ORDINANCE 13-1150

FLEMING COUNTY, KENTUCKY ADMINISTRATIVE CODE AND PERSONNEL POLICIES

Adopted by:
Action of Fleming County Fiscal Court

Effective Reviewed/Revised:
July 9, 2013, September 10, 2013, January 14, 2014, June 23, 2015
June14, 2016, August 8, 2017, September 12, 2017
AMENDED SECTIONS 2.8, 8.2 AND 8.10 August 13, 2019
AMENDED SECTIONS 5.30 AND 11.7 May 11, 2021
AMENDED SECTIONS 2.10 AND 2.8 November 9, 2021
AMENDED SECTION 5.58 B(6) AND C(1) September 13, 2022
AMENDED SECTIONS 2.10, 5.43, 5.44, 8.2, 11.10 August 8, 2023
AMENDED SECTIONS 5.42 AND 8.9 June 11, 2024
AMENDED SECTIONS 5.29(B) AND 5.58(C)(1) September 10, 2024

FLEMING COUNTY, KENTUCKY

ADMINISTRATIVE CODE / PERSONNEL POLICIES
CERTIFICATE OF RECEIPT

I have received a copy of Fleming County Fiscal Court's Administrative Code/Personnel Policies, Ordinance # 13-1150, the most current edition.

I understand that it is my obligation to read the Fleming County Administrative Code /Personnel Policies and agree to follow all policies and procedures that are set forth therein. I agree to abide by the standards outlined in the document for the duration of my employment with Fleming County Fiscal Court. I understand that this Administrative Code/Personnel Policies, and my signature below, does not constitute an employment contract and that the County is an at-will employer. Any individual may voluntarily leave employment and may be terminated by the employer at any time and for any reason. Any oral or written statements or promises to the contrary are hereby expressly disavowed and should not be relied upon by any prospective or existing employee. Should I have any questions related to the Fleming County Administrative Code/Personnel Policies, it is my obligation to seek assistance from my supervisor, the County Judge/Executive and/or County Attorney.

Furthermore, I understand that this Ordinance may be amended at any time and are subject to change at any time at the discretion of the employer.

I certify that I have received and read a copy of the Fleming County Administrative Code /Personnel Policies.

_____ _____

Employee Signature Date

_____

Employee Printed Name

Received by:

_____ _____

County Judge/Executive Signature Date

FLEMING COUNTY, KENTUCKY
E-MAIL AND INTERNET USER AGREEMENT

I have received a copy of Fleming County Fiscal Court's Policy Guidelines on

e-mail/Internet acceptable use (Chapter 12). I recognize that the County's e-mail/Internet is to be used for conducting the County's business only.

I understand that use of this equipment for private purposes is strictly prohibited.

As part of Fleming County and user of Fleming County's gateway to the Internet and e-mail system, I understand that this e-mail/internet County guideline applies to me.

I understand that it is my obligation to read the aforementioned document and agree to follow all policies and procedures that are set forth therein. I further agree to abide by the standards set in the document for the duration of my employment with Fleming County Fiscal Court. Should I have any questions related to the Fleming County Administrative Code/Personnel Policies, it is my obligation to seek assistance from my supervisor, director or Department Head.

I am aware that violations of this County guideline on acceptable e-mail/internet use may subject me to disciplinary action, up to and including dismissal from employment.

I further understand that my communications on the internet and e-mail reflect on Fleming County Fiscal Court. Furthermore, I understand that this policy can be amended at any time or that I may receive further direction from my superiors related to proper e-mail/internet usage.

_____ _____

Employee Signature Date

_____

Employee Printed Name

Received by:

_____ _____

County Judge/Executive Signature Date

Ordinance 13-1150
Purpose and Authority

An Ordinance relating to the General Assembly of the Commonwealth of Kentucky enacted KRS 68.005 in 1978 for the purpose of promoting efficient administration of County government. KRS 68.005 requires the Fiscal Court to adopt a County Administrative Code/Personnel Policies which includes, but not limited to, procedures and designation of responsibility for the following:

(1) General administration of the office of County Judge/Executive, County administrative agencies and public authorities;

(2) Administration of County fiscal affairs, including budget formulation; receipt and disbursement of County funds, preparation of records required for the County audit, and for filing of claims against the County;

(3) Personnel administration, including description and classification of non-elected positions, selection, assignment, supervision and discipline of employees, employee complaints and the County affirmative action program;

(4) County purchasing and award of contracts; and

(5) Delivery of County services.

WHEREAS, the County Judge/Executive, as the chief executive officer of the County, is responsible for the organization and management of the administrative functions of County government.

WHEREAS, the Fleming County Fiscal Court sets the County's policies and priorities.

WHEREAS, the County Judge/Executive must execute these policies and priorities. The statute provides only general guidance as to the form and substance of a County's internal administrative organization. For this reason, the Fiscal Court of Fleming County, Kentucky enacts and establishes the following Administrative Code/Personnel Policies; dividing the administrative services of Fleming County into departments under the County Judge/Executive; prescribing administrative policy and procedures; prescribing the function and duties of administrative units and officials of the government; prescribing the administration of fiscal affairs and procurement procedures; and prescribing for the delivery of county services.

This Ordinance shall be full force and effect from and after its passage, publication and recording, according to the law. This Ordinance may be published in summary only.

NOW THEREFORE, be it ordained by the Fiscal Court of Fleming County, Commonwealth of Kentucky enacts the following Ordinance 13-1150 relating to the Fleming County Administrative Code and Personnel Policies.

