

**LUZERNE COUNTY  
PERSONNEL POLICY**

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**JULY 13, 2005**

## TABLE OF CONTENTS

### CHAPTER 1 GENERAL

1.0	Introduction	5
1.1	Intent of Policies	5
1.2	Scope of Policies	5
1.3	Changing of Policies	5
1.4	Definitions	5

### CHAPTER 2 GENERAL POLICY AND PRACTICES

2.1	Equal Employment Opportunities	7
2.2	Harassment/Discrimination	7
2.3	Harassment/Discrimination Complaint Process	9
2.4	Employee Personnel Records	10
2.5	References	10

### CHAPTER 3 RECRUITING AND HIRING

3.1	Recruiting Employees	11
3.2	Hiring Employees	11
3.3	Temporary/Seasonal Employees	12
3.4	Per Diem	13
3.5	Probationary Period	13
3.6	Anti-Nepotism	13
3.7	Promotions and Transfers	14

### CHAPTER 4 HOURS OF WORK AND ATTENDANCE

4.1	Hours of Work and Overtime	14
4.2	Attendance	15
4.3	Compensatory Time	16
4.4	Breaks and Meal Periods	16
4.5	Call Back	16
4.6	Payroll Records	16

### CHAPTER 5 COMPENSATION

5.1	Compensation Schedule (under development)	17
5.2	Pay Adjustments (under development)	17
5.3	Pay Periods	17
5.4	Overtime	17
5.5	Payroll Deductions	18

## CHAPTER 6 JOB DESCRIPTIONS, PERFORMANCE EVALUATIONS AND TRAINING

6.1	Job Descriptions	18
6.2	Performance Evaluations	19
6.3	Training Policy	20

## CHAPTER 7 BENEFITS & REIMBURSEMENT POLICY

7.1	Retirement Benefits	20
7.2	Medical Insurance Benefits	21
7.3	Employee Assistance Program	21
7.4	Life Insurance Benefits	22
7.5	Employee Reimbursement and Travel Policy	22
7.6	Workers' Compensation Benefits	22
7.7	Flexible Benefits	22

## CHAPTER 8 LEAVES OF ABSENCE AND TIME OFF

8.1	Vacation	22
8.2	Personal Leave Days	23
8.3	Sick Leave	24
8.4	Jury and Witness Leave	24
8.5	Military Leave	25
8.6	Family Medical Leave	25
8.7	Leave without Pay	31
8.8	Emergency Leave	32
8.9	Leave Reporting and Approval	32
8.10	Holidays	32

## CHAPTER 9 EMPLOYEE RESPONSIBILITY AND CONDUCT

9.1	General Policy	33
9.2	Outside Employment and Conflicts of Interest	33
9.3	Political Activities	34
9.4	No Tobacco Use Policy	34
9.5	Personal Possessions & Electronic Communications	35
9.6	Use of County Equipment	35
9.7	Use of County Vehicles	36
9.8	Internet Use	39
9.9	E-mail Use	39
9.10	Bulletin Boards	40
9.11	Contact with News Media	40
9.12	Seat Belt Policy	40
9.13	Driver's License Requirements	40
9.14	Safety	41
9.15	Drug and Alcohol Policy and Testing Procedures	41
9.16	Complaint Procedures	42

CHAPTER 10 EMPLOYEE RELATIONS

10.1	Discipline	43
10.2	Separation of Employment Policy	44
	10.2.A. Resignation	45
	10.2.B. Retirement	45
	10.2.C. Job Abandonment	45
	10.2.D. Termination	45
	10.2.E. Release	45
	10.2.F. Automatic Termination	45
	10.2.G. Return of Property	46
	10.2.H. Exit Interview	46
	10.2.I. Termination of Benefits	46
	10.2.J. Rehire	46
	10.2.K. Bar from Employment	47
10.3	Pre-Disciplinary Hearing	47
10.4	Death	47

CHAPTER 11 WHISTLEBLOWER POLICY 47

Acknowledgment	48
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- Appendix A Luzerne County Contact List**
- Appendix B Harassment/Discrimination Complaint Form**
- Appendix C Background Check Authorization Form**
- Appendix D Drug & Alcohol Abuse Testing Policy**
- Appendix E Benefit Information**
- Appendix F Administrative Reporting Flow Chart**

## **CHAPTER 1 PURPOSE AND SCOPE**

### **1.0 INTRODUCTION**

This Policy was created pursuant to Resolution Number 1062004A, dated January 6, 2004 and serves as a general informational guide to the County's current employment policies and shall not be construed as a contract or to create a contractual obligation. The County reserves the right to amend, delete, supplement, or rescind any of the provisions of this manual as the County Board of Commissioners (CBC) deems necessary and appropriate. This Policy will supersede the previous policies approved by the Commissioners.

### **1.1 INTENT OF POLICIES**

These policies are not intended to be a contract, express or implied, or a guarantee of employment for any specific duration. No non-elected representative of the County has the authority to enter into any agreement with you for employment for any specified period or to make any written or verbal commitments contrary to the foregoing, unless in writing, approved by the County Board of Commissioners.

### **1.2 SCOPE OF POLICIES**

These personnel policies apply to all County employees, Boards and Commissions: provided, however, where the application of these policies would conflict with applicable civil service rules, and County Code or other laws, the provisions of the civil service rules, County Code or other laws shall govern. These policies shall not apply to elected officials and independent contractors, however, these policies will supersede in the event there are no specific policies established by the Row Officer. The Row Officers have the authority to expand upon these policies specific to their operations. The additional policies should be submitted to the Board of Commissioners, or their designee, in writing. If any valid and effective collective bargaining agreement does not have applicable language included in that agreement, these personnel policies will apply to those employees, even though they are covered by a collective bargaining agreement.

### **1.3 CHANGING THE POLICIES**

Employees may suggest future specific changes to these policies by submitting suggestions to their department heads. Such requests from employees may be considered and adopted by the County Board of Commissioners in its discretion.

### **1.4. DEFINITIONS.**

- A. Row Officer: An officer elected by the qualified electors of the County, or legally appointed to that position, who has responsibility for directing and controlling one or more departments within the County organization.

They include:

1. Three County Commissioners
2. One Controller
3. One Treasurer

4. One Coroner
5. One Recorder of Deeds
6. One Prothonotary
7. One Clerk of the Courts
8. One Register of Wills
9. One Sheriff
10. One District Attorney
11. Two Jury Commissioners

Unless otherwise noted, any reference, in this policy, to a Department Head, includes Row Officers.

- B. Department Head: An employee who has responsibility for directing and controlling one or more departments within the County organization.
- C. Exempt Employee: Exempt employees as defined by the FLSA (administrators, executive, and professional employees are not eligible for overtime or compensatory time.
- D. Immediate Family: An employee's immediate family includes the employee's spouse or domestic partner, child, parent, siblings, mothers and fathers-in-law, sons and daughters-in-law, grandparents, grandchildren, and step relatives of the same degree listed above.
- E. Probationary Employee: Employees who have not yet completed their probationary period in a regular position and who have not been certified to regular employment status. Unless otherwise specified, when regular employees are referred to in these policies, they shall include probationary employees.
- F. Regular Full-time Employee: An employee who has successfully completed his/her probation period, who has been certified to regular employment status, and who regularly works between thirty-two and one half (32 ½) and forty (40) hours per week on a continuing basis and are eligible for County Benefits.
- G. Regular Part-time Employee: An employee who works less than a regular full-time scheduled employee, but at least twenty (20) hours a week on a continuing basis and may be eligible for pro-rated County benefits.
- H. Temporary/Seasonal Employee: An employee who holds a paid or unpaid job, of limited duration, arising out of special projects, abnormal workloads or emergencies. Temporary/Seasonal employees may be eligible for County benefits.
- I. Per Diem Employees: Per diem employees are employees who have established an employment relationship with the County, but who are assigned to work on an intermittent and/or unpredictable basis. While they receive all legally mandated benefits (such as workers' compensation insurance and Social Security), they are ineligible for the County's other benefit programs.

- J. At-Will Employee: The County does not offer tenured or guaranteed employment. Either the County or the employee can terminate the employment relationship at any time, with or without cause, with or without notice. This at-will employment relationship exists regardless of any other written statements or policies contained in this Handbook or any other County documents or any verbal statement to the contrary.

## **CHAPTER 2 GENERAL POLICY AND PRACTICES**

### **2.1 EQUAL EMPLOYMENT OPPORTUNITY**

The County is an equal employment opportunity employer. The County employs, retains, promotes, terminates and determines terms and conditions of employment for all employees and job applicants without discrimination based on sex, actual or perceived sexual orientation or gender identity, race, color, religion, national origin, pregnancy, age, marital status, disability, or disabled or Vietnam-era or other veterans' status.

Employees with life threatening illnesses, such as cancer, heart disease, or HIV/AIDS conditions, or communicable diseases such as tuberculosis or influenza, are treated the same as other employees. They are permitted to continue working so long as they are able to maintain an acceptable level of performance and medical evidence shows they are not a threat to themselves or their co-workers. The County will work to preserve the safety of all of its employees and reserves the right to reassign employees or take other job actions when substantial and unusual safety risk to fellow County employees or the public exists.

### **2.2 HARASSMENT/DISCRIMINATION**

- A. The County is committed to insuring that the practices and conduct of all its employees comply with the requirements of federal law and state laws against employment discrimination. To that end, the County expects all employees to work in a manner that respects the feelings and dignity of their co-workers. It is the policy of the County that all employees have the right to work in an environment free from harassment/discrimination based upon their race, color, religion, gender, national origin, age, marital status, actual or perceived sexual orientation or gender identity, any physical or mental disability, or any other protected status or characteristic. The County will not tolerate any such harassment/discrimination of employees by their co-workers, supervisors or by the County's vendors.
- B. For the purpose of this policy, "sexual harassment" is defined as unwelcome behavior of a sexual nature that affects terms and conditions of employment. Sexual harassment includes (1) sexual advances and other verbal or physical conduct where submission to the advances or conduct is made a term or condition of employment or is used as the basis for employment decisions and (2) unwelcome verbal or physical conduct of a sexual nature that interferes with an employee's work or creates a hostile, intimidating, or offensive work environment. Some examples of sexual harassment include but are not limited to:

1. Unwelcome or unwanted flirtations, propositions, or advances. This includes patting, pinching, brushing up against, hugging, cornering, kissing, fondling, putting ones arm around another, or any other similar physical contact considered unacceptable by another individual.
2. Requests or demands for sexual favors. This includes subtle or blatant expectations, pressures, or requests for any type of sexual favor accompanied by an implied or stated promise of preferential treatment or negative consequences concerning an individual's employment.
3. Verbal abuses or kidding that is sexually oriented and considered unacceptable by another individual. This includes comments about an individual's body or appearance when such comments go beyond an isolated innocuous compliment; off-color jokes or offensive language; or any other tasteless, sexually oriented comments, innuendoes, or offensive actions, including leering, whistling, or gesturing.
4. Participation in fostering a work environment that is generally intimidating, hostile, or offensive because of unwelcome or unwanted sexually oriented conversation, use of derogatory language, office décor, suggestions, requests, demands, physical contacts, or attention.

C. For the purpose of this policy, "other harassment/discrimination" (non-sexual) is defined as verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of such individual's protected statuses or characteristics such as his/her race, color, religion, gender, national origin, age, marital status, sexual orientation, and any physical or mental disability or that of his/her relatives, friends, or associates and that:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive work environment; or
2. Has the purpose or effect of unreasonably interfering with an individual's work performance; or
3. Otherwise adversely affects an individual's employment opportunities.

Examples of such harassment/discrimination includes, but is not limited to: using epithets, slurs, or negative stereotypes; or threatening, intimidating, or engaging in hostile acts that relate to protected statuses or characteristics such as those referred to above (including purported jokes or pranks or placing on walls, bulletin boards, or elsewhere on the work premises or circulating in the workplace written or graphic material that denigrates or shows hostility or aversion toward a person or group because of a protected characteristic).

D. EEO and Harassment Policy Posting and Training Requirements (Under Development)

## 2.3 HARASSMENT/DISCRIMINATION COMPLAINT PROCESS

- A. An employee who believes that he or she is being harassed or discriminated against in violation of this policy should report the incident promptly after the cause has occurred or should have been discovered.
- B. A complaint can be made verbally or in writing to the employee's supervisor or the employee's Department Head. In addition or in the alternative, as the employee may wish, the complaint may be brought to the attention of the Chief Clerk, the Commissioners or their designee.
- C. The complaint form (Attachment B) available from the Department Head, the Chief Clerk, or their designee, may be used to file a written complaint hereunder. A harassment/discrimination complaint will be handled as follows:
  - 1. Every complaint is to be reported promptly to the Chief Clerk, the Commissioners, or their designee, either by the complainant or by the person receiving the complaint.
  - 2. The complaint will be immediately investigated. However, choice of investigator, level of formality, and the procedures used in the investigation may vary, depending upon the nature of the allegations and full circumstances of the situation, including the context in which the alleged incidents occurred.
  - 3. Confidentiality will be maintained throughout the investigatory process to the extent practical and consistent with the County's need to undertake a full investigation.
  - 4. There shall be no retaliation by the County, its officers, elected officials, supervisors, or other employees toward any employee bringing a complaint in good faith or cooperating with the investigation of a harassment/discrimination complaint.
  - 5. Where the investigation confirms the allegations, the County will take prompt corrective action and, where appropriate, discipline the offending individual. Discipline may include verbal and written reprimands, professional counseling, reassignment, or other appropriate action, up to and including termination. The affected individuals will be informed of the outcome of the investigation.
  - 6. There may be instances in which an employee reporting harassment/discrimination seeks only to discuss the matter informally and does not wish the County to undertake an investigation or to take further steps. The County will attempt to honor the wishes of the reporting individual. In such situations, the County may arrange some informal mechanism for resolving the issues. However, an individual reporting harassment/discrimination should be aware that the County might decide it must take action to address the harassment/discrimination beyond informal means.
- D. The Commissioners, or their designee, shall be responsible for disseminating information on the County's Policy Against Sexual and Other Kinds of

Harassment/discrimination, for developing training programs and guidelines for preventing sexual or other forms of harassment/discrimination, and for investigating and resolving allegations of harassment/discrimination.

