

COUNTY OF MADISON FISCAL COURT

PERSONNEL AND ADMINISTRATIVE CODE

13-02



13-02 May 28, 2013

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MADISON COUNTY LEAVE AND ATTENDANCE POLICIES

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WELCOME

Welcome to Madison County. You have been chosen to work with us because your background indicates that you have the qualifications which characterize successful county employees. First rate employees are our most valuable resource. The County recognizes the commitment required of its employees.

These policies have been developed to provide you with information concerning the policies and philosophies of the County in personnel matters. Please read through the Personnel Administrative Code and discuss any questions you may have with your Supervisor.

The efforts of our past and present employees have made the County's record one of pride and accomplishment. We are happy to have you on our staff and look forward to your contributions to the County.

Magistrate Larry Combs
Magistrate Roger Barger
Magistrate Greg King
Magistrate Billy Ray Hughes



Kent Clark
County Judge/Executive

ORDINANCE 13-02

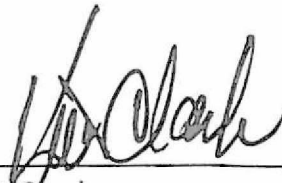
WHEREAS, the Madison County Judge/Executive and the Fiscal Court of the County of Madison recognize that a personnel system which recruits and retains a qualified motivated work force is indispensable to the effective and efficient operation of the County Government; and

WHEREAS, it is essential to have policies and procedures in writing delineating all aspects of employment affected by said policies and procedures:

NOW THEREFORE BE ORDAINED by the Madison County Judge Executive and the Fiscal Court of the County of Madison of the Commonwealth of Kentucky:

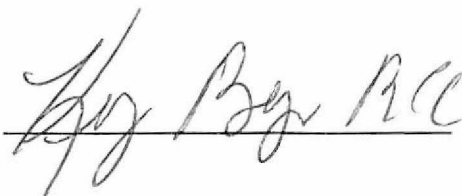
1. That the policies and procedures attached hereto shall be the system of personnel administration for the County, and
2. That the policies and procedures may be waived, altered, or suspended only by a change of ordinance.

Adopted and effective: May 28, 2013



Kent Clark
Madison County Judge/Executive

ATTESTED:



MADISON COUNTY PERSONNEL POLICY

STATEMENT OF PURPOSE:

To provide equal opportunity to all employees and applicants of positions available without discrimination of race, color, religion, sex, national origin, political affiliation, physical or mental disability, age or marital status.

Equal opportunity shall exist in matters of hiring, promotions, transfers, compensation, benefits, and all other terms of employment.

ADMINISTRATION OF PLAN:

The County Judge/Executive is hereby designated as the Personnel Administrator and may delegate any and all hereby duties and functions as deemed appropriate.

The Judge/Executive may identify a need for amendment or clarification of the policy and all amendments or clarifications are to be in writing and approved by the Fiscal Court.

**SECTION I
AMENDMENTS TO PREVIOUS/OR
EXISTING ORDINANCES**

The Madison County Personnel and Administrative Code effective May 28, 2013, and all previous ordinances (Ord. 98-01A, Ord. 01-07, Ord. 05-15), and amendments thereto are hereby amended and shall have no further applicability subsequent to the date of the enactment of this ordinance.

**SECTION 2
DEFINITIONS**

1. Court: The Madison County Fiscal Court, which is the duly constituted, controlling body that governs the affairs of Madison County.
2. Judge/Executive: The duly elected constitutional officer who carries out the executive and administrative functions of Madison County Government.
3. Supervisor: The head of one of the departments of County Government as established by the administrative code or the Judge/Executive.
4. Emergency Services Personnel: The departments that are responsible for the Emergency Services implemented by the County. (Fire, E-911, Sheriff, and Jail Personnel).
5. Gross salary will include the number of hours worked during a regular scheduled work week.

SECTION 3 GENDER

Any reference to gender in this administration code shall be interpreted to mean both male and female.

SECTION 4 FISCAL COURT

The Madison County Fiscal Court is the chief governing body of Madison County and shall exercise all powers of government delegated to it by the state of Kentucky. The court consists of elected magistrates and the Judge/Executive. All members of the Court are equal and may speak, vote, make motions, second motions, and otherwise exert the powers granted to a member of the Court by the state of Kentucky.

SECTION 5 ANNOUNCEMENT/ADVERTISING

When a vacancy occurs within the county government, current employees may apply for the vacancies by written notices submitted to the department heads. Upon request, information provided shall include position, salaried/hourly, summary of duties, qualifications for position and time limit for applying. Present employees wishing to apply must complete the employment application form. The County Judge/Executive and Fiscal Court may fill the vacancy by either a transfer of the current employee or employing a person from outside.

SECTION 6 CLASSIFICATION OF EMPLOYEES

All positions shall be identified with a written job description that outlines the duties and responsibilities of their positions. These descriptions will be updated periodically by the County Judge/Executive or their designee with the approval of Fiscal Court.

CATEGORIES OF EMPLOYMENT

1. Full-time employees are those who work between 30-40 hours per week on regularly scheduled basis, receive benefits such as accumulated time and/or insurance benefits as approved by the Fiscal Court, and are classified as full time upon hire by the Fiscal Court.
2. Part-time employees are those who work less than 30 hours per week on a regularly scheduled basis and are classified part-time upon hire by the Fiscal Court. Part-time receive no benefits such as accumulated time and/or insurance benefits.
3. Temporary employees are those who work up to 40 hours per week on regular scheduled basis, but are limited to 12 months employment and classified as temporary. Temporary employees receive no benefits.
4. Seasonal employees are those who work up to 40 hours per week on regular scheduled basis, but are limited to 9 months employment. Seasonal employees may return to Seasonal position after 3 months of being terminated. Seasonal employees receive no benefits.

SECTION 7
HOURS OF WORK AND BENEFITS

All employees shall work according to a schedule of hours recommended by the Supervisor, County Judge/Executive and Fiscal Court.

Overtime work is any hours of work in excess of 40 hours per week. Overtime pay is to be compensated at a rate of 1.5 times the amount of the current regular salary for any overtime hours. There will be no compensatory time allowed or accumulated for any County employee.

Overtime pay shall be approved in advance by the employee's immediate Supervisor and/or the County Judge Executive.

Department heads are considered salary executives and are therefore not eligible for overtime.

All full-time employees are entitled to enrollment in health insurance, life insurance, deferred compensation, and the usual benefits from Social Security, Worker's Compensation and Unemployment Insurance as subject to approval by the Fiscal Court and effective as passed by Fiscal Court. Health insurance will be active on new employees as instructed by the Fiscal Court upon hire.

SECTION 8
SAFETY

The health and safety of all county employees is of major importance. The county shall strive to make working conditions safe. All employees shall report any hazardous or unsafe conditions in their work sites to their immediate supervisor.

SECTION 9 GRIEVANCE PROCEDURE

A grievance is an employee's expressed dissatisfaction with something related to his/her job. Employees and supervisors shall work together to resolve any grievances or disputes which may arise. Every attempt shall be made to resolve the grievance informally. When the grievance cannot be resolved informally, the supervisor must then make written notice of the grievance and follow procedures within the guidelines of the Disciplinary Actions.

SECTION 10 EXPENSE REIMBURSEMENT

Employees will be reimbursed for pre-authorized travel expenses incurred in the performance of their work, but not for commuting to and from work. Authorized expenses include transportation, mileage, lodging, and meals for out-of-town travel.

