



**BOYD COUNTY FISCAL COURT
ADMINISTRATIVE CODE**

**ADOPTED BY:
ACTION OF BOYD FISCAL COURT**

**August 4, 2015
Amended July 18, 2018**

INTRODUCTION

PURPOSE AND AUTHORITY

The General Assembly of the Commonwealth of Kentucky enacted KRS 68.005 in 1978 for the purpose of promoting efficient administration of County government. KRS 68.005 requires the Fiscal Court to adopt a County administrative code which includes, but not limited to, procedures and designation of responsibility for the following:

- (1) General administration of the office of County Judge/Executive (hereinafter 'County Judge'), County administrative agencies and public authorities;
- (2) Administration of County fiscal affairs, including budget formulation; receipt and disbursement of County funds, preparation of records required for the County audit, and for filing of claims against the County;
- (3) Personnel administration, including description and classification of non-elected positions, selection, assignment, supervision and discipline of employees, employee complaints and the County affirmative action program;
- (4) County purchasing and award of contracts; and
- (5) Delivery of County services.

The County Judge, as the chief executive officer of the County, is responsible for the organization and management of the administrative functions of County government. The Fiscal Court sets the County's policies and priorities. The County Judge must execute these policies and priorities. The statute provides only general guidance as to the form and substance of a County's internal administrative organization. For this reason, the Fiscal Court of Boyd County enacts the following County Administrative Code.

Boyd County Administrative Code

Boyd Fiscal Court does hereby establish a County Administrative Code; dividing the administrative service of Boyd County into departments under the County Judge; prescribing administrative policy and procedure; prescribing the function and duties of administrative units and officials of the government; prescribing the administration of fiscal affairs and procurement procedures; and prescribing for the delivery of County services.

BE IT ADOPTED BY THE FISCAL COURT OF BOYD COUNTY:

CHAPTER 1 GENERAL PROVISIONS

SECTION 1.1 Short Title

A. This document shall be known and may be cited as the “Boyd County Administrative Code”.

SECTION 1.2 Definitions

A. As used in this Code, unless the context otherwise requires:

- (1) *County Judge/Executive* is the County Judge.
- (2) *County* is Boyd County, Kentucky, a governmental entity.
- (3) *Fiscal Court* is the County body vested with the legislative powers of Boyd County.
- (4) *Elected Official* means elected county officials other than the County Judge.

SECTION 1.3 Amendments

A. The Fiscal Court shall review the Boyd County Administrative Code annually during the month of June and May, by a 75% (3/4 votes) majority of the entire Fiscal Court, amend the Boyd County Administrative Code at that time. The County Judge may at other times prepare and submit amendments to the Boyd County Administrative Code for approval by the majority of the Fiscal Court.

CHAPTER 2 GENERAL ADMINISTRATION

SECTION 2.1 County Judge/Executive

A. The Boyd County Judge shall be the Chief Executive and Administrative Officer of the County and shall have all the powers and perform all the duties of an executive and administrative nature consistent with the Kentucky Constitution, Kentucky Revised Statutes and the Fiscal Court.

B. The responsibilities and/or duties of the Boyd County Judge, as defined by KRS 67.710, are as follows:

- (1) Provide for the execution of all ordinances and resolutions of the Fiscal Court, execute all contracts entered into by the Fiscal Court, and provide for the execution of all laws by the state subject to enforcement by him or by officers who are under his direction and supervision;
- (2) Prepare and submit to the Fiscal Court for approval an administrative code incorporating the details of administrative procedure for the operation of the County and review such code and suggest revisions periodically or at the request of the Fiscal Court;
- (3) Furnish the Fiscal Court with information concerning the operations of the County departments, boards, or commissions, necessary for the Fiscal Court to exercise its powers or as requested by the Fiscal Court;
- (4) Require all officials, elected or appointed, whose offices utilize County funds, and all boards, special districts, and commissions exclusive of city governments and their agencies located within the County to make a detailed annual financial report to the Fiscal Court concerning the business and condition of their office, department, board, commission, or special districts;
- (5) Consistent with procedures set forth in KRS Chapter 68, prepare and submit to the Fiscal Court an annual budget and administer the provisions of the budget when adopted by the Fiscal Court;
- (6) Keep the Fiscal Court fully advised as to the financial condition and needs of the County and make such other reports from time to time as required by the Fiscal Court or as he deems necessary;
- (7) Exercise with the approval of the Fiscal Court the authority to appoint, supervise, suspend, and remove County personnel (unless otherwise provided by state law); and
- (8) With the approval of the Fiscal Court, make appointments to or remove members from such boards, commissions, and designated administrative positions as the Fiscal Court, charter, law or ordinance

may create. The requirement of Fiscal Court approval must be designated as such in the County administrative code or the County charter.

SECTION 2.2 Procedures for Organization/Reorganization of County Departments and Agencies

A. The County Judge may create, abolish or combine any County department or agency or transfer a function from one department or agency to another, provided that the County Judge submits a written plan for the reorganization to the Fiscal Court.

B. The reorganization plan shall state the need, how the reorganization will meet the need, the services and functions to be expanded, abolished, or reduced as a result of the plan, the long and short term costs, and the plan's impact on existing and/or proposed personnel and services.

C. The plan shall be submitted to the Fiscal Court for approval at a meeting of the Fiscal Court. If not disapproved within sixty (60) days, the plan shall become effective. The plan shall be subject to public inspection at least 60 days prior to its effective date.

D. The County Judge or the Fiscal Court may cause the records and accounts of any administrative agency to be examined at any time.

SECTION 2.3 Special Districts

The County Judge may, with approval of the Fiscal Court, create any special district; or abolish or combine any special districts, provided such district was created solely by the County.

SECTION 2.4 County Representation on Boards and Commissions

A. The County Judge shall assure the representation of the County on all boards, commissions, special districts, and joint city-County programs in which County participation is required.

B. Every independent board, commission, agency or special district which requires participation by County government shall submit a copy of its by-laws and a list of its governing body members to the County Judge and the Fiscal Court within thirty (30) days of the start of the county government term of office. The independent board, commission, agency or special district shall submit a revised copy of its by-laws within 30 days of their approval when amended. When a vacancy exists, the list of governing body members should be submitted to the County Judge no later than thirty (30) days before the County Judge nominates a candidate for the vacancy.

SECTION 2.5 Appointed Positions

A. The County Judge may appoint an assistant to assist with the execution of his administrative duties.

B. The County Judge may appoint a Deputy County Judge/Executive.

C. The County Judge may appoint, subject to the approval of the Fiscal Court, other personnel to assist with the County administrative and fiscal duties.

D. A member of the Fiscal Court may be appointed by a majority of the Fiscal Court to temporarily assume the duties of the County Judge, where both the County Judge and the Deputy County Judge/Executive, if a Deputy County Judge/Executive has been appointed, are absent from the County during an Emergency, or where both are incapacitated due to sickness, injury, or mental incompetence.

SECTION 2.6 Procedures for Appointment/Removal of Administrative Personnel and Members of Boards and Commissions

A. The County Judge shall inform the Fiscal Court of any open position on County Boards or Commissions, or in designated administrative positions.

B. The County Judge shall appoint qualified individuals to administrative positions and to boards and commissions, with the appointment subject to fiscal court approval. Three votes of the Fiscal Court will nullify a Judge Executive appointment.

C. No person shall be selected as a member of a board or commission or for an administrative position if the person holds or is employed in an incompatible position.

SECTION 2.7 Boyd County Procedures for Administrative Agencies

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

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

CHAPTER 3 OPERATION OF FISCAL COURT

SECTION 3.1 Procedures for Meetings of Fiscal Court

- A. The County Judge and members of the Fiscal Court shall annually set the dates and times for all regular meetings.
- B. All meetings of members of Fiscal Court at which any public business is discussed or any action taken shall be open to the public in accordance with the Kentucky Open Meetings Act (KRS Ch. 61).
- C. The County Judge may call a Special Meeting of the Fiscal Court for the purpose of transacting any business over which the Fiscal Court has jurisdiction.
- D. Whenever the County Judge is unable, or unwilling to call a Special Meeting, a majority of the Fiscal Court may call a Special Meeting.
- E. Special meetings shall be called and conducted in accordance with the Kentucky Open Meetings Act (KRS Ch. 61).

SECTION 3.2 Presiding Officer

- A. The County Judge shall be the presiding officer of the Fiscal Court at all regular and special meetings.
- B. If the County Judge is not present or able to preside, a majority of the commissioners (2 votes) shall elect one of their members to preside.

SECTION 3.3 Quorum

- A. Not less than a majority of the members of the Fiscal Court (3 people) shall constitute a quorum for the transaction of business.
- B. No proposition shall be adopted except with the concurrence of at least a majority of the members present, with the exception that passage of an ordinance requires a majority of the entire Fiscal Court.

SECTION 3.4 Disturbing Meetings

- A. It shall be unlawful to disturb any meeting of the Fiscal Court or to behave in a disorderly manner at any such meeting.

