retirement plan.

### **2. Health Insurance**

The County currently operates a voluntary health insurance program for all of its full-time employees. A portion of the health insurance is paid by the employee, with the amount being set each year at the time of renewal. The maximum an employee may be required to pay for health insurance coverage is 15% of the monthly premium. The effective date is the first day of employment. Immediate members of the employee's family may also be eligible to join the program. To find out who is eligible for coverage, contact the Human Resources Department. Any employee or member having been covered under the group policy may apply for continuing coverage upon termination of employment. Eligibility will be determined based on COBRA laws and requirements. The entire group rate premium shall be paid by the employee. Coverage shall terminate at 12:00 midnight on the day in which the employee terminates employment and as outlined in the County's health insurance plan.

### **3. Dental Insurance**

The County provides dental insurance for all full-time employees. A portion of the dental insurance is paid by the employee, with the amount being set each year at the time of renewal. The effective date of coverage is the first day of employment. Immediate members of the employee's family may be eligible for this coverage. To find out who is eligible and what coverage is provided contact the Human Resources Department.

### **4. Long-Term Disability Insurance**

The County provides long-term disability insurance for all full-time employees at no cost to the employee. The effective date of coverage is the first day of employment. For coverage amounts and other information about the plan contact the Human Resources Department.

## 5. Life Insurance

The County currently provides all full-time employees a term insurance policy at no charge to the employee. Employees will have an option to purchase additional amounts of insurance at his/her own expense. Upon separation, employees may have a 31 day period in which to convert his/her policy through the County into his/her own individual policy at a rate applicable to that individual and not at the group rate. Payments will then be made directly to the life insurance company. The effective date of coverage is the first day of employment.

## **F. Tuition Reimbursement and Education Incentive**

### 1. Purpose

The County is committed to improving all employees' knowledge, skills, and abilities by offering tuition reimbursement and bonuses for further education. To be eligible for this benefit the employee must be and have been in full-time employment with the County for one full year.

### 2. Tuition Reimbursement

To obtain tuition reimbursement, an application must be received and approved by the Human Resources Department prior to the start of the course. The class should pertain to the employee's position or should count towards a degree. The application must have an attachment explaining how the course will benefit the employee in their current position. Partial tuition reimbursement will be made for one class per term at an approved school. The reimbursement schedule is 90% for any grade "C" or above and nothing for a grade lower than a "C." The employee will need to apply, obtain approval and submit grades and receipts prior to reimbursement.

## **G. Workers' and Unemployment Compensation**

If workplace injuries or layoffs occur, the County pays workers' compensation and unemployment compensation premiums. If on-the-job injury occurs, workers' compensation benefits will be reimbursed for a portion of lost wages. Workplace injuries should be reported immediately, within 24 hours to ensure this benefit.

## **H. Safety and Training**

### 1. Safety Policy

The County has a safety policy to help eliminate unsafe conditions and work practices. The policy includes a safety manual, which is located in each department. All employees must adhere to the safety policy including wearing seat belts in County vehicles.

## **I. Leaves of Absences**

### **1. Military Leave**

The County encourages military service and will follow the federal and state laws, which apply to reinstatement after military service. Pursuant to KRS 61.394 employees are entitled to up to 15 calendar days of military leave in any fiscal year, with up to ten of those days being working days and eligible for pay. If an employee needs to be absent to serve in the National Guard, as a military reserve, or in active military duty, contact the Human Resources Department immediately upon receipt of orders.

### **2. Civil Leave**

The County encourages service as a juror and compliance with other subpoenas to be a witness in legal proceedings. If an employee needs to be absent a copy of the summons or other proof of service must be submitted to the Human Resources Department immediately upon receipt. If called for jury duty and released, the employee must return to work for the remainder of the scheduled shift. The employee will receive regular pay. The pay received for jury duty or being a witness shall be endorsed and given to the Treasurer upon receipt.

### **3. Funeral Leave**

An employee will be granted a leave of absence of up to three calendar days after the death of a member of the immediate family (spouse, child, siblings, stepchild, father, mother, grandparent, individuals serving in loco parentis or any relative living in the employee's household). If a workday is scheduled during this time, compensation will be made at regular pay. A one-day leave absence will be granted for deaths of relatives outside of the immediate family. With Department Head approval, sick and vacation time may also be used. Additional time off may be granted by the County Administrator in cases where additional travel time is needed.

### **4. Voting Leave**

The County encourages all citizens of the Commonwealth to exercise their right to vote. Department Heads will allow ample time off to vote, without loss of pay. If time off is needed to vote, notify supervisor prior to Election Day.

### **5. Volunteer Firefighters, EMT, and Paramedic Leave**

The County recognizes the need for citizens to volunteer time as firefighters, EMTs, and paramedics. With supervisor approval, paid leave of absences will be granted to perform these duties in an emergency. Volunteer hours will not count towards computation of overtime pay.

## 6. Family and Medical Leave Act Leaves of Absence

The Family and Medical Leave Act of 1993 (FMLA) requires the County to provide job protected, unpaid leave (or to substitute appropriate paid leave if the employee has earned or accrued it) to "eligible" employees for several family and medical reasons for up to a total of 12 work weeks in any 12 months. The 12 month period shall begin on the first day of a qualifying leave. Employees are eligible if they have worked for at least 12 months, and for 1,250 hours over the previous 12 months. Employees must use any accrued vacation and or sick time they have available while on FMLA prior to receiving unpaid leave.

### a. Reasons For Taking FMLA

An employee can take FMLA leave for: (1) The birth of a child and to care for the newborn child, or placement of a child with the employee for adoption or foster care; (2) to care for a family member (spouse, son, daughter, or parent) with a serious health condition; and (3) for the employee's own serious health condition that makes the employee unable to perform the functions of his or her job. A serious health condition does not generally include colds and other minor illnesses.

### b. Advance Notice and Leave Status Reporting

The employee is required to provide notice of the need for leave in advance. If the need for leave is foreseeable, the employee must ordinarily provide at least 30 days notice. If the need for leave is not foreseeable, then provide as much notice as is possible. While on FMLA, employees must advise the Human Resources Office of their status on Friday of each week. Status reports shall be provided by telephone or email.