Economy is required. Cost should be the most economical consistent with the county's best interest.

1. Any county employee incurring expenses for prior-approved county-related business or travel outside the county shall be reimbursed at the actual rate of expenditures. The current allowable rate for meals is \$35.00 per day.
2. Receipts for all expenditures are to be obtained and attached to the request for reimbursement which must be completed as soon as possible upon completion of travel. The current rate for mileage reimbursement is \$.43 cents per mile. The county may periodically update the rate as needed by approval of the Fiscal Court.

An employee may use their personal vehicle for business related travel outside the county with the understanding of mileage reimbursement. An employee may receive reimbursement of mileage within the county with the Supervisor's prior knowledge and approval on a per incident basis. If a department has access to a county owned vehicle, the county owned vehicle shall be used whenever possible. The use of a personal vehicle must be substantiated by written records, beginning and ending mileage, and other information to corroborate the claimed business usage of the vehicle. At no time shall an employee receive reimbursement without proper approval and documentation. Nor shall an employee be compensated with gasoline or other automobile fuels in lieu of reimbursements.

SECTION 11 SEVERABILITY

If any provision of these policies and procedures or any provisions of their subsequent application is held invalid, such invalidation does not affect the remainder of this ordinance or its application.

SECTION 12 CONFIDENTIALITY

Confidentiality should be observed by all county employees. Confidential information, materials, county activities, operations, personnel matters, and business affairs may not be disclosed to anyone outside of the county except when required in the normal course of business. Any questions regarding the maintenance of confidentiality should be discussed with your immediate supervisor.

SECTION 13 COMPUTER USAGE

Personal computers have been provided by the county to accomplish specific business functions. These computers and all software are owned by the county. Personal use is not permissible and employees are cautioned that the county retains the right, without prior notice, to monitor all usage.

In regard to any computers with E-mail and internet access, if you would not consider putting the information in a memo or business letter, then the information should not be in an E-mail message.

Any material entered into computers owned by the county or sent through E-mail or internet access is the property of the county and is subject to review at the discretion of the county in the same manner as internal memos and business correspondence. Employees are required to use good judgment and discretion when using computers. The county reserves the right to monitor all messages without prior notice.

Internet access through the county's computers should be limited to business purposes. If you are not clear whether a particular use constitutes a business purpose, please consult with your supervisor. Any unauthorized use of computers, E-mail, or internet access is the responsibility of the employee and may be subject to disciplinary actions.

SECTION 14
PURCHASING AND CONTRACTS

The County Judge/Executive or his/her designee shall be responsible for the performance and administration or procurement function for the county government, as set forth in this Ordinance and the requirements established by the State Local Finance Officer.

- A. For all purchases, the Treasurer or his designee will prepare and/or process pre-numbered purchase orders and are to be maintained by the Treasurer's Office.
- B. Purchases shall be made in the open market. Every effort shall be made to get the lowest and best price and to share the business among responsible vendors. Purchases over \$20,000.00 must be processed through the bid procedures.
- C. All purchases must be approved by Fiscal Court.

SECTION 15
SEALED BIDDING PROCEDURES

Sealed bidding procedures shall be followed under the circumstances, conditions, and in the manner set forth in this Ordinance and the requirements established by the State Local Finance Officer.

The agency, department, official, or person requiring a contract or purchase from the county funds not covered by small purchase procedures shall submit to the Judge/Executive a written request containing specifications, quantities and delivery desired.

The Judge/Executive shall report the request to the Fiscal Court with a statement of need, the approximate costs when available, and whether or not the expenditure is provided for in the budget.

The Fiscal Court shall examine the request and approve or reject it. If the request is approved, the Fiscal Court shall set any evaluation factors to be considered in the bid selection. If any item's to be purchased are on State Price contract the bid selection process is not necessary.

The Judge/Executive shall place an appropriate advertisement in the newspaper and shall open bids publicly at the time and place stated in the advertisement.

The Judge/Executive shall submit all responsive bids to the Fiscal Court which may select the lowest or the lowest evaluated bid by a qualified bidder. The Judge/Executive shall notify all the bidders of the award.

The Judge/Executive shall sign a contract or issue a purchase order with the one receiving the award.

The Judge/Executive and/or the fiscal Court may cancel any invitation to bid upon written determination that such action is in the best interest of the county.

The Judge/Executive and/or the fiscal Court shall be allowed to inspect the place of business of any operation and examine any financial information of any bidder engaged in the negotiated process with the county; and upon the completion, an audit may be made of any contractor under a negotiated contract.

SECTION 16
PROCEDURES FOR THE PREREQUISITE
USE OF NEGOTIATED PROCUREMENT

Negotiated procedures may be used under the following circumstances:

- A. An emergency exists, and has been so declared by the County Judge/Executive and/or Fiscal Court.
- B. There is a single source within a reasonable geographical area of the product or service to be procured.
- C. The contract is for licensed professional services such as those listed in K.R.S. 45A.380 (3).
- D. All bids received exceed the amount budgeted.
- E. The contract is for purchase of perishable items and purchased on a frequent basis.
- F. The purchase is for replacement parts where the need cannot be anticipated and stockpiling is not feasible.
- G. The purchase is for proprietary items for resale.
- H. The contract or purchase is for expenditures made on authorized trips outside the boundaries of the public agency.
- I. The purchase of supplies which are sold at public auction.
- J. The contract is for group life insurance, group health insurance, and accident insurance, group professional liability insurance, workers compensation, and unemployment insurance.
- K. The contract is for a sale of supplies at reduced prices that will afford a savings to the local public agency.

SECTION 17 DISCLAIMER

Information included in these personnel policies and administrative codes are compensation plans and are not intended to represent a contract, and may be changed by the County Judge/Executive and the Fiscal Court without notice.

Classification and number of positions created in this ordinance may be changed without notice by the County Judge/Executive and Fiscal Court and the employee(s) occupying the position(s) may be affected by such changes.

Part-time, Temporary, and Seasonal employees may be hired and terminated as deemed necessary by the Madison County Judge/Executive without prior approval of the Madison County Fiscal Court, as dictated by Madison County Ordinance.

COUNTY OF MADISON FISCAL COURT

LEAVE AND ATTENDANCE POLICIES



SECTION 18 ATTENDANCE AND LEAVE POLICY

This section provides a uniform policy and standards relating to the use of any leaves and the employee's attendance records. If at any time an employee is believed to be abusing any leaves of absences, with or without pay, and attendance becomes a concern, the supervisor may make written notification to the Madison County Judge/Executive and disciplinary actions may be taken. An employee shall be on probationary status for performance evaluation for six months, but eligible for applying for vacation, sick and holiday leave upon approval of immediate supervisor. Caution should be exercised by the employee if using leave as it may affect overall performance evaluation which may lead to disciplinary actions and/or termination.

VACATION LEAVE

All full-time employees shall be entitled to 8 hours of vacation time per month beginning the first day of the month after employment has started. These hours can be accumulated, and the employee will be eligible to apply for vacation leave upon approval of supervisor. The employee may accumulate an unlimited amount of vacation hours, but will be compensated for up to a maximum of accumulated vacation hours (240 hours) upon termination/resignation of employment. If employment is terminated prior to the first day of the next month, the employee will not be eligible to accrue the additional vacation leave for any time worked after the first of the current month.