Signed: John Sims Jr., Fleming County Judge/Executive

FLEMING COUNTY, KENTUCKY
ADMINISTRATIVE CODE / PERSONNEL POLICIES

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

BE IT ADOPTED BY THE FISCAL COURT OF FLEMING COUNTY:

CHAPTER 1 GENERAL PROVISIONS

SECTION 1.1 Short Title

A. This document shall be known and may be cited as the "Fleming County Administrative Code/Personnel Policies".

SECTION 1.2 Definitions

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

(1) *Chief Executive* is the County Judge/Executive of Fleming County
(2) *County* is Fleming County, Kentucky, a governmental entity
(3) *Fiscal Court* is the County body vested with the legislative powers of Fleming County
(4) *Elected Official* means the County Clerk, Sheriff, Jailer and County Attorney, Magistrate, Coroner and Constable

SECTION 1.3 Amendments

A. The Fiscal Court shall review the Fleming County Administrative Code / Personnel Policies annually during the month of June and may by two-thirds (2/3) majority of the entire Fiscal Court amend the Fleming County Administrative Code/Personnel Policies at that time.

B. The County Judge/Executive may at other times prepare and submit amendments to the Fleming County Administrative Code/Personnel Policies for approval by the majority of the Fiscal Court.

CHAPTER 2 GENERAL ADMINISTRATION

SECTION 2.1 County Judge/Executive

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

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

(1) Provide for the execution of all ordinances and resolutions of the Fiscal Court, execute all contracts entered into by the Fiscal Court, and provide for the execution of all laws by the state subject to enforcement by him/her or by officers who are under his direction and supervision;

(2) Along with the Fiscal Court, may cause for the creation and revision of an Administrative Code/Personnel Policies, prepare and submit to the Fiscal Court for approval an

administrative code /personnel policies incorporating the details of administrative procedure for the operation of the County. Review such code/policies and suggest revisions periodically or at the request of the Fiscal Court. The Code/policies must be adopted by the Fiscal Court and reviewed periodically;

(3) Furnish the Fiscal Court with information concerning the operations of the County departments, boards, or commissions, necessary for the Fiscal Court to exercise its powers or as requested by the Fiscal Court;

(4) Require all officials, elected or appointed, whose offices utilize County funds, and all boards, special districts, and commissions exclusive of city governments and their agencies located within the County, to make a detailed annual financial report to the Fiscal Court concerning the business and condition of their office, department, board, commission, water districts or special districts;

(5) Consistent with procedures set forth in KRS Chapter 68, prepare and submit to the Fiscal Court an annual budget and administer the provisions of the budget when adopted by the Fiscal Court;

(6) Keep the Fiscal Court fully advised as to the financial condition and needs of the County and make such other reports from time to time as required by the Fiscal Court or as he/she deems necessary;

(7) Exercise with the approval of the Fiscal Court the authority to appoint, supervise, suspend, and remove County personnel (unless otherwise provided by state law); and

(8) With the approval of the Fiscal Court, make appointments to or remove members from such boards, commissions, and designated administrative positions as the Fiscal Court, charter, law or ordinance may create.

(9) Exercise the responsibilities of the County Judge/Executive as found in KRS 67.715.

C. Statutory provisions for the County Judge/Executive's salary are found in KRS 67.705; KRS 64.527; KRS 64.535, among others. The Fiscal Court sets the salary of the County Judge/Executive not later than the first Monday preceding the Judge's election in November.

D. The minimum annual compensation paid to the County Judge/Executive shall be the greater of a sum not less than sixty (60%) of the maximum compensation certified under KRS 64.527, or not less than the annual compensation of the sheriff or county clerk or jailer in the county, except that no Fiscal Court shall be required under the provisions of this section to approve an amount for the compensation of any one official which would exceed six percent (6%) of the county's total annual general fund receipts including federal revenue sharing monies.

E. The salary may be reset each year by the Fiscal Court at a rate no greater than that computed each year by the Finance and Administrative Cabinet based upon the increase or decrease in the Consumer Price Index (CPI) as determined by KRS 64.527.

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

A. The County Judge/Executive shall prepare and submit to the Fiscal Court an organizational chart showing the agencies and departments of county government and their organization. The organizational chart shall show the relationship of each agency and department and the lines of authority within the county government.

B. The County Judge/Executive shall prepare a concise statement of the functions and services to be provided by each county department and agency.

C. The County Judge/Executive shall annually review the organization of county government and may recommend reorganization of any agency or department by the Fiscal Court.

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

E. The reorganization plan shall state the need, how the reorganization will meet the need, specific measureable goals and a time period indicated for meeting each goal, the services and functions to be expanded, abolished, or reduced as a result of the plan, the long- and short-term costs, and the plan's impact on existing and/or proposed personnel and services.

F. The plan shall be submitted to the Fiscal Court for approval at a meeting of the Fiscal Court. If not disapproved within sixty (60) days, the plan shall become effective. The plan shall be subject to public inspection at least 30 days prior to its effective date.

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

SECTION 2.3 Special Districts (Now known as Special Purpose Government Entities)

A. The County Judge/Executive may, with approval of the Fiscal Court, create any special districts; (Now known as Special Purpose Government Entities)
or abolish or combine any special districts, provided such district was created solely by the County.

SECTION 2.4 County Representations on Boards and Commissions

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

B. The County Judge/Executive has the authority "with approval of the Fiscal Court to make appointments to or remove members from such boards and commissions …as the Fiscal Court, Charter, Law or Ordinance may create." (KRS 67.710). In accordance with applicable law or ordinance appointments and removals from boards, commissions and administrative positions shall be the duty of the County Judge/Executive, with the approval of the Fiscal Court.

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

D. The Judge/Executive shall nominate qualified persons to serve on boards and commissions and inform the Fiscal Court of his/her intention to make an appointment, at a duly called meeting. If approved by the Fiscal Court the nomination is required by state law, the Fiscal Court will act on such nomination. A majority of those Fiscal Court members present at a meeting shall vote in favor of the nomination in order for it to be approved.