### c. Medical Certification and Fitness for Duty

The County requires FMLA forms to be completed and medical certification to support a request for leave for a serious health condition, and may require second or third opinions (at the County's expense). Failure to submit a timely medical certification or to provide information may result in your leave being denied. The County may also require that an employee present a certification of fitness to return to work when the absence was caused by the employee's serious health condition. Generally, the County requires a fitness for duty certificate where the employee has missed more than any portion of three days of work for an illness, or if inpatient care is required for an illness. The County may delay restoring the employee to employment without a fitness for duty certificate relating to the health condition, which caused the employee's absence.

d. Job Benefits and Protection

Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. For the duration of FMLA leave, the County will maintain the employee's health coverage under any "group health plan," but the employee must continue to pay their portion of the premiums; the employee payments are due by the first day of each month. Except for benefits used during the leave (i.e. vacation or sick pay), the use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

The County will not unlawfully interfere with, restrain, or deny FMLA rights. It also will not discharge or discriminate against an employee for opposing unlawful FMLA practices or for becoming involved in FMLA legal proceedings. However, the County will require employees to meet FMLA notice, verification, fitness for duty and other requirements. Feel free to contact the Human Resources Department if you have comments or questions. Employees are not permitted to be employed in another position or with another employer while on FMLA.

7. Non-FMLA Disability Leaves of Absence

Not every need for a medical leave of absence will be job protected by the FMLA. If you require more than five days off work for a non-FMLA personal illness, the County may permit a leave of absence under limited circumstances, for a limited time, and with limited reinstatement rights. Individual request for Non-FMLA disability leaves will be reviewed and evaluate by the Department Head and Human Resource Director. This review will be subject to the approval by the County Administrator. The County may require medical proof of disability and may make other medical inquiries, including requiring examinations by medical providers selected and paid for by the County. The County may also require periodic reporting during the leave.

**III. STATUS CHANGES, EMPLOYEE REVIEWS, AND DISCIPLINE**

**A. Promotions**

The County is committed to filling position vacancies by promoting existing employees whenever possible, based upon specific position needs and the availability of qualified candidates. The County will post these position vacancies. Current County employees, who meet listed qualifications, are encouraged to seek promotional opportunities. Vacancies will be filled by assessing candidates who meet the qualifications in a competitive process. In selecting an employee for promotion or appointment, the Department head makes a recommendation to the Judge/Executive or his/her designee who will then decide if the request shall be recommended to the Fiscal Court for approval. Political or partisan endorsements are not a part of this process.

**B. Transfers**

The Human Resources Director and Department Head may transfer an employee from one position to another in the same grade subject to the Judge/Executive or his/her designee's approval. Political or partisan endorsements are not a part of this process.

**C. Demotions**

The County may occasionally need to demote an employee. A demotion usually results from performance problems or discipline, or in lieu of a layoff. The County will provide two weeks notice prior to a demotion becoming effective.

**D. Light Duty**

Sometimes employees are temporarily unable to perform their regular jobs because of a limiting physical or mental condition. When an employee is expected to return to full duty in the near future, the County may choose to temporarily reassign an employee to another position, which the employee can perform, or to restructure essential job functions. This practice is referred to as "light duty," and it is used to help the employee work until they can return to full duty. Light duty may not always be available.

## **E. Separations**

### **1. Resignation**

In order to resign in good standing, an employee must give the Human Resources Department a minimum of fourteen calendar days notice. Failure to comply with this rule will be entered in the employee's service record and may result in denial of re-employment.

### **2. Lay-off**

When, for any reason, it becomes necessary or appropriate to reduce, consolidate or merge the working force of the County, employees are laid off in an order which would, in the judgment of the County, best permit the County to serve the public. If ability and other factors are equal, the County will consider length of service in class and length of service with the County. When practicable, full-time employees to be laid off will be notified in writing by the Human Resources Department at least thirty calendar days prior to the effective date of the lay-off. Full-time employees who are laid off and are recalled, even though not necessarily into the same department, position, or wages, will retain his/her original hire date and will not lose seniority. Unused accrued sick days will be reinstated.

### **3. Inability to Work for Medical Reasons**

The County will comply with all applicable laws concerning the employment of disabled individuals. The County may make medical inquiries and require medical examinations by providers selected by the County where an examination or inquiry is job related and consistent with operating necessity. Sometimes a termination may occur for inability to work for medical reasons. The County's rules on absenteeism and leaves of absence apply to these situations. Disabled employees who require reasonable accommodations to perform their job should contact the Human Resources Department.

### **4. Loss of Job Requirements**

Any employee who is unable to perform his/her job adequately because of loss of a necessary license or other requirement may be separated upon the discretion of the Human Resources Director and the Fiscal Court.

### **5. Discharge**

Unless a statute indicates otherwise, employment at the County is at-will. This means that employees may terminate their employment at any time for any reason or no reason, just as the County can do the same. The County Administrator, with the County Judge Executive and Fiscal Court's approval may discharge an employee from County employment at any time with or without cause.

## **F. Conflict Resolution and Rule Violations**

### **1. Conflict Resolution**

When conflict arises between employees that cannot be resolved by the Department Head the parties may work with the Human Resource Director to find a resolution. A Department Head and or the Human Resources Director may require any employee to attend counseling by an outside agency to assist in resolving a conflict. When referred, attendance is mandatory and failure to comply will result in disciplinary action.

### **2. Misconduct and or Rule Violations**

Misconduct and/or rule violations are prohibited and will typically subject the individual involved to disciplinary action, up to and including termination. The examples below are illustrative of the type of behavior that will not be permitted, but are not intended to be all-inclusive.

- The use of profanity, abusive language or abusive behavior;
- The illegal possession, use, or attempted possession of firearms or other weapons;
- Insubordination, including but not limited to the refusal by an employee to follow management's instructions concerning a job-related matter or being disrespectful to management;
- Any assault or battery or fighting;
- Theft, destruction, defacement, or misuse of County property or of another employee's property;
- Gambling on County property;
- Dishonesty in any form, including but not limited to falsifying or altering any County record or report, such as an application for employment, a medical report, a production record, a time record, an expense account, an absentee report, or treatment and incident records;
- Threatening or intimidating anyone including management, supervisors, security guards, fellow workers, and citizens.
- Smoking in prohibited areas;
- Horseplay, pranks, or practical jokes;

- Failure to wear assigned safety equipment or failure to abide by safety rules and policies;
- Improper attire or inappropriate personal appearance;
- Engaging in any form of harassment or similar inappropriate conduct;
- Performing tasks inefficiently and/or with poor quality work;
- Failing to treat all citizens, visitors, and fellow employees courteously;
- Being convicted of a felony crime or a misdemeanor involving alleged violence, drugs, or dishonesty;
- Being absent without leave, or otherwise not working as scheduled (e.g. tardiness, leaving early, or returning late from lunch/breaks);
- Borrowing County property without permission or other misuse of property;
- Excessive absenteeism; and
- Violation of any County policies, including those rules in this Employee Handbook and otherwise.