The employee must submit a request for vacation leave to the department head one week in advance for all administrative and hourly employees, with the exception of all Emergency Services Personnel. Emergency Services Personnel must give at least two week's notice prior to approval of vacation leave.

In the event of an emergency, the Department Head, upon the approval of the Madison County Judge Executive, may revoke the approved vacation in order to better serve the needs of the County.

HOLIDAY LEAVE

All Full-time county employees receive Holidays as listed on the Holiday Schedule for the current year, approved by the Fiscal Court.

Due to the necessity of their work, any Full-time employee, excluding the Fire Department, who works on a listed Holiday will be paid Holiday Pay in addition to regular time worked for each Holiday as it is accrued. Holiday pay will not be considered as overtime pay.

The Fire Department employees will accrue 8 hours Holiday time for each listed Holiday. The Fire Chief will keep all records for Holiday time accrual and usage.

The Fire Department will allow accrual of Holiday time to be used at a later date as approved by the Fire Chief. The request for Holiday time to be used may be refused if it creates a burden on the efficient operation of the department. All Holidays will be considered lost if not used prior to June 30, the end of the next Fiscal Year in which the Holiday was issued.

BEREAVEMENT LEAVE

Any employee may be absent up to three regularly scheduled work days without loss of pay in the case of death in their immediate family. If they are serving as a pallbearer or attending a funeral of a close friend or relative, they will be given off up to 4 hours for the funeral.

The leave may start upon knowledge by the employee that the death has occurred and may extend through the day of the funeral. Additional leave may be requested and approved upon the discretion of the County Judge/Executive.

Immediate Family will include Mother, Father, Step-Mother, Step-Father, Brother, Sister, Child, Step-Child, Spouse, Grandparent, Grandchild, Mother/Father-in-law, Legal Guardian, or other person who stands in place of a parent.

SICK LEAVE

All Full-time employees shall be entitled to 8 hours per month, beginning the 1st day of the calendar month after date of hire. Sick leave will be accumulated and the employee may apply for sick leave upon the approval of the immediate supervisor. Supervisors should be notified as soon as possible as to the employee's need for sick leave. If unable to contact the Supervisor the day before, Supervisors must be contacted at least 30 minutes before scheduled for work. The employee may accumulate an unlimited number of sick hours, but there is no compensation for any accumulated sick hours upon termination. If employment is terminated prior to the first day of the next month, the employee will not be eligible to accrue the additional sick leave for any time worked after the first of the current month.

Accrued sick leave, up to 1008 hours, may be considered as time worked toward retirement if applicable with the Kentucky Retirement Systems current rules and regulations.

Emergency Services Personnel Supervisors must be contacted at least 2 hours before their tour of duty. E-911 Personnel may take their sick leave in no less than 4 hour increments due to the nature of replacement personnel. Jail Personnel must submit a request for approval of sick leave at least 8 hours prior to the scheduled time for work.

Anyone taking more than two consecutive days of sick leave must provide a physicians' excuse for their absence. Employees returning to work without a

physicians' excuse may be subject to loss of pay. The physicians' excuse must be submitted to the Supervisor and then attached to the Time Sheet to be submitted to the Madison County Finance Office. Anyone leaving during a regular work day should obtain approval from the Supervisor prior to leaving.

Employees will be compensated for sick leave up to the maximum amount of sick leave earned, vacation leave may then be used if more time and compensation if required.

Employees absent for more than two (2) days without making proper notification will be considered to have voluntarily resigned their position.

In the event that an employee has been excused by a physician for an extended amount of sick leave and the employee has exhausted all sick and vacation time accumulated, another employee may choose to contribute their personal sick leave to that employee upon the approval of the Madison County Judge/Executive.

The Madison County Judge/Executive has the following restrictions for such donation:

1. The employee receiving the donated time must submit a written request accompanied by all physicians' excuses and projected date of return to work.
2. The employee receiving the donated time must not have a record of abuse of using sick and vacation time. Consideration will be given as to the length of time an employee has worked and the amount of time the employee should have been able to accumulate.
3. The employee must get prior approval from their immediate supervisor and the request must be on the recommendation of their Supervisor.
4. The employee can receive a donation of only 24 hours from each employee. The employee can only receive donated time once.

5. The employee who is donating time cannot give more than 24 hours to another employee, and only then if the employee's sick leave does not fall under 75 hours accumulated time after donation.

All requests must have final approval by the Madison County Judge/Executive prior to any sick leave being donated and/or used. All requests may be subject to disapproval at the discretion of the Madison County Judge/Executive. Abuse of this policy will not be tolerated and may be subject to disciplinary actions.

FAMILY AND MEDICAL LEAVE

Basic Leave Entitlement

An employee may take up to 12 weeks of unpaid Family and Medical Leave, for employees who have worked for the County for at least twelve (12) months, for any of the following reasons: .

1. For incapacity due to pregnancy, prenatal medical care or child birth;
2. To care for the employee's child after birth, or placement for adoption or foster care;
3. To care for the employee's spouse, son, daughter or parent, who has a serious health condition; or
4. For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending

certain counseling sessions, and attending post-deployment reintegration briefings.

Eligible employees may take up to 26 weeks of leave to care for a covered service-member during a single 12-month period. A covered servicemember is:

1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness;
2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

***The FMLA definitions of “serious injury or illness” for current servicemembers and veterans are distinct from the FMLA definition of “serious health condition”.**

Eligibility Requirements

Employees are eligible if they have worked for at least 12 months, and have 1,250 hours of service in the previous 12 months.

Benefits

During Family and Medical Leave, the Court will maintain the employee’s portion of health insurance coverage. The employee will be responsible for any deductions for benefits and coordinate with HR administration. No vacation, sick or holiday leave days will be earned.

While on Family Medical Leave, an employee may use any accumulated sick leave first and when they are exhausted any accumulated vacation leave may be used.

Upon return from Family Medical Leave, the employee will be restored to their original or an equivalent position with equivalent pay, benefits and other employment terms.

Any employee who does not return to work after the maximum 12 week Family and Medical Leave and does not meet the criteria for sick leave may be terminated.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable.

The Court may require medical certification to support the request for leave because of a serious health condition, and may require a second or third opinion, and a fitness for duty report to return to work.

A COPY OF THE EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT IS INCLUDED IN THE EMPLOYEE HANDBOOK

EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- for incapacity due to pregnancy, prenatal medical care or child birth,
- to care for the employee's child after birth, or placement for adoption or foster care,
- to care for the employee's spouse, son, daughter or parent, who has a serious health condition, or
- for a serious health condition that makes the employee unable to perform the employee's job

Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintroduction briefings

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.*

***The FMLA definitions of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".**

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months*, and if at least 50 employees are employed by the employer within 75 miles

***Special hours of service eligibility requirements apply to airline flight crew employees.**

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and

a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulation 29 C.F.R. § 825.300(a) may require additional disclosures.



For additional information:
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627
WWW.WAGEHOUR.DOL.GOV

U.S. Department of Labor | Wage and Hour Division



WHD Publication 1420 - Revised February 2013

VOTING LEAVE

Voting leave will be granted to each employee according to K.R.S. 118.035. Each employee is entitled to, at any election in the state, request up to 4 hours to apply for absentee ballot before, or to cast his ballot the day of the election between the time of opening and closing of the polls. No employee shall be penalized for taking a reasonable amount of time off to vote. Any qualified voter that takes the voting leave but fails to vote will be subject to disciplinary action and loss of pay for the hours taken. The Supervisor may specify the hours that the employee may be absent.