- E. All department heads are assigned responsibility for implementing this policy, ensuring compliance with and knowledge of its terms, and for taking immediate and appropriate corrective action where warranted. Department Heads must open and maintain channels of communication to permit employees to raise concerns of sexual or other harassment/discrimination without fear of retaliation, stop any observed harassment/discrimination, and treat harassment/discrimination matters with sensitivity, confidentiality, and objectivity. A department head's failure to carry out these responsibilities may be reflected in the department head's performance review or salary adjustment or may result in discipline or termination.

#### **2.4 EMPLOYEE PERSONNEL RECORDS.**

- A. A personnel file for each employee is under the control of the County Commissioners and housed in the respective Human Resources Personnel Office. Access to personnel files is limited to the employee's immediate supervisor, the Department Head, Commissioners, Human Resources representative and Chief Clerk, unless otherwise required by law. An employee's personnel file will include the employee's name, title and/or position held, job description, department to which the employee is assigned, salary, changes in employment status, training received, performance evaluations, personnel actions affecting the employee, including discipline, and other pertinent information. Medical information about employees is contained in a separate confidential file.
- B. An employee has the right to review his/her file. An employee may request removal of irrelevant or erroneous information in his/her personnel file. If the immediate supervisor, Department Head, or Chief Clerk denies the employee's request to remove the information, the employee may deliver a written rebuttal statement to be delivered to the Commissioners to be placed in his/her file.
- C. Personnel files are kept confidential to the maximum extent permitted by law. Thus, generally speaking, except for routine verifications of employment and information subject to disclosure under the law, no information from an employee's personnel file will be released to the public, including the press, without a written request or authorization from the employee for specific information.

#### **2.5 REFERENCES**

- A. The County does not give references other than to confirm the dates of employment, position and last salary. This information may only be provided by the Commissioners, Chief Clerk, Human Resources Representative or the employee's Row Officer or Department Head.

**CHAPTER 3  
RECRUITING AND HIRING**

**3.1 RECRUITING EMPLOYEES.**

- A. Unless the position is filled through departmental promotion of a current employee, it is the policy of the County of Luzerne that all vacant regular, full-time and part-time employment positions with the County of Luzerne will be filled only after publicly advertising the position.
- B. Recruiting practices are conducted without discrimination as to race, color, religion, national origin, sex, marital status, pregnancy, disability, age, or disabled or Vietnam-era or other veterans' status.
- B. Each applicant shall complete and sign an application form prior to being considered for any position. Resumes may supplement, but not replace, the County's official application.
- C. Any applicant supplying false or misleading information will be eliminated from consideration and is subject to immediate termination, if hired before the falsification is discovered.

**3.2 HIRING EMPLOYEES.**

- A. When a position becomes vacant, and prior to any posting or advertisement of the vacancy, the Department Head shall review the position, its job description and the need for such a position. The Department Head shall receive approval from the Commissioners, or their designee, prior to filling a newly created position. Current employees of the County shall have the first opportunity to apply for promotions, transfers or voluntary demotions prior to the posting or publicizing of any job vacancy (see Section 3.6 of these policies). The Commissioners may waive the procedure for first taking applications of current employees if it is deemed to be in the best interest of the County.
- B. Residency within the County shall not be a condition of employment provided, however, an employee's selection of residence shall not interfere with the daily performance of his/her duties and responsibilities.
- C. Applicants for positions in which the applicant is expected to operate a motor vehicle must be at least eighteen (18) years old and will be required to present a valid Pennsylvania State Drivers License with any necessary endorsements. Driving records of applicants will be checked for the previous three to five (3-5) years. Applicants with poor driving records, as determined by the County, may be

disqualified from employment with the County in positions requiring driving.

- D. The immediate Supervisor and/or Department Head must perform personal interviews, with recommendations made to the Board of Commissioners, prior to an offer of employment.
- E. The County may administer pre-employment examinations to test the qualifications and ability of applicants, as determined necessary by the County. The County may contract with any competent agency or individual to prepare and/or administer examinations. The County may also conduct certain background procedures as required by law. Examples of such procedures include, but are not limited to: requiring applicants/employees to show proof they are authorized to work in the United States, child abuse, criminal history background checks, educational credentials, including diplomas, transcripts and/or certifications. For certain higher-level positions, an application fee may be required to cover the costs of this research. When applicable, the Sheriff's department or other County office, will conduct the research. Each applicant will be required to authorize the examinations or research by completing and signing the Background Check Authorization form (Appendix C).
- F. After an offer of employment has been made and prior to commencement of employment, the County may require persons selected for employment to successfully pass a medical or psychological examination related to this position offered, which may include testing for alcohol and controlled substances. Drug and Alcohol Testing will be governed by Department of Transportation (DOT) procedures for collecting the samples, laboratory analysis and reporting results as contained in the Luzerne County Transportation Authority's (LCTA) Drug and Alcohol Abuse Testing Policy (Appendix D). Changes in DOT procedures will become part of this policy, when necessary, to assure continued DOT funding.
- G. A candidate may be disqualified from consideration if: (1) found to be physically or mentally unable to perform the duties of the position, and the individuals condition cannot reasonably be accommodated in the workplace; (2) the candidate refuses to submit to a pre-employment medical or psychological examination or to complete medical history forms; or, (3) if the pre-employment exam reveals use of alcohol and/or controlled substances.

### **3.3 TEMPORARY/SEASONAL EMPLOYEES.**

- A. With approval of the Commissioners, or their designee, temporary/seasonal employees may be used during emergencies or other peak workload periods; or to temporarily replace regular employees absent due to disability, illness, vacation, or other approved leave; or to temporarily fill a vacancy until a regular employee is hired.
- B. Temporary/seasonal employees are eligible for overtime pay as required by law. Temporary/seasonal employees do not normally receive retirement, vacation, sick leave, health insurance, holiday, or any other benefits during their employment.

- C. Employment of minors will only be allowed on a temporary, part-time basis, and only in accordance with Child Labor Laws.

### **3.4 PER DIEM EMPLOYEE.**

Per Diem employees are employees who have established an employment relationship with the County, but who are assigned to work on an intermittent and/or unpredictable basis. While they receive all legally mandated benefits (such as workers' compensation insurance and Social Security), they are ineligible for the County's other benefit programs.

### **3.5 PROBATIONARY PERIOD.**

- A. All newly hired employees, or former employees who have been rehired, or employees promoted to a new classification, enter a probation period, which is considered an integral part of the selection and evaluation process. During the probation period an employee is required to demonstrate suitability for the position through actual work performance.
- B. The normal probation period is six (6) months from the employee's date of hire, rehire or promotion.
- C. An employee's probation period may be extended for up to an additional six (6) months when needed due to circumstances such as extended illness or a need to continue to evaluate an employee's performance.
- D. During the probationary period, all full time employees are covered by benefits as described in Appendix E.
- E. During the probation period, the employee may be terminated at any time, with or without cause. Completion of the probationary period does not change employment status as an "at-will" employee.
- F. When a Department Head determines an employee has satisfactorily completed the probation period, the Department Head shall prepare a written performance evaluation and shall notify the Chief Clerk or his/her designee. If the probation period is satisfactorily completed, the employee shall be notified in writing of regular employment status and until so notified shall be a probationary employee.

### **3.6 ANTI-NEPOTISM.**

- A. No elected County official, employee of the County, or any member or employee of any County Board or Commission shall be allowed to hire a member of his/her immediate family or the spouse or child of a member of his/her immediate family.
- B. It is the policy of Luzerne County, that the County will not hire a person if a member of that person's immediate family is engaged in an Administrative and/or

Supervisory capacity within the same department. These persons may however, be considered for employment in other County departments.

- C. The term immediate family includes the employee's spouse or domestic partner, child, parent, siblings, mothers and fathers-in-law, sons and daughters-in-law, grandparents and step relatives of the same degree listed above.
- D. This policy will not supersede the legal right of the hiring prerogatives of elected officials.
- E. This policy is meant to convey to the general public the County's intent regarding open employment.
- F. Any employee holding a County position at the time this Policy takes effect, who held the same position at the time of its approval, shall not be prevented from continuing in the position by the provisions of this Section of the Policy.

### **3.7 PROMOTIONS AND TRANSFERS.**

- A. The County encourages current County employees to apply for vacant County positions for which they are qualified. Promotions and transfers are based on the Department Heads recommendation, work force requirements, performance evaluations, job descriptions and related County qualifications and requirements, and will be subject to approval by the Commissioners, or their designee, where applicable.
- B. Regular employees are eligible for promotion, transfer or voluntary demotion. To be considered for another position, an employee must have satisfactorily completed his/her probation period and possess the qualifications for the vacant position.
- C. After promotion to a new position, a new probation period of six (6) months must be completed. In the case of unsatisfactory performance in a promotional situation, the employee may be considered for transfer back to the previous position held by the employee, if such position is vacant.

## **CHAPTER 4 HOURS OF WORK AND ATTENDANCE**

### **4.1 HOURS OF WORK AND OVERTIME.**

- A. All employees are required to be present for the work scheduled for their specific work function. The LCC business office is to be open from 9:00 am to 4:30 pm daily, Monday through Friday, holidays excepted. Employees are entitled to a one-hour unpaid lunch period to be scheduled with their Department Supervisor. Upon application, the Department Supervisor may grant an employee an alternate work schedule. The decision to grant an alternate work schedule shall be based on factors

including but not limited to employee justification for the alternate schedule, the needs of the County, and compatibility with schedules of coworkers.

- B. The ability to routinely report to work on time and regularly is an essential function of all “nonexempt” County employment positions. In this context, the word “nonexempt” has the meaning applied to it under the Fair Labor Standards Act (FLSA) and that Act’s regulations. Employees who function in positions “exempt” from the FLSA, have, as an essential function of their job, the requirement that the work of the job be timely, efficiently, and appropriately completed without regard to any specific schedule of work. This having been said as to exempt employees, it is nonetheless expected that they shall maintain a visible and routine office and County workplace presence and shall not abuse the flexibility necessarily built into their schedules. By the same token, recognizing the “non-routine” hours which must sometimes be worked by exempt employees, the County is prepared to show reasonable flexibility in regards to the occasional need of exempt employees to utilize short term deviations from the normal office routine to deal with personal matters.

#### **4.2 ATTENDANCE.**

- A. Punctual and consistent attendance is a condition of employment. Each Department Head is responsible for maintaining an accurate attendance record of his/her employees.
- B. Employees unable to work or unable to report to work on time should notify their Department Head or their immediate supervisor as soon as possible, ordinarily before the work day begins or within thirty (30) minutes of the employees usual starting time or scheduled shift. If an absence continues beyond one day, the employee is responsible for reporting in each day. If the Department Head or administrative assistant is unavailable, the employee shall leave a message with their designee, stating the reason for being late or unable to report for work.
- C. Employees are expected to be at work during inclement weather. A Liberal Leave policy will be implemented in certain weather or emergency situations determined by the Board of Commissioners, not by any individual department head or elected official. When Liberal Leave is enacted by the Board, every office is expected to be operational during regular hours, but may be done so with a limited staff. It is the department head or elected official’s responsibility to ensure that the office is open and operational.
- D. Employees, who arrive late, leave early, or call off due to hazardous weather conditions may be authorized to use any form of leave that they have accrued, not anticipated, except for sick time. Employees, when calling off, must state the type of leave they wish to utilize. If the employee fails to call off within the prescribed time, designated by their individual office, they will be unexcused and without pay. Leave may be denied by the department head or elected official within reason, if it is necessary to maintain an operational staff in order to conduct business.

- E. The Commissioners, Chief Clerk, or their designee, will notify the major local electronic media for the announcement if the liberal leave policy or a closing is in effect.
- F. An employee who is absent without authorization or notification is subject to disciplinary action, including possible termination.

#### **4.3 COMPENSATORY TIME**

Employees in positions exempted by the County Commissioners and/or Chief Clerk are eligible to earn compensatory leave on an hour-for-hour basis for work authorized in advance by the Department Director or their designee. An employee may be granted compensatory leave on an hour-for-hour basis during assigned hours of work. Compensatory leave earned during a pay period and not used within the next 90 days will be forfeited. Employees with any compensatory leave balance at the time of separation will not receive compensation for their leave balance. In determining which positions will be exempted, the guidelines established by the Fair Labor Standards Act will be strictly followed as interpreted by the Director of Human Resources. Any reinstatement of previously forfeited compensatory leave balances may be approved by the County Manager.

#### **4.4 BREAKS AND MEAL PERIODS.**

Employees shall be allowed to take one (1) fifteen (15)-minute break for every scheduled four (4) hours worked. All breaks and meals shall be arranged so that they do not interfere with County business or service to the public. The employees' Department Head shall schedule meal periods. The scheduling of meal periods may vary depending upon department workload.

#### **4.5 CALL BACK.**

Call back or reemployment: When an employee's service is terminated and that employee is subsequently employed again with the County, this is termed a "call back or reemployment." Should a former employee be reemployed within 6 months from the effective date of the termination, the reemployment may be considered to be a reinstatement. If the employee has been gone longer than 6 months from the effective date of his/her termination before being employed again the reemployed person is treated as a new employee.

#### **4.6 PAYROLL RECORDS.**

Employees have the option of viewing their payroll records after giving the payroll department adequate notice.

## **CHAPTER 5 COMPENSATION**

### **5.1 COMPENSATION SCHEDULE (under development)**

### **5.2 PAY ADJUSTMENTS (under development)**

### **5.3 PAY PERIODS**

Employees are paid biweekly, every other Friday. Whenever a payday falls on a holiday, paychecks will be distributed on the preceding workday. An employee has the option of having his/her paycheck automatically deposited into a checking or savings account at the Luzerne County Federal Credit Union.

### **5.4 OVERTIME**

- A. Exempt employees – Exempt employees as defined by the FLSA (administrators, executive, and professional employees) are not eligible for overtime or compensatory time. The County Commissioners may authorize one day off for each weekend day worked by an exempt employee at approved conferences and such leave must be used within 90 days.
  