SECTION 3.5 Order of Business

- A. At each regular meeting of the Fiscal Court an agenda will be presented prior to the meeting. This agenda shall be followed unless dispensed with by a majority vote of the members presented.

B. At each Special or Emergency Meeting of the Fiscal Court, the agenda shall be followed with no other topics presented or discussed during the Special or Emergency Meeting.

C. The County Judge with the assistance of the Treasurer shall prepare an itemized list of all valid bills requiring Fiscal Court approval.

D. No bill shall be approved for payment unless contained in the itemized list for the meeting.

E. A majority of the Fiscal Court members may vote to forgo Section 3.5(D) and approve payment of bills not included on the itemized list as long as the bill is presented to Fiscal Court.

F. The Fiscal Court may approve payment of the list of valid bills as a whole unless there is an objection voiced to any specific item.

SECTION 3.6 Fiscal Court Minutes

A. The clerk of the Fiscal Court or his /her designee shall attend all meetings of the Fiscal Court and keep a full and complete record of its proceedings. **AMENDED JULY 19, 2016**

B. The clerk of the Fiscal Court shall keep an index of all Fiscal Court records and make such index of all Fiscal Court records available for public inspection in accordance with the Kentucky Open Records Act (KRS Ch. 61).

SECTION 3.7 Rules of Order

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

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

SECTION 3.8 Ordinances, Orders and Resolutions

A. An "ordinance" means an official written act of the Fiscal Court, the effect of which is general and lasting in nature, which is enforceable within the jurisdiction of the County; or a lawful appropriation of money.

B. All ordinances shall be introduced in writing; relate to one subject only; and contain a title which expresses the subject; such as, "An Ordinance relating to. . . ."

C. There shall be inserted between the title and the body of each County ordinance an enacting clause written in the following manner: "Be It Ordained by the Fiscal Court of the County of Boyd Commonwealth of Kentucky;"

D. County ordinances shall be amended by ordinance and only by setting out in full each amended section;

E. No County ordinance shall be passed until it has been read on two separate days, unless an emergency is properly declared, but ordinances may be read by title and a summary only.

F. No County ordinance shall be passed until it has been published pursuant to KRS Chapter 424. Prior to passage, ordinances may be published by summary. Publication shall include the time, date and place at which the County ordinance will be considered, and the place within the County where a copy of the full text of the proposed ordinance is available for public inspection. If consideration for passage is continued from the initial meeting to a subsequent date, no further publication shall be necessary if at each meeting the time, date, and place of the next meeting are announced.

G. All County ordinances and amendments shall be published after passage and may be published in full or in summary form at the discretion of the Fiscal Court.

H. An order or resolution may be utilized for action by the Fiscal Court where the action is specific in nature, not for an uncertain time period, and which is enforceable within county boundaries.

CHAPTER 4 FINANCIAL MANAGEMENT

SECTION 4.1 Budget Preparation Procedures

- A. By April 1st of each fiscal year, the County Judge shall obtain budget proposals prepared by each County office or agency receiving funds from the Fiscal Court. The County Clerk and Sheriff operate on a calendar year basis and their department budgets are due in November of each year.
- B. The County Judge shall prepare a report of anticipated revenue from general fund taxes and intergovernmental transfers from city, state, and federal government.
- C. The County Judge shall review the expenditures in each classification of each fund for the preceding year and for the current year.
- D. The County Judge may obtain from the Boyd County Treasurer receipts for actual expenditures made during the current fiscal year.
- E. An estimate shall be made of expenditures for the remainder of the current year and of any surplus, by fund, which will remain.
- F. The County Judge shall obtain from the sheriff an annual settlement showing County taxes collected, not later than May 15 of the current year and by April 1 of each year of the Boyd County Property Assessment levels from the Boyd County Property Valuation Administrator.
- G. The County Judge shall submit the completed proposed budget to the Fiscal Court not later than May 1 of each fiscal year.

SECTION 4.2 County Procedures for County Treasurer

- A. The Treasurer shall receive and deposit all funds due the County.
- B. County funds shall be paid out only on order of Fiscal Court.
- C. No expenditures may be made in excess of revenues or for purposes other than appropriated.
- D. No appropriations may be made which exceed adopted budget amounts.
- E. The Treasurer shall keep an Appropriation Expenditure Ledger. The ledger shall be a record of each budget appropriation, all expenditures from the appropriation and each budget fund.
- F. The Treasurer shall maintain a general ledger in which all transactions are entered, either in detail or in summary. Each fund (General Fund, Road Fund, Local Government Economic Aid, etc.) shall have a complete balancing set of general ledger accounts. Control accounts shall be established for the Cash Receipts Register and the Appropriation Expenditure Ledger.

G. The Treasurer shall maintain a Cash Receipt Register containing columns for total cash received, source of revenue and miscellaneous revenue for each fund.

H. The Treasurer and Finance Officer shall maintain an Appropriation Expenditure Ledger. This ledger is a group of accounts supporting in detail the appropriation and expenditure accounts of the General Ledger. An account must be provided for each appropriation made in the budget. The original appropriation and all amendments and transfers authorized by order of the Fiscal Court shall be entered. All expenditures shall be charged to an appropriation account.

I. The Treasurer and Finance Officer shall maintain a record of all warrants paid (except payroll) in chronological order in a Warrant Distribution Register. Columns shall provide for date, payee, warrant number, appropriation expenditure account number and amount. Separate columns shall provide for each fund so that one register serves all funds.

J. The Treasurer or Finance Officer shall maintain a Payroll Authorization Book, designed to facilitate convenient preparation and certification of the payroll. One order of the Fiscal Court may be made to authorize payment for all employees for more than one payroll period.

K. The Treasurer or Finance Officer shall maintain an Individual Earnings Record for each employee, including gross earnings, deductions and net pay at the time computed.

L. The Treasurer shall maintain a Notes Payable Register which provides information on notes for temporary loans in anticipation of the current year's revenue, indicating the principal amount, interest rate, due date, fund and other necessary details.

M. The Treasurer shall maintain a Bond Register which records the history and authorization of each bond issue, whether general obligation bonds, revenue bonds or special levy bonds. A separate sheet shall be prepared for each issue.

SECTION 4.3 Account Balance—Expenditures--Records

A. At the beginning of each fiscal year, the total amount of the appropriation represents the free balance, or unused appropriation amount, for each account.

B. As expenditures are made during the year, the amount of the expenditure is subtracted from the free balance to keep an accurate record of the exact amount of the unused appropriation at any time.

C. When any item is ordered, the free balance is encumbered in that amount, although it may be considerable time before the actual expenditure occurs.

D. The County Judge shall write and sign all warrants directing the Treasurer to make payments authorized by Fiscal Court. The County Judge shall maintain a record of all warrants.

E. At the close of each fiscal year the County Judge and Treasurer will be responsible for the preparation of records necessitated by the annual County audit and audit of the County Judge's office. The annual audits of the books, accounts, and papers of the County and the County Judge shall be conducted by the State Auditor of Public Accounts or a Certified Public Accountant.

SECTION 4.4 Claims against Boyd County

A. All claims for payment from the County shall be filed in writing with the County Judge.

B. Each claim shall be recorded by date, receipt and purchase order number and presented to the Fiscal Court at its next meeting.

C. Each order of Fiscal Court approving a claim shall designate the budget fund and classification from which the claim will be paid and each warrant shall specify the budget fund and classification.

D. The payroll for County officials and regular County employees and recurring utility expenses are hereby preapproved. Other recurring expenses may be preapproved by the Fiscal Court upon authorization of the State Local Finance Officer.

E. The depositor of Boyd County funds shall not honor any warrant on the County unless it is signed by both the County Judge and the County Treasurer.

F. All offices collecting County or state monies shall utilize a daily deposit in an interest drawing account until settlement is made to the Commonwealth and County. County fees shall be remitted to the County no later than the 10th day of each month following the month of collection unless a written waiver is given by Fiscal Court.

CHAPTER 5 PERSONNEL ADMINISTRATION

It shall be the policy of the County to maintain equal employment opportunities for its labor force which will be in compliance with applicable federal and state laws. The County is an at-will employer and is not subject to merit system governance or regulations.

As an Equal Opportunity Employer, the County is committed to nondiscrimination in hiring, promotion, discharge, pay, fringe benefits and other aspects of employment, on the basis of race, color, religion, sex, disability, age, national origin, veteran status, sexual orientation, gender identity, genetic information or ancestry, or because the individual is a smoker or nonsmoker, as long as the person complies with any workplace policy concerning smoking.

Should you have any questions regarding this matter, please contact your Supervisor or the County Judge.

SECTION 5.1 Job Classification

- A. The County Judge will be responsible for the preparation of a descriptive job classification plan for all non-elected positions.
- B. Each job classification shall be in writing and include:
 - (1) A concise, descriptive title;
 - (2) Description of the duties and responsibilities of each position in each classification; and
 - (3) Minimum and preferred qualifications for each position.
- C. All positions in a single class shall be sufficiently alike to permit use of a single title, description, qualifications, and pay range.