JURY DUTY LEAVE

Any full-time employee who is selected for jury duty or is called as a government witness shall receive his regular pay compensation for the day of service. However, if the employee is dismissed from jury duty or as a witness during the employee's regularly scheduled working hours he/she will be required to report for work as soon as possible. Any employee that fails to report back to work after dismissal from witness or jury duty may be subject to disciplinary action and loss of compensation for the time.

MILITARY LEAVE

Any full-time employee who is a member of the Active Reserve or National Guard, or the Armed Forces of the United States shall be entitled to military leave for periods not exceeding 15 calendar days, provided a request in writing for military leave accompanied by a copy of the military order is presented to the Supervisor not less than two weeks before the beginning of any leave period. The employee will be entitled to the leave with full pay for 10 working days.

All employees who are called to "Active Duty" shall be granted leave upon "competent orders" for the duration of the employee's active status. All benefits shall cease upon leave and the employee shall be reinstated to his/her employment position, at the current hourly rate, upon return and the military obligation fulfilled.

MATERNITY LEAVE

An employee may request time off from work without pay in connection with pregnancy, or the birth or adoption of a child.

An employee who has taken maternity leave shall return to work as soon as she is physically able and released by a physician to return. The employee shall be reinstated to her previous position or a comparable job provided she returns within a reasonable period of time and presents a statement certifying her ability to work.

Family Medical Leave will apply to maternity leave. (See Family Medical Leave Section)

PATERNITY LEAVE

An employee may be granted unpaid paternity leave in connection with the birth or adoption of a child. Requests will be permitted for up to two (2) weeks to help care for the spouse and child.

Family Medical Leave will apply to paternity leave. (See Family Medical Leave Section)

WORKERS COMPENSATION LEAVE

Family Medical Leave will apply to Workers Compensation Leave. (See Family Medical Leave Section)

SECTION 19
TARDINESS AND SCHEDULED LEAVE

1. All employees will call in at least 30 minutes before your scheduled work time in all of the following situations:
 - A. If you are going to be late for work,
 - B. If you are not going to be able to work that day,
 - C. If you want to take a sick day.

2. All employees will give their supervisor at least one week notice if they wish to take 3 or more vacation days. This also must be approved by the Supervisor. Two week's notice is mandatory for all Emergency Services Personnel.

3. All employees will be required to submit a physicians' excuse for any time taken after two consecutive days. Sick days are to be used only when you and/or your family members are sick and/or for medical appointments. Anyone abusing their sick days may be subject to disciplinary actions.

4. All employees will receive one half day off work to attend the funeral of a family member or if you are a pallbearer. All employees will receive 3 days off work in the event of an immediate family members' death.

5. No employee will leave work at anytime during regular working hours without the Supervisors approval.

6. No employee will leave work before he/she has personally clocked out or signed out.

7. No employee will leave their working area for personal reasons without the Supervisors approval.
8. All Road Department and Emergency Services Personnel are required to be on call for work 24 hours a day, seven days a week, in case of any type of an emergency. If an employee is not where the supervisor can reach you, you will be responsible to check in with the Road Department office and/or the Emergency Services Departments to see if you are needed. There are no set working hours for the Road Department. All employees will work as directed by the Supervisor.
9. No employee shall falsify time cards and/or time records for themselves or any other employee. Any employee that falsifies time records will be subject to disciplinary actions and/or dismissal.

SECTION 20
TITLE: RETIREMENT

All full-time employees of Madison County are entitled to retirement benefits as set forth by the Madison County Fiscal Court and C.E.R.S (County Retirement Employee System) through the Kentucky Retirement System.

Part-time employees who work for an agency or agencies enrolled in the C.E.R.S. 100 hours or more per month, consistently 12 months per year are also subject to the Kentucky Retirement System and will have the employee portion deducted from their wages.

The county participates in two plans of C.E.R.S.; Hazardous and Non-hazardous. All departments are non-hazardous except for Fire and Sheriff's Departments which are hazardous duty.

Annual statements from C.E.R.S. are sent to members on their accounts.

For further information and rules and regulations you may call the Kentucky Retirement System or go to their website as listed below:

Phone: 502-696-8800 or 800-928-4646

Website: <https://kyret.ky.gov>

SECTION 21 DISCIPLINARY ACTION

The purpose of this section is to provide for consistent and equitable treatment of disciplinary matters, with the goal of assisting the employee in developing a position plan of action to correct the deficiency in the job performance or behavior standard in question.

PROCEDURES

LEVEL ONE – VERBAL REMINDER

A verbal reminder will be given to an employee for a first time performance or behavior deficiency by their Supervisors. The purpose of the verbal reminder will be to insure the employee is fully aware of the nature of the discrepancy and to discuss how the problem can be corrected and prevented from occurring again.

LEVEL TWO – WRITTEN REMINDER

If the Supervisor determined that an employee is incapable or unwilling to perform a task to which he is assigned in a reasonable efficient manner or that the employee's behavior is deficient or detrimental to others, the Supervisor may make written notice of the behavior deficiency. The purpose of this written reminder will be to insure the employee is fully aware of the nature of the discrepancy and to discuss how the problem can be corrected and prevented from occurring again. This written notice will be placed in the personnel file.

LEVEL FOUR – SUSPENSION WITHOUT PAY

Continued failure of an employee to meet the Department's requirements and expectations outlined in LEVEL THREE – DECISION MAKING LEAVE will require the Supervisor to forward a recommendation to the Madison County Judge/Executive that the employee receive five days suspension without pay. The request will be reviewed by the Madison County Judge/Executive for action.

LEVEL FIVE – TERMINATION

Continued failure of an employee to meet Department's requirements and expectations following an issuance of a suspension without pay will require the Madison County Judge/Executive to consider the employee's continued employment. The Madison County Judge/Executive will review the employee's record for termination.

VARIANCE TO THE POLICY

In the event of significantly serious or operationally disruptive incident/actions or those of a criminal nature or otherwise violating local, state, or federal statutes or ordinances, the Madison County Judge/Executive reserves the right to skip LEVELS ONE, TWO, and THREE disciplinary steps and initiate suspension without pay and/or termination of employment, and whatever additional actions deemed necessary that are not covered under the scope of this policy.

COUNTY OF MADISON FISCAL COURT

ETHICS CODE

As Submitted by the Board of Ethics



MADISON COUNTY
Ordinance No. 94-3

An ordinance establishing a code of ethical conduct applicable to the officers and employees of the county and county agencies.

WHEREAS, the proper operation of democratic government requires that a public official be independent and impartial; that government policy and decisions be made through the established processes of government; that a public official not use public office to obtain private benefits; that a public official avoid action which creates the appearance of using public office to obtain a benefit; and that the public have confidence in the integrity of its government and public officials; and

WHEREAS, the public judges its government by the way public officials and employees conduct themselves in the posts to which they are elected or appointed and public official and employee, whether paid or unpaid, and whether elected or appointed, will uniformly treat all citizens with courtesy, impartiality, fairness, and equality under the law and avoid both actual and potential conflicts between their private self-interests and the public interest; and

WHEREAS, the officials of this county are committed to the operations of a county government than manifests the highest moral and ethical standards among its officers and employees.

NOW, THEREFORE, Be it ordained by the Fiscal Court of Madison County, Kentucky:

SECTION 1. Title. This ordinance shall be known and may be cited as the "Madison County Code of Ethics".