- B. Nonexempt employees – Nonexempt employees who work in excess of 35 hours and not more than 40 hours in a work week (midnight Sunday to 11:59pm the following Saturday) receive 1-hour pay or 1-hour compensatory time for each such hour. Payment by means of compensatory time is limited to the circumstance just described and will only occur when the employee requests this in writing and the County Commissioners approve the request. When such employees work in excess of 40 hours in a work week, those hours over 40 will be compensated at time-and-one-half (1 ½) times their regular hourly pay. Nonexempt employees are not to work in excess of scheduled hours without specific prior approval from the Commissioners or Chief Clerk. For overtime or compensatory time calculation purposes, paid time except paid sick leave shall be counted as time worked for the purpose of calculating overtime or compensatory time. Unworked meal time (for example, the standard, daily, lunch period) or time when an employee is scheduled for work but is on unpaid approved leave or holiday pay, is not time worked for overtime or compensatory time calculation purposes. Compensatory time must be scheduled for use, with the approval of the Department Head, within 90 days. When a nonexempt employee is required to attend a county function (such as a convention, seminar, or meeting) away from their county office, the time spent working at the function (as “working” is defined by the FLSA and its regulation) shall be compensated on a straight-time pay or straight-time compensatory time basis for the first 5 hours after 35 hours in a work week or a 1 ½ normal hourly rate of pay basis for hours over 40 in a work week, as previously referenced.

## **5.5 PAYROLL DEDUCTIONS**

Salaries paid to employees reflect the gross amount set forth in the Compensation Schedule, less mandated deductions for Social Security, Federal, State, and local taxes, as well as, for such other benefits as may be elected by the employee in accordance with this policy.

## **CHAPTER 6 JOB DESCRIPTIONS, PERFORMANCE EVALUATIONS AND TRAINING**

### **6.1 JOB DESCRIPTIONS**

The County will develop and maintain current job descriptions for all established and authorized positions.

The Director of the Department and the human resources representative will develop all job descriptions and recommend salary or rate ranges to the Chief Clerk, Commissioners and Salary Board.

#### **PROCEDURE:**

- A. Should a new or revised job description be required within a department, the Director will send a written statement outlining the job requirements and minimum qualifications to the Director of human resources.
- B. The Director of Human Resources or a representative of the HR Department, upon receipt of statement requesting a new job description, will:
  1. Determine whether a current job description can be used and advise the requestor by memorandum to use applicable job title.
  2. Revise the current job description to describe adequately the proposed job duties.
  3. Assist the department Director with developing a job description, should a new one be required, and ensure that it contains the following:
    - o Job title.
    - o Job classification number.
    - o Essentials of the job (or job duties).
    - o Job qualifications.
    - o Salary range or wage rate (as applicable).

4. Coordinate the new or revised job description with the department Director and the Chief Clerk.
5. Submit the job description for approval to the Commissioners and Salary Board. If the job description is a change to a union position then the HR office will coordinate and get the input of the classification committee.
6. Publish and distribute new or revised job description and ensure the approval date is included on the new or revised job description

## **6.2 PERFORMANCE EVALUATIONS**

Performance evaluations provide the opportunity to discuss job strengths, job tasks, identify and correct weaknesses, encourage and recognize achievements, and to determine goals and the best approaches for meeting those goals. The Director and/or Supervisor hold such evaluations periodically. Supervisors and employees are encouraged to discuss job performance and goals on an informal, day-to-day basis. Performance evaluations are considered as a factor when the budget is being configured and raises for the following year are being determined. Evaluations are scheduled to commence on or about January 1, 2006.

- A. All members of the County staff shall be subject to evaluation by their Department Head of the performance of their duties. These evaluations shall take into consideration the quality of the employee's work and the extent of his/her compliance with the provisions of this Policy and the job description and performance goals for the position during the period in review.
- B. Performance evaluations shall take place on or about the month of January and on or about the anniversary of the effective date of employment of the subject employee once an employee has become a non-probationary employee. If these dates are in close proximity, the two evaluations may be combined. Performance reviews for probationary employees shall take place within one month prior to the expiration of the probationary period and are likely to occur with relatively greater frequency during the probationary period. The January review shall include establishment of goals for the coming year, including reference to the employee's role in achieving the goals and objectives established in the Department's Work Plan, as appropriate. A comparable goal-setting review shall be held with new hires and new promotions at the time of hire or promotion to establish initial goals for the position.
- C. The results of the annual or probationary evaluations shall be in writing, and copies shall be maintained in the employee's employment file. In addition to the annual or probationary evaluations, employees may be subject to interim evaluations, at the discretion of the Department Head or at the request of the employee. Interim evaluations will be in writing. Thorough, diligent, effective performance is expected to be the norm.
- D. The County will utilize performance evaluations as the basis for awarding any pay increments and, if unsatisfactory ratings are given, possibly as a ground for

disciplinary action, demotion, or dismissal. Consistently poor attendance/tardiness records and a poor workplace attitude are, standing alone, basis for an unsatisfactory evaluation and are factors which will be taken into consideration in compensation, promotion, demotion, and other decisions.

### **6.3 TRAINING POLICY**

County staff members may participate in relevant seminars, programs and other training events in accordance with the following:

- A. All requests to attend training activities are to be made to the Department Head and, if the meeting is out of state, approval must be obtained from the Chief Clerk. Permission to participate will be contingent upon program relevance, employee workload, and budget sufficiency.
- B. The County will pay expenses related to attendance at approved training events, including travel, meals and lodging. Such reimbursements will be made as provided in Section 7.7.
- C. Graduate-level course work or similar academic study is not considered training and therefore is not to be pursued during regular hours of work. All staff training is limited to the County's budgetary restriction

## **CHAPTER 7 BENEFITS & REIMBURSEMENT POLICY**

Details of all insurance benefits are provided in separate summary plan descriptions provided to you when you become eligible to participate. The following is only a summary of current programs. The County intends to continue these programs indefinitely, but may modify or discontinue a program.

### **7.1 RETIREMENT BENEFITS**

Two retirement plans are offered to full-time employees:

- A. **IRS SECTION 401(a)**

This plan is a self-directed money purchase plan qualified under IRS Section 401(a). The employee is required to contribute a minimum of 5% with the opportunity to contribute up to 15% of their gross pay. See Appendix E for further information.

For the purpose of this subsection, a "full-time employee" is an employee of the County who works in excess of 1,000 hours in a calendar year on a regular schedule.

## **B. DEFERRED COMPENSATION PLAN**

The County administers an IRS qualified Section 457 deferred compensation plan. All employees are eligible to participate through salary reduction. There is no employer contribution. Information on the plan is available on request.

## **7.2 MEDICAL INSURANCE BENEFITS**

The County currently offers regular full-time employees who have been employed by the County for 30 days health coverage under an HMO (Health Maintenance Organization) Plan through First Priority of NEPA or Geisinger Health Plan.

The plan provides comprehensive medical and prescription coverage. Under the plan, participants must choose a primary care physician that is in the chosen health network. Many in-network services are fully covered (some require a co-payment) and no claim forms need to be completed. The current list of participating physicians may be found at [www.bcbsnepa.com](http://www.bcbsnepa.com) or [www.thehealthplan.com](http://www.thehealthplan.com)

You have up to 30 days from your employment date to make your medical plan election. Once made, your election is generally fixed for the remainder of the plan year. However, if you undergo a change in family status (as defined in the Plan document), you may make a mid-year change in coverage (i.e., you may change coverage from individual to family or from family to individual, add or delete dependents, or revoke coverage), provided you do so within 30 days from the date of the change in family status. Please contact the Benefits Coordinator in the Human Resources Department to determine if a family status change qualifies under the Plan document and IRS regulations.

At the end of each calendar year, during open enrollment you are free to change your medical elections (including your choice of medical carriers) for the following calendar year, whether or not you have a change in family status.

The Benefits Coordinator in the Human Resources Department will assist you in making the necessary arrangements for enrollment. A complete description of the plans is provided to each employee as Summary Plan Descriptions and appropriate supplements. A brief description is available in Appendix E of this document.

## **7.3 EMPLOYEE ASSISTANCE PROGRAM**

The Employee Assistance Program (EAP) provides the County employees and their family members with a wide variety of services in the event they are having problems at home or in the workplace. These problems could be anxiety and depression, family issues, or substance abuse that may have a negative impact on job performance, relationships with family members or co-workers. Further information is available in Appendix E.

#### **7.4 LIFE INSURANCE BENEFITS**

A life insurance policy may be provided to full time employees. The type of plan, benefit level, and administrator shall be as determined from time to time by the LCC. For the specific coverage and information, please refer to Appendix E or contact the Benefits Coordinator in the Human Resource Office for further information.

#### **7.5 EMPLOYEE REIMBURSEMENTS AND TRAVEL POLICY**

The County will assume or reimburse the employee for all reasonable business expenses incurred in carrying out work assignments. It must be emphasized, however, that these expenses should be on a conservative basis consistent with the employee's normal living standards.

#### **7.6 WORKERS' COMPENSATION BENEFITS**

The County, at its own expense, maintains a workers' compensation policy that provides coverage in the event of on-the-job injury of any employee. In the event of any work-related injury, an employee is entitled to either workers' compensation or sick leave payments, provided, however, that sick leave may only be utilized to cover a statutory "waiting" requirement. Any worker's compensation reimbursement for such time must be signed over to the County and, in the event of dual compensation for any reason, the employee will remit to the County the amount of any earnings that were so duplicated.

#### **7.7 FLEXIBLE BENEFITS PLAN**

A. Post-Retirement Benefits – Immediately prior to retirement from Luzerne County (i.e., being pension eligible), an employee may elect to continue to purchase health insurance benefit coverage through the County policy to the extent, and under the conditions, permitted by law. In addition, following expiration of any eligibility period under law, a former employee with at least five years of service with the County and who terminated service under circumstances not involving gross misconduct may enter an agreement to continue to purchase health insurance benefit coverage through the County policy for a defined period of time. The employee shall pay to the County monthly and on a timely basis the direct and actual cost of coverage. Eligibility for participation, following expiration of any eligibility period under law, may be denied or may be terminated for cause, including but not limited to failure to maintain a timely payment schedule or inability to make payments.

### **CHAPTER 8 LEAVES OF ABSENCE AND TIME OFF**

#### **8.1 VACATION**

A fulltime employee is entitled to annual (vacation) leave, which is to be scheduled in advance with the approval of his/her Department Head. Annual leave is earned as follows:

First year of service: Employees in this category receive seven annual leave days per year. For fractions of a year, this entitlement is calculated at a rate of 4/7 day per month of employment.

Second through fifth years of service: Employees in this category receive fifteen annual leave days per year. For fractions of a year, this entitlement is calculated at a rate of 1-1/4 days per month of employment.

Sixth through tenth years of service: Employees in this category receive eighteen annual leave days per year. For fractions of a year, this entitlement is calculated at a rate of 1-1/2 days per month of employment.

Eleven through fourteen years of service: Employees in this category receive twenty annual leave days per year. For fractions of a year, this entitlement is calculated at a rate of 1-2/3 days per month of employment.

Fifteen through twenty years of service: Employees in this category receive twenty-two annual leave days per year. For fractions of a year, this entitlement is calculated at a rate of 1-5/6 days per month.

Twenty-one plus years of service: Employees in this category receive twenty-five annual leave days per year plus an additional ½ day for each year of service over 21 years, not to exceed thirty days. For fractions of a year, this entitlement is calculated at a rate of 2-1/12 days per month.

Accumulation – Employees may only carry over a maximum of twenty days to a succeeding employment year.

County Manager/Chief Clerk, Deputy Chief Clerk, and Division Chiefs will begin at the second level of the accrual schedule.

Termination – Upon termination, an employee is compensated for the days of annual leave, which have been accumulated but have not been used. An employee who has taken vacation days beyond those actually earned, as prorated above, shall reimburse the county for the cost of those days. The rate of compensation or reimbursement, as the case may be, is at the employee's average salary/wage rate for the immediately preceding twelve months.

## **8.2 PERSONAL LEAVE DAYS**

The County grants to each employee five (5) personal days each year subject to the following conditions:

- A. Personal days will be effective 45 days after date of hire.
- B. No employee may take his/her five (5) personal days on consecutive days.
- C. If more than one (1) employee selects the same personal day and only one (1) can be granted by the Department Head because of Department operations, the Department Head will utilize a seniority basis for eligibility or a last used basis.

- D. Any employee separated from the services of the County for any reason, other than discharge for cause, including death, prior to taking his or her personal leave, shall be compensated in a lump sum for the unused personal days accumulated up to the time of separation as long as time accrued is properly documented.
- E. Unused personal leave cannot be carried over to the new year.
- F. Termination refer to Section 8.1 Termination.

### **8.3 SICK LEAVE**

- A. Employees shall earn sick leave calculated as follows: one and one-half (1-1/2) days per month for a total of eighteen (18) days per year.
- B. Sick days shall be granted effective immediately upon hire and on the first day of each month thereafter.
- C. Employees hired after August 1, 2005 will be entitled to twelve (12) sick days per year, calculated as one (1) per month.
- D. A doctor's certificate may be required for an absence from work due to sickness for two (2) or more consecutive days, or where the Employer has deemed that the employee has been abusing sick leave.
- E. Where sickness in the immediate family requires the employee's absence from work, employees may not use more than five (5) days of such leave entitlement in each calendar year for that purpose. Immediate family is defined as the following persons: Husband, wife, child, parent, or in-laws of the employee. The employer may require proof of such family illness.
- F. Accumulated sick leave will be bought back by the employer upon retirement, death, or layoff, if the employee is not recalled after the 18 month call back period, at the rate of \$50.00 per day for each day accumulated to a maximum of 60 days.
- G. The Department Head shall notify each employee and the Human Resource Director, in writing, as to the number of sick leave days accumulated to said employee as of the close of business on the last day of July/December or with evaluations.
- H. Upon termination, employee is not entitled to accumulated sick leave.

### **8.4 JURY AND WITNESS LEAVE**

Court Duty – Employees called for jury duty or subpoenaed to court will be excused with pay for time lost during the normal workweek. Jury pay will be refunded to the County.

## **8.5 MILITARY LEAVE**

Employees who are members of the United States Armed Forces Reserves or the Pennsylvania National Guard are entitled to up to fifteen days of paid leave per year whenever called into active duty or other authorized activity. In addition, the County shall adhere to the requirements of 51 Pa. C.S.A. Sections 7302 to 7317.