#### **IV. WORKING HOURS AND WORK RULES**

##### **A. Work Schedules**

###### **1. Work Weeks**

Full-time hourly employees are scheduled for a regular 40-hour work week, exclusive of lunch. Salaried employees are also typically scheduled for a 40 hour week. Department Heads set regular schedule hours with the advice and approval of the County Administrator. The County may require you to work beyond your regular schedule. Shift differential pay at each Department's current rate shall be paid to scheduled second and third shift employees.

###### **2. Lunch Periods**

The Department Head will schedule lunch periods for a time, which best serves the public.

###### **3. On-Call Employees**

Emergency employees must be on-call to respond to emergency situations for a number of days each month. Your department head will identify those days for you. If called in outside your regular shift, you will receive a three-hour minimum at time and a half pay. If you work beyond three hours, you will receive additional compensation at time and a half per hour.

## **B. Prevention of Unlawful Harassment**

The County recognizes an individual's right to a work place free of unlawful harassment and inappropriate conduct. Harassment or other inappropriate conduct based on race, age, religion, disability, national origin, sex or other status protected by applicable law will not be tolerated and disciplinary action, up to and including termination of employment, will be taken against offenders.

An employee should not be expected or required to submit to inappropriate slurs, jokes, verbal or physical conduct based on race, age, religion, disability, national origin, sex or any other status protected by applicable law. Sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature in the workplace is also prohibited. Such conduct may create a hostile or offensive working environment, and may constitute unlawful harassment. Sexual harassment may also occur when submission to or rejection of such conduct is used as a basis for employment decisions. The County will not tolerate or condone unlawful harassment, inappropriate conduct or pressures that utilize job status as a factor in any application, interview, employment review, promotion or dismissal relating to the performance of any job duties.

If an employee believes that they have been subjected to unlawful harassment or inappropriate conduct, or have witnessed such misconduct in the workplace, the employee must immediately report the incident to the Department Head. If the Department Head is the subject of the complaint or if, for any reason, the employee does not wish to report the incident to the Department Head, they should report the matter to the Human Resources Director or County Administrator. All reported incidents of harassment will be thoroughly investigated and all complaints will be treated confidentially to the extent consistent with a thorough investigation. If an employee has engaged in unlawful harassment or other inappropriate conduct the offending employee will be subject to appropriate disciplinary action, up to and including termination. The County will not authorize or permit any form of retaliation against any employee who has made a good faith claim of harassment.

## **C. Nepotism and Non-Fraternization**

### **1. Employment of Relatives**

The County allows employment of relatives as long as neither of the related parties is in management where they might have either a direct or indirect affect on the other party's progress, performance, or welfare as an employee of the County. A relative includes immediate family and anyone closer than a second cousin. While the County does not prohibit the hiring of relatives, the practice is discouraged.

### **2. Supervision of Relatives**

No employee may supervise anyone closer than a second cousin. An employee may not be promoted into a position where he/she would have supervisory responsibilities over a relative closer than a second cousin.

### **3. Non-Fraternization**

Managerial and supervisory employees are not permitted to date, or become romantically involved with, and/or engage in any fraternization or similar conduct, attempted or otherwise, with any County employee with whom they have a supervisor/superior subordinate relationship.

## **D. Acceptance of Gifts and Gratuities**

Employees shall not accept gifts, gratuities, or loans from organizations, business concerns, or individuals with whom you have an official relationship on County business. This rule does not mean an employee cannot accept articles of negligible value, which are distributed generally or social courtesies, which promote good public relations. It is particularly important that employees guard against relationships, which might be considered evidence of favoritism, coercion, or unfair advantage of collusion. This rule does not prohibit normal arm's length transactions such as personal banking with banks that do business with the County. In all cases the County Code of Ethics and applicable KRS shall apply.

## **E. Profit on Knowledge Based on County Employment**

Employees shall not use confidential knowledge gained while on official duty for the County for profit. An example of this would be a situation in which an employee gains knowledge of a development of a particular piece of property, buys that property, and turns a profit in selling it.

## **F. Outside Employment**

Outside employment is any paid job performed in addition to County employment. To perform outside employment, a request in writing must be filed with the Department Head. The request should include the type of employment, hours of work, name of the prospective employer, and place of prospective employment. Outside employment is not allowed if it: interferes with the efficient performance of County duties; involves a conflict of interest; involves the performance of duties which should be performed as part of employment with the County; or occurs during regular or assigned working hours (except vacation time). If outside employment is accepted, arrangements must be made with outside employer to be relieved from outside duties if and when called for emergency service by the County.

## **G. Substance Abuse Prevention**

### **1. Substance Abuse Work Rules**

Because of the effect that substance abuse can have on employees and the County, and to protect employees and the County, the County has the following rules regarding the use, possession or sale of alcohol or drugs, and/or similar conduct.

a. While on duty or on County property (which includes but is not limited to all areas such as eating areas, lounge areas, locker rooms, or parking lots), employees are prohibited from being under the influence of alcohol or illegal drugs, or from having such substances in their systems. Moreover, employees may not attempt to or actually possess, sell, or receive alcohol or illegal drugs while on duty or on County property at any time. Under the Drug-Free Workplace Act of 1988, employees must also report any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

b. Any employee who may be undergoing medically prescribed treatment with a controlled substance which may limit or affect the employee's ability to perform on the job must report this treatment to his/her supervisor prior to beginning work.

## 2. Substance Abuse Tests

No drug/alcohol test will be administered without the consent of the employee. However, any employee who fails to cooperate and/or submit to drug/alcohol testing requested by the County under these policies will be disciplined, up to and including discharge. Any employee with a confirmed positive test for alcohol, or illegal drugs, will be disciplined up to and including termination. The test below may be required by the County.

a. Drug/alcohol tests may be conducted randomly for employees in safety sensitive positions, which includes emergency service personnel, sworn police personnel and heavy equipment operators, truck drivers, etc.

b. Drug/alcohol tests will be conducted for County employees whose duties require them to be Commercial Drivers License (CDL) holders. The testing of such employees shall be administered and conducted in compliance with Federal Department of Transportation regulations and any applicable laws or regulations of the Commonwealth of Kentucky. The County has developed procedures to comply with these laws and regulations.

c. Drug/alcohol tests may be conducted where a County supervisor has reason to suspect that an employee at work or on County property is either under the influence or has alcohol, or drugs in their system. The supervisor must receive the approval of the County Administrator prior to having an employee tested. A reasonable suspicion determination will typically be based upon observation and documentation of:

- Detection of an alcoholic substance emitting from the employee's breath. This shall include a detection of a "hang-over" odor;
- Observation(s) of the employee's speech being unusually slurred or noticeably different without a proper medical reason being given;
- Observation(s) of the employee's actions or conduct as being noticeably different or impaired and not consistent with normal conduct and without proper explanation; or
- Observation(s) that the employee's appearance, in conjunction with the above, indicates that the employee is impaired.
- Observed possession of alcohol or a controlled substance while on duty or on County property.

d. Drug/alcohol tests may be conducted for an employee who is involved in a workplace accident which results in bodily injury or property damage, or where any employee is involved in any workplace accident if a County supervisor reasonably suspects the employee's possible substance abuse as a cause.

e. Drug/alcohol testing may be conducted in connection with any required physical examination or on a periodic basis for County employees who work in safety sensitive positions.

f. Drug/alcohol testing may be conducted on a return-to-duty basis before a safety-sensitive employee returns to work after a leave of absence.