E. No person shall be selected as a member of a board or commission if such person holds or is employed in a position which is incompatible with the one for which nominated. The Fiscal Court may require the nominee to appear at a public hearing for the purpose of questioning such nominee about matters, which related to the position for which my mail if this is the intention of the Fiscal Court. The Fiscal Court shall provide the nominee an opportunity to make a statement to the Fiscal Court concerning his/her nomination and qualifications.

F. In the event the Fiscal Court rejects the nominee, the Judge/Executive shall submit additional nominations, not to exceed ten (10) for any one position; and if the Fiscal Court rejects all ten (10) the County Judge/Executive shall appoint a person to serve on a temporary basis, not to exceed one (1) year.

G. When the Fiscal Court approval of an appointment is not required by state law, the County Judge/Executive shall make such appointment. Within thirty (30) days of making such appointment, the Judge/Executive shall notify the Fiscal Court in writing of the appointment, and made a part of the Fiscal Court minutes.

SECTION 2.5 Appointed Positions

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

B. The County Judge/Executive may appoint a Deputy County Judge/Executive with the approval of the Fiscal Court.

C. The County Judge/Executive may appoint, subject to the approval of the Fiscal Court, a Finance Officer to assist with the County fiscal affairs.

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

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

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

A. The County Judge/Executive shall inform the Fiscal Court of any open position on County

Boards or Commissions, or in designated administrative positions.

B. The County Judge/Executive shall appoint qualified individuals to administrative positions and to Boards and Commissions in writing, with the writing submitted to Fiscal Court. The Fiscal Court shall act on such nomination within thirty (30) days. If the Fiscal Court does not act on the nomination within the thirty (30) day period, said appointment shall be deemed approved by the Fiscal Court; or

C. If the Fiscal Court rejects the nomination, the County Judge/Executive shall submit an additional nomination(s) for each position.

D. The appointment shall be filed and entered into by index into the Fiscal Court Record of Minutes shall be maintained at the Fleming County Clerk's Office.

E. The Fleming County Fiscal Court may require a nominee to appear at a public hearing for the purpose of questioning the nominee about matters relating to the appointed position. The nominee shall be notified by mail if this is the intention of the Fiscal Court. The Fiscal Court shall provide the nominee with an opportunity to make a statement to the Fiscal Court concerning his nomination and qualifications.

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

SECTION 2.7 County Procedures for Administrative Agencies

A. The head of each Fleming County Department, Agency or Commission shall maintain and provide on a regular basis as requested, the following records:

(1) A financial statement for each agency or department. Such financial statements shall contain the total amount of appropriations for the agency or department; the amount spent and encumbered by the agency or department during the preceding reporting period; the total amount encumbered during the fiscal year; and the amount of the total appropriation, which is still available for spending.

(2) Within sixty (60) days after the close of each fiscal year, each administrative agency shall make full report to the County Judge/Executive and to the Fiscal Court. The report shall include a financial statement and the general scope of the operation of the agency during the preceding year.

(3) Each administrative agency requesting Fleming County budget funds shall submit a detailed annual budget request to the County Judge/Executive by April 30th of each year.

(4) Each administrative agency of Fleming County shall keep minutes of its meetings to reflect on record its official actions.

(5) A statement, which describes the activities of the department or agency during the month, and evaluates these activities in relation to agency or departmental objectives.

(6) A list of any citizens' complaints made to the agency or department during the preceding month and the steps taken by the agency or department to correct the situation.

(7) The Judge/Executive shall prepare a written summary of the foregoing information and present it to the Fiscal Court at the first meeting following the tenth of each month.

(8) The County Judge/Executive or Fiscal Court may cause the records and accounts of any administrative agency to be examined at any time.

SECTION 2.8 Procedures for Requesting Public Records Relating to KRS 61.870 to 61.884

A. Definitions As used in KRS 61.870 to 61.884, unless the context requires otherwise:

(1) "Public agency" means:

(a) Every state or local government officer;

(b) Every state or local government department, division, bureau, board, commission, and authority;

(c) Every state or local legislative board, commission, committee, and officer;

(d) Every county and city governing body, council, school district board, special district board, and municipal corporation;

(e) Every state or local court or judicial agency;

(f) Every state or local government agency, including the policy-making board of an institution of education, created by or pursuant to state or local statute, executive order, ordinance, resolution, or other legislative act;

(g) Any body created by state or local authority in any branch of government;

(h) Any body which, within any fiscal year, derives at least twenty-five percent (25%) of its funds expended by it in the Commonwealth of Kentucky from state or local authority funds. However, any funds derived from a state or local authority in compensation for goods or services that are provided by a contract obtained through a public competitive procurement process shall not be included in the determination of whether a body is a public agency under this subsection;

(i) Any entity where the majority of its governing body is appointed by a public agency as defined in paragraph (a), (b), (c), (d), (e), (f), (g), (h), (j), or (k) of this subsection; by a member or employee of such a public agency; or by any combination thereof;

(j) Any board, commission, committee, subcommittee, ad hoc committee, advisory committee, council, or agency, except for a committee of a hospital medical staff, established, created, and controlled by a public agency as defined in paragraph (a), (b), (c), (d), (e), (f), (g), (h), (i), or (k) of this subsection; and

(k) Any interagency body of two (2) or more public agencies where each public agency is defined in paragraph (a), (b), (c), (d), (e), (f), (g), (h), (i), or (j) of this subsection;

(2) "Public record" means all books, papers, maps, photographs, cards, tapes, discs, diskettes, recordings, software, or other documentation regardless of physical form or characteristics, which are prepared, owned, used, in the possession of or retained by a public agency. "Public record" shall not include any records owned or maintained by or for a body referred to in subsection (1)(h) of this section that are not related to functions, activities, programs, or operations funded by state or local authority;

(3) (a) "Software" means the program code which makes a computer system function, but does not include that portion of the program code which contains public records exempted from inspection as provided by KRS 61.878 or specific addresses of files, passwords, access codes, user identifications, or any other mechanism for controlling the security or restricting access to public records in the public agency's computer system.