SECTION 5.2 Personnel Policy of Constitutional Officers

- A. Each Elected Official shall be responsible for the supervision of all employees working within their particular office.
- B. Each Elected Official may develop a personnel policy for the operation of their respective office.
- C. In the alternative, each Elected Official may choose to adopt the personnel policies approved by Fiscal Court for the operation of their office (Ch. 5). Should the Elected Official elect to utilize the personnel policies of the Fiscal Court, the Elected Official shall designate same, in writing, and deliver same to the County Judge.

SECTION 5.3 Applicants

- A. Each applicant shall fill out and sign a standard written job application form, and each application shall be kept on file for at least two (2) years. All applicants shall sign a release authorizing the County to download and review the applicant's Kentucky Driving History Record or the Driving History Record for the state in which the applicant is licensed. Also authorizing a Criminal Records Check
- B. An applicant may be required to interview with the position's immediate supervisor prior to being hired.
- C. The County Judge shall make the selection, subject to approval of Fiscal Court, and notify the applicant and supervisor in writing of the selection.
- D. Equal Employment Opportunity (EEO) information may be obtained from the applicant but shall not be used to exclude any person from employment.
- E. All part-time and temporary employees, funded through state or federal programs, shall be recruited and selected in accordance with the appropriate program guidelines.

SECTION 5.4 Supervision

The County Judge is responsible for the supervision of County employees. This responsibility may be delegated to supervisory employees.

SECTION 5.5 Discipline Procedures

- A. The County Judge shall discipline County employees by written reprimand, suspension or discharge. All disciplinary actions require Fiscal Court approval. Approval may come after the imposition of the discipline.

SECTION 5.6 Scope of Coverage

- A. The following County employees are expressly exempted from coverage:
- (1) The County Judge, Fiscal Court members, Constables and all Elected Officials.
 - (2) All members of boards and commissions of the County.
 - (3) Consultants, advisors and counsel rendering temporary professional advice.
 - (4) Independent contractors.

Employees made available to County by other agencies.

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

SECTION 5.7 Definitions

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

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

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

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

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

Demotion: Changing one employee from one class of work to a different class of at a lower pay grade.

Elected Official: Any elected official holding one of the county constitutional offices other than the County Judge.

Performance Rating: An appraisal or evaluation of an employee's work performance.

Position: An individual job within the County's personnel system.

Position Description: A detailed written description of the specified duties assigned to and performed by a particular employee.

Probationary Period: A working test is established as 60 calendar days, during which an employee is required to demonstrate by actual performance, his/her fitness to perform the duties of the position to which appointed.

Completion of the probationary period does not give an employee continued rights to employment with the county as the county is an at-will employer and may terminate employment at any time. Completion of the probationary period will entitle the employee to receive sick leave, health and other insurances, and CERS Retirement. **AMENDED JULY 18, 2018**

Termination: The separation of an employee from the County personnel system by resignation, retirement, layoff, dismissal or death.

Dismissal: The termination of an employee.

Layoffs: The involuntary separation of an employee from his position and class due to a reduction in work force.

Resignation: The voluntary termination of employment by an employee.

Retirement: The termination of employment and transfer to retired status of an employee

SECTION 5.8 Classification of Employees

A. All employees of the County workforce shall be classified as full-time, part-time seasonal or temporary.

- (1) Salaried employee: An employee who works the necessary hours each day on a regularly scheduled basis to accomplish the tasks outlined in their job description.
- (2) Full-Time Employee: An employee who works 40 hours per week on a regular scheduled basis.
- (3) Part-Time Employee: An employee who works less than 40 hours per week.
- (4) Seasonal Employee: Temporary positions which coincide in duration with a particular season or seasons of the year and that may recur regularly from year to year, in which case the period of time shall not exceed six (6) months in any event.
- (5) Temporary Employee: are positions of employment with a participating agency for a period of time not to exceed twelve (12) months and not renewable (full or part-time).

SECTION 5.9 Hours of Work

A. County offices shall be open during the following hours: 8:30a.m.-4:00p.m.

B. An employee's work hours shall be assigned by the Department Head or Direct Supervisor.

C. Overtime work shall be approved in advance by the County Judge or the supervisor. In exceptional circumstances, as determined by the County Judge, the County Judge may approve overtime work after the overtime work has occurred. Failure to abide by this overtime policy may result in disciplinary action to the employee.

SECTION 5.10 Personnel Records

A. Beginning the first day of employment, all new employees shall report to an office designated by the County Judge to supply any information needed to complete

personnel records, execute payroll withholding authorization and enroll in the employee benefit program.

B. Data Breach Policy-Personal Information and Security Incidents. See exhibit (A) located in the back of the Administrative Code after section 11. **AMENDED JULY 18, 2018**

SECTION 5.11 Employee Records

It shall be the obligation of the employee to maintain current information by notifying the *Treasurer and Human Resource Administrator* of all changes in personal or family status, home address, telephone number, or any other changes which would affect payroll withholding or employee benefits. **AMENDED JULY 18, 2018**

SECTION 5.12 Personal Conduct

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

SECTION 5.13 Safety

The health and safety of all County employees is of major importance. All employees shall report all hazardous conditions in their work area at once to their immediate supervisor. The supervisor shall document in writing the hazardous condition. All injuries should be reported immediately to the supervisor and within 24 hours to the County Judge's office.

SECTION 5.14 Credentials

If it should come to the attention of the County Judge that an employee was hired on the basis of false credentials, said employee will be subject to immediate demotion or dismissal. All employees shall be a high school graduate or GED recipient, unless otherwise approved by the Fiscal Court.

SECTION 5.15 Selection and Appointment

A. Each applicant shall fill out and sign a written job application and each application shall be kept for at least two (2) years.

B. The County Judge shall select job candidates to be submitted to Fiscal Court for approval. Fiscal Court shall approve all salaries or appropriate salary schedules.

C. All employees whose positions are funded through state or federal programs shall be recruited and selected in accordance with the appropriate program guidelines.

SECTION 5.16 Methods of Filling Vacancies

If it is determined by the County Judge that no current County employee meets the education, experience and skill requirements set forth in the classification

description, the positions shall be filled through applications on file. If no applicant on file meets the requirements, open public recruitment will be used to fill the position.

SECTION 5.17 Recruitment, Evaluation, and Certification

The County Judge shall be responsible for:

- (1) Accepting complete application forms from the applicants.
- (2) Conducting interviews, reference checks, and evaluating training, Experience and credentials.

SECTION 5.18 Announcements of Vacancies

A. Notice of employment opportunity and necessary examinations, if any, may be publicized at the County Judge's discretion.

B. Such notices shall:

- (1) List the vacant position(s).
- (2) Specify for each position its position title, nature of work to be performed, and qualifications for employment in the position.
- (3) Tell when and where to file applications for employment in the position.
- (4) Whatever additional information the County Judge deems pertinent to an evaluation of the applicant's fitness for the position for which he applies.

C. The County Judge shall review each application to ascertain the applicant's qualifications for the position.

SECTION 5.19 Appointments

A. The qualifications of an applicant for a position shall be ascertained on the basis of one or more of the following:

- (1) Job related performance (internal candidates);
- (2) Information provide on the Application;
- (3) Interview(s);
- (4) References; and
- (5) Other appropriate means.

B. Where a declaration of emergency has been declared in accordance with KRS Ch. 39B, the County Judge may hire employees on a temporary basis for emergency purposes without Fiscal Court approval. No employee may start work prior to Fiscal Court approval being granted, except in accordance with KRS 39B.

SECTION 5.20 Transfer

Any full-time employee may request a transfer from one position to another position provided that position is vacant and one for which the employee possesses the qualifications.

SECTION 5.21 Promotion

A. An employee may be promoted from one position to another if the employee has the qualifications for the higher position. These qualifications shall be ascertained on the basis of job related information, interview, and evaluations of performance, training and experience. The same procedures as those authorized for ascertaining his qualifications for initial appointment to a position shall be followed.

B. In the filling of a vacancy in a position above the entrance level, preference may be given to promotion of present employees. If the County Judge deems it in the best interest, the County Judge may fill the position by appointment of a person from outside the current workforce.

SECTION 5.22 Attendance

A. The standard work week for County employees shall be forty (40) hours per week, unless otherwise prescribed by the Fiscal Court. Specific departmental work schedules shall be prescribed by department heads, with the approval of the County Judge. Work schedules for seasonal, temporary and part-time employees shall be specified by the County Judge according to the needs of the County and the rules and schedule stipulated for regular employees.

B. Employees shall be at their places of work in accordance with prescribed schedules. The supervisor shall maintain daily attendance records of employees under the supervisor's direction.