### 3. Drug/Alcohol Sample Collection and Testing Procedures

The County contracts with a firm or firms in the business of conducting drug testing urinalysis specimen collection and testing. Testing conforms to federal guidelines, which include the procedures listed below.

a. Employees required to submit to any drug or alcohol testing will sign, prior to testing, the laboratory form consenting to drug or alcohol testing, and to release the results to the Medical Review Officer (MRO) and the County;

b. Clinical testing will be performed by a fully accredited laboratory and not by any employee of the County;

c. Collection and safeguarding of test specimens, with a valid chain of custody, will follow strict chain of custody procedures;

d. Validation by a second confirmation test and verification of all positive test results by referral to the MRO will occur. All interpretation of drug and alcohol testing will be performed by the MRO and not by the testing facility;

e. Chemical tests of an individual's blood/breath for the presence of alcohol will be performed by certified and trained law enforcement personnel by means of a breath test or by blood sample obtained only by qualified medical staff; and

f. Before any action is taken against an employee who tests positive, the employee will be given an opportunity to explain the results directly to the MRO.

## **H. Cooperation with Investigations and Searches**

1. To maintain security and efficiency, the County will occasionally need to conduct investigations of employee misconduct or other County issues. As an employee of the County full cooperation and assistance is required.

2. In order to help protect the property and safety of our employees, citizens and the County, the County reserves the right to search any computer, office, desk, file cabinet, locker or any other item or area on County property and vehicle belonging to the County.

## **I. Travel**

All operations-related travel must be authorized and approved by your Department Head. The Judge/Executive or his/her delegate must also approve such travel. Travel expenses while in official travel status will be allowed as follows:

### **1. Transportation**

Employees will be expected to use County owned vehicles for business travel needs when available and feasible. Public transportation will be utilized if feasible. Air travel should occur only because of time and mileage constraints, and should be at less than first class if available. Official travel in privately owned vehicles must be approved by your Department Head before it will be reimbursed at the current federal rate. Taxi fares, parking fees, or pay tolls may also be reimbursed where appropriate. Rental cars will be reimbursed only when the use of such a vehicle is more feasible than any other type of transportation.

### **2. Meals and Lodging**

Reimbursement for lodging will be at the actual cost. The County shall pay reasonable meal costs incurred while on official County business, with the following requirements:

- a. A flat maximum daily per diem rate based on the approved federal per diem rate at the time of travel will be authorized with no requirement of receipts. This per diem for meals will be reimbursed to the employee upon return from travel and submission of an approved travel voucher.
- b. All meals provided at no cost to the employee (i.e., that are included in the registration fees) shall be deducted from the approved per diem. The per diem meal allowance will be further adjusted according to both arrival and departure times as follows:

Breakfast	(consumed prior to 11:00 A.M.)
Lunch	(consumed prior to 3:00 P.M.)
Dinner	(consumed prior to 11:00 P.M.)

In circumstances where an employee travels to a higher cost of living area, such as a large metropolitan area, an adjustment may be authorized by the County Administrator. The County will not reimburse employees the cost of any alcoholic beverages.

3. Other Travel Expenses

Reimbursable expenses also include County business telephone charges, copying charges, approved registration fees (which may be prepaid with Department Head approval), or other expenses approved by your Department Head or the Fiscal Court.

**J. Employee Driving Records**

All employees required to operate County vehicles while performing their job shall have a review of their driving record annually on their anniversary date. Prior to employment for a position requiring a valid driver's license applicants shall have their Motor Vehicle Report reviewed. Driving records shall be reviewed to insure driver's licenses are current and valid.

Boone County Fiscal Court  
Information Systems  
Usage Policies and Procedures

Preamble

Most of Boone County's financial and administrative information is accessible through the network. As such, this information is vulnerable to security breaches that may compromise confidential information and expose Boone County to losses and other risks. At Boone County, security is critical to the physical network, computer operating systems, and application programs and each area offers its own set of security issues and risks.

*Confidentiality and privacy, access, accountability, authentication, availability, network maintenance, and an Information Technology system* are components of a comprehensive security plan. This plan identifies key concerns and issues faced by the Boone County Fiscal Court community at the application, host, and network level, and strive for a balance between the County's desire to promote and enhance the free exchange of ideas and its need for security of critical information and systems.

This document will:

1. Identify the elements of a good security policy;
2. Explain the need for Information Technology security;
3. Specify the various categories of Information Technology security;
4. Indicate the Information Technology Security responsibilities and roles; and
5. Identify appropriate levels of security through standards and guidelines.

This document establishes an overarching security policy and direction for the Boone County Fiscal Court. All departments are expected to follow the established standards, guidelines, and operating procedures.

## 1. INFORMATION TECHNOLOGY SECURITY ELEMENTS

The elements of a good security policy include:

Confidentiality and Privacy

Access

Accountability

Authentication

Availability

Information technology system and network maintenance policy

**Confidentiality** refers to the County's needs, obligations and desires to protect private, proprietary and other sensitive information from those who do not have the right and need to obtain it.

**Access** defines rights, privileges, and mechanisms to protect assets from access or loss.

**Accountability** defines the responsibilities of users, operations staff, and management.

**Authentication** Method of proving network users are who they claim to be.

**Availability** establishes hours of resource availability, redundancy and recovery, and maintenance downtime periods.

**Information Technology System Describes the computer structure and flow of data**

**Network Maintenance** describes how both internal maintenance personnel and external vendors are allowed to handle and access technology.