(b) "Software" consists of the operating system, application programs, procedures, routines, and subroutines such as translators and utility programs, but does not include that material which is prohibited from disclosure or copying by a license agreement between a public agency and an outside entity which supplied the material to the agency;

(4) (a) "Commercial purpose" means the direct or indirect use of any part of a public record or records, in any form, for sale, resale, solicitation, rent, or lease of a service, or any use by which the user expects a profit either through commission, salary, or fee.

(b) "Commercial purpose" shall not include:

1. Publication or related use of a public record by a newspaper or periodical;

2. Use of a public record by a radio or television station in its news or other informational programs; or

3. Use of a public record in the preparation for prosecution or defense of litigation, or claims settlement by the parties to such action, or the attorneys representing the parties;

(5) "Official custodian" means the chief administrative officer or any other officer or employee of a public agency who is responsible for the maintenance, care and keeping of public records, regardless of whether such records are in his actual personal custody and control;

(6) "Custodian" means the official custodian or any authorized person having personal custody and control of public records;

(7) "Media" means the physical material in or on which records may be stored or represented, and which may include, but is not limited to paper, microform, disks, diskettes, optical disks, magnetic tapes, and cards;

(8) "Mechanical processing" means any operation or other procedure which is transacted on a machine, and which may include, but is not limited to a copier, computer, recorder or tape processor, or other automated device;

(9) "Booking photograph and photographic record of inmate" means a photograph or image of an individual generated by law enforcement for identification purposes when the

individual is booked into a detention facility as defined in KRS 520.010 or photograph and image of an inmate taken pursuant to KRS 196.099; and

(10) "Resident of the Commonwealth" means:

(a) An individual residing in the Commonwealth;

(b) A domestic business entity with a location in the Commonwealth;

(c) A foreign business entity registered with the Secretary of State;

(d) An individual that is employed and works at a location or locations within the Commonwealth;

(e) An individual or business entity that owns real property within the Commonwealth;

(f) Any individual or business entity that has been authorized to act on behalf of an individual or business entity defined in paragraphs (a) to (e) of this subsection; or

(g) A news-gathering organization as defined in KRS 189.635(8)(b)1.a. to e.

B. Strict construction of exceptions of KRS 61.878.

The Fleming County Fiscal Court finds and declares that the basic policy of KRS 61.870 to 61.884 is that free and open examination of public records is in the public interest and the exceptions provided for by KRS 61.878 or otherwise provided by law shall be strictly construed, even though such examination may cause inconvenience or embarrassment to public officials or others.

C. Right of Kentucky residents to inspect public records -- Written application -- Limitation.

(1) All public records shall be open for inspection by any resident of the Commonwealth, except as otherwise provided by KRS 61.870 to 61.884, and suitable facilities shall be made available by each public agency for the exercise of this right. No resident of the Commonwealth shall remove original copies of public records from the offices of any public agency without the written permission of the official custodian of the record.

(2) (a) Any resident of the Commonwealth shall have the right to inspect public records. The official custodian may require a written application, signed by the applicant and with his or her name printed legibly on the application, describing the records to be inspected. The official custodian may require the applicant to provide a statement in the written application of the manner in which the applicant is a resident of the Commonwealth under KRS 61.870(10)(a) to (f).

(b) The written application shall be:

1. Hand delivered;

2. Mailed;

3. Sent via facsimile; or

4. Sent via e-mail to the public agency's official custodian of public records or his or her designee at the e-mail address designated in the public agency's rules and regulations adopted pursuant to KRS 61.876.

(c) A public agency shall not require the use of any particular form for the submission of an open records request, but shall accept for any request the standardized form developed under KRS 61.876(4).

(3) A resident of the Commonwealth may inspect the public records:

(a) During the regular office hours of the public agency; or

(b) By receiving copies of the public records from the public agency through the mail. The public agency shall mail copies of the public records to a person whose residence or principal place of business is outside the county in which the public records are located after he or she precisely describes the public records which are readily available within the public agency. If the resident of the Commonwealth requesting the public records requests that copies of the records be mailed, the official custodian shall mail the copies upon receipt of all fees and the cost of mailing.

(4) If the person to whom the application is directed does not have custody or control of the public record requested, that person shall notify the applicant and shall furnish the name and location of the official custodian of the agency's public records.

(5) If the public record is in active use, in storage or not otherwise available, the official custodian shall immediately notify the applicant and shall designate a place, time, and date for inspection of the public records, not to exceed five (5) days from receipt of the application, unless a detailed explanation of the cause is given for further delay and the place, time, and earliest date on which the public record will be available for inspection.

(6) If the application places an unreasonable burden in producing public records or if the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the public agency, the official custodian may refuse to permit inspection of the public records or mail copies thereof. However, refusal under this section shall be sustained by clear and convincing evidence.

D. Abstracts, memoranda, copies -- Agency may prescribe fee -- Use of nonexempt public records for commercial purposes -- Online access.

(1) Upon inspection, the applicant shall have the right to make abstracts of the public records and memoranda thereof, and to obtain copies of all public records not exempted by the terms of KRS 61.878. When copies are requested, the custodian may require a written request and advance payment of the prescribed fee, including postage where appropriate. If the applicant desires copies of public records other than written records, the custodian of the records shall duplicate the records or permit the applicant to duplicate the records; however, the custodian shall ensure that such duplication will not damage or alter the original records.