SECTION 5.23 Holidays

A. The Fiscal Court shall adopt a holiday schedule prior to January 1 of each year. The current holiday schedule is:

- (1) The first day of January (New Year's Day), plus one extra day
- (2) Martin Luther King, Jr. Day
- (3) President's Day
- (4) Good Friday
- (5) Memorial Day
- (6) Independence Day
- (7) Labor Day
- (8) Veteran's Day

- (9) Thanksgiving Day plus the following day
- (10) Christmas Eve and Christmas Day

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

C. Employees that are required to work on any holiday will receive a vacation day. An employee in the employee's first year of service may utilize the vacation day prior to achieving one year of service. All vacation days earned under this Subsection must be utilized within one (1) month of the holiday, unless the supervisor authorizes an extension of the time in which the vacation day may be utilized. In no circumstance may the time allowed for the vacation day extend beyond three (3) months from the date the vacation day was earned.

SECTION 5.24 Vacation

A. Full-time employees may apply for vacation leave after one year of service, including probationary period. **AMENDED JULY 18, 2018**

B. All regular full-time employees shall be entitled to ten (10) working days' vacation leave after one year of service or more. All regular full-time employees with seven years of service or more shall be entitled to fifteen (15) working days' vacation leave. All regular full-time employees with fifteen years of service or more shall be entitled to twenty (20) working days' vacation leave. All regular full-time employees with 25 years of service or more shall be entitled to twenty-five (25) working days' vacation leave. Accumulated vacation leave must be taken within 365 days of employment anniversary date. After the employment anniversary date, the employee will lose the time accumulated unless otherwise authorized by the supervisor based on extraordinary circumstances. The employee must notify their supervisor in advance before taking their vacation time.

C. Part-time, Seasonal and Temporary employees shall not be eligible to earn vacation leave.

D. No employee shall be permitted to take vacation leave that has not been earned. Vacation pay shall be at the current rate of salary.

E. Vacation days should be scheduled on anticipated "slack" time in a manner that does not interfere with the functions and services of the office. The supervisor shall review all vacation leave requests and shall forward the request and the supervisor's recommendation to the County Judge. Approval by the County Judge is mandatory.

F. The County Judge's office or its designee shall keep records of vacation leave for each individual employee.

G. All employees may take leave without pay if the leave is approved by the County Judge.

H. Absences on account of sickness, injury, or disability in excess of that authorized for such purposes may, at the request of the employee and with the approval of the County Judge, be charged to vacation leave credit.

SECTION 5.25 Sick Leave

A. Accumulation of Sick Leave:

- (1) Sick leave is a benefit, not a right. Paid sick leave entitles employees to time off to recuperate from illness or accident, while retaining their employment rights and pay for the time off. Its main purpose is to provide income for employees absent a relatively short time because of personal illness or injury.
- (2) Full-time employees shall be eligible to accrue sick leave at the rate of one day per month accruing on the first of each month. Part-time, Seasonal and Temporary employees are not eligible for sick leave.
- (3) Employees in their first three full calendar months of service shall not be credited with sick leave. On the first day of their fourth full month of service, the employee shall be credited with four (4) sick leave days. As an example, an employee hired on January 15 shall not be credited with sick leave during the month of January, February, March or April. The employee will be credited with four (4) sick leave days on May 1.
- (4) Sick leave may be accumulated up to sixty (60) days.

B. Use of Sick Leave:

- (1) Personal illness, injury, or visits to medical provider.
- (2) Illness or injury in the immediate family (spouse, children, parents, or relatives living in the employee's home).

C. A County official may allow three (3) consecutive days of sick leave without a medical provider's excuse, but any days over a three (3) day period must be accompanied by a medical provider's 'Return-to-Work' note unless otherwise authorized by the Department Head.

D. Upon retirement, an employee may transfer accumulated sick leave up to sixty (60) days to the County for retirement credit only. Upon said election, the County shall purchase retirement service credit in an amount equal to the unused sick leave of said employee.

E. Reporting Sick Leave:

- (1) To be paid sick leave, the employee has the responsibility to report their inability to be on the job. Failure to notify the supervisor prior to the established work time may result in loss of pay for that day and

may result in disciplinary action against the employee. If notification is not possible prior to the start of the established work time, the employee shall notify the supervisor as soon as is possible.

- (2) Sick leave time used will be subtracted on a ½ day/full day basis.
- (3) Upon return to work the employee shall file a Notice of Leave form stating the reasons for the absence, unless the employee filed the form prior to taking sick leave. The form must be approved by the supervisor before being charged to sick leave. Individual records of all sick leave credit shall be maintained by the County.

F. Sick Leave Donation Program

Eligibility

- Both recipients and donors must be current employees of the County.
- A donor may not donate an amount of sick leave which would cause his/her sick leave balance to go below 40 days.
- An employee becomes eligible to receive donated sick leave at the point in time when all four of the criteria below are met:
 - (1) The employee or member of his/her immediate family suffers from a "medically certified" illness, injury, impairment, or physical or mental condition which has caused, or is likely to cause, the employee to go on leave for at least ten consecutive working days;
 - (2) The employee's need for absence is certified by a licensed practicing physician;
 - (3) The employee has exhausted all of his/her available paid leave: and
 - (4) The employee has complied with administrative regulations governing the use of sick leave.

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

Guidelines on Sick Leave Sharing

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

- (1) Recipient completes application and submits it along with the

physician's certification to the County Judges' Secretary. The County Judges' Secretary collects all information, and transmits the appropriate documents to the County Judge or Elected Official. See exhibit B for Sick Leave Form.
AMENDED JULY 18, 2018

- (2) The application is reviewed to ensure that the certification of the physician is complete and the form is correctly filled out. The County Judges' Secretary shall verify that the employee will exhaust his leave during the projected absence. The employee does not have to have exhausted his leave before he submits the application. The employee also does not have to have been off for 10 days in order to apply, but must have a situation where it is likely to cause an absence for at least 10 consecutive days. A file will be created for the recipient by the County Judges' Secretary. All medical information must be kept in a locked file separate from the personnel files.
- (3) Prepare and process payrolls. Upon certification of eligibility, all donated leave is to be added to recipient's sick leave balance. As the employee utilizes leave for the sick leave sharing qualifying condition, the employee will be paid as usual, reporting sick leave used.
- (4) Recipient can retain leave after return to work.
- (5) Sequence of restoring unused leave to donors. When the recipient returns to work and the donated leave is no longer needed for the qualifying condition, excess leave shall be returned to donors in reverse order of donation (last donor's leave is returned first). If the donor has left employment, the returned hours should be credited to the inactive record for restoration if the employee is rehired.

OPTION

Alternate Sick Leave Sharing Policy

A. An employee who has accrued a sick leave balance of more than seventy-five (75) hours may request that the county make available for transfer a specified amount of his/her sick leave balance to another named county employee. The employee may not request a transfer of an amount of leave that would result in reducing his/her sick leave balance to less than forty (40) hours.

B. To receive sick leave transfers, the employee must meet the following criteria:

- (1) Exhaust all accumulated sick leave;
- (2) Complied with all policies to date with respect to attendance and the uses of sick leave;

- (3) Obtain written permission from co-worker(s) to have a specified number of hours transferred to the requesting employee; and
- (4) Submit a written request to the County Judge for transferred sick leave.

SECTION 5.26 PERSONAL DAY

All full-time permanent employees are entitled to one (1) personal day with pay after one year of employment, and one (1) personal day each year thereafter.
ADOPTED JULY 19, 2016

SECTION 5.28 Family and Medical Leave Act (FMLA)

A. FMLA provides entitlement for up to 12 weeks of job protected, unpaid leave, during any twelve month period for the following reasons:

- (1) The birth of a son/daughter or care for newborn child;
- (2) The placement of a son/daughter for adoption or foster care;
- (3) Care for the employee's spouse, son/daughter, or parent with a serious health condition;
- (4) The employee's own serious health condition.

B. Qualifying Exigency Leave. The FMLA requires that employers provide employees up to 12 weeks of leave in a 12-month period to tend to any "exigency" resulting from a service member's call to duty. The new FMLA regulations clarify that exigency leave may be taken by eligible employees (consisting of not only a spouse, son, daughter, or parent, but also "next of kin" — the next nearest blood relative) while their spouse, son, daughter, or parent is on active duty or call to active duty status in the National Guard or Reserves, or if the family member is a retired member of the Regular Armed Forces or the Reserves. An employee whose family member is on active duty or call to active duty for the Regular Armed Forces does not qualify for this leave. Qualifying exigencies include short-notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and additional activities.

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

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

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

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

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

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

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

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

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

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

K. Any employee desiring to benefit from "donated sick leave" must be granted same and utilize same prior to applying for leave without pay under FMLA. Upon FMLA leave being granted to the employee, the employee may not participate in the donated sick leave plan until the employee has returned to work on a regular paid basis with a letter from a health care provider stating that the employee is fit for duty.

L. Upon the employer granting leave without pay under FMLA, as provided for herein, the County Judge or Elected Official shall authorize same in writing and provide the employee and the county treasurer a copy of the written approval. All applications for leave without pay and all approvals of same, not in writing, shall disqualify the employee from health benefits otherwise provided herein.