SECTION 2. Findings. The Fiscal Court of Madison County finds and declares that:

- (A) Public office and employment with the county are public trusts. Officers and employees of this county have a duty to act in the public's best interest.
- (B) The vitality and stability of the government of this county depends upon the public's confidence in the integrity of its elected and appointed officers and employees. Whenever the public perceives a conflict between the private interests and public duties of the county officer or employee, that confidence is imperiled.
- (C) The government of this county has a duty to provide its citizens with standards by which they may determine whether public duties are being faithfully performed, and to make its officers and employees aware of the standards which the citizenry rightfully expects them to comply with while conducting their public duties.

SECTION 3. Purpose and Authority

- (A) It is the purpose of this ordinance to provide a method of assuring that standards of ethical conduct and financial disclosure requirements for officers and employees of the county shall be clearly established, uniform in their application, and enforceable, and to provide the officers and employees of the county with

advice and information concerning potential conflicts of interest which might arise in the conduct of their public duties.

- (B) It is the further purpose of this ordinance to meet the requirements of KRS 65.003, as enacted by the 1994 Kentucky General Assembly.
- (C) This ordinance is enacted under the power vested in the county by KRS 67.080 and 67.083 and pursuant to requirements of KRS 65.003.

SECTION 4. Definitions. As used in this ordinance, unless the context clearly requires a different meaning.

- (A) "Anything of value" includes, but is not limited to: money, bank bills or notes; a contract, agreement, promise or other obligation for a loan, payment, gift, pledge of money or forgiveness of indebtedness; stocks, bonds, notes or other investment in an entity; works of art, antiques, collectibles, automobiles; real estate or an interest in real estate; a rebate or discount on the price of anything of value; a promise of employment; anything of value that is pecuniary or compensatory in value to a person.
- (B) (B) "Business" 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) "Board of Ethics" means the Madison County Board of Ethics which is created and vested by this ordinance with the responsibility of enforcing the requirements of the county's code of ethics.
- (D) "Candidate" means any individual who seeks nomination or election to a county office. An individual is a candidate which the individual files a notification and declaration for nomination for office with the county clerk or secretary of state, or is nominated for office by a political party, or files a declaration of intent to be a write-in candidate with the county clerk or secretary of state.
- (E) "County" refers to Madison County, Kentucky.
- (F) "County agency" means any board, commission, authority, non-stock corporation, or other entity created, either individually or jointly, by this county or a combination of local governments.
- (G) "Employee" means any person, whether full-time or part-time, and whether paid, who is employed by or provides service to the county. Employees include not only those persons employed by the county, but employees of boards, agencies, commissions, authorities, or any other entity created by the county. The term "employee" shall not include any contractor or subcontractor or any of their employees, and shall not include any employees of a school district or school board.
- (H) "Family member" means an immediate family member or parent, child, brother, sister, grandparent, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, stepmother, stepfather, stepdaughter, stepson, stepsister, stepbrother, half sister, or half brother.
- (I) "Financial benefit" means benefit in the form of money, property, commercial interests or anything else the primary significance of which is economic gain.

- (J) "Immediate family member" means a spouse, a dependent child, by blood, adoption, or marriage or any other person residing in the officer's or employee's household, or a person claimed by the officer or employee, or the officer's or employee's spouse, as a dependent for tax purposes.
- (K) "Officer" means any person, whether full-time or part-time, and whether paid or unpaid, who is one of the following:
 - (1) The county judge/executive
 - (2) A member of the fiscal court
 - (3) The county clerk
 - (4) The county attorney
 - (5) The sheriff
 - (6) The jailer
 - (7) The coroner
 - (8) The surveyor
 - (9) A constable
 - (10) A member of the governing body of any local government agency who has been appointed to the governing body of the agency by the county.
 - (11) Any person who occupies a nonelected office created under KRS 67.710.
- (L) "Procurement Authority" means the right to obtain and pay for, with public monies, something of value on behalf of the county government and/or a political subdivision of county government.
- (M) "Reporting Year" means from January 1 to December 31 of the preceding year.
- (N) "Securities" mean any readily marketable financial instrument representing an ownership stake or debt obligation of publicly held corporations, governmental agencies, investment companies (mutual funds), etc., including but not limited to instruments whose value is derived from those mentioned and insurance investment contract (annuities). Examples include: stocks, bonds, mutual funds, annuities, options, and future contracts.

STANDARDS OF CONDUCT

SECTION 5. Conflicts of Interest in General. Every officer and employee of the county and every county agency shall comply with the following standards of conduct:

- (A) No officer or employee shall use or attempt to use his or her official position with the county to secure privileges or benefits for himself or herself or others on any matter before the county in order to obtain a financial benefit for any of the following:
 - (1) The officer or employee
 - (2) A family member
 - (3) An outside employer
 - (4) Any business in which the officer or employee, or any family member or business associate will derive a direct monetary gain or suffer a direct monetary loss as a result of the officer's or employee's vote or decision.
 - (5) Any business which employs a member of the officer or employee's family, whereby the member of the officer will derive a direct monetary

gain or suffer a direct monetary loss as a result of the officer's or employee's vote or decision.

- (6) Any person from whom the officer or employee has received election campaign contributions of more than three hundred dollars (\$300) during the past twelve (12) months.
- (B) Every officer or employee who has a financial interest affected by his or her participation, vote, decision, or other action taken within the scope of his or her public duties shall, at the next regular session, disclose the precise nature and value of the interest, to the governing body of the county or county agency served by the officer or employee, and the disclosure shall be entered on the official record of the proceedings of the governing body. The officer or employee shall refrain from participating in deliberations and from taking any action with respect to the matter that is the subject of the disclosure.

SECTION 6. Conflicts of Interest in Contracts.

- (A) No officer or employee of the county or any county agency shall directly or through others hold or enjoy an interest, in whole or in part, in any contract made, entered into, awarded, or granted by the county or a county agency, except as follows:
- (1) The prohibition in subsection (A) of this section shall not apply to contracts entered into before an elected officer filed as a candidate for county office, before an appointed officer was appointed to a county agency or office, or before an employee was hired by the county or a county agency. However, if any contract entered into by a county or county agency officer or employee before he or she becomes a candidate, was appointed to office, or was hired as an employee, is renewable after he or she becomes a candidate, assumes the appointed office, or is hired as an employee, then the prohibition in subsection (A) of this section shall apply to the renewal of the contract.
 - (2) The prohibition in subsection (A) of this section shall not apply if the contract is awarded after public notice and competitive bidding, unless the officer or employee is authorized or participate in establishing the contract specifications, awarding the contract, or managing contract performance after the contract is awarded. If the officer or employee has any of the powers set forth in the preceding sentence, then the officer or employee shall have no financial interest in the contract, unless the requirements set forth in subpart (3) below are satisfied.
 - (3) The prohibition in subsection (A) of this section shall not apply in any case where all of the following requirements are satisfied:
 - (a) The specific nature of the contract transaction and the nature of the officer's or employee's interest in the contract are publicly disclosed at a regular meeting of the governing body of the county or agency.

- (b) The disclosure is made part of the official record of the governing body of the county or agency before the contract is executed.
- (c) A finding is made by the governing body of the county or county agency that the contract with the officer or employee is in the best interest of the public and the county or county agency because of price, limited supply, emergency, or other reasons covered under state law.
- (d) The finding is made part of the official record of the governing body of the county or county agency before the contract is executed.