(2) (a) Nonexempt public records used for noncommercial purposes shall be available for copying in either standard electronic or standard hard copy format, as designated by the party requesting the records, where the agency currently maintains the records in electronic format. Nonexempt public records used for noncommercial

purposes shall be copied in standard hard copy format where agencies currently maintain records in hard copy format. Agencies are not required to convert hard copy format records to electronic formats.

(b) The minimum standard format in paper form shall be defined as not less than 8 1/2 inches x 11 inches in at least one (1) color on white paper, or for electronic format, in a flat file electronic American Standard Code for Information Interchange (ASCII) format. If the public agency maintains electronic public records in a format other than ASCII, and this format conforms to the requestor's requirements, the public record may be provided in this alternate electronic format for standard fees as specified by the public agency. Any request for a public record in a form other than the forms described in this section shall be considered a non-standardized request.

(3) The public agency may prescribe a reasonable fee for making copies of nonexempt public records requested for use for noncommercial purposes which shall not exceed the actual cost of reproduction, including the costs of the media and any mechanical processing cost incurred by the public agency, but not including the cost of staff required. If a public agency is asked to produce a record in a non-standardized format, or to tailor the format to meet the request of an individual or a group, the public agency may at its discretion provide the requested format and recover staff costs as well as any actual costs incurred.

(4) (a) Unless an enactment of the General Assembly prohibits the disclosure of public records to persons who intend to use them for commercial purposes, if copies of nonexempt public records are requested for commercial purposes, the public agency may establish a reasonable fee.

(b) The public agency from which copies of nonexempt public records are requested for a commercial purpose may require a certified statement from the requestor stating the commercial purpose for which they shall be used, and may require the requestor to enter into a contract with the agency. The contract shall permit use of the public records for the stated commercial purpose for a specified fee.

(c) The fee provided for in subsection (a) of this section may be based on one or both of the following:

1. Cost to the public agency of media, mechanical processing, and staff required to produce a copy of the public record or records;

2. Cost to the public agency of the creation, purchase, or other acquisition of the public records.

(5) It shall be unlawful for a person to obtain a copy of any part of a public record for a:

(a) Commercial purpose, without stating the commercial purpose, if a certified statement from the requestor was required by the public agency pursuant to subsection (4)(b) of this section; or

(b) Commercial purpose, if the person uses or knowingly allows the use of the public record for a different commercial purpose; or

(c) Noncommercial purpose, if the person uses or knowingly allows the use of the public record for a commercial purpose. A newspaper, periodical, radio or television station shall not be held to have used or knowingly allowed the use of the public record for a commercial purpose merely because of its publication or broadcast, unless it has also given its express permission for that commercial use.

(6) Online access to public records in electronic form, as provided under this section, may be provided and made available at the discretion of the public agency. If a party wishes to access public records by electronic means and the public agency agrees to provide online access, a public agency may require that the party enter into a contract, license, or other agreement with the agency, and may charge fees for these agreements. Fees shall not exceed:

(a) The cost of physical connection to the system and reasonable cost of computer time access charges; and

(b) If the records are requested for a commercial purpose, a reasonable fee based on the factors set forth in subsection (4) of this section.

E. Damages recoverable by public agency for person's misuse of public records.
A person who violates subsections (2) to (6) of KRS 61.874 shall be liable to the public agency from which the public records were obtained for damages in the amount of:

(1) Three (3) times the amount that would have been charged for the public record if the actual commercial purpose for which it was obtained or used had been stated;

(2) Costs and reasonable attorney's fees; and

(3) Any other penalty established by law.

F. Commercial use of booking photographs or official inmate photographs prohibited -- Conditions -- Right of action -- Damages.

(1) A person shall not utilize a booking photograph or a photograph of an inmate taken pursuant to KRS 196.099 originally obtained from a public agency for a commercial purpose if:

(a) The photograph will be placed in a publication or posted on a Web site; and

(b) Removal of the photograph from the publication or Web site requires the payment of a fee or other consideration.

(2) Any person who has requested the removal of a booking photograph or photo taken pursuant to KRS 196.099 of himself or herself:

(a) Which was subsequently placed in a publication or posted on a Web site; and

(b) Whose removal requires the payment of a fee or other consideration; shall have a right of action in Circuit Court by injunction or other appropriate order and may also recover costs and reasonable attorney's fees.

(3) At the court's discretion, any person found to have violated this section in an action brought under subsection (2) of this section, may be liable for damages for each separate violation, in an amount not less than:

(a) One hundred ($100) dollars a day for the first thirty (30) days;

(b) Two hundred and fifty ($250) dollars a day for the subsequent thirty (30) days; and

(c) Five hundred ($500) dollars a day for each day thereafter. If a violation is continued for more than one (1) day, each day upon which the violation occurs or is continued shall be considered and constitute a separate violation.

G. Agency to adopt rules and regulations -- Standardized form to request public records.

(1) Each public agency shall adopt rules and regulations in conformity with the provisions of KRS 61.870 to 61.884 to provide full access to public records, to protect public records from damage and disorganization, to prevent excessive disruption of its essential functions, to provide assistance and information upon request and to ensure efficient and timely action in response to application for inspection, and such rules and regulations shall include but shall not be limited to:

(a) The principal office of the public agency and its regular office hours;
(b) The title, mailing address, and e-mail address of the official custodian of the public agency's records;

(c) The fees, to the extent authorized by KRS 61.874 or other statute, charged for copies;

(d) The procedures to be followed in requesting public records.

(2) Each public agency shall display in a prominent location accessible to the public, including on its Web site:

(a) A copy of its rules and regulations pertaining to public records;

(b) The mailing address, e-mail address, and phone number of the official custodian of the records or his or her designee to which all requests for public records shall be made; and

(c) The form developed by the Attorney General under subsection (4) of this section that may be used to request public records.