## **8.6 FAMILY MEDICAL LEAVE ACT**

### **A. Overview**

This policy establishes guidelines and procedures for leaves under the Family & Medical Leave Act of 1993 (FMLA). This policy applies to all employees; however, if it conflicts with a collective bargaining agreement or interest arbitration award, the conditions of leave for bargaining unit employees will be governed by the respective agreement/award. All employees requesting leave must submit, in writing, to the Commissioners' Office for placement on the Commissioners' Agenda for approval.

All full-time, part-time and per diem employees, who have been employed by Luzerne County for at least 12 months and have worked at least 1,250 hours within the previous 12 months, are eligible for Family & Medical Leave. An employee who meets the eligibility requirements may receive up to 12 weeks of leave and continuation of health benefits coverage (if applicable) for qualified events within each 12-month period. This leave may be taken as continuous leave or, depending upon the nature of the qualifying event, on an intermittent basis.

In reviewing the 1,250-hour requirement, only actual hours worked during the 12 months prior to the date leave is to begin are included; hours used for vacation, sick leave, bereavement leave, etc. are excluded.

A rolling 12-month period, measured backward from the date the leave will begin, will be used to calculate the amount of leave available to an employee. For example, if the employee has taken eight weeks of Family & Medical Leave within the past 12 months, the employee has available a balance of four weeks.

Family & Medical Leave provides job security and continuation of benefits. It does not provide paid leave. However, if an employee has paid leave available (vacation, sick, personal) that leave must be used concurrently with Family & Medical Leave. Paid leave will count as part of the 12 weeks of leave to which the employee may be entitled under this policy. Once paid leave is exhausted, or if paid leave is not available, time on Family & Medical Leave is unpaid.

### **B. Qualified Events**

1. The birth of an employee's child, or placement of a child with the employee for adoption or foster care;
2. Care of a family member (spouse, dependent child or parent, but not parent-in-law)

with a serious health condition;

3. Serious health condition of an employee, which renders the employee unable to perform the functions of his/her position.

C. Definitions

A "**serious health condition**" is an illness, injury, impairment, or physical or mental condition that involves:

1. Inpatient care: an overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity which results in inability to work, attend school or perform other regular daily activities due to the serious health condition, or treatment for or recovery from the serious health condition, or any subsequent treatment in connection with this inpatient care; or
2. Continuing treatment by a health care provider: a serious health condition involving continuing treatment by a health care provider includes any one or more of the following:
  - a. A period of incapacity involving an inability to work, attend school, or perform other regular daily activities due to the serious health condition, or treatment for or recovery from the serious health condition which lasts longer than three consecutive calendar days, and any later treatment or period of incapacity related to the same condition, that also involves:
    - i. two or more treatments by a health care provider, by a nurse or physician's assistant under a health care provider's direct supervision, or by a provider of health care services under orders of or on referral by, a health care provider; or
    - ii. treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.
  - b. Any period of incapacity because of pregnancy, childbirth, or for prenatal care.
  - c. Any period of incapacity or treatment for an incapacity due to a chronic serious condition which:
    - i. requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
    - ii. continues over an extended time period, including recurring episodes of a single underlying condition; and

- iii. which may cause episodic periods rather than one continuing period of incapacity (examples include asthma, diabetes, epilepsy, migraine headaches, etc.).
- d. A period of incapacity that is permanent or long-term because of a condition for which treatment may not be effective (examples include Alzheimer's, a severe stroke, or the terminal stages of cancer).
- e. Any period of absence to receive multiple treatments (and any period of recovery from those treatments), by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely cause a period of incapacity of more than three consecutive calendar days if there were no medical intervention or treatment (examples include chemotherapy, radiation, etc. for cancer; physical therapy for severe arthritis; and dialysis for kidney disease).
- f. Dental appointments, eye exams and similar routine procedures are not considered serious health conditions. Ordinarily, minor health problems such as the common cold, flu, earaches, upset stomachs, headaches (other than migraine), and routine cosmetic surgery are not considered as "serious health conditions" for FMLA purposes unless complications arise.
- g. Family & Medical Leave is available for treatment for substance abuse (provided the employee otherwise meets the conditions for a "serious health condition"), but not for absences due to drug use or time off to recover from drug use.
- h. A "**health care provider**" is a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices. The definition also includes podiatrists, dentists, clinical psychologists, optometrists, chiropractors, nurse practitioners, nurse-midwives, clinical social workers, and Christian Science practitioners. These professionals must be performing "within the scope of their practice as defined under state law."
- i. A "**family member**" consists of spouse, parents (biological or "loco parentis," which does not include in-laws), children (biological, adopted, step and foster) under the age of 18, or children who are over the age of 18 who are incapable of self-care.

#### D. Coordination with Other Leaves

Family & Medical Leave is unpaid, unless covered by another policy, such as workers' compensation, or unless an employee has available paid leave.

If not covered by another policy, all available paid leave (vacation, sick, personal) must be used concurrently with Family & Medical Leave. Paid leave will count as part of the 12 weeks of leave to which the employee may be entitled under this policy. Once paid leave is exhausted, or if paid leave is not available, time on Family & Medical Leave is unpaid. For example, if an employee has paid vacation leave available, the employee must take such

paid vacation leave, and such leave will count as part of the 12 weeks under this policy. As further example, if an employee is entitled to workers' compensation, the employee must take the workers' compensation, and such leave will count as part of the 12 weeks under this policy.

The order in which paid leave is used, depends upon the qualifying event:

1. Employee's own serious health condition – The employee may use available paid leave in any order.
2. Serious Health Condition of Spouse/Dependent – Each year, an employee may use up to five days of sick leave before using vacation or personal leave. If all vacation and personal leave is exhausted before the conclusion of Family & Medical Leave, the employee may use additional sick leave.
3. Childbirth (Male Employee) – Follow the same guidelines as provided above in #2.
4. Childbirth (Female Employee) – The employee may use available paid leave in any order through the date on which she is medically released to return to work (normally six or eight weeks after delivery). If additional Family & Medical Leave will be taken, the employee must exhaust available vacation and personal leave before using additional sick leave.
5. Adoption or Placement for Foster Care – The employee would first use available vacation and personal leave. If vacation and personal leave is exhausted before the conclusion of Family & Medical Leave, the employee may use sick leave.

An employee may reserve up to five days of sick leave for use upon his/her return to work.

If a designated county holiday falls while the employee is on paid leave, the employee receives holiday pay for that day. If the employee is on unpaid leave, no holiday pay is granted.

Vacation, sick leave, and personal leave do not accrue while the employee is in an unpaid status.

#### E. Benefits Continuation During Leave

While on Family & Medical Leave, an employee retains all health benefits.

If the employee is on unpaid leave and has enrolled for supplemental benefits, the employee is responsible for making payments directly to the provider.

F. Duration of Leave

The length of Family & Medical Leave is limited to a total of 12 weeks within each 12-month period. A total of 12 weeks of leave is available even if an employee experiences more than one qualifying event per year.

Generally, the employee may determine the length of leave desired following the birth of the employee's child or placement of a child with the employee for adoption or foster care. Leave for one of these reasons must be completed within 12 months from the date of birth or placement and may not be taken on an intermittent basis, unless medically necessary.

The amount of leave available for a serious health condition is based upon the professional opinion of a qualified healthcare provider.

"Twelve weeks of leave" equates to 480 hours for a full-time employee on a 40-hour workweek. To determine the entitlement for a part-time employee, multiply the number of hours in a normal workweek by 12.

G. Intermittent or Reduced Leave Schedules

Employees may take leave on an intermittent or reduced leave schedule, if medically necessary for a serious health condition of the employee or the employee's spouse, child or parent.

Intermittent leave is taken in separate blocks of time; it may consist of days, weeks, or hours, but the total cannot exceed 12 weeks. Intermittent leave may include time off for medical treatments, such as chemotherapy, dialysis, physical therapy, etc.

If an employee requests leave on this basis, the County may require the employee to transfer temporarily to an alternative position which better accommodates recurring periods of absence, if the position has equivalent pay and benefits. When intermittent leave is required for medical treatments, the employee must schedule appointments in a manner that causes the least disruption to the operations of the department.

H. Request for Leave/Medical Certification

When an employee can foresee the need for leave (such as leave for birth or adoption of a child or planned medical treatment), the employee must, if able to do so, give reasonable prior notice and try to schedule leave so as not to disrupt county operations. In case of an emergency, the employee must provide a verbal notice to his/her supervisor at the earliest possible time (within one to two business days).

An employee requesting leave under this policy shall complete a Family/Medical Leave of Absence Request form accompanied by a completed Certification of Healthcare Provider Form. These forms must be completed and returned to the department head at least 30 calendar days before taking leave, or within 15 calendar days following an emergency.

Luzerne County will require medical certification from a qualified healthcare provider to support a claim for leave for an employee's own serious health condition or to care for a seriously ill child, spouse or parent. For the employee's own medical leave, the certification must include a statement that the employee cannot perform the functions of his or her job. For leave to care for a seriously ill child, spouse or parent, the certification must include an estimate of the amount of time the employee will be needed to provide care.

All requests for leave of absence due to illness must include the following sufficient medical certification attached to the written leave request:

1. the date when the serious health condition began;
2. the probable duration of the condition; and
3. the appropriate medical facts, which the health care provider knows about the condition.

In the case of intermittent leave or leave on a reduced leave schedule for planned medical treatment, the certification must state the dates when such treatment is planned and how long the treatment will take.

The county, at its expense, may require an examination by a second medical provider designated by the county, if it reasonably doubts the medical certification initially provided. If the first and second opinions differ, Luzerne County, at its expense, may require the binding opinion of a third health care provider, approved jointly by Luzerne County and the employee.

The county reserves the right to require periodic medical updates. Furthermore, the county also reserves the right to require recertification no more often than once every 30 days. Provided, however, if the original certification is for more than 30 days, no recertification may be required until the initial certification period expires. Requests for recertification may be more frequent if the employee requests an extension of the leave, if conditions have significantly changed, or if information arises which casts doubt on the stated reason for the absence. The employee must provide the recertification within 15 calendar days after the county requests it.

If the employee's healthcare provider fails to cooperate by completing the Certification of Healthcare Provider form, or fails to complete the form on a timely basis, the employee is expected to find a healthcare provider who will meet the deadline. If the employee never provides the Certification of Healthcare Provider form, Luzerne County may refuse to designate or may remove its conditional designation of the leave as Family & Medical Leave.

I. Periodic Status Reports

While on leave, the employee may be periodically required to contact his/her supervisor regarding the status of the condition and intention to return to work. Employees must also give notice as soon as practical (within two business days) if the dates of leave change. If the dates of leave were initially unknown, the employee must contact his/her supervisor within two business days, once this information is available.

J. Return to Work After Leave

When an employee returns to active employment, he/she shall return to the same or an equivalent position with equivalent employee benefits and compensation and other conditions of employment. "**Equivalent**" means substantially the same but not exactly equal.

"Key Employee" Exception: If the employee on leave is a salaried employee and is among the highest paid ten percent of all County employees within 75 miles of the employee's worksite, and keeping the job open for the employee would result in substantial economic injury to the County, leave is provided, but reinstatement can be denied. In this situation, however, the employee will be given an opportunity to return to work before Luzerne County fills the position.

If the employee was on leave for three or more days for his/her own serious health condition, the employee must present written certification from the health care provider indicating that the employee is able to return to work. The certification must be provided to the employee's supervisor on the day the employee returns to work.

K. Extension of Leave

Any request for an extension of leave following the conclusion of Family & Medical Leave, or any leave taken in excess of the 12-week period, will be considered on an individual basis and will be subject to the parameters set forth in Section 8.4 Leave Without Pay.

L. Attendance Policies

An employee on intermittent Family & Medical Leave is expected to follow his/her department's guidelines for reporting an absence ("calling off" work) unless the condition prohibits the employee from calling. In this case, the employee must contact his/her supervisor as soon as possible.

**8.7 LEAVE WITHOUT PAY**

Employees may request time off without pay for reasons not otherwise provided for above, or as extensions of leave authorized by this Policy. Each such request will be judged on its own merits and the terms of any such unpaid leave shall be put in writing to the Chief Clerk and placed on the Agenda for the Commissioners' approval. Employees granted this status would not be entitled to

any compensation or benefits for the period of the unpaid leave. To maintain insurance benefits during the designated leave period, the employee will be responsible for paying for any and all insurance premiums typically covered by the County or elected by the employee through the County's Benefits Plan. Access to this benefit must comply with, and not put at risk, the Plan. Time spent on unpaid leave shall be considered continuous service for purposes of determining benefit levels under this policy when regular employment status resumes, but the employee shall not accumulate, be eligible for, or be compensated for holidays, sick leave, or annual or other leave or other benefits during the period of unpaid leave.

## **8.8 EMERGENCY LEAVE**

Bereavement – Employees are granted a maximum of four paid days in cases of a death in the employee's immediate family, which includes spouse, son, daughter, brother, sister or parent. In the event of the death of an employee's grandparent, grandchild, daughter-in-law, son-in-law, sister-in-law, parent-in-law, grandparent-in-law, or any relative residing in the household of the employee, three paid days will be granted.

## **8.9 LEAVE REPORTING AND APPROVAL**

All leave described in this Article shall be approved by the Department Head, except unpaid leave, which shall be approved by the County Commissioners through the Office of the Chief Clerk. In all cases, adequate notice of leave shall be provided on forms furnished by the County.

A report shall be given to each employee annually that sets forth the amount of vacation and sick leave earned, used and accrued, and such other relevant information as may be appropriate.