(B) Any violation of this section shall constitute a Class A misdemeanor, and upon conviction, the appropriate court may void any contract entered into in violation of this section. Additionally a violation of this section shall be grounds for removal from office or employment with the county in accordance with any applicable provisions of state law and ordinances, rules or regulations of the county.

(C) No officer or employee shall use or permit the use of county equipment, property or staff, nor remove county equipment from the county premises for personal use unless the use is specifically allowed as a matter of written county policy.

SECTION 7. Misuse of Confidential Information. No officer or employee of the county or any county agency shall use or disclose information acquired in the course of his or her official duties, if the primary purpose of the use or disclosure is to further his or her personal financial interest or that of another person or business. This provision does not pertain to information that is not deemed confidential under the Kentucky Open Records Act, KRS 61.872 to 61.884, at the time of its use or disclosure.

SECTION 8. Political Activity. No officer or employee of the county or any county agency shall:

- (A) Use official authority or coercion toward an official or employee of the county at any time for a political activity or to affect a nomination or election result.
- (B) Attempt, directly or indirectly, to coerce a person in county government to lend, pay, or contribute anything of value to a group or person for any political activity or purpose.

FINANCIAL DISCLOSURE

SECTION 9. Who Must File. The following individuals shall file a financial disclosure statement with the Board of Ethics for the reporting year:

- (A) Elected officers;
- (B) Candidates for county elective office;
- (C) Management personnel, department heads, and anyone with procurement authority;
- (D) Members of county agencies with procurement or regulatory authority.

SECTION 10. When to File Statements: Amended Statements.

(A) The initial statement of financial interests required by this section shall be filed with the Board of Ethics by no later than April 15, 1995. All subsequent statements of financial interest shall be filed no later than January 31 of each year provided that:

(1) An officer or employee newly-appointed to fill an office or position with the county or a county agency shall file his or her initial statement no later than thirty (30) days after the date of the appointment

(2) A candidate for any county office listed in Section 4 (K) shall file his or her initial statement no later than thirty (30) days after the date on which the person becomes a candidate.

(C) In the event there is a material change in any information contained in a financial statement that has been filed with the Board, the officer or employee shall, no later than thirty (30) days after becoming aware of the material change, file an amended statement with the Board.

SECTION 11. Form of the Statement of Financial Interests.

(A) The statement of financial interests shall be filed on a form prescribed by the Board of Ethics and shall include the following:

- (1) The name, current business address, business telephone number, and home address and telephone number of the filer.
- (2) The title of the filer's office, office sought, or position of employment.
- (3) The occupation of the filer and the filer's spouse.
- (4) Creditors (not including family members) to whom an officer or employee, as set out in Section 9 above, or a member of the officer or employee's immediate family, separately or together, owes five thousand dollars (\$5,000) or more as of December 31 of the reporting year, except debts arising from the purchase of a primary residence or the purchase of consumer goods which are bought or used primarily for personal, family, or household purposes.
- (5) Offices of directorships held by an officer or employee, as set out in Section 9 of above, or a member of the officer or employee's immediate family, as of December 31 of the reporting year.

- (6) Securities valued at five thousand dollars (\$5,000) or more owned by an officer or employee, as set out in Section 9 above, or a member of the officer or employee's immediate family, as of December 31 of the reporting year.
- (7) Information that identifies each source of income, but not the amount, of the filer and filer's immediate family members exceeding five thousand dollars (\$5,000) as of December 31 of the reporting year, and the nature of the income (e.g. salary, commission, dividends, income from professional practices, retirement fund distribution, etc).
- (8) Anything of value having a total fair market value of one hundred dollars (\$100) or more, received from any single source, excluding gifts from a family member, received by the officer or employee, as set out in Section 9 above, or a member of the officer or employee's immediate family, as set out in Section 9 above (excluding children living at home) during the reporting year and the name and address of the source.
- (9) Business interest, real estate (other than primary residence), rental property, farms and professional practices which the officer or employee, or a member of the officer or employee's immediate family, as set out in Section 9 of above, own, or in which at least a five thousand (\$5,000) interest or five (5) percent or greater interest was owned on December 31 of the reporting year.
- (10) The source of any unpaid campaign debts or campaign debts forgiven.

- (B) Nothing in this section shall be construed to require any officer or employee to disclose any specific dollar amounts nor the names of individual clients or customers of businesses listed as sources of income.
- (C) Each statement shall be signed and dated by the officer or employee. Knowingly or willingly signing a fraudulent statement shall be a Class A misdemeanor.
- (D) All financial disclosure statements shall be an open record and available for review upon request.

SECTION 12. Noncompliance with Filing Requirements

- (A) The Board of Ethics, or the designated administrative official, shall notify by certified mail each person required to file a statement of financial interests who fails to file the statement by the due date, files an incomplete statement, or files a statement in a form other than that prescribed by the Board. The notice shall specify the type of failure or delinquency, shall establish a date by which the failure or delinquency shall be remedied, and shall advise the person of the penalties for a violation.
- (B) Any person who fails or refuses to file the statement or who fails to remedy a deficiency in the filing identified in the notice under subsection (A) within the time period established in the notice shall be guilty of a Class A misdemeanor and will be referred to the appropriate court.

NEPOTISM AND EMPLOYMENT

SECTION 13. Employment of Family Members.

- (A) No officer or employee shall appoint or hire; vote for the appointment or hiring of; or recommend the appointment or hiring of; a family member to an office or position of employment with the county.
- (B) No officer or employee shall participate in the employment decision or decision-making process involving a family member who has applied for or holds an office or position of employment with the county, including, but not limited to, decisions and decision-making processes involving appointment, promotion, transfer, supervision, discipline or dismissal.
- (C) No officer or employee shall supervise or manage the work of a family member.
- (D) This prohibition shall not prevent an officer or employee from voting on or participating in the development of a budget which includes compensation for a family member, provided that the family member is included only as a member of a class of persons or group, and the family member benefits to no greater extent than the other similarly situated member of the class or group.
- (E) No family member of any fiscal court member shall be employed by the County. This provision shall not apply to a family member employee who was employed prior to his or her family member becoming a magistrate or county Judge/Executive.
- (F) No officer or employee shall avoid the prohibition set forth above by delegating any authority.
- (G) The prohibitions in this section shall not apply to any relationship or situation which would violate this prohibition, but which existed prior to the effective date of this ordinance.
- (H) Nothing in this section shall prohibit the temporary employment of individuals for the purposes of conducting elections.

SECTION 14. Accountability

- (A) The county judge/executive shall file with the county clerk an organizational chart which shows all the departments and divisions of local government. This chart will not be limited to employees, but will include all boards, commissions, committees, advisory committees, special districts and any other entity to which the local government makes appointments, exercises supervision, or sets policy. This chart shall include joint city-county and multi-county entities.
- (B) The function of each department or division will be briefly described and the name, title, job descriptions or office for each individual serving on it will be listed. The chart shall be kept current to reflect resignations, vacancies, and appointments.
- (C) The county clerk shall post a pictorial organizational chart prominently within the courthouse disclosing all elected officials and department heads.
- (D) The county judge/executive shall provide to each officer and employee of the county and all county agencies a copy of the Madison County Code of Ethics.

Each of these persons shall be expected to familiarize himself or herself with the code. An opportunity to discuss and review the code shall be provided by the county judge/executive. This duty may be delegated to an appropriate administrator or supervisor. Provision shall be made to read and discuss the code with any non-readers.