## 2. NEED FOR INFORMATION TECHNOLOGY SECURITY

Systems (hardware and software) designed primarily to store confidential records (such as the Financial Information System) require enhanced security protections and are strategically controlled systems to which **access** is closely monitored. Networks provide connection to records, information, and other networks. Guidelines for appropriate use of computer facilities and services are as follows:

**A. Respect the rights and sensibilities of others**

1. Electronic mail should adhere to the same standards of conduct as any other form of mail. Respect others you contact electronically by avoiding distasteful, inflammatory, harassing or otherwise unacceptable comments.
2. Others have a right to know who is contacting them.
3. Respect the privacy of others and their accounts. Do not access or intercept files or data of others without permission. Do not use the password of others or access files under false identity.
4. Distribution of excessive amounts of unsolicited mail is inappropriate.
5. While the Boone County Fiscal Court encourages respect for the rights and sensibilities of others, it cannot protect individuals against the existence or receipt of materials that may be offensive to them. Those who make use of electronic communications may come across or be recipients of material they find offensive or simply annoying.

**B. Be aware of the legal implications of your computer use**

1. The Internet enables users to disseminate material worldwide. Thus the impact of dissemination on the Internet is often far broader than that of a statement made on paper or in routine conversation. Keep in mind that a larger audience means a greater likelihood that someone may object with or without legal basis.
2. Much of what appears on the Internet is protected by copyright law regardless of whether the copyright is expressly noted. Users should generally assume that material is copyrighted unless they know otherwise and not copy or disseminate copyrighted material without permission. Copyright protection also applies to much software, which is often licensed to the Boone County Fiscal Court with specific limitations on its use. Both individual users and the County may, in some circumstances, be held legally responsible for violations of copyright.
3. Many other state and federal laws, including those prohibiting deceptive advertising, use of others' trademarks, defamation, violations of privacy, and obscenity apply to network-based communications.

**C. Respect the mission of the Boone County Fiscal Court in the larger community**

1. The County makes Internet resources available to approved staff to further the County's services and related missions. These resources are strictly available only for County-related activities.
2. The County IS Department attempts to filter the content of web pages, electronic mail, but is not responsible for the views expressed by individual users or outside entities, religious or political groups. Use computer resources lawfully.
3. Remember that you are responsible for all activity involving your account. Keep your account secure and private. Do not use identifying data or common words as a password; your password should be difficult to crack or otherwise guess either by individuals or by sophisticated computer programs.
4. The County is the custodian of a wide array of personal and financial data concerning its staff as well as the Boone County Fiscal Court itself. Respect the County's obligations of confidentiality as well as your own. Only those with authorization may access, communicate or use confidential information.
5. The County has a right to expect that computer users will properly identify themselves. Computer accounts are assigned and identified to individuals. Don't misrepresent yourself.

**D. Do not harm the integrity of the Boone County Fiscal Court's computer systems and networks.**

1. Today's information technology is a shared resource. Respect the needs of others when using computer and network resources. Do not tamper with facilities and avoid any actions that interfere with the normal operations of computers, networks, and facilities.
2. Avoid excessive use of computer resources. They are finite and others deserve their share. Chain mail, junk mail, and similar inappropriate uses of County resources are not acceptable. Web pages that are accessed to an excessive degree can be a drain on computer resources and, except where significant to the County's mission, may result in a permanent suspension of the Internet access privilege. Although a respect for privacy is fundamental to the County's policies, understand that almost any information can in principle be read or copied; that some user information is maintained in system logs as a part of responsible computer system maintenance; that the County must reserve the right to examine computer files, and that the County may be compelled by law or policy to examine even personal and confidential information maintained on County computing equipment.

3. You are granted privileges and responsibilities with your account. While these vary between groups, the use of County resources for personal commercial gain or for partisan political purposes (not including the expression of personal political views, debate and the like) is inappropriate and possibly illegal.
  4. Individual County computer systems have varying resources and demands. Some have additional and sometimes more restrictive guidelines applicable to their own user.
- A. All County codes of conduct apply to information technology as well as to other forms of communication and activity.
  - B. Information Systems employees are empowered to suspend some or all privileges associated with computer use in cases of misuse or threat to the integrity of all or part of the County's information management resources.
  - C. Before any permanent action is taken against a user, the user will be advised of the bases for the proposed action and given an opportunity to respond. Concerns about such actions may be raised through the usual administrative channels associated with the department or resource in question.
  - D. Where a violation of County's policies or applicable law appears to warrant action beyond a suspension or elimination of computer privileges, the matter may be referred to a supervisor, administrator or disciplinary body with appropriate authority or to law enforcement authorities.
  - E. Complaints or concerns about another's use of County's computer resources should be directed to the administrator responsible for the facility or resource in question.

### 3. SECURITY CATEGORIES

This policy applies to the following categories of security:

- ***Computer system and applications security***: Central processing unit, peripherals, operating system and data.
- ***Physical security***: The premises occupied by the Information Technology personnel and equipment.
- ***Operational security***: Environment control, power equipment, operational activities.
- ***Procedural security***: Established and documented security processes for information technology staff, vendors, management, and individual users.

- **Network security:** Communications equipment, personnel, transmission paths, and adjacent areas.
4. INFORMATION TECHNOLOGY SECURITY RESPONSIBILITIES AND ROLES

**Responsibility for guaranteeing appropriate security for data, systems, and networks is assigned to Information Systems Department, County Administration, and department heads.**

In many cases, responsibility for designing, implementing, and maintaining security protections will be delegated to information technology staff, but the individual department heads will retain responsibility for ensuring compliance with this policy. In addition to management and information technology staff, the individual user is responsible for the information technology equipment and resources under his or her control.

At the Boone County Fiscal Court, the Information Systems Director is responsible for:

1. Tracking technology and regulatory changes that may indicate or require a change or addition to the current policy;
2. Advising affected department management and staff of said changes;
3. Establishing procedures that support the implementation and maintenance of the security policy;
4. Assisting departments within the County to develop, implement and maintain their own security policies that support and facilitate the County's policy; and
5. Establishing and maintaining a repository for the County's collected security documents.

## INFORMATION TECHNOLOGY STANDARDS AND GUIDELINES

### **Confidentiality and Privacy**

The Boone County Fiscal Court and all members of the County community are obligated to respect and, in many cases, to protect confidential data. There are, however, technical and legal limitations on our ability to protect confidentiality. For legal purposes, electronic communications are no different than paper documents. Electronic communications are, however, more likely to leave a trail of inadvertent copies and more likely to be seen in the course of routine maintenance of computer systems.

The County monitors the content of personal web pages, e-mail or other on-line communications. The County reserves the right to examine computer records or monitor activities of individual computer users for the following reasons: (a) to protect the integrity or security of the computing resources or protect the County from liability, (b) to investigate unusual or excessive activity, (c) to investigate apparent violations of law or County policy, and (d) as otherwise required by law or exigent circumstances. In limited circumstances, the County may be legally compelled to disclose information relating to business or personal use of the computer network to authorities having legal jurisdiction or, in the context of litigation, to other third parties.