## **8.10 HOLIDAYS**

The following legal holidays are observed:

- |     |                             |                                      |
|-----|-----------------------------|--------------------------------------|
| 1.  | New Year's Day              | January 1                            |
| 2.  | Martin Luther King, Jr. Day | 3 <sup>rd</sup> Monday in January    |
| 3.  | President's Day             | 3 <sup>rd</sup> Monday in February   |
| 4.  | Good Friday                 | Friday preceding Easter              |
| 5.  | Memorial Day                | Last Monday in May                   |
| 6.  | Independence                | 4 <sup>th</sup> of July              |
| 7.  | Labor                       | 1 <sup>st</sup> Monday in September  |
| 8.  | Columbus Day                | 2 <sup>nd</sup> Monday in October    |
| 9.  | Veterans' Day               | November 11 <sup>th</sup>            |
| 10. | Thanksgiving Day            | 4 <sup>th</sup> Thursday in November |
| 11. | Day after Thanksgiving      | 4 <sup>th</sup> Friday in November   |
| 12. | Christmas Day               | December 25 <sup>th</sup>            |

If a holiday falls on Sunday, the following Monday will be observed as a paid holiday. If the holiday falls on a Saturday, it will be observed as a paid holiday on the preceding Friday.

## **CHAPTER 9 EMPLOYEE RESPONSIBILITY AND CONDUCT**

### **9.1 GENERAL POLICY.**

- A. All County employees are expected to represent the County to the public in a professional manner, which is courteous, efficient and helpful. Employees must maintain a clean and neat appearance appropriate to their work assignment, as determined by their Department Head or Row Officer.
- B. Since the proper working relationship between employees and the County depends on each employee's on-going job performance, professional conduct and behavior, the County has established certain minimum standards of personal conduct. Among the County expectations are: basic tact and courtesy towards the public and fellow employees; adherence to County policies, procedures, safety rules and safe work practices; compliance with directions from Supervisors; preserving and protecting the County's equipment, grounds, facilities and resources; and providing orderly and cost efficient services to its citizens.
- D. Employees shall respect and comply with the law, rules of court and the regulations specifically applicable to the department in which they are employed and shall conduct themselves at all times in a manner that promotes public confidence in the integrity and impartiality of the County. Employees shall not allow their family, social or other relationships to influence their conduct or judgment in the performance of their duties. They shall not lend the prestige of their employment to advance their private interests or the private interests of others, nor shall they convey or permit others to convey the impression that they are in a special position to influence the conduct of the duties.

### **9.2 OUTSIDE EMPLOYMENT AND CONFLICTS OF INTEREST.**

- A. Employees shall not, directly or indirectly, engage in any outside employment or financial interest which may conflict, with the interests of the County or interfere with the employees ability to perform his/her assigned County job. Examples include, but are not limited to, outside employment which:
  - 1. Prevents the employee from being available for work beyond normal working hours, such as emergencies or peak work periods;
  - 2. Is conducted during the employee's work hours;
  - 3. An employee's compensation is contingent upon or a result of his/her employment with the County;

4. Utilizes County telephones, computers, supplies, or any other resources, facilities or equipment; or
  5. May reasonably be perceived by members of the public as a conflict of interest or otherwise discredits public service.
- B. All Elected Officials and certain management employees are required to annually file a statement of Financial Interests under the Public Official and Employee Ethics Law.

### **9.3 POLITICAL ACTIVITIES.**

- A. County employees may participate in political or partisan activities of their choosing provided that County resources and property are not utilized, and the activity does not adversely affect the responsibilities of the employees in their positions. Employees shall not campaign on County time or in a County uniform or while representing the County in any way. Employees may not allow others to use County facilities for political activities.
- B. Any County employee who meets with or may be observed by the public or otherwise represents the County to the public, while performing his/her regular duties may not wear or display any button, badge or sticker relevant to any candidate or ballot issue during working hours. Employees shall not solicit, on County property or County time, for a contribution for a partisan political cause.
- C. Except as noted in this policy, County employees are otherwise free to fully exercise their constitutional First Amendment Rights.
- D. County Civil Service employees must comply with “Political Activities of Classified Service Employees” as detailed in the Management Directive 580.25 (Appendix E).

### **9.4 NO TOBACCO USE POLICY.**

- A. For health and safety considerations, all County owned or leased buildings, vehicles and equipment are hereby designated as no tobacco use areas pursuant to the County Policy.
- B. This policy applies to all employees, visitors and members of the public utilizing any facility of Luzerne County.
- C. All Row Officers and Department Heads are responsible for enforcing this policy among those employees under their supervision. Every Luzerne County employee has the responsibility to notify visitors to our facilities, of our no tobacco use policy. All encounters regarding the enforcement of this policy must utilize tact, diplomacy and courtesy at all times.

- D. As to employees of the County, the failure to comply with our no tobacco use policy will result in the following:
1. First Offense – Oral warning. The Row Officer, Department Head, or their designee, who is imposing this warning will make a record of it and record the offense in the employee’s personnel file.
  2. Second Offense – Written warning. The Row Officer, Department Head, or their designee, who is imposing the written warning will document the incident, send the original to the employee involved and maintain a copy in the employee’s personnel file.
  3. Third Offense – second written warning. The Row Officer, Department Head, or their designee, who is imposing the written warning, will follow the same procedure as for a second offense.
  4. Fourth Offense – Employee will receive a one (1) day suspension, without pay.
  5. Fifth Offense – Employee will receive a three (3) day suspension, without pay.
  6. Sixth Offense – Employee will be terminated.

## **9.5 PERSONAL POSSESSIONS AND ELECTRONIC COMMUNICATIONS**

- A. The County furnishes desks, closets, and/or lockers for security of employee coats, purses, and other personal possessions, whenever possible. We do not, however, assume responsibility for any theft or damage to the personal belongings of employees, and we reserve the right to search employee desks, lockers, vehicles and personal belongings brought onto County premises, if necessary.
- B. The County also furnishes computers for use in conducting County business. Because the computers are for County business, the County reserves the right to review the contents of any files or documents on the computer, within legal limits, including contents of any electronic mail. Personal software may not be loaded on County computers, without prior approval of the Row Officer or Department Head and the IT Officer. County installed software may not be uninstalled without the prior approval of the IT Officer. Software may not be duplicated contrary to any licensing agreement.

## **9.6 USE OF COUNTY EQUIPMENT.**

County equipment should be used by employees for County business only. Use of County telephones for local personal calls should be kept to a minimum; long distance personal use is prohibited. An employee’s misuse of County services, telephones, equipment or supplies can result in disciplinary action, including termination.

## 9.7 USE OF COUNTY VEHICLES

- A. It is the policy of Luzerne County that all vehicles owned by the county are solely the property of Luzerne County. As such, those vehicles are to be used for the exclusive purpose of conducting county government business and operated in the safest manner possible to ensure the well being of its employees and other sharing the roadway.
- B. The following rules govern the appropriate use of the Luzerne County fleet of automobiles:

### PROPERTY:

- 1. All county vehicles will be appropriately and universally marked with the County seal, municipal license plate, numbered and labeled for identification and to indicate county ownership and business.
- 2. As deemed necessary, selected vehicles will be designated as “departmental vehicles” and based relative to the location of the department (i.e. Human Services, 111 North Pennsylvania Ave.; Solid Waste Management, 77 Water St., etc.).
- 3. Surplus vehicles per department will be reassigned to other departments as the first option thus preempting new purchases. Surplus vehicles per department will be reassigned to other departments as the first option thus preempting new purchases.

### OPERATION:

- 1. All county personnel are required to provide their own transportation to and from work, but will have access to the use of a county vehicle for official county business and limited to regular business hours (9:00am to 5:00pm) or the specific hours related to the position.
- 2. Any employee who is determined operating a county vehicle for personal use is subject to disciplinary action as described in Section 10.
- 3. All potential operators of county vehicles are required to maintain a valid driver’s license and participate in the driver education and training program described in Section 9.7. Should a county vehicle be required for county business between 5:00pm and 9:00am, weekends or holidays, a written request, explanation and justification must be presented to the “Fleet Manager”, as defined in Section 9.7, for record-keeping, vehicle rotation and maintenance purposes.
- 4. Necessary exceptions to this policy are limited to the following positions requiring 24-hour/7 day availability:

EMA Director; EMA Initial Response (rotation), Road and Bridge Director, Building and Grounds, 9-1-1, Sheriff, Prison, Engineers, and any other Department Head as may be needed depending upon the severity and nature of the emergency.

#### FLEET MANAGER:

1. The Deputy Chief Clerk is designated as the “Fleet Manager”.
2. The Fleet Manager is responsible for maintaining the fleet of county vehicles in an efficient and safe working condition at all times and monitoring their operation during other than regular business hours, including, but not limited to, keeping records regarding department, driver, vehicle identification, purpose, mileage, condition, and time in/out.
3. The Fleet Manager, in consultation with the Chief Clerk/County Manager, or designee, will review all written requests for the off-hours use of a county vehicle and make a final determination regarding appropriateness.

#### DISCIPLINARY ACTION:

1. The department heads are responsible for the enforcement of this policy and shall be accountable for any violation by an employee of the respective department.
2. A department head or employee determined to be in violation of this policy shall be subject to disciplinary action, which may include, but not limited to, the revocation of vehicle operating privileges, reimbursement for mileage, repayment for fuel or damages incurred while operating county vehicle without authorization, suspension without pay and/or termination from county employment. Subsequent disciplinary action shall be determined at the discretion of the Chief Clerk/County Manager in concert with the Board of Luzerne County Commissioners and administered as soon as reasonably possible.

#### DRIVER TRAINING:

1. Effective July 1, 1997, all employees who operate county owned vehicles are required to attend a defensive driving program. This program is designed to increase the employee’s skills and awareness in defensive driving.
2. All employees who operate a county owned vehicle must be a minimum of 18 years of age and possess a valid Pennsylvania Drivers license.
3. If an employee’s driver’s license has been suspended or revoked for any reason, the employee must notify their Department Head or the Chief Clerk/Manager upon receipt of the notification from the Commonwealth of Pennsylvania. The employee will not be eligible to operate a county owned vehicle for the duration of the suspension/revocation. Once the employee’s driving record has been cleared by the

Department of Motor Vehicles, the employee may be declared eligible to operate a county owned vehicle.

4. Any employee who operates a county owned vehicle in excess of 26,000 pounds is required by the US Department of Transportation, Federal Highway Administration **OMNIBUS TRANSPORTATION EMPLOYEE TESTING ACT OF 1991**, to obtain a commercial drivers license. Luzerne County has in place an established policy outlining the testing and training requirements to meet the federal regulations. This information/policy is maintained in file at the Luzerne County Personnel office. The program is administered by the Luzerne County Road & Bridge Department.
5. All employees who operate a county owned vehicle are required to comply with all applicable motor vehicle laws.
6. All operators and front-seated passengers of county owned vehicles are required to wear seat belts in accordance with all applicable motor vehicle laws.
7. Any operator of a county vehicle who receives a citation/summons for any violation while in control of the vehicle shall be responsible for all fines **personally**. All violations must be reported to your Department Head within 24 hours of the said violation. Should a holiday weekend occur within the 24-hour period, the Department Head must be notified during the next working day.

Whenever there is an accident involving a county owned vehicle, the Deputy Chief Clerk/Fleet Manager and Department Head must be notified immediately.

It shall be the responsibility of the Department Head to obtain the following information from the accident scene and report to the Deputy Chief Clerk/Fleet Manager:

1. Date and time of the accident
2. Location of the accident
3. Authority contact and report number (local/state)
4. Description of the accident
5. County vehicle information, vehicle year, make, model, VIN number and registration number
6. Operator of the vehicle
7. Property damage (if other vehicle involved, provide year, make, model registration number and insurance company name and policy number).
8. Owners name and address
9. Other drivers name and address
10. Any injured persons (name, address, phone number and extent of injuries)
11. Any witnesses or passengers (name, address and phone number)

Upon collection of this information the Department Head is to contact the County Controller's Office within 24 hours of the accident to file an official accident report.

Row Officers and the Court of Common Pleas are not presently subject to this policy, but may, at their discretion, develop a separate document to govern their respective employees or participate in the enforcement of this policy and procedure.

## **9.8 INTERNET USE.**

- A. Internet access is provided to certain employees as a research and communication tool to help them conduct County business. Employees are trusted and expected to exercise good judgment in both duration and frequency of Internet use and to access Internet sites only for job related purposes. Employees should not access bulletin boards or chat rooms on County computers.
- B. Downloading and installing software from the Internet is only permitted, when there is a clear business reason for using the software. The appropriated anti-virus detection program should be used to prevent infection.
- C. The County reserves the right to monitor Internet usage. Use of the Internet for purposes other than job related activities could result in disciplinary action, up to and including termination.

## **9.9 E-MAIL USE.**

- A. While all e-mail may be considered writings, and all writings may be public records, the public does not have a right to examine every public record. Pennsylvania laws may exempt broad categories of records, while other statutes provide for confidentiality of specific records.
- B. Extra care must be exercised when communicating confidential or privileged information via e-mail, including but not limited to performance reviews, disciplinary actions, and attorney privileged information. All such information should be clearly labeled as confidential and/or privileged and should not be available for review or copying by persons without appropriate authorization.
- C. All office information technology resources, including e-mail systems, are the property of the County. Employees shall use e-mail for County business or otherwise to advance the County's best interests.
- D. Employees shall not use County provided e-mail media in a fashion that harasses or promotes discrimination based on the harassment/discrimination policy detailed in Section 2.2 or for personal business interests; or any unlawful activity.
- E. Employees should be aware that messages might be forwarded to others by the recipient, printed in a location where individuals other than the intended recipient may view the message, or directed to the wrong recipient.
- F. Employees should be aware that messages cannot be protected from unauthorized access caused by the user failing to maintain password confidentiality or leaving the computer unattended when he/she has logged onto the system.

- G. The County may access data that is normally under an employees control without the consent of the individual employee when necessary to carry out normal business functions, or if there exists reasonable cause to believe the employee has used e-mail on County computers contrary to these policies. Use of the e-mail system contrary to these policies will result in disciplinary action, up to and including termination.

**9.10 BULLETIN BOARDS.**

Information of special interest to all employees is posted regularly on County bulletin boards.

**9.11 CONTACT WITH NEWS MEDIA.**

The Commissioners, Chief Clerk, Public Information Officer or designated Department Heads shall be responsible for all official contacts with the news media. The Commissioners, Chief Clerk, Public Information Officer or Department Head may designate specific employees to give out procedural, factual or historical information on particular subjects. All other employees should defer any comments concerning county business to their Department Head or the Public Information Officer.

**9.12 SEAT BELT POLICY.**

Per Pennsylvania Law, anyone operating or riding in County vehicles and equipment, or operating their own vehicle on County business, must wear seat belts at all times.