- (E) The county judge/executive shall, in cooperation with the Board of Ethics, arrange at least one annual training session for officers and employees of the county to familiarize them with the provisions of the Madison County Code of Ethics, to introduce the members of the Board of Ethics, and to otherwise encourage full understanding of the code. The session will include information on how and where complaints may be filed and where public records shall be retained.

ENFORCEMENT

SECTION 15. Board of Ethics Created.

- (A) There is hereby created a Board of Ethics which shall have the duties and responsibilities as set forth in this ordinance and the authority to enforce its provisions.
- (B) The Board of Ethics shall consist of five (5) members who shall be appointed by the county judge/executive, subject to the approval of the fiscal court. The initial members of the Board of Ethics shall be appointed within sixty (60) days of the effective date of this ordinance. No member of the Board of Ethics shall hold any elected or appointed office, whether paid or unpaid, or any position of employment with the county. The members shall serve for a term of three (3) years; except that with respect to the members initially appointed, one (1) member shall be appointed for a term of one (1) year, two (2) members shall be appointed for a term of two (2) years, and two (2) members shall be appointed for a term of three (3) years. Thereafter, all appointments shall be for a term of three (3) years. No more than (3) members shall be of the same political party. Each member of the Board of Ethics shall be at least twenty-one (21) years of age, have been a resident of Madison County for at least one (1) year prior to the date of the appointment, shall reside within the county throughout the term in office, shall have a high school diploma or equivalent, and shall not have been convicted of a felony. The members may be reappointed for any number of consecutive terms.
- (C) A member of the Board of Ethics may be removed by the county judge/executive, subject to the approval of the fiscal court, for misconduct, inability, or willful neglect of duties. Before any member of the Board of Ethics is removed from office under this section, the member shall be afforded the opportunity for a hearing before the county judge/executive and the fiscal court.
- (D) Vacancies on the Board of Ethics shall be filled within thirty (30) 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 thirty (30) days, the fiscal court

shall fill the vacancy forthwith. All vacancies shall be filled for the remainder of the unexpired term.

- (E) Members of the Board of Ethics shall serve without compensation but shall be reimbursed for all necessary and reasonable expenses incurred in the performance of their duties.
- (F) The Board of Ethics shall, upon the initial appointment of its members, and annual thereafter, elect a chairperson from among the membership. The chairperson shall be the presiding officer and a full voting member of the Board.
- (G) Meetings of the Board of Ethics shall be held, as necessary, upon the call of the chairperson or at the written request of the majority of the members. The Board shall meet at least annually during the month of February and report to the fiscal court the Board's activities for the preceding year.
- (H) The presence of three (3) or more members shall constitute a quorum and the affirmative vote of three (3) or more members shall be necessary for any official action to be taken. Any member of the Board of Ethics who has a conflict of interest with respect to any matter to be considered by the Board shall disclose the nature of the conflict, shall disqualify himself or herself from voting on the matter, and shall not be counted for purposes of establishing a quorum.
- (I) Minutes shall be kept for all proceedings of the Board of Ethics and the vote of each member on any issue decided by the Board shall be recorded in the minutes.

SECTION 16. Alternate Members. The county judge/executive of the county, with the approval of the fiscal court, may appoint one (1) alternative member of the Board of Ethics who may be called upon to serve when any regular member of the Board is unable to discharge his or her duties. An alternative member shall be appointed for a term of one (1) year. Alternate members shall meet all qualifications and be subject to all of the requirements of this ordinance that apply to regular members.

SECTION 17. Facilities and Staff. The fiscal court shall appropriate funds in the county's annual budget to provide the Board of Ethics, either directly or by contract or agreement, with the facilities, materials, supplies, and staff, including legal counsel, needed for the conduct of its business.

SECTION 18. Power and Duties of the Board of Ethics. The Board of Ethics shall have the following powers and duties:

- (A) To initiate on its own motion, receive and investigate complaints, hold hearings, and make findings of fact and determinations with regard to violations of the provisions of this ordinance.
- (B) To administer oaths and issue orders requiring the attendance and testimony of witnesses and the production of documentary evidence relating to an investigation or hearing being conducted by the Board.
- (C) To employ legal counsel, with the approval of the Fiscal Court, to assist it in the performance and discharge of its duties under this ordinance.
- (D) To refer any information concerning violations of this ordinance to the county judge/executive, the fiscal court, the Madison County Attorney, the Madison

- County Commonwealth Attorney, or other appropriate person or body, as necessary.
- (E) Upon proper request, to render advisory opinions to county officers and employees regarding whether a given set of facts and circumstances would constitute a violation of any provision of this ordinance.
 - (F) To enforce the provisions of this ordinance with regard to all officers and employees to the county who are subject to its terms by issuing appropriate orders and findings.
 - (G) To control and maintain all statements of financial interests and other records that are required by ordinance in accordance with retention schedules approved by the Kentucky Archives and Records Commission (KRS 171.410 – 171.740) and to insure that the statements are available for public inspection in the office of the county clerk in accordance with the requirements of this ordinance and the Kentucky Open Records Act.
 - (H) To adopt rules, regulations, administrative procedures and to take other actions, as necessary, to implement the provisions of this ordinance, provided that the rules, regulations, procedures and actions are not in conflict with the provision of this ordinance or any state or federal law.

SECTION 19. Filing and Investigation of Complaints

- (A) All complaints alleging any violation of the provisions of this ordinance shall be submitted to the Board of Ethics. All complaints shall be in writing, signed by the complainant, and shall meet any other requirements established by the Board of Ethics. The Board of Ethics shall acknowledge receipt of a complaint to the complainant within five (5) working days from the date of receipt. The Board shall forward within five (5) working days to each officer or employee of the county who is the subject of the complaint a copy of the complaint and a general statement of the applicable provisions of this ordinance.
- (B) Within fifteen (15) days of the receipt of a complaint, the Board of Ethics shall conduct a preliminary inquiry concerning the allegations contained in the complaint. The Board shall afford a person who is the subject of the complaint an opportunity to respond to the allegations in the complaint. The person shall have the right to be represented by counsel, to appear and be heard under oath, and to offer evidence in response to the allegations.
- (C) Except where otherwise required under the Open Meetings Act (KRS 61.805 to 61.850) and the Open Records Act (KRS 61.870 to 61.884), all proceedings and records relating to a preliminary inquiry being conducted by the Board of Ethics shall be confidential until a final determination is made by the board except:
 - (1) The Board may turn over to the Madison County Commonwealth's Attorney or Madison County Attorney evidence which may be used in criminal proceedings.
 - (2) If the complainant or alleged violator publicly discloses the existence of a preliminary inquiry, the Board may publicly confirm the existence of the

inquiry, and at its discretion, make public any documents which were issued to either party.

(D) The Board shall make a determination based on its preliminary inquiry whether the complaint is within its jurisdiction and, if so, whether it alleges a minimal factual basis to constitute a violation of this ordinance. If the Board concludes the complaint is outside of its jurisdiction, frivolous or without factual basis, the Board shall terminate the inquiry, reduce the conclusion to writing, and transmit a copy of its decision to the complainant and to all officers or employees against whom the complaint was filed.

