



BOYD COUNTY FISCAL COURT  
ADMINISTRATIVE CODE

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## **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 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 closing 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 if the bill is presented to Fiscal Court.
- F. The Fiscal Court may approve payment of the list of valid bills 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 an 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 the 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 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 the city, state, and federal government.
- C. The County Judge shall review the expenditures on 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 expenditure may be made more than 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. On order of the Fiscal Court may be made to authorize payment for all employees for more than one payroll period.

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

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

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

### **SECTION 4.3: 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 expenditure is 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 a 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 the 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 the 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 the 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 following 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 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.
- F. 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.

(5) Employees made available to the 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 words 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 has 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 30 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 shall not exceed six (6) months in any event.

(5) Temporary Employee: Are positions of employment with a participating agency for a period not to exceed twelve (12) months and not renewable (full or part-time).

### **SECTION 5.9: Hours of Work**

A. Courthouse offices typically shall be open during the hours designated by the County Judge Executive.

B. Animal Shelter workers typically shall work from 8:30a.m.-4:30p.m. Monday – Friday with adjusted hours on the weekends. Part time employee hours Tuesday – Friday 4:00pm-8:00pm. Saturday 12:00pm-4:00pm

C. Parks employees typically shall work from 7:00am-5:30p.m. Park employee scheduling is dynamic per needs of the county.

D. Maintenance employees typically shall work from 6:00a.m.-3:00p.m.

**AMENDED JUNE 26<sup>TH</sup>, 2025**

E. An employee's work hours shall be assigned by the Department Head or Direct Supervisor. **AMENDED DECEMBER 29, 2020**

F. Overtime work shall be approved in advance by the County Judge or the supervisor. In exceptional circumstances, as determined by the County Judge, the employee.

G. All employees of the Boyd County workforce are subject to dynamic scheduling as work requirements indicate to be necessary to fulfill the County mission to the public during any Boyd County Government- Declaration of a State of Emergency and/or when the Boyd County Emergency Operations Center (EOC) is activated and operational.

(1) Upon any Boyd County Government- Declaration of a State of Emergency all Salary (exempt) and Hourly (non-exempt) employees of the Boyd County workforce are subject to dynamic work assignments and scheduling that may be outside the scope of their role during any typical operational workweek.

(2) Boyd County personnel in supervisory or professional roles who are Salary (exempt) status employees per FLSA definitions during typical operational workweeks may be assigned additional supervisory or support roles necessary to fulfill the County mission to the public.

(3) All Boyd County salaried personnel shall temporarily change status from Salary (exempt) employees to Hourly (non-exempt) employees during any Boyd County Government- Declaration of a State of Emergency and/or when the Emergency Operations Center (EOC) is activated and operational. This change shall be applicable to payment of overtime as well as all other FLSA and Kentucky Labor Cabinet Wage and Hours standards.

(4) At the conclusion of the State of Emergency, all Boyd County salaried employees shall revert from Hourly (non-exempt) employees to be Salary (exempt) employees during typical operational workweeks. **AMENDED MAY 25, 2021**

## **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 (Human Resources) 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 at 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 or 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 Presentation and Conduct**

Images presented and statements made by all employees of the County can affect the entire organization. Employees should refer all media inquiries to immediate supervisors. Employees are expected to be courteous and appropriately dressed. For departments with county provided uniforms, employees are expected to be in the designated uniform while on duty. **AMENDED JUNE 26<sup>TH</sup>, 2025**

### **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 Workers Compensation nurse. Contact the Safety Coordinator and Human Resources when an injury occurs. **AMENDED DECEMBER 29, 2020**

**\*See Safety Policy adopted on June 26<sup>th</sup>, 2025, for further information.  
AMENDED JUNE 26<sup>TH</sup>, 2025**

### **SECTION 5.14: Credentials**

If it should come to the attention of the County Judge that an employee was hired based on 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 for his/her office employees. The following departments will have job candidates submitted to the Fiscal Court for

approval: Maintenance/Janitorial Services, Road, Animal Shelter, Parks and Code Enforcement. **AMENDED DECEMBER 29, 2020**

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 Administrator or designee shall be responsible for:

- (1) Accepting complete application forms from the applicants.
- (2) Conducting interviews, reference checks, and evaluating training, experience, and credentials. **AMENDED JUNE 26<sup>TH</sup>, 2025**

#### **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) Explain 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 based on one or more of the following:

- (1) Job-related performance (internal candidates).
- (2) Information provided 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 if 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 based on job-related information, interview, and evaluations of performance, training, and experience. The same procedures as those authorized for ascertaining his qualifications for an 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 and Absenteeism**

A. The standard hourly work week for full-time 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.  
**AMENDED DECEMBER 29, 2020**

B. If an employee is going to be late for work, that employee shall notify the supervisor before the start of work that day. Failure to report shall result in the following action:

- (1) The first time an employee is tardy they will be given written notice.
- (2) The second time an employee is tardy within a 12-month period they will be given written notice and meet with their supervisor.
- (3) The third time an employee is tardy within a 12-month period they will meet with their supervisor, Judge Executive or Elected Official and be given 3 days off without pay.
- (4) The fourth time an employee is tardy within a 12-month period will result in dismissal. **AMENDED JANUARY 10, 2023**

C. 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) Juneteenth
- (7) Independence Day
- (8) Labor Day
- (9) Columbus Day
- (10) Veteran's Day
- (11) Thanksgiving Day plus the following day
- (12) Christmas Eve and Christmas Day

**AMENDED JUNE 26, 2025**

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 that is not scheduled will receive regular holiday pay plus hours worked (double time). If hours exceed 40 then overtime rules will be in effect (double time and a half). Jail/Sheriff employees will follow their personnel code. **AMENDED DECEMBER 29, 2020**



## **SECTION 5.24: Vacation**

A. Full-time employees may apply for vacation during the first year of service.

**AMENDED DECEMBER 29, 2020**

B. Accumulated vacation leave must be taken within 365 days of the anniversary date. After the employment anniversary date, the employee will lose the time accumulated unless otherwise authorized by Human Resources based on extraordinary circumstances. The employee must notify their supervisor in advance before taking their vacation time. A short notice of 48 hours will be permitted if the supervisor has employees to cover the job.

C. The vacation schedule is as follows:

Years of Service	Vacation hours based on 40-hour week	Vacation hours are based on 35-hour week	Vacation hours based on 32.5-hour week
0-1	May borrow 40 hours from following year	May borrow 35 hours from following year	May borrow 32.5 hours from following year
1-4	80 hours	70 hours	65 hours
5	120 hours	105 hours	97.5 hours
10	160 hours	140 hours	130 hours
20	200 hours	175 hours	162.5 hours
30	240 hours	210	195 hours

\*Vacation time will be the equivalent to an employee's normal regular work week per day or hours (32.5, 35, 40 etc.)

**AMENDED JUNE 26<sup>TH</sup>, 2025**

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

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

F. Vacation days should be scheduled at an 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 Human Resources.

G. Vacation days are to be taken in half or whole day increments according to their normal hours worked each day (6.5 hours, 7, 8, 10 etc.). Employees are allowed to rollover 40, 35, or 32.5 hours of vacation time to the next calendar year based on their work schedule. **AMENDED DECEMBER 29, 2020**

H. The Finance Officer shall keep records of vacation leave for each individual employee. **AMENDED DECEMBER 29, 2020**

I. All employees may take leave without pay if the leave is approved by Human Resources or the department's Elected Official. **AMENDED DECEMBER 29, 2020**

J. Absences on account of sickness, injury, or disability more than 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 paying for the time off. Its main purpose is to provide income for employees who are absent for 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 normal hour day per month accruing on the first day of each month. Part-time, Seasonal and Temporary employees are not eligible for sick leave. **AMENDED JANUARY 10, 2023**

(3) Sick leave may be accumulated up to sixty (60) days.

### **B. Use of Sick Leave:**

(1) Personal illness, injury, or visits to medical provider. Employees should use a sick day when they have sickness of high fever or contagious conditions. Employees are requested to stay home and not spread illness to coworkers.