(3) The Finance and Administration Cabinet may promulgate administrative regulations pursuant to KRS Chapter 13A, pertaining to public records, for all state administrative agencies, except for the Legislative Research Commission and the Administrative Office of the Courts, each of which may promulgate administrative regulations for their respective agencies, pertaining to public records.

(4) The Attorney General shall promulgate by administrative regulation under KRS Chapter 13A a standardized form that may be used to request public records from a public agency. The form shall not allow any request for information other than the following:

(a) The name of the requesting party;

(b) The mailing or e-mail address of the requesting party, if copies of records are requested;

(c) Whether the request is for a commercial purpose;

(d) A description of the documents requested;

(e) A statement that the person making the request:

1. Is a resident of the Commonwealth under KRS 61.870(10); and

2. The statement includes the manner in which the requester is a resident of the Commonwealth under KRS 61.870(10)(a) to (f); and (f) The signature of the requesting party.

(5) The Attorney General shall make the form readily available to the public, including on the Attorney General's Web site. The form shall be accepted by every public agency for any request for public records made on or after June 29, 2021.

H. Certain public records exempted from inspection except on order of court -- Restriction of state employees to inspect personnel files prohibited.

(1) The following public records are excluded from the application of KRS 61.870 to 61.884 and shall be subject to inspection only upon order of a court of competent jurisdiction, except that no court shall authorize the inspection by any party of any materials pertaining to civil litigation beyond that which is provided by the Rules of Civil Procedure governing pretrial discovery:

(a) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy;

(b) Records confidentially disclosed to an agency and compiled and maintained for scientific research. This exemption shall not, however, apply to records the disclosure or publication of which is directed by another statute;

(c) 1. Records confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records;

2. Records confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which are compiled and maintained:

a. In conjunction with an application for or the administration of a loan or grant;

b. In conjunction with an application for or the administration of assessments, incentives, inducements, and tax credits as described in KRS Chapter 154;

c. In conjunction with the regulation of commercial enterprise, including mineral exploration records, unpatented, secret commercially valuable plans, appliances, formulae, or processes, which are used for the making, preparing, compounding, treating, or processing of articles or materials which are trade commodities obtained from a person; or

d. For the grant or review of a license to do business.

3. The exemptions provided for in subparagraphs 1. and 2. of this paragraph shall not apply to records the disclosure or publication of which is directed by another statute;

(d) Public records pertaining to a prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within or expanding within the Commonwealth. This exemption shall not include those records pertaining to application to agencies for permits or licenses necessary to do business or to expand business operations within the state, except as provided in paragraph (c) of this subsection;

(e) Public records which are developed by an agency in conjunction with the regulation or supervision of financial institutions, including but not limited to banks, savings and loan associations, and credit unions, which disclose the agency's internal examining or audit criteria and related analytical methods;

(f) The contents of real estate appraisals, engineering or feasibility estimates and evaluations made by or for a public agency relative to acquisition of property, until such time as all of the property has been acquired. The law of eminent domain shall not be affected by this provision;

(g) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination before the exam is given or if it is to be given again;

(h) Records of law enforcement agencies or agencies involved in administrative adjudication that were compiled in the process of detecting and investigating statutory or regulatory violations if the disclosure of the information would harm the agency by revealing the identity of informants not otherwise known or by premature release of information to be used in a prospective law enforcement action or administrative adjudication. Unless exempted by other provisions of KRS 61.870 to 61.884, public records exempted under this provision shall be open after enforcement action is completed or a decision is made to take no action; however, records or information compiled and maintained by county attorneys or Commonwealth's attorneys pertaining to criminal investigations or criminal litigation shall be exempted from the provisions of KRS 61.870 to 61.884 and shall remain exempted after enforcement action, including litigation, is completed or a decision is made to take no action. The exemptions provided by this subsection shall not be used by the custodian of the records to delay or impede the exercise of rights granted by KRS 61.870 to 61.884;

(i) Preliminary drafts, notes, correspondence with private individuals, other than correspondence which is intended to give notice of final action of a public agency;

(j) Preliminary recommendations, and preliminary memoranda in which opinions are expressed or policies formulated or recommended;

(k) All public records or information the disclosure of which is prohibited by federal law or regulation or state law;

(l) Public records or information the disclosure of which is prohibited or restricted or otherwise made confidential by enactment of the General Assembly, including any information acquired by the Department of Revenue in tax administration that is prohibited from divulgence or disclosure under KRS 131.190;

(m) 1. Public records the disclosure of which would have a reasonable likelihood of threatening the public safety by exposing a vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act and limited to:

a. Criticality lists resulting from consequence assessments;

b. Vulnerability assessments;

c. Antiterrorism protective measures and plans;

d. Counterterrorism measures and plans;

e. Security and response need assessments;

f. Infrastructure records that expose a vulnerability referred to in this subparagraph through the disclosure of the location, configuration, or security of critical systems, including public utility critical systems. These critical systems shall include but not be limited to information technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage, and gas systems;

g. The following records when their disclosure will expose a vulnerability referred to in this subparagraph: detailed drawings, schematics, maps, or specifications of structural elements, floor plans, and operating, utility, or security systems of any building or facility owned, occupied, leased, or maintained by a public agency; and

h. Records when their disclosure will expose a vulnerability referred to in this subparagraph and that describe the exact physical location of hazardous chemical, radiological, or biological materials.

2. As used in this paragraph, "terrorist act" means a criminal act intended to:

a. Intimidate or coerce a public agency or all or part of the civilian population;

b. Disrupt a system identified in subparagraph 1.f. of this paragraph; or

c. Cause massive destruction to a building or facility owned, occupied, leased, or maintained by a public agency.