SECTION 5.29 Bereavement Leave

A. All full-time employees may receive bereavement leave in the event of a death in the immediate family. Immediate family for this purpose shall be deemed to include the parents, spouse, children, brothers and sisters. Leave will be limited to 4 working days.

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

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

D. An employee who is unable to work because of death in the immediate family should notify the employee's supervisor by telephone or email prior to the scheduled time to report for duty.

SECTION 5.30 Leave without Pay

A. In addition to authorized leave referenced above, the County Judge or Elected Official may authorize an employee to be absent, without pay, for personal reasons.

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

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

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

SECTION 5.31 Maternity Leave

A. The County Judge or Elected Official may grant maternity leave for full-time permanent employees with temporary disability due to pregnancy, childbirth, adoption, or any impairment thereof, and miscarriage for a period not to exceed six (6) weeks. Additional leave time may be granted.

B. An employee granted maternity leave shall use any accrued sick leave and vacation time with the remaining periods as time off without pay.

C. The employee must notify the County Judge or Elected Official as far as possible in advance of the employee's intention to request Maternity Leave, including

approximate dates, in order to allow the County Judge or Elected Official time to prepare for any staff adjustments.

SECTION 5.32 Military Leave

Pursuant to KRS 61.394 and 61.396, all employees of this county, or of any department or agency thereof, who are members of the National Guard or of any reserve component of the Armed Forces of the United States, or of the reserve corps of the United States Public Health Service, shall be entitled to leave of absence from their respective duties, without loss of time, pay, regular leave, impairment of efficiency rating, or of any other rights or benefits to which they are entitled, while in the performance of duty or training in the service of this state or of the United States under competent orders as specified in this section. In any one (1) federal fiscal year, officers or employees, while on military leave, shall be paid their salaries or compensations for a period or periods not exceeding twenty-one (21) calendar days. Any unused military leave in a federal fiscal year shall be carried over to the next year. Any unused military leave shall expire two (2) years after it has accrued.

The employee shall give the County two (2) weeks notice prior to the scheduled leave if time permits.

SECTION 5.33 Civil Leave

- A. Jury Duty: Upon receipt of the order requiring the employee to report for jury duty, the employee must show the order to the County Judge Executive. There will be no deduction from accumulated leave.
- B. The employee will be allowed to keep pay received for serving on a jury without deduction from full regular salary. Should jury duty be less than ½ day, employee is expected to report to work for the remainder of the day.

SECTION 5.34 Court Appearance

- A. Upon receipt of the order requiring the employee to make a court appearance, the employee shall make arrangements with the employee's supervisor to comply with the order.
- B. If appearing in an official capacity in connection with Boyd County, the employee's court time is considered working time and no charge is made against leave time.
- C. If the employee is involved in a personal case, either as plaintiff, defendant or as a witness in a suit not resulting from his duties with the County, he may be granted leave, but the time off he takes must be charged to his accrued vacation time, to leave of absence without pay or the employee may be allowed to work alternative hours if approved by the supervisor and County Judge, and if the alternative hours are within the same week as the needed leave.

SECTION 5.35 Overtime/Compensation Time

- A. Boyd County's work week varies. Primarily, the work week begins on Saturday and concludes on Friday. Boyd County employees are paid on a bi-weekly schedule. Employees will receive 26 paychecks annually.
- B. The County does not contemplate the granting of compensatory time or the payment of overtime compensation. The supervisor or office holder shall not require overtime of their employees except in extraordinary situations.
- C. A county employee who is authorized to work one (1) or more hours in excess of the normal 40 hours per week may be granted compensatory leave on one and one-half hour (1 ½) basis for each hour authorized. The employee may not accrue more than 24 hours of compensatory time and compensatory time must be taken within the month following the award. **AMENDED JULY 19, 2016**
- D. A County employee who is an hourly employee and works more than the normal 40 hour work week may be paid overtime wages at the rate of one and one half (1 ½) hours for each hour the County employee is authorized to work in excess of forty hours per work week.
- E. All overtime hours must have the approval of a "department head" who will in turn report to the County Judge Executive the need and results of overtime needed on a monthly basis.
- F. The County Judge Executive may authorize the department head to offer compensatory time rather than overtime pay. In July of 2015, Code Enforcement, Animal Shelter, Parks, Emergency Management and the County Construction are authorized to use Compensatory time. All other department heads must seek approval of the County Judge Executive.
- G. A County employee who is authorized to work one (1) or more hours in excess of the prescribed hours per week may be granted compensatory leave on a one and one-half hour basis.
- H. A County employee who has accrued compensatory time off, and who has requested the use of compensatory time, shall be permitted to use the compensatory time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the County. Mere inconvenience to the County shall not constitute a sufficient basis for denial of a County employee's request for compensatory time off.
- I. Upon a County employee's termination of employment, all unused accrued compensatory time shall be paid at a rate of compensation during last year of employment.

SECTION 5.36 County Vehicles

- A. A breathalyzer test, urinalysis, or other testing, or any combination of the three (3), will be required in the case of an accident, with refusal resulting in automatic dismissal of the County employee. Anyone driving a County vehicle must maintain a

valid operator's license. Any accident, traffic citation, or driving arrest of an employee in a County vehicle must be reported immediately to the supervisor or office holder.

B. Any employee found to be under the influence of alcoholic beverages or unauthorized drugs or controlled substances while operating a County vehicle or equipment shall be the subject of immediate dismissal from employment.

C. All employees who are assigned county vehicles **MUST** return that vehicle to his/her work station during vacation or an extended leave of absence. **AMENDED JULY 18, 2018**

D. Commercial Drivers' License Law

- Employees whose job description requires driving a county vehicle may be required to obtain a Commercial Drivers' License (CDL).
- The Boyd County Fiscal Court (BCFC) requires every CDL Driver to obtain an examination and receive periodic physical examinations conducted by an approved Department of Transportation (DOT) physician. **AMENDED JULY 18, 2018**

SECTION 5.37 Health Insurance

All full-time employees shall be offered a partially funded health & dental insurance plan as provided by the Fiscal Court.

The current plan coverage is available for single, employee + spouse, employee + child(ren) and employee + family.

Dental Insurance (partially funded by BCFC) and Vision Insurance (fully paid by the employee) is offered to each full-time employee. A life insurance policy is offered and paid in full by the BCFC in the amount of \$15,000. Life insurance above this amount is fully paid by the employee. Other insurance approved for payroll deduction is fully paid by the employee. **AMENDED JULY 18, 2018**

SECTION 5.38 Kentucky County Employees Retirement Program

The County shall conduct the retirement program in accordance with the guidelines and directives of the County Employees Retirement System (CERS).

SECTION 5.39 Employee Relation Provisions Training and Career Development

The County Judge may permit or direct the attendance of employees at meetings, conferences, workshops or seminars intended to improve the knowledge, abilities and skills of County employees. The County Judge may release an employee from his regular duties during work days to attend classes at a recognized institution of learning if, in the supervisor's judgment, such classes contribute favorably to the county's goals and objectives and the career development of the employees.

SECTION 5.40 Performance Evaluation

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

SECTION 5.41 Disciplinary Action

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

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

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

SECTION 5.42 Demotion

A. The County Judge may, with Fiscal Court approval, demote an employee provided the employee possesses the minimum qualifications for the position to which he is demoted. Reasons for demotion include, but are not limited to:

- (1) Inability to carry out duties in accordance with the standards prescribed for the position or these rules;
- (2) Disciplinary reasons;
- (3) In lieu of layoff.

Written notice shall be given to the employee prior to, or at the time of, the demotion.

SECTION 5.43 Suspension

A. The County Judge may suspend, with Fiscal Court approval, any County employee, with or without pay, for not more than thirty (30) calendar days for disciplinary reasons. Fiscal Court approval may come after the suspension.

Should an employee be suspended without pay prior to the suspension being presented to Fiscal Court, and should Fiscal Court not approve the suspension, the employee shall be compensated for lost wages during the suspension period.

B. Any suspended employee shall receive written notice of suspension. The notice shall state:

- (1) Reasons for the suspension;
- (2) Duration of the suspension.

SECTION 5.44 Separation

An employee may be separated by:

- (1) Dismissal;
- (2) Resignation;
- (3) Retirement; or
- (4) Lay off.

SECTION 5.45 Dismissal

A. The County Judge, with Fiscal Court approval, may dismiss an employee.

B. Written notice shall be given to the employee prior to, or at the time of, dismissal.

SECTION 5.46 Resignation

A. An employee shall, in order to resign in good standing, give the County Judge written notice at least two weeks before the date the resignation is to take effect. The County Judge may agree to a shorter notice because of extenuating circumstances.

B. A resignation made without two weeks written notice may be regarded as cause for denying the resigning employee future employment with the County.

C. An employee's resignation and the circumstances pertinent to it shall be recorded in his personnel file.

D. The employment date of an employee who resigns and is reinstated or is dismissed and is re-employed shall be the date of re-employment.