### **Access**

No one may access confidential records unless specifically authorized to do so. Even authorized individuals may use confidential records only for authorized purposes. The County's Computer Use Policy requires that members of the County community respect the privacy of others and their accounts, not access or intercept files or data of others without permission, and not use another's password or access files under false identity. Violators of any of these rules are subject to discipline consistent with the general disciplinary provisions.

Technology assets are to be housed in an appropriately secure physical location. Technology assets include servers, personal computers that house systems with controlled access (laptops are a category of special consideration), ports (active ports in public areas), sniffing devices (PC's set up to do this for diagnosis should be secure), modems and network components (cabling, electronics, etc.).

Passwords help protect against misuse by seeking to restrict use of County systems and networks to authorized users. Each authorized user (specific individual) is assigned a unique username and password that is to be protected by that individual and not shared with others, is difficult to crack, is changed on a regular basis, and is deleted when no longer authorized.

### **Password Guidelines**

The following guidelines should be adopted as the minimum baseline password standard for computer systems at the Boone County Fiscal Court.

#### **Require that:**

- Passwords be at least six characters in length.
- Passwords change at least every 60 days.
- Security software disables and revokes passwords following no more than three unsuccessful log-on attempts.
- Security software disallows the reuse of passwords for five generations or more.

**Where software permits:**

- Require that files containing passwords are one-way encrypted.
- Require passwords to be entered in non-display fields.
- Set the initial passwords (issued by the system administrator) to be valid for one log-on only, and require a forced password change following the initial log-on.

The management for each area will ensure that controls are in place to avoid unauthorized intrusion of systems on the network and to detect efforts at such intrusion. Such controls may include some combination of the following: setting up base-line traffic monitoring and comparing with network logs for variances; implementing system control mechanisms to detect unexpected data conditions; monitoring successful and unsuccessful access to data; and, conducting port scans to ensure that only authorized users are connected to the network.

Requesting Network/User Access

Employees shall be given access on an as needed basis. An Employees Department Director and the Information Systems Director must approve a “Request for Access” before the employee is added or access to data is allowed or modified.

- a. Department Director will make a “Request for Access” to the Information Systems Director.
- b. Information Systems Director verifies the request and either approves or rejects the request. Rejected requests will be explained to the requesting Director.
- c. Information Systems will add, delete or or modify the user’s access rights.
- d. Information Systems will notify the Department Director upon completion of the request.

## **Accountability**

Individual users are responsible for ensuring that others do not use their system privileges. In particular, users must take great care in protecting their usernames and passwords from eavesdropping or careless misplacement.

Passwords are never to be 'loaned.' Individual users will be held responsible for any security violations associated with their usernames.

Operations staff is responsible for reviewing the audit logs and identifying potential security violations. The operations staff is responsible for establishing the security and access control mechanisms (such as usernames, passwords, logging, etc.) and may be held accountable for any security breaches that arise from improper configuration of these mechanisms.

Each user permitted to access a controlled system is to be made aware of the access policy for that system. Management will provide this information to the employee when first granting access and make the employee aware of the auditing capability in place to verify compliance.

All controlled systems must maintain audit logs to track usage information to a level appropriate for that system. All user sessions and all failed connection attempts must be logged. For user sessions, the following will be recorded: user, source IP, session start time/date, and session end time/date. For failed connection attempts, the number of attempts must also be recorded. Management has the discretion to determine whether additional logging is necessary.

Audit logging may also apply to networks. Logging of network traffic flow and access is a standard practice. If inappropriate use of the network is suspected, and/or management so requests, the Information Systems Director may authorize specific traffic logging on portions of the County network.

If the operations staff believes a security incident has occurred, they will immediately notify their management. Management will assess the potential implications of the incident, notify the Information Systems Director, and take any remedial and necessary action. All audit logs will be immediately duplicated and moved to secure media for further analysis.

Before adding new software to County computers and networks, system defaults should be carefully reviewed for potential security holes and passwords shipped with the software should be changed. Downloading software, particularly software that is not job-related or endorsed by the administration, may introduce security risks and is strictly prohibited.

## **Authentication**

Authentication and data encryption or point-to-point communication will be implemented for all systems that send or receive sensitive data or when it is critical that both parties know with whom they are communicating. The decision of whether to encrypt data should be made by the professional system administrator responsible for the particular application being distributed, with the knowledge of the County Information Systems Director, County Administrator, Judge/Executive, or department head.

## **Information Technology Systems and Network Maintenance**

In the course of doing business, Boone County Information Systems will require various levels of repair, general maintenance, and monitoring. All aforesaid activities will be the responsibility of the Boone County Information Systems Department and staff. In instances where outside contractors are used, representatives of these contracted companies must follow all County IS policies.

## **Reporting Violations**

All users and/or department heads of County systems and resources have the responsibility to report any apparent violations of law, County policy, or department policy to local management and Information Systems whenever such violations come to their attention.

Department management and users of the systems are required to report security violations. Accordingly, guidelines will provide specific guidance on what, when, where, to whom, and within what timeframe the violation should be reported and a copy will be filed with Information Systems Director.

## **End-User Good Practices Policy**

### Personal Hardware and Software Prohibited

No personal hardware or software is allowed. All equipment, and software of any kind, including programs, is the sole property of the Boone County Fiscal Court. This is to reduce problems of equipment and software failure, damage to data files and the introduction of viruses. It is also a policy that disks, tapes, or portable media belonging to the County are not to be used in personal home computers and then returned. This restricts access to Boone County's data and/or programs and prevents virus transmission.

### Desktop

The primary user of each desktop computer, laptop, or wireless handheld is responsible for maintaining data integrity. Employees shall adhere to the following procedures for physical security of software and diskettes:

- a. Identify the contents of all diskettes by using fiber-tip pens only.
- b. Use licensed software only as allowed by the software license agreement.
- c. Desktops should be locked or logged off at the end of each workday.

### Workstation Backup

Information Systems insists that all critical data be stored on a file server. If critical data must be stored on the PC instead of on the File Server, the employee is responsible for backing up critical data files and for ensuring that backup media is stored in a safe place, preferably off-site.

### Virus Prevention:

The Information Systems Department will initiate control procedures to regularly run virus detection programs on personal computers and file servers used to store confidential or sensitive information or that run critical applications.

To reduce the threat of computer viruses affecting our resources, employees should adhere to the following procedures:

- a. All desktop computers or laptops purchased with software, or received by another means, with software already loaded, should be scanned for viruses before use or connection to the network.
- b. All desktop computers or laptops where hardware is replaced or sent to a vendor for repair should be scanned for viruses before reuse or connected to the network.
- c. All software, including shrink-wrapped, shareware, or freeware, should be scanned for viruses prior to being loaded onto a desktop computer or laptop.