(E) If the Board of Ethics concludes, based upon its preliminary inquiry, that the complaint is within its jurisdiction and contains allegations sufficient to establish a minimal factual basis to constitute a violation, the Board shall notify the officer or employee who is the subject of the complaint and may:

(1) Due to mitigating circumstances such as, lack of significant economic advantage or gain by the officer or employee, lack of economic loss to the county and its taxpayers, or lack of significant impact on public confidence in county government issue, in writing, a confidential reprimand to the officer or employee concerning the alleged violation and provide a copy of the confidential reprimand to the county judge/executive and the fiscal court.

(2) Initiate a hearing to determine whether there has been a violation.

(F) Any person who knowingly files with the Board a false complaint alleging a violation of any provision of this ordinance by an officer or employee of the county or any county agency shall be guilty of a Class A misdemeanor.

SECTION 20. Notice of Hearings. If the Board of Ethics determines that a hearing regarding allegations contained in the complaint is necessary the Board shall expeditiously issue an order setting the matter for hearing not later than thirty (30) days of the date the order is issued, unless the alleged violator petitions for an the Board consents to the later date. The order setting the matter for hearing, along with a copy of any pertinent regulations of the Board relating to the hearing shall be sent to the alleged violator forthwith.

SECTION 21. Hearing Procedure.

- (A) The Kentucky Rules of Civil Procedure and the Kentucky Rules of Evidence shall not apply to hearings conducted by the Board of Ethics. The hearings shall be conducted in accordance with this section and in accordance with any additional rules and regulations adopted by the Board of Ethics so as to afford all parties the full range of due process rights required by the nature of the proceedings.
- (B) Prior to the commencement of the hearing, the alleged violator, or his or her representatives shall have a reasonable opportunity to examine all documents and records obtained or prepared by the Board in connection with the matter to be heard. The Board shall inform the alleged violator, or his or her representative, of any exculpatory evidence in its possession.

- (C) All testimony in a Board hearing shall be taken under oath, administered by the presiding officer. All parties shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine witnesses, to submit evidence, and to be represented by counsel. All witnesses shall have the right to be represented by counsel. The Board shall provide for a tape recording of the proceedings.
- (D) Any person whose name is mentioned during the hearing and who may be adversely affected thereby may appear personally before the Board, with or without Council to give a statement regarding the adverse mention, or may file a written statement regarding the adverse mention for incorporation into the record of the proceeding.
- (E) All hearings of the Board of Ethics shall be public, unless a majority of the members vote to go into executive session in accordance with KRS 61.810.
- (F) After the conclusion of the hearing, the Board of Ethics shall, as soon as practicable, begin deliberations for the purpose of reviewing the evidence before it and making a determination whether a violation of this ordinance has been proven. Within five (5) working days after completion of the hearing, the Board shall issue a written report of its findings and conclusions.
- (G) If the Board concludes in its report that no violation of this ordinance has occurred, it shall send written notice of this determination to the officer of employee who was the subject of the complaint and to the party who filed the complaint.
- (H) If the Board concludes 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 Board may:
 - (1) Issue a directive requiring the violator to cease and desist the violation or to otherwise comply with the provisions of this ordinance.
 - (2) In writing, publicly reprimand the violator for the violations and provide a copy of the reprimand to the county judge/executive and fiscal court.
 - (3) In writing, recommend to the county judge/executive and fiscal court or the appropriate supervisor that the violator be sanctioned as recommended by the Board of Ethics, which may include a recommendation for discipline or dismissal, or removal from office.
 - (4) Enforce any cease and desist order through referral to the appropriate court.
 - (5) Refer evidence of criminal violations of this ordinance or state laws to the Madison County Attorney or Madison County Commonwealth's Attorney of the jurisdiction for prosecution. Findings by the Board of Ethics of a violation of this ordinance shall constitute sufficient grounds to warrant the issuance of a criminal complaint for prosecution.

SECTION 22. Limitations of Actions. Except when the period of limitations is otherwise established by state law, an action for a violation of this ordinance shall be brought within one (1) year after the violation is discovered.

SECTION 23. Advisory Opinions.

- (A) The Board of Ethics may render advisory opinions concerning matters under its jurisdiction, based upon real or hypothetical facts and circumstances when requested by any officer or employee of the county or of a county agency covered by this ordinance.
- (B) Requests for advisory opinions shall be made in writing, shall state relevant facts, and ask specific questions. The request for an advisory opinion shall remain confidential unless confidentiality is waived, in writing, by the requestor.
- (C) The Board may adopt regulations, consistent with the Kentucky Open Records Law, to establish criteria under which it will issue confidential advisory opinions. All other advisory opinions shall be public documents, except that before an advisory opinion is made public, it shall be modified so that the identity of any person associated with the opinion shall not be revealed.
- (D) The confidentiality of an advisory opinion may be waived either:
 - (1) In writing by the person who requested the opinion
 - (2) By majority vote of the members of the Board, if a person makes or purports to make public the substance or any portion of an advisory opinion requested by or on behalf of the person. The Board may vote to make public the advisory opinion request and related materials.
- (E) A written advisory opinion issued by the Board shall be binding on the Board in any subsequent proceeding concerning the facts and circumstances of the particular case of no intervening facts or circumstances arise which would change the opinion of the Board if they had existed at the time the opinion was rendered. However, if any fact determined by the Board to be material was omitted or misstated in the request for an opinion, the Board shall not be bound by the opinion.
- (F) A written advisory opinion issued by the Board shall be admissible in the defense of any criminal prosecution or civil proceeding for violations of this ordinance for actions taken in reliance on that opinion.

SECTION 24. Reprisals Against Persons Disclosing Violations Prohibited.

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

- (b) to be exempt from required disclosure under the provision of the Kentucky Open Records Act, KRS 61.870 to 61.884.
- (c) Is confidential under any other provisions of law.

SECTION 25. Penalties

- (A) Except as otherwise provided under state law, any officer or employee of the county or any county agency who is found by the Board of Ethics to have violated any provision of this ordinance shall be deemed guilty of a Class A misdemeanor and be referred for prosecution in the Madison District Court or the Grand Jury. Each day in which the violation continues shall be considered a separate offense.
- (B) A finding by the Board of Ethics that an officer or employee of the county or any county agency is guilty of a violation of this ordinance shall be sufficient cause for removal, suspension, demotion, or other disciplinary action by the executive authority of the county or county agency, or by any other officer or agency having the power of removal or discipline. Any action to remove or discipline any officer or employee for a violation of this ordinance shall be taken in accordance with all applicable ordinances and regulations of the county and all applicable laws of the Commonwealth.

SECTION 26. Severability. If any provision of this ordinance is deemed by a court of competent jurisdiction to be unenforceable or unconstitutional, the remaining provisions of this ordinance shall continue in full force and effect.

SECTION 27. Conflicting Ordinances Repealed. All other ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

SECTION 28. Effective Date. All current and future officers and employees shall be subject to the provisions of this ordinance which shall take full force and effect immediately upon publication as required by KRS 424.120 and KRS 67.077.

INTRODUCED AND GIVEN FIRST READING IN SUMMARY at a duly convened meeting of the Fiscal Court of Madison County, Kentucky held on 30th day of November, 1994.

GIVEN SECOND READING AND ADOPTED at a duly convened meeting of the Fiscal Court of Madison County, Kentucky held on the 13th day of December, 1994, and of record in Fiscal Court Order Book #25, Page #117

Signature on File
KENT CLARK
Madison County Judge/Executive

ATTESTED TO:
Signature on File (Mary Jane Ginter)
CLERK