SECTION 5.47 Layoff

A. The County Judge shall submit in writing to the Fiscal Court whenever the County Judge thinks a layoff of County workers is needed. If the court does not act in any manner within thirty (30) days, the County Judge may proceed with the layoff procedures as prescribed herein:

- (1) The order of layoff shall be established by the Fiscal Court on the basis of the needs of the County.
- (2) Consideration shall be given to both the seniority and merit of the persons considered for layoff.
- (3) If time permits, the County Judge shall notify the employee(s) two weeks prior to the effective date of the layoff.
- (4) A copy of the notice shall be retained in the employee's personnel file.

B. An employee who has given satisfactory service, and is laid off, shall be eligible for re-employment in other positions for which the employee qualifies.

SECTION 5.48 Reinstatement

The County Judge, with Fiscal Court's approval:

- (1) May re-employ any former employee:
 - a. Who has resigned from County employment with a good record;
 - b. Who has been laid off because of lack of work or funds.
- (2) Shall reinstate any employee who has been demoted or dismissed for a reason prohibited by local, state or federal employment regulations.

SECTION 5.49 Grievance Procedure for Complaints Relating to Suspected or Alleged Discrimination on Basis of Handicapped Status

A. Any person (employee or citizen) who believes that he or she has been subjected to discrimination as prohibited by Section 504 of the Rehabilitation Act of 1973, may personally or by representative, file a complaint with the Office of the County Judge. A

person who has not personally been subjected to discrimination may also file a complaint.

B. When any person, (employee, citizen or applicant) who believes he or she has been adversely affected by an act or decision by the County and that such act or decision was based on handicapped status said person shall have the right to process a complaint or grievance in accordance with the following procedure:

Step One: An aggrieved person must submit a written statement to the County Judge setting forth the nature of the discrimination alleged and facts upon which the allegation is based.

Step Two: The County Judge shall contact the complainant no later than twenty (20) days after receiving the written statement to establish an informal meeting with the objective of resolving the matter informally. However, in no case shall the informal meeting be conducted sooner than five (5) days nor more than forty-five (45) days after receiving the written statement. The County Judge and the County Attorney or the County Attorney's designee shall represent the County during the informal meeting. There shall be prepared written documentation of the discussions at the informal meeting, which shall be preserved in the records of the County.

Step Three: Within fifteen (15) days of the informal meeting, the County Judge shall present to the Fiscal Court a proposed remedy.

Step Four: The Fiscal Court shall approve the proposed remedy, approve a different remedy or choose to take no action. The Fiscal Court shall issue a written decision on the matter within fifteen (15) days

In the discussion of the grievance, the complainant may designate any person of his choice to appear with him and participate in the discussion. The Fiscal Court shall require the County Judge and the County Attorney, or the County Attorney's designee, to participate in the discussion of the grievance, when it is brought before Fiscal Court. The decision shall be the final procedure for the complainant at the local level. However, should the complainant not be satisfied with the remedy, the complainant may offer an alternate remedy within fifteen (15) days of receipt of the Fiscal Court's written decision. The Fiscal Court has fifteen (15) days to act upon the complainant's alternate remedy or the earlier written decision shall be considered final.

SECTION 5.50 Miscellaneous Provisions

Personnel Records:

A. For each County employee, a personnel file shall be maintained in the office of the Boyd County Judge.

- B. The file shall include, but not be limited to:
- (1) The employee's name;
 - (2) The title of his position;
 - (3) The department or office to which he is assigned;
 - (4) Salary;
 - (5) Past changes in his status as a County employee;
 - (6) Additional information deemed relevant or required by this Administrative Code; and
 - (7) Employee's application for employment.

SECTION 5.51 Political Activity

Employees, while in the service of the County, are not required to contribute to any political fund or be denied the rights of political activity.

SECTION 5.52 Sexual Harassment

Purpose:

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

Policy:

- (1) Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 - b. Submission to or rejection of any such conduct by an individual is used as the basis for employment decisions;
or

- c. Such conduct has the result of unreasonably interfering with an individual's work performance or creating an intimidating or offensive work environment.

(2) Examples of specific conduct include, but are not limited to:

- a. Visual displays of sexually explicit or suggestive materials;
- b. Sexually explicit or suggestive comments or jokes;
- c. Sexually explicit or suggestive gestures;
- d. Sexually explicit or suggestive e-mail;
- e. Using the internet to view sexually explicit or suggestive material; and
- f. Touching co-workers in sexually suggestive or explicit manners.

(3) The activities described above are prohibited on the part of all employees and elected county officials. It is not necessary that there be a supervisory relationship between the involved persons for the activity to be in violation of county policies.

(4) Any employee or employee applicant who feels that he or she has been subjected to any prohibited activity described above, should report the incident immediately to his or her immediate supervisor or the County Judge. If the immediate supervisor is involved in the activity, the violation should be reported immediately to the County Judge. In the event the County Judge is the subject of the problem, the employees should notify the County Attorney. All resulting investigations shall be kept confidential to the extent possible.

(5) Any employee violating this policy will be subjected immediately to disciplinary action ranging from a written warning to discharge, depending upon the nature and severity of the violation in this case.

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

SECTION 5.53 Travel Policy

Purpose:

It is the policy of the Boyd County Fiscal Court (BCFC) to reimburse elected officials and employees for necessary travel when directly connected with official business.

Policies:

- (1) It is the intent of BCFC to allow for adequate accommodations for individuals who are required to travel for business. Discretion and good judgement are expected from these individuals in spending county funds.
- (2) Each individual traveling for BCFC business is required to fill out a "Travel Expense Report" in order to be reimbursed. This form is to be completed immediately upon return from approved travel and receipts are to be attached. Receipts are required for all expenses to be reimbursed (except bag tips).
- (3) The Treasurer is responsible for ensuring that all expenses to be reimbursed are in compliance with this travel policy and provided for the budget.
- (4) Alcoholic beverages will not be reimbursed.
- (5) Travel expenses for family members or guests will not be reimbursed. Accommodations may be shared as long as there is no additional cost to BCFC.
- (6) Meals (breakfast, lunch, dinner) will be reimbursed up to \$60 per day and must be submitted individually for reimbursement.
- (7) Tips are allowed at restaurants of 15% of the total bill. Bag handling at the rate of \$2 per bag will be allowed. Parking in economy or hotel self-parking will be allowed. Valet parking will be allowed when safety or physical limitations are involved.
- (8) For mileage reimbursement, actual mileage to and from destination is required. For other forms of travel reimbursement (bus, train, plane), actual ticket cost is required.
- (9) Mileage reimbursement will be at the current per mile rate as established by the Commonwealth of Kentucky, Finance and Administration Cabinet, Office of the Controller. This rate is established at the beginning of each quarter of the calendar year.

SECTION 5.54 Credit Card Policy Boyd County Fiscal Court**Purpose:**

It is the policy of the Boyd County Fiscal Court (BCFC) to provide certain elected and appointed officials and employees with a VISA credit card for the purpose of conducting county business.

Policies:

- (1) A county credit card will be issued to eligible (determined by the County Judge Executive) employees and elected officials for job related expenses. Holding a card is a special privilege.
- (2) Card holders may use a BCFC credit card for business related expenses. Expenses must be for approved budget items only.
- (3) Alcoholic beverages and personal purchases of any type are strictly prohibited.
- (4) No cash advances are allowed.
- (5) The card holder is responsible for all charges made to the card and will be held liable for any unauthorized items appearing on the card statement.
- (6) Cardholders are required to sign the "Cardholder Agreement" indicating they accept the terms between BCFC and the cardholder.
- (7) Cardholders who do not adhere to these policies and procedures risk revocation of their card privileges and or disciplinary action including termination.

Procedures:

- (1) The County Judge executive is responsible for authorizing the use of the BCFC VISA card and establishing the credit limit.
- (2) The cardholder must obtain a receipt for all expenditures and include a brief description of the business purpose on the receipt.
- (3) The receipt and documentation is to be submitted to the Treasurer upon return from any business trip. The Treasurer will match receipts to the monthly card statement and assign the appropriate budget line item account number.
- (4) The cardholder must notify the Treasurer immediately in the event a card is lost or stolen. Any cardholder who leaves the employment of the county must surrender the VISA card to the Treasurer who will cancel the card account.

SECTION 5.55 Substance Abuse Policy**Purpose:**

Boyd County Fiscal Court is committed to protecting the safety, health, and well-being of all employees and others. This Drug and Alcohol Free Policy seeks to establish a balance between respect for individuals, legal restraints and the need to maintain an illicit drug and alcohol free work environment.