## **TELEPHONE/WIRELESS COMMUNICATION USAGE POLICY**

### Policy Statement

The County provides telephone and wireless communications services for staff in support of mission-related activities and to promote the cost-effective, appropriate and secure use of those devices.

### Reason for Policy/Purpose

The purpose of this policy is to promote the responsible use of telephones and wireless communications devices, and to provide guidance for the use of such devices in compliance with federal regulations.

While the County provides telephones and wireless communications devices, it also desires that use of these devices be cost-effective and properly managed. This policy details responsibilities of both employees and departments with regard to use of telephones and wireless communications devices.

### Assumption of Privacy

The Boone County Fiscal Court reserves the right to monitor all County phone lines to: (a) keep track of productivity and/or to monitor the quality of customer service, "quality assurance", (b) act upon reasonable suspicion that a County employee is engaging in unauthorized use of County equipment. This section serves of formal notification of such intent as per KRS 526.101.

Boone County Fiscal Court employees do not have a right, nor may they have an expectation, of privacy while using any Government office equipment at any time, including utilization of phone equipment. Any use of County communications resources is made with the understanding that such use is generally not secure, is not private, and is not anonymous.

#### Security and Conduct

The end user should exercise discretion as to who has access to his/her cell phone number as there could be a charge associated with the telephone use regardless of whether the communication is incoming or outgoing.

Boone County Fiscal Court employees have an obligation to use their wireless communications services in a responsible, informed and safe manner; conforming to network etiquette, customs, courtesies, safety practices and any applicable laws or regulations.

Employees using wireless communications devices are responsible for securing them at all times. All losses shall be reported immediately to the designated departmental representative.

# Open-Records Management Policy

## I. Introduction

### Open-Records Management Policy in Boone County: E-Mail

The use of Electronic Mail (E-Mail) for conducting government business in Boone County is widely recognized as an invaluable tool. The broad use of electronic communication by Boone County includes: memo distribution, circulation of draft documents, dissemination of county directives, transferring of official documents, sending and receiving of external correspondence, and support of various aspects of county operations. Full implementation of governmental E-Mail systems expedites business communications, eliminates traditional forms of paperwork, and automates routine office tasks.

Since E-Mail meets the statutory definition of a public record in Kentucky (KRS 171.450), it's subject to administrative requirements. Accordingly, electronic mail may be subject to open records requests, thus users should not have inappropriate expectations of privacy and informality with regard to electronic communications. Furthermore, proper in-place policy in compliance with state and/or county ordinances is imperative for effective management. In the course of use, electronic mail may be destroyed inappropriately; or it may be accumulating in systems when it should more properly be destroyed after it no longer has value to the county. Case law exists illustrating that electronic mail is discoverable under actions brought against the governmental entities and accordingly its inappropriate retention therefore brings risk.

## II. Definitions

The very term "E-Mail" is ambiguous in its meaning because it is used to mean both the E-Mail system and the messages distributed by the system. It can also be used to describe the action of sending or receiving an E-Mail message. For the purposes of this document, the word "E-Mail" is distinguished by the following terms:

**E-Mail systems** are the applications that enable users to compose, transmit, receive, and manage, text and/or graphic E-Mail messages and images.

**E-Mail messages** are any communication supported by E-Mail systems for the conduct of official county business internally, between other governmental entities, and externally with vendors, clients, citizens, and others. This definition applies equally to the contents of the communication, the transactional information associated with each message, and any attachments to the body of the message.

**E-Mail server** is the physical hardware on which the E-Mail application resides. This server is housed and physically managed by the Boone County Information Systems Department.

Messages stored on this server, however, belong to Boone County. **Any open records requests for messages stored on these servers will be handled by Boone County, not within the Information Systems Department.** In accordance with good management practices, the server(s) containing electronic communication will be backed up on a routine basis as to assure preservation with retention guidelines.

**Transactional information** is information about the E-Mail message. It can include the name of the sender and all recipients, the date and time the message was created and sent, the host application that generated the message, and all of the systems and computers the message was routed through. Some or all of this metadata may or may not be a visible part of the message. The federal courts have ruled that this information is a vital part of the message itself and is an important consideration when storing email messages.

### III. Managing E-Mail Messages as Public Records

E-Mails as with traditional forms of paper are business communications, thus they are subject to audit, open records request, and legal examination through discovery motions and/or subpoena. Messages sent or received in the normal course of business are classified “government record” and therefore must be retained and managed as long as they are needed for administrative, legal, fiscal, or archiving purposes. If a message is county-related, then the proper retention period policy should be applied.

If messages are of a personal nature, spam, unsolicited, i.e. unwanted advertisements, then such non-county E-Mails are of a non-record nature and should be deleted immediately.

#### 1. Identification of E-Mail messages

The first step after receiving a message is to determine if it was created or received as part of the business of a government agency then establishing what kind of record the message is. While the County’s Records Custodian should be the person coordinating the records management activities of the County, the originator of the record, i.e., author of the message, or the recipient is usually the person who makes the initial retention decision based on the nature of the message within the scope of his or her responsibilities.

**Figure 1.1** illustrates the steps in this process.

If the message was not created or received as part of the business of a government agency, it is considered **non-record** material. Non-record material has nothing to do with the actions of the County and should be deleted immediately. Examples may include:

**Personal Messages** are those received from friends or work colleagues which have nothing to do with County business. Employees need to be reminded that the E-Mail system is provided by Boone County primarily for work use. While a certain amount of personal material maybe acceptable, abuse of the system can lead to disciplinary action and even dismissal. Agencies should have an appropriate use policy that addresses the timely deletion of such messages.

“Spam” is the term for electronic “junk” mail. It is similar to the advertising mail received at home. It is completely unsolicited and unwanted. Some spam mail can be offensive in nature and sent by hackers as a way of disrupting normal business operations. Spam is a growing problem in government E-Mail accounts. While there are tools and techniques for restricting the amount of spam received, there is currently no way to keep it out completely without interfering with the ability to receive important messages. Departments should contact the ISD staff if they are receiving large amounts of spam mail.

**Unsolicited E-Mail** refers to mail that may be unwanted, but is somewhat business related, such as advertising from vendors. This could also include non work related E-Mail from coworkers such as jokes, miscellaneous news articles, non-work related announcements, etc. As with personal messages, see Boone County Fiscal Court Information Systems usage Policy to address the timely deletion of such non-work related email.

If the message is business related, then the message recipient should determine what type of message it is and apply the proper retention period.