(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 one (1) day of sick (normal hours per day) leave without a medical provider's excuse, but any days over a two (2) day period must be accompanied by a medical provider's 'Return-to-Work' note unless otherwise authorized by Human Resources. Any sick day used greater than four (4) individual days in a calendar years' time requires a doctor's excuse. Any employee utilizing no sick time within the six-month periods (January- June/ July – December) shall receive a personal day equivalent to one normal scheduled day. Awarded personal day shall not be considered applicable to overtime status. The awarded personal day must be used within six months after the award. **AMENDED JUNE 26<sup>TH</sup> 2025**

(1) If Medical Providers note isn't produced after four (4) individual sick days in calendar year are used, then day taken will still accrue but be unexcused. The first occurrence will result in docked pay for the day taken off and written warning. The second occurrence will result in docked pay for the day taken off and an employee write up. The third occurrence will result in docked pay for the day taken off, write up and three (3) days suspension without pay. Then meeting with the Judge Executive when returning to work. Fourth occurrence in calendar year will result in termination after fiscal court approval. **AMENDED JUNE 26TH, 2025.**

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 by the hour. If a sick day is used during the month, you will not accumulate a sick day on the first day of the next month. Sick days are normal hours per day per department schedule. **AMENDED DECEMBER 29, 2020**

(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 be less than 40 hours.
- An employee becomes eligible to receive donated sick leave at the point in time when 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 **5** consecutive working days.
2. The employee's need for absence is certified by a **licensed medical provider**.
3. The employee has exhausted all his/her available **sick and vacation time**; 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 Human Resources, Supervisor or Elected Official.

**AMENDED JUNE 26<sup>TH</sup>, 2025**

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 Human Resources 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 Human Resources or Elected Official. See exhibit B for Sick Leave Form. **AMENDED JANUARY 10, 2023**

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 be off for 10 scheduled working 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 Human Resources

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.

6. Donation of sick time is not permissible from terminated employees, whether voluntary or non-voluntary. **AMENDED JUNE 26<sup>TH</sup>, 2025**

## **SECTION 5.26: 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 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 because 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 and supplemental 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. The employee is responsible for his/her monthly contributions for health and any other

supplemental deductions normally deducted from pay. **AMENDED DECEMBER 29, 2020**

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 an event, the employer may terminate the health insurance benefits of the employee during FMLA leave. However, the employees may exercise their rights for COBRA benefits.

G. 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 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 with a copy of the written approval. All applications for leave without pay and all approvals of the same, not in writing, shall disqualify the employee from health benefits otherwise provided herein.

M. Boyd County Fiscal Court complies with FMLA leave related to childbirth or adoption, offering Paid Parental Leave. This paid parental leave provides important benefits for employees who are entering parenthood.

Boyd County Fiscal Court will provide up to eight (8) weeks of paid maternity leave (and up to four (4) weeks of paternity leave) following the birth of an employee's child or the placement of a child with an employee in connection with adoption or foster care. The purpose of paid maternity leave is to enable the employee to care for and bond with a newborn or a newly adopted. This policy will run concurrently with Family and Medical Leave Act (FMLA) leave, as applicable. Maternity leave shall refer to the birthing parent. Paternity leave shall apply to the secondary, non-birthing parent.

### **Eligibility**

Eligible employees must have been employed with the Boyd County Fiscal for at least twelve (12) months full-time employment and have given birth to a child or adopted a child or been placed with a foster child (in either case, the child must be age 3 or younger). The adoption of a new spouse's child is excluded from this policy.

Paid leave is not available to temporary or part-time employees.

### **Amount, Time Frame and Duration of Paid Parental Leave**

Eligible employees will receive a maximum parental leave per birth, adoption or placement of a child/children. The fact that a multiple birth, adoption or placement occurs (e.g., the birth of twins or adoption of siblings) does not increase the maximum parental leave period granted for that event. In addition, in no case will an employee receive more than eight (8 weeks) of paid maternity leave (four (4) weeks of paternity leave) in a rolling 12-month period, regardless of whether more than one birth, adoption or foster care placement event occurs within that 12- month time frame.

Each week of paid maternity/paternity leave is compensated at 100 percent of the employee's regular, straight-time weekly pay.



Upon termination of the individual's employment at the company, employee will not be paid for any unused paid maternity leave for which the employee was eligible.

Employees taking paid parental leave may need to agree to continue employment with Boyd County Fiscal Court for at least 12 weeks after returning.

#### **Coordination with Other Policies**

Paid parental leave taken under this policy will run concurrently with leave under the FMLA; thus, any leave taken under this policy that falls under the definition of circumstances qualifying for leave due to the birth or placement of a child due to adoption or foster care, the leave will be counted toward the 12 weeks of available FMLA leave per 12-month period. All other requirements and provisions under the FMLA will apply. In no case will the total amount of leave-whether paid or unpaid-granted to the employee under the FMLA exceed 12 weeks during the 12-month FMLA period. Please refer to the Family and Medical Leave Policy for further guidance on the FMLA.