**9.13 DRIVER'S LICENSE REQUIREMENTS.**

- A. As part of the requirements for certain County positions, an employee may be required to hold a valid Pennsylvania State Driver's License.
- B. If an employee's license is revoked, suspended or lost, or is in any other way not current, valid and in the employee's possession, the employee shall promptly notify his/her Department Head and will be immediately suspended from driving duties. Additionally, if the employee has serious traffic violations that result in point accumulation, the employee shall promptly notify his/her Department Head for consideration of continuing the employee's driving duties. The employee may not resume driving until proof of a valid, current license is provided to his/her Department Head.
- C. If an employee is not able to perform assigned duties without a license, he/she shall be suspended without pay until he/she obtains a valid Pennsylvania Drivers License.
- D. Depending on the duration of license suspension, revocation or other inability to drive, an employee may be subject to disciplinary action, including termination.

#### **9.14 SAFETY.**

- A. It is the responsibility of each employee that all tasks be conducted in a safe and efficient manner complying with all local, state and federal safety and health regulations, programmatic standards, and with any special safety concerns identified by County for use in a particular area.
- B. Although most safety regulations are consistent throughout each department and program, it is the responsibility of the employee to identify and familiarize himself with the Emergency Plan and Safety and Health guidelines for his working area.
- C. Each facility shall have posted an Emergency Plan detailing procedures in dealing with emergencies such as:
  - a. Fire
  - b. Weather
  - c. Medical emergency, etc.
- D. It is the responsibility of the employee to complete an "Accident and Incident Report" for each safety and health infraction that occurs by an employee or that the employee witnesses.
- E. Failure to report such an infraction may result in employee disciplinary action, including termination.
- F. Each employee should sign a safety statement during new employee orientation. Furthermore, management requires that every person in the organization assume the responsibility of individual and organizational safety.
- G. Failure to follow County safety and health guidelines or conduct which places the employee, volunteer, citizens or agency property at risk can lead to employee disciplinary action and/or termination.
- H. The Safety Committee and the Chief Clerk shall have the responsibility to develop, and authority to implement, the safety and health program in the interest of a safer work environment.

#### **9.15 DRUG AND ALCOHOL POLICY AND TESTING PROCEDURE FOR ALL EMPLOYEES.**

- A. The County has a strong commitment to provide a safe work environment for its employees and to establish programs promoting high standards of employee health and safety. Consistent with that commitment, this policy establishes prohibitions

regarding alcohol and controlled substances and the right of the County to screen or test employees to determine the presence of alcohol and/or controlled substances, as set forth in Appendix D.

## **9.16 COMPLAINT PROCEDURES.**

The County recognizes that sometimes situations arise in which an employee feels that he/she has not been treated fairly or in accordance with County rules and procedures. For this reason the County provides its employees with the following procedures for resolving complaints:

- A. Step 1: An employee should first try to resolve any problem or complaint with his/her immediate Supervisor.
- B. Step 2: When normal communication between an employee and the Supervisor is not successful, or when an employee disagrees with the application of County policies and procedures, the employee should file a written complaint, and include, at a minimum, the information detailed in Step 3, with his/her Department Head. The Department Head has thirty (30) calendar days to attempt to resolve the complaint. If no decision is made, or is unsatisfactory, the employee has fourteen (14) calendar days from the disposition at step 2, to submit the complaint to Step 3.
- C. Step 3: If the employee is not satisfied with the response from the Department Head, the employee may submit the issue, in writing, to the Chief Clerk, or his/her designee. The written complaint must contain, at a minimum, the following:
  - 1. A description of the problem;
  - 2. A specific policy or procedure, which the employee believes, has been violated or misapplied;
  - 3. The date of the circumstances leading to the complaint or the date when the employee first became aware of those circumstances; and,
  - 4. The remedy sought by the employee to resolve the complaint.

The written complaint must be filed within the timeframes noted above.

The Chief Clerk, or his/her designee, has thirty (30) calendar days to meet with the parties, either individually or together, and will respond in writing to the aggrieved employee within fourteen (14) calendar days of the meeting. The Chief Clerk, or his/her designee's, response and decision shall be final.

- D. In the event the complaint is with the Chief Clerk the written complaint at Step 3, should be directed to the Commissioners, or their designee.
- E. Certain employees may have more than one source of dispute resolution rights, i.e. the County's Civil Service Rules, a collective bargaining agreement, and this complaint process.

Employees represented by a bargaining unit or who are covered under Civil Service Rules should follow grievance procedures set out in their respective labor contracts or Civil Service Rules, where applicable. In all other cases, the procedures described in this section shall be used. Under no circumstances shall an employee have the right to utilize both this process and any other complaint or appeal procedure that may be available to an employee.

## **CHAPTER 10 EMPLOYEE RELATIONS**

### **10.1 DISCIPLINE.**

- A. All employees are expected to exercise good judgment, loyalty, common sense, dedication, and courtesy in the performance of their duties. The primary mission of every employee is to provide courteous, orderly, efficient, and economic delivery of services to the citizens of the County.
- B. Acts, errors, or omissions, which discredit the public service or impair the provision of orderly services to the citizens of the County, may result in discipline, including termination.
- C. The Commissioners, Chief Clerk, Row Officer, Department Head and/or Supervisor, as appropriate, have full discretion and authority to impose disciplinary action in accordance with County policy and the circumstances of the particular case. The degree of disciplinary action, up to and including termination, will depend on the severity of the infraction
- D. The following are examples of the types of conduct, which may result in discipline:
  - 1. Consumption or possession of alcohol on the job or arriving at work under the influence of alcohol; being under the influence of any drug or controlled substance when it affects the employees ability to perform the assigned job; or, the possession of illegal drugs or other illegal controlled substance;
  - 2. Violation of lawful duty;
  - 3. Insubordination;
  - 4. Absence from work without first notifying and securing permission from the Supervisor;
  - 5. Habitual absences or tardiness for any reason;
  - 6. Unsatisfactory job performance, as determined by the County;
  - 7. Conviction of a felony or a misdemeanor involving moral turpitude;

8. Acceptance of fees, gratuities or other valuable items in the performance of the employee's official duties for the County;
9. Inability, refusal or failure to perform the duties of the assigned job; and,
10. Violation of duties or rules imposed by these policies, or by any other County rule, regulation or administrative order.

This list is not all-inclusive, but only serves as a general guide. The County may discipline or terminate employees for other misconduct not stated above.

E. The following types of disciplinary actions may be used, depending on the particular situation:

1. Oral warning. The Row Officer, Department Head, or their designee, who is imposing this warning will make a record of it and record the offense in the employee's personnel file.
2. Written warning. The Row Officer, Department Head, or their designee, who is imposing the written warning will document the incident, send the original to the employee involved and maintain a copy in the employee's personnel file.
3. Employee will be suspended without pay or demoted.
4. Employee will be terminated.

Note: Contingent upon the severity of the alleged offense, any and all steps could be waived based on the Employer's decision. No employee can be terminated or suspended without the approval of the Board of Commissioners.

F. Suspensions with pay, where the employee is placed on administrative leave, may be utilized by a Department Head, pending the results of an investigation or disciplinary action where the Department Head determines that factors such as public confidence, the safety of the employee, or the efficient functioning of the County call for such a suspension.

## **10.2 Separation of Employment Policy**

Separation of employment within an organization can occur for several different reasons. Employment may end as a result of resignation, retirement, release (end of season or assignment), reduction in workforce or termination. When an employee separates from the County, his or her supervisor must contact Human Resource Department to schedule an exit interview, typically to take place on employee's last workday. Types of Separation:

A. Resignation

Resignation is a voluntary act initiated by the employee to end employment with the County. The employee must provide a minimum of two (2) weeks notice prior to resignation. If an employee does not provide advance notice or fails to actually work the remaining two weeks, the employee will be ineligible for rehire and will not receive accrued benefits. The resignation date must not fall on the day after a holiday. The time period may be waived.

B. Retirement

Employees who wish to retire are required to notify their Department Director and the Human Resource Department in writing at least one (1) month before planned retirement date.

C. Job Abandonment

Employees who fail to report to work or contact their supervisor for two (2) consecutive workdays shall be considered to have abandoned the job without notice effective at the end of their normal shift on the second day. The supervisor shall notify the Department Supervisor or the Human Resource Department at the expiration of the second workday and initiate the paperwork to terminate the employee. Employees who are separated due to job abandonment are ineligible to receive accrued benefits and are ineligible for rehire.

D. Termination

Employees of Luzerne County are employed on an at-will basis, and the County retains the right to terminate an employee at any time.

E. Release

Release is the end of temporary or seasonal employment.

F. Automatic Termination

If an employee has not returned to full-duty status from an authorized leave of absence(s) at the end of one (1) year, employment will be automatically terminated. An employee will be considered unable to return to work if he or she cannot perform the essential functions of the job in full capacity, with or without reasonable accommodation. Under no circumstances may an employee be absent from the workplace for more than one (1) consecutive year, unless on Military Leave or with approval of the Human Resource Director.

G. Return of Property

The separating employee must return all county property at the time of separation, including but not limited to uniforms, cell phones, keys, PCs and identification cards. Failure to return some items may result in deductions from final paycheck. An employee will be required to sign the Wage Deduction Authorization Agreement to deduct the costs of such items from the final paycheck.

H. Exit Interview

The separating employee shall contact the Human Resource Department as soon as notice is given to schedule an exit interview. The interview will be on the employee's last day of work or other day, as mutually agreed upon.

I. Termination of Benefits

An employee separating from the County is eligible to receive benefits as long as the appropriate procedures are followed as stated above. Two-weeks notice must be given, and the employee must work the full two workweeks. Accrued vacation leave will be paid in the last paycheck. Health insurance terminates the last day of the month of employment, unless employee requests immediate termination of benefits. Information for Consolidated Omnibus Budget Reconciliation (COBRA) continued health coverage will be provided. Employees will be required to pay their share of the dependent health and dental premiums through the end of the month. The two week period may be waived.

J. Rehire

Former employees who left the County in good standing and were classified as eligible for rehire may be considered for reemployment. An application must be submitted to the Human Resource Department, and the applicant must meet all minimum qualifications and requirements of the position, including any qualifying exam, when required.

Supervisors must obtain approval from the Human Resource Director or Chief Clerk prior to rehiring a former employee. Rehired employees begin benefits just as any other new employee. Previous tenure will not be considered in calculating longevity, leave accruals or any other benefits.

K. Bar From Employment

An applicant or employee who is terminated for violating policy or who resigned in lieu of termination from employment due to a policy violation will be ineligible for rehire.

**10.3 PRE-DISCIPLINARY MEETING.**

When a disciplinary meeting is required for an employee, a pre-disciplinary meeting will be arranged by the Human Resource Director to discuss the issues.

**10.4 DEATH.**

A termination due to death of an employee will be made effective as of the date of death. Upon receiving notification of the death of an employee, the supervisor must notify the Human Resource Office immediately. All compensation due shall be paid to the beneficiary or the estate of the employee. The employee's accrued vacation, personal, and sick time will also be paid to the beneficiary or estate of the employee. The Benefits Coordinator will process all appropriate beneficiary payments from the various benefits plans.

**CHAPTER 11  
WHISTLEBLOWER POLICY**

Any employee who reports a problem or grievance will not be retaliated against, harassed or made to stand out in a negative manner because of the act of reporting. Knowingly making false reports though, will be grounds for disciplinary action, up to and including dismissal.

## ACKNOWLEDGEMENT

Please read the following and then sign, date and return to the Chief Clerk or your Department Head. One copy of this acknowledgement will be placed in your personnel file and one copy will be provided with your copy of these personnel policies. It is your responsibility to read the personnel policy and any amendments adopted thereafter. By signing below, you acknowledge that you have received a copy of the County's personnel policy and that you have had a full opportunity to read and review it.

A copy of the County's personnel policy is also kept in the office of the County Chief Clerk, on the County's Web Site and by your Department Head. You may review these copies of the policy should you need to reacquaint yourself with any provisions of the personnel policies.

These personnel policies are a general informational guide to the County's current employment policies and shall not be construed as a contract or to create any contractual obligation. The County reserves the rights to amend, delete, supplement, or extend any of the provisions of these policies, as the County deems necessary and appropriate.

These policies are not intended to be a contract, expressed or implied, or a guarantee of employment for any specific duration. Although we hope that your employment relationship with us will be long term, we recognize that things may not always work out as hoped, and either of us may decide to terminate the employment relationship.

No non-elected representative of the County has the authority to enter into any agreement with you for employment for any specified period or to make any written or verbal commitments regarding employment for a specific period of time. Only the County Board of Commissioners has the authority to authorize employment agreements for a specified term.

By signing below, you acknowledge that you have received a copy of the County's personnel policies and have had a full opportunity to read and review such policies.

\_\_\_\_\_  
Employee Name (Printed)

\_\_\_\_\_  
Date

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

## Appendix A

### LUZERNE COUNTY CONTACTS

	<b>CONTACT</b>	<b>PHONE</b>
BENEFITS (health, dental, vision, life insurance)	A.J. MARTINELLI	825-1892
CLASSIFICATION/COMPENSATION (new positions, reclassification, etc.)	DOUG RICHARDS	825-1507
COLLECTIVE BARGAINING	MAX BLASKIEWICZ	825-1507
CREDIT UNION (checking, savings, loans, etc.)	DAN STEMPLSKI	825-1841
DEDUCTIONS (state, federal, local taxes, etc.)	DATA PROCESSING	825-1523
DEFERRED COMPENSATION 457 PLAN	DATA PROCESSING	825-1523
EMPLOYEE RECORDS/FILES	DOUG RICHARDS	825-1507
FAMILY MEDICAL LEAVE ACT	DOUG RICHARDS	825-1507
ID CARDS	CHIEF SIMONSON	825-1890
PAYROLL QUESTIONS	DATA PROCESSING	825-1523
PERSONNEL POLICY	DOUG RICHARDS	825-1507
UNEMPLOYMENT COMPENSATION	DAVE MUROSKI	825-1629
<b>ADDITIONAL NUMBERS</b>		
FIRST PRIORITY HEALTH	CUSTOMER SERVICE	1-800-822-8753
GEISINGER HEALTH PLAN	CUSTOMER SERVICE	1-800-504-0443
UNITED CONCORDIA DENTAL	CUSTOMER SERVICE	1-800-332-0366
PENN VISION	CUSTOMER SERVICE	1-800-541-2039
EBDS RETIREMENT	CUSTOMER SERVICE	1-800-405-3620
STANDARD LIFE INSURANCE	CUSTOMER SERVICE	1-800-222-0746
EMPLOYEE ASSISTANCE PROGRAM – MAZZITTI & SULLIVAN	CLIENT CARE	1-800-543-5080
AFLAC	DAVE RYNCAVAGE	779-0430



IDENTIFY ALL EMPLOYEES OR OTHERS WITH KNOWLEDGE OF THE COMPLAINED CONDUCT:

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ARE THERE ANY DOCUMENTS WHICH CONTAIN INFORMATION SUPPORTING THE OCCURRENCES DESCRIBED ABOVE:

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IS THERE ANY PHYSICAL EVIDENCE THAT SUPPORTS YOUR COMPLAINT? IF SO, PLEASE DESCRIBE:

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HAVE YOU MISSED ANY WORK TIME AS THE RESULT OF THE ALLEGED HARASSMENT? IF "YES", IDENTIFY THE OCCASIONS:

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HAVE YOU INCURRED ANY NON-REIMBURSABLE MEDICAL EXPENSES AS THE RESULT OF THE ALLEGED HARASSMENT?