#### IV. Establishing Retention Value

All E-Mail messages do not have the same value to the county, and therefore do not have the same retention period. The information in the E-Mail, the reason it was created, and the administrative, fiscal, legal, and/or historical value of the E-Mail to the County determines as with any other kind of record, what kind of record the message is. The majority of E-Mail messages in most agencies are minor administrative records having only brief convenience or reference value. However, E-Mail is also used to transmit records having significant administrative, legal, research, or other value and may need to be retained long-term, and some may need to be retained permanently.

As public records, E-Mail messages are subject to the same retention requirements as the same type of record in another format or medium. This means that E-Mail messages must be retained and disposed of in the same manner as the county’s other records, according to records retention schedules approved by the State Archives and Records Commission for that agency or department. Retention periods for E-Mail records will vary according to the information the messages contain and the functions the messages perform. Just as Boone County cannot schedule all paper or microfilm records together under a single retention period, the County cannot simply schedule E-Mail as a single record series.

No record, paper or electronic, should be destroyed if it is the subject of an Open Records request and/or legal action, i.e. discovery motion, subpoena, court order, etc. Even if the retention period for the record allows for its destruction, **it must be retained until the Open Records request (including any and all appeals) and/or the legal action is completed.**

**1) Informational and reference materials** are transitory in nature. They have no meaningful value to Boone County for documenting policy, establishing guidelines or procedures, or

certifying transactions and may be destroyed as soon as they are no longer needed. Most E-Mail messages fall into this category. Some examples of these types of messages are communications received from a professional list (not used for project development or creation of policy) or, general announcements received by all employees, such as news of an upcoming fire drill or impending building repair. These records can be disposed of when they are no longer needed as outlined in the schedule:

*General Schedule for State Agencies: Miscellaneous Records:*  
series **M0018 Informational and Reference Material**  
Disposition: Destroy when no longer useful.

*General Schedule for Local Agencies: Common Records, Administrative:*  
series **L4956 Informational and Reference Material**  
Disposition: Destroy when no longer useful.

**2) Temporary records** have some documentary value to the Boone County, but do not need to be retained permanently. The retention period is determined by assessing their administrative, fiscal, or legal value. This time period may range from a few months to several years and should be defined in the agencies or departments records schedule, *General Schedule for State Agencies*, or *the Local Government General Records Schedule*.

These records must remain accessible for the *entire* retention period specified in the schedule. E-Mail records in this category should be managed and maintained like the rest of Boone County's temporary records.

## V. Schedules of Retention

All business-related public records in electronic communication form, i.e. "E-Mail" or otherwise (see Kentucky Department for Libraries and Archives – Local Records Retention Schedule for the established "*Description*" criteria) are subject to the required retention periods.

For specific agency and/or departmental retention requirements not contained within this document, please refer to KDLA's web site. Each of the following do have specific retention criteria; it is advisable to consult their schedule before deleting any business-rated E-Mail items to assure compliance:

- Area Development District  
(<http://www.kdla.ky.gov/recmanagement/schedules/kyareadevdistrict.pdf>)
- County Attorney  
(<http://www.kdla.ky.gov/recmanagement/schedules/kycoattorney.pdf>)
- County Clerk (<http://www.kdla.ky.gov/recmanagement/schedules/kycoclerk.pdf>)
- County Coroner  
(<http://www.kdla.ky.gov/recmanagement/schedules/kycoroner.pdf>)

- Judge Executive (<http://www.kdla.ky.gov/recmanagement/schedules/kycojudge.pdf>)
- County Sheriff  
(<http://www.kdla.ky.gov/recmanagement/schedules/kycosheriff.pdf>)
- County Treasurer  
(<http://www.kdla.ky.gov/recmanagement/schedules/kycotreasurer.pdf>)
- General Retention  
Schedule  
(<http://www.kdla.ky.gov/recmanagement/schedules/erecordsgeneral.pdf>)

## VI. Presevation of E-Mail Records and Custodian of Record

**1. Preservation** - The Boone County Information Systems Department has developed guidelines and procedures to incorporate E-Mail messages into their overall record-keeping systems following policies approved by the Kentucky Department for Libraries and Archives. Boone County policy and procedures are designed to ensure that E-Mail records are appropriately preserved, secured, and made accessible throughout their established retention periods.

**2. Custodian of Record** - The County's electronic communication Custodian of Record is the Director of the Boone County Information Systems Department. All requests for electronic materials that constitute public-record under the provisions KDLA shall be coordinated via the Director of the Boone County Information Systems.

# Boone County Fiscal Court Take-Home Vehicle Policy

## I. General Responsibilities:

- A. The County Administrator shall have overall authority to assign vehicles, monitor and amend policies and procedures, as necessary.
- B. The department head with approval of the County Administrator shall be responsible for the proper assignment and use of vehicles to his/her department. Department heads or their designees are responsible for verifying that each affected employee possesses a valid operator's license, to be confirmed and reported annually to the Human Resources office by July 1. Department heads are required to assure that each employee that is required to have any additional or specialized operator's license obtain the same.
- C. The County Administrator may make specific exceptions to established policies in the event of a declared disaster or emergency situation, or other extenuating circumstances that may affect public services.
  - A. All personnel assigned a take-home vehicle shall execute a copy of this policy, acknowledging receipt and review of same, for placement in his or her personnel file.
  - B. All personnel assigned a take-home vehicle shall operate the vehicle, at all times, in compliance with local and state traffic laws and other applicable county regulations.
  - C. No other individual, other than the county employee assigned a take-home vehicle (or another authorized county employee), shall be permitted to operate any county vehicle.
  - D. Such take-home privileges shall be limited to transportation directly to and from work and home each work day. Take-home county vehicles shall not be used for other peripheral personal activities, such as shopping, dining, recreation and other domestic tasks, in conjunction with driving to or from work each day.
  - E. Personnel assigned take-home vehicles should generally be available for emergency call out and other response outside of regular business hours.
  - F. All personnel assigned take-home vehicles shall be subject to appropriate reporting and tax withholding to the IRS for the personal benefit derived from transportation to and from work in accordance with IRS regulation.

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It is important that each employee assigned a take-home vehicle read and fully comply with these requirements at all times. If you are unclear about a specific provision please be sure to consult with your department head or request a written interpretation. Violation of this policy shall result in forfeiture of take-home vehicle privileges and possible disciplinary action. Each department head should have this document executed by each employee that enjoys take-home privileges and return a signed copy to HR for placement in personnel files.

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Signature of Employee

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Date

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ACKNOWLEDGMENT OF RECEIPT

I have received a copy of Boone County's Employee Handbook. I will read the Employee Handbook without delay. If I have questions about the Employee Handbook, I will direct them to Boone County Administration. I acknowledge the County may make changes to this policy at any time and all changes made will supersede previous policies.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Employee