3. On the same day that a public agency denies a request to inspect a public record for a reason identified in this paragraph, that public agency shall forward a copy of the written denial of the request, referred to in KRS 61.880(1), to the executive director of the Kentucky Office of Homeland Security and the Attorney General.

4. Nothing in this paragraph shall affect the obligations of a public agency with respect to disclosure and availability of public records under state environmental, health, and safety programs.

5. The exemption established in this paragraph shall not apply when a member of the Kentucky General Assembly seeks to inspect a public record identified in this paragraph under the Open Records Law;

(n) Public or private records, including books, papers, maps, photographs, cards, tapes, discs, diskettes, recordings, software, or other documentation regardless of physical form or characteristics, having historic, literary, artistic, or commemorative value accepted by the archivist of a public university, museum, or government depository from a donor or depositor other than a public agency. This exemption shall apply to the extent that nondisclosure is requested in writing by the donor or depositor of such records, but shall not apply to records the disclosure or publication of which is mandated by another statute or by federal law;

(o) Records of a procurement process under KRS Chapter 45A or 56. This exemption shall not apply after:

1. A contract is awarded; or

2. The procurement process is canceled without award of a contract and there is a determination that the contract will not be resolicited;

(p) Client and case files maintained by the Department of Public Advocacy or any person or entity contracting with the Department of Public Advocacy for the provision of legal representation under KRS Chapter 31;

(q) Except as provided in KRS 61.168, photographs or videos that depict the death, killing, rape, or sexual assault of a person. However, such photographs or videos shall be made available by the public agency to the requesting party for viewing on the premises of the public agency, or a mutually agreed upon location, at the request of;

1. a. Any victim depicted in the photographs or videos, his or her immediate family, or legal representative;

b. Any involved insurance company or its representative; or

c. The legal representative of any involved party;

2. Any state agency or political subdivision investigating official misconduct; or

3. A legal representative for a person under investigation for, charged with, pled guilty to, or found guilty of a crime related to the underlying incident. The person under investigation for, charged with, pled guilty to, or found guilty of a crime related to the underlying incident or their immediate family shall not be permitted to have access to the photographs or videos; and

(r) Communications of a purely personal nature unrelated to any governmental function.

(2) No exemption in this section shall be construed to prohibit disclosure of statistical information not descriptive of any readily identifiable person.

(3) No exemption in this section shall be construed to deny, abridge, or impede the right of a public agency employee, including university employees, an applicant for employment, or an eligible on a register to inspect and to copy any record including preliminary and other supporting documentation that relates to him. The records shall include, but not be limited to, work plans, job performance, demotions, evaluations, promotions, compensation, classification, reallocation, transfers, layoffs, disciplinary actions, examination scores, and preliminary and other supporting documentation. A public agency employee, including university employees, applicant, or eligible shall not have the right to inspect or to copy any examination or any documents relating to ongoing criminal or administrative investigations by an agency.

(4) If any public record contains material which is not excepted under this section, the public agency shall separate the excepted and make the nonexcepted material available for examination.

(5) The provisions of this section shall in no way prohibit or limit the exchange of public records or the sharing of information between public agencies when the exchange is serving a legitimate governmental need or is necessary in the performance of a legitimate government function.

(6) When material is made available pursuant to a request under subsection (1)(q) of this section, the public agency shall not be required to make a copy of the recording except as provided in KRS 61.169, and the requesting parties shall not be limited in the number of times they may view the material.

I. Denial of inspection

(1) If a person enforces KRS 61.870 to 61.884 pursuant to this section, he or she shall begin enforcement under this subsection before proceeding to enforcement under subsection (2) of this section. Each public agency, upon any request for records made under KRS 61.870 to 61.884, shall determine within five (5) days, excepting Saturdays, Sundays, and legal holidays, after the receipt of any such request whether to comply with the request and shall notify in writing the person making the request, within the five (5) day period, of its decision. An agency response denying, in whole or in part, inspection of any record shall include a statement of the specific exception authorizing the withholding of the record and a brief explanation of how the exception applies to the record withheld. The response shall be issued by the official custodian or under his or her authority, and it shall constitute final agency action.

(2) (a) If a complaining party wishes the Attorney General to review a public agency's denial of a request to inspect a public record, the complaining party shall forward to the Attorney General a copy of the written request and a copy of the written response denying inspection. If the public agency refuses to provide a written response, a complaining party shall provide a copy of the written request. The Attorney General shall review the request and denial and issue within twenty (20) days, excepting Saturdays, Sundays and legal holidays, a written decision stating whether the agency violated provisions of KRS 61.870 to 61.884.

(b) In unusual circumstances, the Attorney General may extend the twenty (20) day time limit by sending written notice to the complaining party and a copy to the denying agency, setting forth the reasons for the extension, and the day on which a decision is expected to be issued, which shall not exceed an additional thirty (30) work days, excepting Saturdays, Sundays, and legal holidays. As used in this section, "unusual circumstances" means, but only to the extent reasonably necessary to the proper resolution of an appeal:

1. The need to obtain additional documentation from the agency or a copy of the records involved;

2. The need to conduct extensive research on issues of first impression; or

3. An unmanageable increase in the number of appeals received by the Attorney General.

(c) On the day that the Attorney General renders his or her decision, he or she shall mail a copy to the agency and a copy to the person who requested the record in question. The burden of proof in sustaining the action shall rest with the agency, and the Attorney General may request additional documentation from the agency for substantiation. The Attorney General may also request a copy of the records involved, but they shall not be disclosed.