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IF YOU PREVIOUSLY COMPLAINED ABOUT THIS OR RELATED ACTS OF SEXUAL HARASSMENT TO A COMPANY SUPERVISOR OR OFFICIAL. PLEASE IDENTIFY THE INDIVIDUAL TO WHOM YOU COMPLAINED, THE DATE OF THE COMPLAINT AND THE RESOLUTION OF YOUR COMPLAINT:

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WHAT IS YOUR REQUESTED REMEDY IN THIS COMPLAINT?

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ACKNOWLEDGMENTS

THE INFORMATION PROVIDED HEREIN IS TRUE AND CORRECT.

BY: \_\_\_\_\_

DATE: \_\_\_\_\_

IN ORDER TO INVESTIGATE YOUR COMPLAINT, IT WILL BE NECESSARY TO INTERVIEW YOU, THE ALLEGED HARASSER (S), AND ANY WITNESSES WITH KNOWLEDGE OF THE ALLEGATIONS OR DEFENSES. THE COUNTY WILL NOTIFY ALL PERSONS INVOLVED IN THE INVESTIGATION THAT IT IS CONFIDENTIAL AND THAT UNAUTHORIZED DISCLOSURES OF INFORMATION CONCERNING THE INVESTIGATION COULD RESULT IN DISCIPLINARY ACTION UP TO AND INCLUDING DISCHARGE.

I AM WILLING TO COOPERATE FULLY IN THE INVESTIGATION OF MY COMPLAINT AND TO PROVIDE WHATEVER EVIDENCE THE COMPANY DEEMS RELEVANT.

BY: \_\_\_\_\_

DATE: \_\_\_\_\_

**Appendix C**

**BACKGROUND CHECK AUTHORIZATION FORM**

**AUTHORIZATION FOR RELEASE OF INFORMATION**

Date \_\_\_\_\_

I, \_\_\_\_\_ (include full middle name),  
having made application for employment with Luzerne County, authorize an investigation of my  
background, including all documents from educational and former places of employment, or any  
other records that may be of assistance in making a determination of suitability for employment.

I intend this authorization to include release to the Luzerne County Sheriff's Department or to other  
assigned departments by the National Personal Records Center, or custodian of my military record,  
of information or photocopies from my military records and related medical records.

I further understand that in the event my application is not approved, the sources of confidential  
information cannot be revealed to me. A photocopy of this release will be valid as an original  
hereof, even though the said copy does not contain an original writing of my signature.

\_\_\_\_\_  
Full name of applicant

\_\_\_\_\_  
Date of Birth

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
Notary Signature

## Appendix D

### DRUG AND ALCOHOL FREE WORKPLACE

#### A. Purpose

The Employer is committed to maintaining the health and safety of its employees. It is our goal to:

1. assure that employees are not impaired in their ability to perform assigned duties in a safe, productive and a healthy manner;
2. create a workplace environment free from the adverse effects of drug abuse and alcohol misuse;
3. prohibit the unlawful manufacturing, distribution, dispensing, possession, or use of controlled substances; and
4. encourage employees to seek professional assistance to overcome any addiction to, dependence upon, or problem with drugs or alcohol prior to testing positive under this policy.

#### F. Definitions

While on-the-job involvement with drugs and/or alcohol is a violation of the policy, the employer also expects employees to report for work in a condition to perform their duties. It is recognized that employee's off-the-job involvement with drugs and/or alcohol can have an impact on the work place and the employer's ability to accomplish the goal of a drug and alcohol-free work environment. For the purpose of this policy, the following definitions apply:

1. Alcohol or alcoholic beverage - any beverage or medication that may be legally sold and consumed and that has an alcoholic content in excess of .5% by volume.
  - i. Illegal drug - any drug or controlled substance, the possession, sale, purchase, consumption, manufacturing, or other use of which is illegal under federal or state law.
  - ii. County property - all premises, facilities, buildings, or motor vehicles (whether owned, leased, or used), including other work locations or while traveling to and from these locations while in the course of employment. The term includes locations that are non-County facilities where the employee represents the employer in any capacity.
  - iii. Work hours - includes all working hours as well as meal periods and break periods, regardless of whether on County property.

- iv. Medical Review Officer (MRO) - A licensed physician responsible for receiving a laboratory result generated by the drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

G. Prohibited Activities

Employees are prohibited from being under the influence of alcohol or illegal drugs during work hours, on County property, or while performing County business.

Employees are prohibited from:

1. using alcohol during work hours, on County property, or while performing County business, or
2. using, selling, possessing, manufacturing, or purchasing illegal drugs during work hours, on County property, or while performing County business.

D. Testing

The cost of testing, except a split sample test, will be paid by the employer.

Employees will be paid for time lost while taking the tests.

1. Pre-employment testing. The parties recognize that the Employer has the management right to require pre-employment testing of applicants, and to establish its own policies concerning such testing. The provisions of this policy shall therefore not apply to pre-employment testing.
2. Reasonable suspicion/post accident. There are circumstances under which the employer reserves the right to request that an employee submit to a controlled urine drug screen test or breathalyzer test by qualified personnel for the presence of alcohol or illegal drugs. Each employee is expected to comply with the drug and alcohol policy as implemented. An employee who fails to submit to the test as required, tampers with the urine sample, or after reasonable opportunity, fails to complete any step in the testing process will be deemed to have refused a drug and/or alcohol test. Such individuals will be terminated.

A reasonable suspicion test will be given when the employer has a reason to believe that an employee is using or has used drugs or alcohol in violation of the policy based on specific objective and articulated facts and circumstances which are consistent with the short-term effects of substance abuse.

Examples of reasonable suspicion include, but are not limited to the following:

- i. observable phenomena, such as direct observation of drugs, or the physical symptoms or manifestations of being under the influence of drugs or alcohol, such as slurred speech or glassy

eyes;

- ii. abnormal conduct or erratic behavior while at work, including absenteeism, tardiness, or deterioration in work performance including flagrant disregard or violation of established safety, security or other operating procedures;
- iii. a report of drug use provided by reliable and credible sources and which has been independently corroborated;
- iv. evidence that an individual has tampered with a drug test during his/her term of employment with the employer;
- v. information that an employee has caused or contributed to an accident while at work; and
- vi. evidence that an employee is involved in the use, possession, sale, solicitation, manufacturing, or transfer of illegal drugs while working or while on the county's premises or operating county vehicles or equipment.

E. A post-accident test will be conducted on an employee who is involved in an accident or unsafe practice during work hours or while performing county business that involves:

1. a fatality,
2. an injury requiring immediate medical treatment away from the scene of the accident, or
3. significant property damage unless employee performance, as determined by the Agency Director/Administrator using information available at the time of the accident, is discounted completely as a causative or contributing factor for the damage. Employees are to report such accidents promptly and failure to notify their immediate supervisor or designee can result in disciplinary action up to and including termination. Employees must not consume alcohol after an accident until after she/he has been tested, eight hours have elapsed, or the employee is notified that she/he will not be tested, whichever occurs first.

F. Positive test result. A positive test result means that an employee has violated the policy and will be subject to immediate termination. If the employee has never previously violated this policy, the Employer shall offer the employee a "last chance agreement" which shall set forth terms and conditions that the employee must comply with in order to continue employment.

F. Negative test result. A negative test result means that an employee has not violated this policy. The employment status of the tested employee remains unchanged.

## G. Test Procedures

1. Failure to comply with the request for drug/alcohol testing will be cause for termination.

- i. Urine drug testing:

(a) The Employer will utilize testing facilities that are certified by DHHS to perform urinalysis tests. Initial and confirmation tests will utilize DOT/NIDA cutoff levels. All specimens identified as positive on the initial test shall be confirmed and reported to the employer's Medical Review Officer (MRO). The MRO will review the test results, discuss the positive findings with the employee or applicant, and if the MRO has reason to doubt the test findings, can order a retest. The MRO can reverse a positive finding without retesting if his/her review raises questions about the validity of the results.

(b) An employee may request, within 72 hours of notification of a positive test by the MRO, that a split sample be tested at a different or the same DHHS certified laboratory. If the second test is performed at the same DHHS certified laboratory, the employer shall pay for the cost of the second test. If the second test is performed at a different DHHS certified laboratory, then the employee shall pay for the cost of transporting and testing; provided, however, that if the employee tests negative on the second test, the Employer shall reimburse the employee for these costs. Provided further that applicants shall in all cases pay for all costs associated with a second test.

3. Alcohol Breath Testing:

An initial test will be administered by a breath alcohol technician using an Evidential Breath Testing (EBT) device on the National Highway Traffic Safety Administration's Conforming Products List. Initial and confirmation tests will be identified as positive if the alcohol concentration is .04 or greater. An initial test with an alcohol concentration below .04 will be reported as negative. If the results of the initial test are .04 or greater, a confirmation test will be conducted on the same EBT. The confirmation test is deemed to be the final test result.

## APPENDIX E

### BENEFITS SCHEDULE

#### Employee Assistance Program (EAP)

Employees who wish assistance in dealing with a drug or an alcohol problem are encouraged to seek help voluntarily by contacting a substance abuse professional through the employer's EAP provider or their medical insurance. Requests for assistance will be kept confidential. Employees undergoing rehabilitation are not exempt from this policy.

Employees may be granted Leaves of Absence, to participate in an approved drug/alcohol treatment plan with the approval of the Human Resource Director and/or Chief Clerk.

#### Confidentiality

All information obtained in the course of testing, rehabilitation and treatment of the employees for drug and alcohol problems is considered confidential medical information.

#### Luzerne County Employee Benefits Summary

The following table describes the benefits offered to all full-time employees of Luzerne County. Please refer to plan documents for more detailed information on terms of coverage and eligibility.

<b>BENEFIT</b>	<b>DATE OF ELIGIBILITY</b>
Medical: First Priority Health Geisinger Health Plan	Coverage begins on 1st day of month following 30 calendar days*. EE pays 10% of premium.
Dental: United Concordia Dental	Coverage begins on 1 <sup>st</sup> day of the month following 30 calendar days*. EE responsible for 100% of premium.
Life/AD&D Insurance – Standard Insurance Company	Coverage begins on 1 <sup>st</sup> day of the month following 30 calendar days*. EE receives \$50k of coverage.
Section 125	EE may elect medical, dental, vision, life and disability premiums as pre-tax deductions. Allows for significant tax savings.
Disability & other supplemental insurances – AFLAC	Coverage begins on 1 <sup>st</sup> day of the month following 30 calendar days*. EE responsible for 100% of all supplemental premiums.
Vision care – Penn Vision	Coverage commences on 1 <sup>st</sup> day of the month following 30 calendar days*. EE Covered only.
401(a) - EBDS	EE required to contribute a minimum of 5% with the opportunity to contribute up to 15% of their gross pay. Vesting after 5 years of employment.

Holidays	<ul style="list-style-type: none"> <li>• New Year’s Day</li> <li>• Martin Luther King Jr.</li> <li>• President’s Day</li> <li>• Good Friday</li> <li>• Memorial Day</li> <li>• Independence Day</li> <li>• Labor Day</li> <li>• Columbus Day</li> <li>• Veterans’ Day</li> <li>• Thanksgiving Day &amp; following Friday</li> <li>• Christmas Day</li> </ul>
Credit Union – Luzerne County Credit Union	Immediate eligibility. Offers savings, Christmas and Vacation clubs, loans etc.
Employee Assistance Program	Immediate eligibility – no cost to employee Offers free 24/7 confidential, professional consultation/short term counseling/crisis intervention/referral service up to 3 sessions

\*Coverage is contingent upon timely enrollment of benefit.

NOTE: This table is intended to be a general summary of benefits, and is not meant to supercede or modify the benefits as defined and described in the plan documents, which are provided to all employees. Furthermore, Luzerne County Commissioners reserve the right to alter or cancel the type and terms of benefits at any time. In addition, Luzerne County employees are considered at will employees, and thus may, without notice, resign or be terminated immediately at any time. Nothing in this table, nor in the plan documents, or in any other description of benefits, which might be provided to employees can or should be considered an employment contract or any grounds by which each employee’s status as an at-will employee may be altered in any way. **It is important to note that this Benefit Summary is only applicable to those employees NOT covered by a separate Collective Bargaining Agreement.**

## Appendix G

### TRAVEL POLICY

#### I. PURPOSE

This document outlines the Policies and Procedures for individuals traveling on Luzerne County business using County funds, and applies to both day and overnight travel.