Policies:

COVERED WORKERS/EMPLOYEES This policy covers workers / employees that are in safety-sensitive positions as more particularly set out in the Memorandum issued July 3, 2012 by KACO/ KALF and is intended to be consistent therewith. Although not intended to be exhaustive the Boyd County Fiscal Court declares the following to be safety-sensitive positions:

- (1) Persons who carry or are authorized to carry weapons, including but not limited to firearms, Tasers, batons, pepper spray or other items used in arrest, restraint or other forms of detentions or physical control of individuals or persons.
- (2) Persons who regularly operate county vehicles including but not limited to vehicles that are dispatched, directed, authorized or commonly expected to respond to emergencies, crime scenes, accident, injury or death scenes or engage in law enforcement and/or traffic enforcement.
- (3) Persons who have access to or responsibility for delivering or dispensing medication to others.
- (4) Persons who hold or possess a Commercial Driver License (CDL) or any person that is subject to testing by virtue of any state or federal law, rule, or regulation.
- (5) Persons who regularly operate heavy equipment, tractors, mowers, dump trucks or multi rear axle vehicles, ATV's, UTV's or similar vehicles as part of their duties.
- (6) Persons who maintain care, custody, and control over inmates or prisoners or transport inmates or prisoners.
- (7) Persons performing job duties that regularly require the use of power tools whether said tools are powered by fuel, electricity, pneumatically operated jacks, lifts, or other similar equipment and any other machine, tool or devise that is principally powered by other than human means.

A person is considered to be a safety-sensitive position if the person's regularly assigned job duties reasonably could be foreseen to expose the employee, coworker(s) or others to possible injury, damage, harm, or death. Duties that are "fraught with such risks of injury to others that even a momentary lapse of attention can cause disastrous consequences." National Treasury Employees Union v Von Raab, 109 S. CT 1394 (1989) and Skinner v. Railway Labor Executive Association, 109 S. CT. 1402 (1989)

Testing:

The Boyd County Fiscal Court will utilize an approved testing facility.
Amended July 18, 2018.

The Fiscal Court shall administer drug and alcohol tests in circumstances which include but may not be limited to:

- (1) Pre-Employment Testing: As a condition of hire for a safety sensitive position.
- (2) Random Testing: To the extent not inconsistent with the law.
- (3) Reasonable Suspicion Testing: Based on reasonable belief supported by individualized and particular suspicion an employee is using or has used drugs or alcohol in violation of this policy.
- (4) Post-Accident Testing: Drug and alcohol testing will be conducted following an employee's involvement in an accident while on duty.

Each new hire, subject employee and current safety –sensitive employees, as condition of employment, will be required to participate in the above testings.

An employee will be subject to disciplinary action (including termination) of employment if he/she refuses a screening, test, dilutes a specimen, substitutes a specimen, sends an imposter to testing or falsifies or masks a sample, declines to take a follow-up drug test when directed, or refuses to cooperate in the testing process in such a way that prevents completion and performance of the test.

Goals:

- (1) To comply with all requirements regarding the establishment and maintenance of a Drug and Alcohol Free Working Environment for the purpose of obtaining certification from the Department of Workers Claims
- (2) To comply with the Federal Department of Transportation regulations regarding employees holding Commercial Driver Licenses (CDL).

This policy is intended to apply to all safety-sensitive positions holding employee under the direct supervision and control of the Boyd County Fiscal Court. Any constitutionally elected or appointed county official who identifies any employee(s) that official deems as holding a safety-sensitive position may participate in the protocol established hereunder by notifying the County Judge Executive.

Persons who violate or are found to violate this policy may be disciplined (including termination), on an individualized case by case confidential basis by the County Judge Executive unless otherwise directed by a majority of the remainder of the Fiscal Court. It is with these stated goals in mind that the Boyd County Fiscal Court issues this policy, declaring itself a Drug and Alcohol Free Working Environment.

Passed this 19th day of July, 2016.

CHAPTER 6 COUNTY ROAD DEPARTMENT

SECTION 6.1 Establishment of Department

A. There is hereby created and established a Boyd County Road Department consisting of a County Road Engineer or County Road Supervisor and such other employees of said department as may from time to time be provided for by the County Judge and the Fiscal Court.

B. The County Road Supervisor shall be appointed by the County Judge with the approval of Fiscal Court, and shall serve a period of two (2) years.

SECTION 6.2 Duties of Road Supervisor

A. The County Road Supervisor shall be the head of the road department subject to the order and direction of the County Judge.

B. The County Road Engineer/Supervisor shall be responsible for the performance of the road department and its functions, and all persons who are employees of the road department shall be subject to the supervision and direction of the County Road Engineer/Supervisor.

SECTION 6.3 Road Department Property

A. Employees of the department shall be responsible for the proper care of department equipment and property and shall promptly report to their supervisor the loss or damage to such property or the unserviceable condition of such property.

B. No departmental property or equipment shall be used for private purposes or on private property. School bus turnarounds and public cemetery work must be approved, in advance, by the County Judge and only where the turnaround or cemetery road has been placed in the County road system.

C. Equipment and materials for the road department shall be acquired in accordance with the provisions of this code.

D. No departmental property or equipment shall be used on private property without the prior written authorization of the County Judge.

E. Uniforms are furnished to employees of the Road Department by the County. Road Department employees shall wear said uniforms at all times during regular working hours.

F. Each employee shall be responsible for the proper use of road department equipment. Any equipment problems or deficiencies should be reported immediately to the County Road Engineer/Supervisor. Trucks and equipment shall be cleaned at least once a week or more often as such need arises.

SECTION 6.4 County Road Inventory/Condition

- A. The County Judge shall maintain a map(s) that clearly identifies all county roads.
- B. The County Judge and County Road Engineer/Supervisor shall inventory and review all county roads for identification and condition at least annually.
- C. The inventory shall identify all roads by name and/or number; list the number and location of all bridges; and any other information that may identify county roads and the condition thereof.
- D. The County Road Engineer/Supervisor shall contact all area utilities relative to their planned activities prior to surfacing or resurfacing any county road.

SECTION 6.5 Procedures for County Road Repairs and Maintenance

- A. When the Fiscal Court approves County road work, the County Judge shall direct the Road Engineer/Supervisor to perform these activities subject to budgetary constraints.

SECTION 6.6 Miscellaneous Requirements

- A. Any Road Department employee who notices any deficiencies in county roads shall report them to the County Road Engineer/Supervisor as soon as possible and no later than the end of the same workday. Any problems noticed during off duty hours shall be reported to the County Road Engineer/Supervisor the following workday.

CHAPTER 7 COUNTY PROPERTY

A. Any employee found to have damaged county property may be subject to discipline, up to and including dismissal.

B. The County Judge and Elected Officials are responsible for the equipment that is used in their office. A list of each office's equipment is to be kept current. A copy of the list shall be sent to the County Judge's office at least annually.

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

CHAPTER 8 CODE ENFORCEMENT

Section 8.1 Code Enforcement Department

- A. The Code Enforcement Department shall consist of an Officer that is the Supervisor and one or more Officers to assist in performing the duties of the Department.
- B. The County Judge and Fiscal Court will set the number and compensation of all employees of the Department.

- C. The duties of the Department are to enforce County Ordinances, State Laws and regulations as it pertains to environmental mandates, and requirements set forth from State, and Federal agencies.

- D. The Fiscal Court and County Judge appoint the County Solid Waste Coordinator from the Department. The Solid Waste Coordinator is responsible for the municipal solid waste flow of all garbage in Boyd County (including Ashland and Catlettsburg).
- E. The other main areas of responsibilities are FEMA floodplain assistance and enforcement, Stormwater permitting, business license enforcement, landfill monitoring, condemnation of abandoned property, and FEMA Hazard Mitigation project coordination.

SECTION 8.2 Authority

All officers of the Department shall be sworn Deputy Constables, that serve under one of the Constables elected in Boyd County. Prior law enforcement experience is a requirement for employment.

The above allows Code Enforcement officers to obtain information for investigative purposes to locate violators and if necessary write citations to District Court. It also enables them to use a law enforcement radio channel at 911 to report activity and request emergency assistance if needed.

CHAPTER 9 PURCHASES AND CONTRACTS

SECTION 9.1 Authorization of County Contracts

Every contract, change or amendment thereto, shall be authorized or approved by the Fiscal Court before being executed by the County Judge, except for small purchases. The County Attorney shall review every contract of the County, as to form and legality, except for contracts for small purchases.

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

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

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

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

D. The County Judge shall place an advertisement in the newspaper of the largest circulation in the County at least once, not less than seven nor more than twenty-one days, before bid opening. The advertisement shall include the time and place where the specifications may be obtained. If the durability of the product, the quality of service or other factors are to be considered in bid selection, such factors shall be stated in the advertisement.

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

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

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

H. The County Judge shall submit the bids to Fiscal Court, noting the County Judge's recommended bid. Fiscal Court approval is required.

SECTION 9.3 Procedures for Determination of Qualification of Bidders

A. The County Judge may require all bidders to provide sufficient information to determine their qualification to provide the services or product that is the subject of the competitive bidding.

B. Contractors who have demonstrated by past performance, the ability to perform satisfactory in accordance with the contracts on a timely basis and have shown a sound financial structure, may be determined to be qualified and responsible bidders without additional documentation otherwise required of other potential bidders.

SECTION 9.4 Procedures Prerequisite to Use of Negotiated Process

A. The negotiated process may be used instead of advertisement for bids if the amount exceeds \$20,000 in the following circumstances:

- (1) an emergency exists;
- (2) bids exceed available funds; or
- (3) the contract is for professional services.