After the paid maternity leave (and any short-term disability leave for employees giving birth) is exhausted, the balance of FMLA leave (if applicable) will be compensated through employees' accrued sick, vacation and personal time, any remaining leave will be unpaid leave. Please refer to the Family and Medical Leave Policy.

**Requests for Paid Parental Leave.** The employee will provide the Boyd County Judge Executive or designee with a notice of the request for leave at least 30 days prior to the proposed date of the leave (or if the leave was not foreseeable, as soon as possible.) the employee will provide all documentation as required by the Judge Executive to substantiate the request.

**AMENDED JUNE 26<sup>TH</sup>, 2025**

#### **SECTION 5.27: 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, grandparents, spouse, children, brothers, and sisters. exhausted, the balance of FMLA leave (if applicable) will be compensated through employees' accrued sick, vacation and personal time. Upon exhaustion of accrued sick, vacation and personal time, any remaining leave will be unpaid leave. Please refer to the Family and Medical Leave Policy for further guidance on the FMLA.

Leave will be limited to the hours equivalent to 4 working days of the employee's typical work schedule. **AMENDED JUNE 26<sup>TH</sup>, 2025**

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.

E. Other leave can be granted by the County Judge Executive on a case-by-case basis.  
**AMENDED DECEMBER 29, 2020**

#### **SECTION 5.28: 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 5.29: 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 compensation 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 been accrued.

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

### **SECTION 5.30: Civil Leave**

A. Jury Duty: Upon receipt of the order requiring the employee to report to 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 the 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 5.31: Court Appearance**

A. Upon receipt of the order requiring the employee to make a court appearance, the employee shall plan 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 5.32: Overtime/Compensation Time**

A. Boyd County's work week varies. Primarily, the work week begins on Sunday and concludes on Saturday. Boyd County employees are paid on a bi-weekly schedule. Employees will receive 26 paychecks annually. **AMENDED DECEMBER 29, 2020**

B. The County does not contemplate the granting of compensatory time or the payment of overtime compensation. Sick time will not be counted as hours worked towards overtime. Vacation counts as days worked. The Sheriff's department see employee manual. **AMENDED DECEMBER 29, 2020**

C. 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 more than forty hours per work week.

D. All overtime hours must have the approval of a "department head" who will in turn report to Human Resources the need and results of overtime needed monthly.  
**AMENDED DECEMBER 29, 2020**

### **SECTION 5.33: 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 workstation 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) and a DOT Medical Examination.

**AMENDED JUNE 26<sup>TH</sup>, 2025**

The Boyd County Fiscal Court (BCFC) requires every CDL Driver to obtain an examination and receive periodic physical examinations conducted by the approved Department of Transportation (DOT) physician designated by the Fiscal Court.

**AMENDED JUNE 26<sup>TH</sup>, 2025**

### **SECTION 5.34: Health Insurance**

All full-time employees shall be offered a partially funded health insurance plan as provided by the Fiscal Court. The current plan coverage is available for single, employee + spouse, employee + child(ren) and employee + family.

The Life Insurance plan amounting to \$15,000 per employee is a part of the Fiscal Court Insurance Plan for employees. This plan is funded 100% by the Fiscal Court. Any Life Insurance purchased above the \$15,000 single employee plan purchased by full-time employees will be paid in full by the employee. **AMENDED JULY 19, 2016**

### **SECTION 5.35: 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 5.36: 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 workdays 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 5.37: Disciplinary Action**

A. Grounds for disciplinary action of County employees, ranging from warnings to immediate discharge, depending upon the seriousness of the occurrence, 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, because of said abuse, affect the job performance of the employee during actual working hours. Boyd County Fiscal Court has an Employee Assistance Program (EAP) for employees who request help. **AMENDED DECEMBER 29, 2020**
- (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 and/or the County Administrator 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. **AMENDED JUNE 26<sup>TH</sup> 2025**

### **SECTION 5.38: Demotion**

A. The County Judge and/or County Administrator 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: **AMENDED JUNE 26<sup>TH</sup>, 2025**

(1) Inability to carry out duties in accordance with the standards prescribed for the position or these rules.