#### II. DEFINITIONS

- A. Authorized Travel: Travel to be performed by County employees that is reviewed and approved in the budget process and for which funds are included in the adopted budget. Department Heads will manage the allocation of available resources to accomplish travel most efficiently and effectively throughout the year.
- B. Daily Travel: All travel not requiring overnight accommodations and/or performed within the boundaries of Luzerne County by employees in accomplishing their assigned duties is considered daily travel. Daily travel for Department Heads is at the discretion of the Department Heads. Daily travel for all other employees requires advance approval as outlined in Section VIII – Travel Approval, below.
- C. Extended Travel: All overnight trips to attend meetings, conferences, training, or other work-related functions are considered extended travel. Extended travel requires advance approval as outlined in Section VIII – Travel Approval, below.
- D. International Travel: Travel to locales outside the 48 contiguous United States is considered international travel. International travel requires advance approval as outlined in VIII – Travel Approval, below.

#### III. GENERAL POLICIES

- A. Applicability: This policy shall apply to all employees and members of boards, commissions, and authorities of Luzerne County engaged in travel required to conduct Luzerne County business. Employees are not guaranteed attendance at conferences and training seminars. County Administration/Department Heads will determine the appropriateness of all travel undertaken by staff and have the authority to approve or disapprove requests for conferences, training, seminars and other business travel. Supervisors are encouraged to provide these opportunities appropriately and fairly.

Travel undertaken by sworn officers of the Sheriff's Office for the purposes of prisoner extradition is subject to extradition policies and procedures as contained in the Sheriff's Office Standard Operating Procedures Manual.

- B. Responsibility: Each Department Head is expected to exercise sound and prudent judgment when approving, arranging for, and incurring travel expenditures.

It shall be the responsibility of the Department Head to determine who is eligible for reimbursement for Internet access, if the place of lodging does not provide this service for free. The fee(s) for Internet access shall be included in the itemization of anticipated travel expenses when submitted for advance approval. Each employee participating in County-funded travel shall submit a Travel Authorization/Reimbursement Form (Appendix II) to obtain advance approval for travel as outlined in Section VIII - Travel Approval, below. All travel-related expenses are to be itemized on one form; expenses may not be divided between two forms to avoid the expenditure limit as defined in paragraph III-C below. In the event the total expenses are anticipated to exceed the expenditure limit as defined in Section III-C below, the request for advance approval must comply with the schedule for submission as a Commissioners agenda item. Within ten (10) business days of return from travel, the original, approved Travel Authorization/Reimbursement Form shall be submitted to the Budget & Finance Office with all appropriate receipts, details of expenses, explanations, and, if applicable, refund of unused travel advance funds. If the individual incurring travel expenses is a Row Officer, that individual shall request the County Manager/Chief Clerk to review and sign the reimbursement form. It is the responsibility of the Department Head to ensure the refund of any unused travel advance is submitted with the Travel Authorization/Reimbursement Form to the Controller's Office within ten (10) business days of return from travel.

- C. Expenditure Limits: Expenditures for any individual employee to attend any single meeting, conference, training, seminar or other work-related function shall not exceed \$1,500, except as allowed in Section III-D, below. The \$1,500 limit is inclusive of travel, registration, and all other costs associated with attending such work-related functions. If an employee exceeds the \$1,500 expenditure limit without obtaining approval of the Commissioners prior to scheduling travel, such employee shall be personally responsible for all expenditures exceeding that amount.
- D. In those instances where funds for certain desired travel exceed the \$1,500 limit referenced in Section III-C, the requesting agency may make an appeal for an exception to policy. Such an appeal must demonstrate good cause and must be made through the County Manager/Chief Clerk, and shall be made prior to expending any County funds on the desired travel.
- E. Advance Payments: Only registration, per diem and advance conference fees may be paid prior to travel. All other travel payments shall be in the form of employee reimbursements after travel unless prior approval for advance payment is obtained from the County Manager/Chief Clerk.

- F. Excessive Expenses: Persons traveling on official County business will exercise care in incurring expenses to minimize the cost to the County Government. Excessive and unnecessary expenses will not be reimbursed. Those with authority as specified in Section III-A above will determine if expenses are excessive.

Examples of non-reimbursable excessive expenses are:

- Travel or accommodations upgrades
- In room movies, hotel gym or spa expenses
- Theatre, concert and sporting event tickets
- Other incidentals such as medicines, toiletries, snacks or hotel personal services
- Any additional meal expenses over and above those mentioned in this policy
- Any costs incurred by the individual's guest(s) or individuals accompanying the county employee
- Any Alcohol expenses

- G. Joint Travel: When it is known that two or more employees will be traveling to the same destination, maximum use shall be made of special group travel discounts, joint use of taxicabs and joint use of County-owned, leased or privately-owned vehicles. County Government strongly urges such employees to carpool or use commercial transportation where feasible.

#### **IV. POLICY ADMINISTRATION**

The administration of this policy shall be as follows:

- A. County Administration will adopt provisions of policy, set rates of reimbursement, and make any significant alterations.
- B. County Manager/Chief Clerk will implement all provisions of this policy, authorize exceptions as permitted and make changes to operating procedures as necessary.
- C. County Manager/Chief Clerk approval is required prior to making any travel arrangements when multiple employees in one department plan extended travel, as defined in Section II-C above, to the same event.
- D. Budget & Finance Department will administer the policy (review practices for policy compliance, keep records, prepare advances and checks, note discrepancies, etc.).

## **V. TRANSPORTATION**

It is expected that the most direct, practical and economical mode and route of travel is arranged and used. Transportation is paid only if it is reasonable and necessary to accomplish the County's business.

- A. **County Vehicle:** County vehicles should be used for daily or extended travel when available and cost beneficial to the department.
- B. **Personal Vehicle:** Employees are permitted to use their personally owned automobiles when a County-owned vehicle is not available, or when the use of a personally owned vehicle is cost beneficial to the department. In the event of an accident, the employee's insurance will be sole and primary.
- C. When traveling to training, conferences, etc., the distance normally traveled from home to worksite (or the equivalent distance) is not reimbursable.
- D. If an employee is required to return to work after going home for the day, the department head, depending on circumstances, may approve mileage reimbursement for the return trip.
- E. In the event daily work related travel in a personal vehicle exceeds twenty (20) miles per day that travel, in its entirety, the employee shall be eligible for mileage reimbursement under the terms of this policy. County Commissioners and Row officers are excluded from this reimbursement.
- F. **Commercial Transportation (Airplane, Rental Car, Taxicab, etc.):** It is expected that the most economical and efficient mode and route of travel is used when travel is necessary to accomplish the County's business. Transportation should be shared by employees traveling together whenever possible. Rental cars may be used only when necessary for official purposes while traveling. Rental cars may not be used for personal purposes when traveling.

## **VI. LODGING**

- A. **Accommodations:** Accommodations will be reimbursed on a single occupancy basis only, unless there is more than one County employee traveling and a room is being shared voluntarily. Accommodations shall be arranged at (or closest to) the site of business. Accommodations will be reimbursed at the conference rate or government rate plus applicable taxes, whichever is lower and available. A receipt for lodging expenses shall be required and must accompany the Travel Authorization/Reimbursement form to ensure reimbursement. Extended travel must be necessary and reasonable to accomplish the County's business to be eligible for reimbursement. Prior approval for extended travel must be obtained in accordance with Section VIII – Travel Approval, below or in the case of non-elected County officers and employees attending annual meetings of their associations, refer to the County Code section 443

- B. Non-Canceled Hotel Reservations: Employees will communicate travel plan changes to the hotel as soon as possible if a confirmed reservation is being held. Since hotels may charge for non-canceled reservations, these charges will not be reimbursed if the traveler is negligent in canceling those reservations.

## **VII. MISCELLANEOUS EXPENSES**

- A. Allowed Expenses: Taxes and surcharges paid by the traveler for lodging will be reimbursed. Tolls and parking fees are reimbursable. A receipt is required for reimbursement of all claims.
- B. Telephone and Facsimile Charges: Telephone and facsimile charges will be on the Authorization/Reimbursement form.
- C. Internet Access Charges: Internet access charges will be reimbursed only if an approved business justification is provided on the Travel Authorization/Reimbursement form.

**VIII. TRAVEL/REIMBURSEMENT APPROVAL**

<b>Travel By:</b>	<b>Daily Travel</b>	<b>Extended Travel</b>	<b>International Travel</b>	<b>Total Travel Expenses ≥ \$1,000 &lt; \$1,500</b>	<b>Total Travel Expenses ≥ \$1,500</b>
Departmental Staff *	Department Head/Row Officer		County Manager/Chief Clerk		Board of Commissioners
Department Head *	Self	County Manager/Chief Clerk or designee	County Manager/Chief Clerk		Board of Commissioners
Human Services Directors' *	Self	Director of Human Services	County Manager/Chief Clerk		Board of Commissioners
County Manager/Chief Clerk *	Self	Chairman, Board of Commissioners			Board of Commissioners
Member Board of Commissioners	Self	Chairman, Board of Commissioners			Board of Commissioners
Non-BOC Boards, BOC Committees, * BOC Commissions	County Manager/Chief Clerk				Board of Commissioners

**\*County Code Section 443 applies for all authorized non-elected County officers and employees attending annual meetings of their associations.**

**PER DIEM RATES  
(Effective September 17, 2008)**

**I. Mileage:**

Shall be reimbursed at the rate of reimbursement adopted by the state, which follows the current IRS rates. The current IRS rates can be found at the following site: [www.gsa.gov](http://www.gsa.gov)

Officials and employees of the County required to use their private vehicle in the performance of their official duties (routine mileage) will be compensated for business miles traveled at the current mileage rate. Business miles will be calculated starting from the location where the official or employee normally reports for work on a daily basis and ends at the last location prior to returning to their residence.

This reimbursement is based on the premise that the place of business is the headquarters of the employee. If the trip is begun or ended at a place other than the headquarters, reimbursement is allowed from the starting point, only when the cost from the starting point to the destination is less than the cost from headquarters to the destination.

**II. Meals:**

**A. Daily Meal Rates:**

1. Breakfast \$10.00
2. Lunch \$12.00
3. Dinner \$23.00

**B. Daily Per Diem: \$45.00**

The above reimbursement amounts are a base line and the employee will receive the lesser of the above stated rates or the GSA rates as stated at [www.gsa.gov](http://www.gsa.gov) for the town or location they are traveling too.

**III. Lodging:**

GSA rate as stated at [www.gsa.gov](http://www.gsa.gov) or the conference facilities rate, whichever is lower, plus applicable taxes is acceptable. Preference is given to conference facilities due to potential additional expenses that may be incurred due to commuting to and from conference venue and the safety of the attendee. If there is an abnormal discrepancy in the cost of other facilities in the area, the GSA rate and the conference facilities rate, approval from the County Manager/Chief Clerk is necessary with proper justification from attendee and or their Manager/Director.

If there is 3d facility nearby the conference facility with a lodging rate which is less than both the conference facility and the GSA rates, and the attendee wishes to avail him- or herself of such accommodations, such documentation should be brought to the attention of the County Manager/Chief Clerk by either the attendee or their authorizing Department Head/Director for prior approval.

**IV. Incidentals:**

\$3 per day

Incidental amount will only be paid for overnight travel.

**Appendix II to Travel Policy**

**Luzerne County  
Travel Authorization/Reimbursement Form**

**Travel Request Detail**

**Requesting Employee Information**

Name \_\_\_\_\_  
 Department \_\_\_\_\_  
 Address \_\_\_\_\_  
 City, State, Zip \_\_\_\_\_  
 Purpose of Travel \_\_\_\_\_  
 Travel Date(s) \_\_\_\_\_

**Estimated Funding Required:**

Registration \_\_\_\_\_  
 Lodging \_\_\_\_\_  
 Lodging taxes \_\_\_\_\_  
 Meals \_\_\_\_\_  
 Transportation \_\_\_\_\_  
 Incidentals \_\_\_\_\_  
 Mileage (per ?.) \_\_\_\_\_  
 Parking, tolls \_\_\_\_\_  
 Taxi, shuttle \_\_\_\_\_

**Advance payment requested?**  Yes  No

(Except for registration, per diem and advance conference fees, all travel payments shall be in the form of employee reimbursements after completion of travel unless prior approval is obtained from the County Manager)

**Reason for advance payment:**

\_\_\_\_\_

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

Department Head/Authorized Officials Signature \_\_\_\_\_ Date \_\_\_\_\_

**If advanced payment is requested, County Manager approval is required**

County Manager \_\_\_\_\_ Date \_\_\_\_\_

**If estimated expenditures exceed \$1,500, Board of Commissioners approval is required**

Chairman Board of Commissioners \_\_\_\_\_

Date of BOC Meeting \_\_\_\_\_

**Expense Accounting/Reimbursement Request**

Within ten (10) working days after travel, complete the following expense/reimbursement detail, attach required receipts and submit to the  
 Controllers Office

**Actual Expenditures**

	Acct. Code	Date(s)	Amount
Registration			
Lodging			
Meals		Detail Below	
Transportation			
Mileage (daily)		Provide detail on TP-MR02	
Mileage (conf.)			
Parking, Tolls			
Taxi, Shuttle			
Incidentals			
Gas			
Other (Specify)			
Transportation			

<b>Total Expenses</b>	\$
<b>Less Advances</b>	\$

**Meals Detail**

Per Diem Rate or GSA Rate Used	\$	\$	\$
Date	Breakfast	Lunch	Dinner
<b>Totals</b>			

**Total Meals** \$

Employee Signature/Date \_\_\_\_\_

**Reimbursement Approval**

**Amount Due Employee** \$

**Amount Due County (Attach Personal check)** \$

**Authorized Signature** \_\_\_\_\_

**Print Name** \_\_\_\_\_

**Date** \_\_\_\_\_

**Notes:**

Travel must be budgeted and approved in advance in accordance with the Luzerne County Travel Policy, in order to receive reimbursement.

Complete the first column and meals detail above, and submit for approval prior to travel.

Complete the expense accounting information after travel, as indicated above. Receipts are required for meals, lodging, airfare, gasoline, parking and other travel related expenditures, except meals purchased under the per diem.

Attach the receipts to this form when submitting for reimbursement.

Meals included in conference/seminar fees, or provided by a vendor at no expense to the employee, are not reimbursable.

To document registration fees attach a copy of the flyer or brochure, which specifies the charges being reimbursed.

Travel outside the contiguous 48 states must be approved in advance by the County Manager and or the Chairman Commissioner.

County Manager approval is required when more than one employee in one department plan to attend an event requiring extended travel.

Business justification for telephone/fax/internet charges must accompany request for reimbursement.