B. Before an emergency is declared, the County Judge shall determine whether or not the delay in obtaining bids will result in danger to health, safety or property.

C. The County Judge shall certify the existence of any emergency and file a copy of such certificate with the chief financial officer of the County (the Treasurer).

D. In the event all bids submitted are in excess of funds available, the County Judge shall prepare a written determination that there are no additional funds available as to permit an award to the responsible bidder with the lowest and best bid and that delay in advertising for additional bids is not in the best interest of the County.

E. The Fiscal Court must approve all circumstances in which the negotiation process is used.

NOTE

Only use the negotiated process in this manner when time is truly of the essence as this method could lead to litigation. Should a County wish to use the negotiated process with greater protection from litigation, a County should consider adopting the local government portion of the Model Procurement Code (currently KRS 45A.343-45A.460).

SECTION 9.5 Procedures for Negotiated Process

A. When the prerequisites have been met for use of the negotiated process, the County Judge shall proceed to negotiate with one or more suppliers in order to obtain the most advantageous terms for the County.

B. The County Judge shall prepare a record of all negotiated contracts, showing the items and quantities acquired, name of suppliers, costs and date of contract.

C. Professional services shall be negotiated with such persons as are properly licensed to perform such services.

D. Where more than one bid was received and all were in excess of the amount available, the lowest three bidders shall be notified that the County desires to negotiate a contract for a lesser amount based on revised quantities or specifications, and fix a time limit for submission of proposals.

E. The County Judge shall examine the proposals received and shall negotiate with the suppliers for the terms most advantageous to the County.

F. The best negotiated proposal shall be submitted to the Fiscal Court for approval and award.

SECTION 9.6 Small Purchase Procedures

A. All expenditures of less than \$20,000 shall be considered a “small purchase” and are not subject to competitive bidding.

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

SECTION 9.7 Hold Harmless Clause

All contracts executed on behalf of the County concerning the purchase of services or products may contain a “hold harmless clause,” whereby the vendor, provider of services, or seller agrees to hold the County harmless from any liability concerning the use of their product or the receipt of their service.

SECTION 9.8 Disposition of County Surplus Property

A. Real Property:

(1) In the event the County Judge determines that the County retains surplus real property and that it will be in the best interest of the County to dispose of said real property, the County Judge shall make a written statement with the following information:

(a) The real or personal property;

(b) Its intended use at the time of acquisition;

(c) The reasons why it is in the public interest to dispose of it; and

(d) The method of disposition to be used.

The property may be transferred via the following method:

- (a) Transferred, with or without compensation, to another governmental agency;
- (b) Sold at public auction following publication of the auction in accordance with KRS 424.130(1)(b);
- (c) Sold by electronic auction following publication of the auction, including the uniform resource link (URL) for the site of the electronic auction, in accordance with KRS 424.130(1)(b); or
- (d) Sold by sealed bids.

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

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

B. Tangible Property:

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

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

CHAPTER 10 BOARDS AND COMMISSIONS

SECTION 10.1 Maintenance of Records of Administrative Agencies and County Departments

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

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

- (1) A statement which describes the agency's or department's activities during the month;
- (2) A financial statement containing the total amount of appropriations for the agency, the amount spent and encumbered by the agency during the preceding month, the total amount encumbered during the fiscal year, and the amount of the total appropriation, which is still available for spending; and
- (3) A list of any citizen complaints made to the agency or department during the preceding month and the steps taken to correct the situation.

SECTION 10.2 Regular Meetings

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

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

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

CHAPTER 11 SPECIAL DISTRICTS

SECTION 11.1 Procedures for Creation and Dissolution

A special district may be created in accordance with applicable statutory law, including KRS Ch. 65A. A special district may be combined with another district or dissolved in accordance with KRS Ch. 65A, KRS Ch. 67 or other applicable provision.

SECTION 11.2 Appointments and Removal

Special district board members may be removed in accordance with applicable statutory law.

BOYD COUNTY FISCAL COURT
RESOLUTION NO. #2018-08

RESOLUTION AMENDING THE BOYD COUNTY FISCAL COURT
PERSONNEL POLICIES

WHEREAS, the Boyd County Fiscal Court desires to create a policy to minimize the risk of disclosing personal information of its employees and to set practical guidelines for effectively responding to security incidents. This policy is in compliance with KRS 61 and shall become effective immediately upon passage.

NOW THEREFORE, it is hereby resolved that a new section shall be created to the Boyd County Fiscal Court Personnel Policy entitled Personal Information and Security Incidents.

Approved by a vote of _____ yeas and _____ nays, this _____ day of _____, 2017.

Steve Towler
Boyd County Judge Executive

Attest: _____
Boyd County Clerk

EXHIBIT A: **DATA BREACH POLICY**

Personal Information and Security Incidents

The purpose of this policy is to minimize the risk of disclosing personal information belonging to employees of the Boyd County Fiscal Court. This policy shall also be a guideline for effectively responding to security incidents involving personal information and computer data.

Non-digital media containing personal information shall be physically controlled and securely stored in a manner meant to ensure that the media cannot be accessed by unauthorized individuals. This may require storing media in locked containers such as cabinets, drawers, rooms, or similar locations if unauthorized individuals have unescorted access to areas where personal information is stored. If personal information is stored in electronic format, it shall be protected from access by unauthorized individuals. Such information must be protected by software that prevents unauthorized access. If personal information is transmitted via e-mail or other electronic means, it must be sent using appropriate encryption mechanisms.

Point of Contact

The Boyd County Judge Executive shall appoint a Point of Contact ("POC") to implement the Personal Information and Security Incidents policy. The POC shall serve the following functions:

- 1) Maintain the adopted Information Security Policy and be familiar with its requirements;
- 2) Ensure the employees and others with access to personal information are aware of and understand the Information Security Policy;
- 3) Serve as contact for inquiries from other agencies regarding its Information Security Policy and any incidents;
- 4) Be responsible for ensuring compliance with the Information Security Policy; and
- 5) Be responsible for responding to any incidents.

Software

Security software used to protect personal information must provide user identification, authentication, data access controls, integrity, and audit controls.

Encryption

Information stored on digital media shall be encrypted in accordance with contemporary standards.

Access Control

Only authorized individuals are permitted access to media containing personal information. In addition to controlling physical access, user authentication should provide audit access information. Any access must comply with applicable regulatory requirements.

Portable Computing Devices

This policy prohibits the unnecessary placement (download or input) of personal information on portable computing devices. However, users who in the course of Boyd County Fiscal Court business must place personal information on portable computing devices must be made aware of the risks involved and impact to the affected person/entities in the event of actual or suspected loss or disclosure of personal information. If personal information is placed on a portable computing device, reasonable efforts must be taken, including physical controls and encryption, to protect the information from unauthorized access. Additionally, each person using the portable computing device must sign a form approved by the Boyd County Fiscal Court indicating acceptance of the information and acknowledging his/her understanding of the responsibility to protect the information. In the event the portable computing device is lost or stolen, the Boyd County Fiscal Court should be able to accurately recreate the personal information and must be able to provide notification to all affected persons/entities.

When it is determined that personal information must be placed on a portable computing device, every effort should be taken to minimize the amount of information required. If possible, information should be abbreviated to limit exposure (e.g., last 4 digits of the social security number).

Protection of Personal Information

The Boyd County Fiscal Court shall secure and, when applicable) appropriately dispose of non-digital media. Non-digital media containing personal information must be properly stored and secured from view by unauthorized persons.

Secure measures must be employed by the Boyd County Fiscal Court and all permissive users to safeguard personal information contained on all Boyd County Fiscal Court technology resources.

The Boyd County Fiscal Court shall ensure that all authorized personnel are familiar with and comply with the Information Security Policy. The Boyd County Fiscal Court shall ensure that only authorized personnel may hold and have access to personal information.

Destruction of Records Containing Personal Information

A media retention schedule shall be defined for all media in accordance with regulatory requirements. The Boyd County Fiscal Court shall adopt the retention schedule consistent with the Kentucky Department of Libraries and Archives General Records Retention Schedule for State Agencies.

When records containing personal or confidential information are ready for destruction, the

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

Reporting of Incidents Involving Personal Information

The Boyd County Fiscal Court shall notify the affected employee of any data breach involving an employee's personal information. Notification of the incident must be made in the most prompt and expedient manner after the incident has been discovered. Within thirty-five days, a letter notifying affected individuals of actual or suspected loss or disclosure of personal information must be sent by the Boyd County Fiscal Court describing the types of information lost and recommended actions to be taken to mitigate the potential misuse of their information.

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

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

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

- 1) Unauthorized access to Personnel, Data, or Resources;

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

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

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

EXHIBIT B
SICK LEAVE REQUEST FORM

Employee Name and Address: _____

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

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

_____, 20__
Signature

Recommended for Approval By:
_____, 20__
Signature

Approved By:
_____, 20__
Signature