(2) Disciplinary reasons

(3) Transfer to alternative position in lieu of layoff. **AMENDED JUNE 26<sup>TH</sup>, 2025**

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

### **SECTION 5.39: Suspension**

A. The County Judge and/or County Administrator 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. **AMENDED JUNE 26<sup>TH</sup>, 2025**

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 5.40: Separation**

An employee may be separated by:

(1) Termination.

(2) Resignation.

(3) Retirement; or

(4) Lay off.

#### **SECTION 5.41: Termination of Employment**

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

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

#### **SECTION 5.42: 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 shorter notice because of extenuating circumstances.

B. A resignation made without two weeks written notice may be regarded as a 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 reemployed shall be the date of reemployment.

#### **SECTION 5.43: 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 based on the needs of the County.

(2) Consideration shall be given to both the seniority and merit of the people 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 been given satisfactory service, and is laid off, shall be eligible for reemployment in other positions for which the employee qualifies.

#### **SECTION 5.44: 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 5.45: 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 for 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 5.46: Miscellaneous Provisions**

##### Personnel Records:

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

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 5.47: 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 5.48: Sexual Harassment**

### **A. Purpose**

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

### **B. Policy**

- (1) Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
  - a. Submission to such conduct is made either explicitly or implicitly by 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 behalf of all employees and elected county officials. It is not necessary that there be a supervisory relationship between the people involved 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 should 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 the cause for disciplinary action.

## **SECTION 5.49: 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 accommodation 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" 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 following 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. Accommodation may be shared if 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 for 20% 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 in personal vehicle. For other forms of travel reimbursement (bus, train, plane), actual ticket cost is required. **AMENDED JUNE 26<sup>TH</sup>,2025**

(9) Mileage reimbursement for personal vehicle utilization 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. **AMENDED JUNE 26<sup>TH</sup>,2025**

## **SECTION 5.50: 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 are 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 5.51: 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, 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 people 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 the contracted DOT approved testing facility.  
**Amended JUNE 26<sup>TH</sup>, 2025**

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 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 conditions of employment will be required to participate in the above test.

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 test 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 employees 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.

People 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 people 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. Specific uniforms complying with OSHA standards are furnished to employees of the Road Department by the County. Road Department employees shall wear said uniforms at all times while on duty. **AMENDED JUNE 26<sup>TH</sup>, 2025**

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 related to their planned activities prior to surfacing or resurfacing any county road.

#### **SECTION 6.5: Procedures for County Road Repairs and Maintenance**

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 on 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 should 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 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).
- F. 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 or a current Sheriff Deputy. Prior law enforcement experience is a requirement for employment. **AMENDED DECEMBER 29, 2020**



The above allows Code Enforcement officers to obtain information for investigative purposes to locate violators and if necessary, write citations to the 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 should 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 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 forty thousand dollars (\$40,000) shall be subject to competitive bidding. **Amended July 10, 2019**

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 or 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 should 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 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. County Judge may require all bidders to provide sufficient information to determine their qualification to provide the services or products that is the subject of 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 advertising for bids if the amount exceeds \$40,000 in the following circumstances: **AMENDED JULY 10, 2019**

- (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 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 a certificate with the chief financial officer of the County (the Treasurer).

D. In the event all bids submitted are more than funds available, the County Judge shall prepare a written determination that there are no additional funds available to permit an award to the bid responsible 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 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 people as are properly licensed to perform such services.

D. Where more than one bid was received and all were more than 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 \$40,000 shall be considered a “small purchase” and are not subject to competitive bidding. **AMENDED JULY 10, 2019**

B. The County Judge determines the need for any item requested, and whether the contract is for less than \$40,000 and the expenditure is provided on the budget.  
**AMENDED JULY 10, 2019**

### **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 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 a 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 the 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 Clerk.

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

(1) A statement which describes the agencies or 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

(2) 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.

## **CHAPTER 12: COUNTY CONSTITUTIONAL OFFICERS**

The Fiscal Court recognizes the various privileges afforded elected county constitutional officers in managing and operating their respective offices. These officials are encouraged to employ policies, practices and procedures that are reasonably consistent with the provisions of the Administrative Code. Modification of or variance from the specific terms of this Administrative Code is recognized to allow reasonable autonomy by elected officials in conducting the business of their offices and providing services to the public in performance of statutory duties.

**AMENDED DECEMBER 29, 2020**

Employee Name and Address:

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

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

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

A doctor's note is attached: (Circle One)      Yes      No

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

Recommended for Approval By:

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

Approved By:

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