(3) Each agency shall notify the Attorney General of any actions filed against that agency in Circuit Court regarding the enforcement of KRS 61.870 to 61.884. The Attorney General shall not, however, be named as a party in any Circuit Court actions regarding the enforcement of KRS 61.870 to 61.884, nor shall he or she have any duty to defend his or her decision in Circuit Court or any subsequent proceedings.

(4) If a person feels the intent of KRS 61.870 to 61.884 is being subverted by an agency short of denial of inspection, including but not limited to the imposition of excessive fees, delay past the five (5) day period described in subsection (1) of this section, excessive

extensions of time, or the misdirection of the applicant, the person may complain in writing to the Attorney General, and the complaint shall be subject to the same adjudicatory process as if the record had been denied.

(5) (a) A party shall have thirty (30) days from the day that the Attorney General renders his or her decision to appeal the decision. An appeal within the thirty (30) day time limit shall be treated as if it were an action brought under KRS 61.882.

(b) If an appeal is not filed within the thirty (30) day time limit, the Attorney General's decision shall have the force and effect of law and shall be enforceable in the Circuit Court of the county where the public agency has its principal place of business or the Circuit Court of the county where the public record is maintained.

J. Jurisdiction of Circuit Court in action seeking right of inspection -- Burden of proof -- Costs -- Attorney fees.

(1) The Circuit Court of the county where the public agency has its principal place of business or the Circuit Court of the county where the public record is maintained shall have jurisdiction to enforce the provisions of KRS 61.870 to 61.884, by injunction or other appropriate order on application of any person.

(2) A person alleging a violation of the provisions of KRS 61.870 to 61.884 shall not have to exhaust his remedies under KRS 61.880 before filing suit in a Circuit Court.

(3) In an appeal of an Attorney General's decision, where the appeal is properly filed pursuant to KRS 61.880(5)(a), the court shall determine the matter de novo. In an original action or an appeal of an Attorney General's decision, where the appeal is properly filed pursuant to KRS 61.880(5)(a), the burden of proof shall be on the public agency. The court on its own motion, or on motion of either of the parties, may view the records in controversy in camera before reaching a decision. Any noncompliance with the order of the court may be punished as contempt of court.

(4) Except as otherwise provided by law or rule of court, proceedings arising under this section take precedence on the docket over all other causes and shall be assigned for hearing and trial at the earliest practicable date.

(5) Any person who prevails against any agency in any action in the courts regarding a violation of KRS 61.870 to 61.884 may, upon a finding that the records were willfully withheld in violation of KRS 61.870 to 61.884, be awarded costs, including reasonable attorney's fees, incurred in connection with the legal action. If such person prevails in part, the court may in its discretion award him costs or an appropriate portion thereof. In addition, it shall be within the discretion of the court to award the person an amount not to exceed twenty-five dollars ($25) for each day that he was denied the right to inspect or copy said public record. Attorney's fees, costs, and awards under this subsection shall be paid by the agency that the court determines is responsible for the violation.

K. Person's access to record relating to him. Any person shall have access to any public record relating to him or in which he is mentioned by name, upon presentation of appropriate identification, subject to the provisions of KRS 61.878.

SECTION 2.9 Records Retention

A. Fleming County shall act in accordance with the Kentucky Department for Libraries and Archives schedules as approved by the State Archives and Records Commission in accordance with KRS 171.410 - 740 for use by all state and local governmental agencies, in conjunction with their approved agency- specific retention schedules for effective records management program. These documents shall be adopted in reference and made a permanent part of this Administrative Code / Personnel Policies.

B. Local Government General Records Retention Schedule: This retention schedule shall be used by Fleming County in all local agencies and offices. It lists those records that any local agency may create or receive in the course of daily business.

C. General Schedule for Electronic and Related Records: A General Schedule is a class of records retention schedules which governs the retention and disposition of specified records common to several or all public agencies. This document covers the records common to agencies with electronic data processing systems. The increased use of electronic records raises the question of how government agencies should apply records management standards to electronic records and electronic record-keeping systems. Kentucky law defines public records as *"all books, papers, maps, photographs, cards, tapes, disks, diskettes, recordings, and other documentary materials, regardless of physical form or characteristics, which are prepared, owned, used, in the possession of or retained by a public agency"* (KRS 171.410, Section 1). Electronic records fall under the definition of public records despite the fact they are hardware and software dependent. Records management standards and principles apply to all forms of recorded information, from creation to final disposition, regardless of the medium in which the records are created and/or stored. All public employees who develop, use and maintain electronic records and systems should be aware that records scheduling or adherence to existing schedules must be implemented for the electronic records systems used in their agencies.

D. County Judge/Executive Records Retention Schedule: This retention schedule is to be used by all County Judge/Executive offices in the Commonwealth. It lists records that are legally required for them to create and/or specific to the County Judge/Executive Office.

E. County Treasurer Records Retention Schedule: This retention schedule is to be used by all County Treasurer offices in the Commonwealth. It lists records that are legally required for them to create and/or specific to the County Treasurer Office.

Section 2.10 Title VI Implementation Plan

Fleming County shall act in accordance with the Kentucky Department for Local Government TITLE VI IMPLEMENTATION PLAN as dated June 30, 2022 and in accordance with KRS 344.010 - .990. This document shall be adopted in reference and made a permanent part of this Administrative Code / Personnel Policy.

CHAPTER 3 OPERATION OF FISCAL COURT

SECTION 3.1 Procedures for Meetings of Fiscal Court

A. The Fiscal Court shall annually set the dates and times for all regular Fiscal Court meetings by Executive Order no later than January 1st except in 1st year in office, then no later than one week. If a regular meeting day or date falls on a legal holiday, the meeting shall take place on the next regular working day at the same place and hour.

B. All meetings of members of Fiscal Court at which any public business is discussed or any action taken shall be open to the public in accordance with the Kentucky Open Meetings Act (KRS Chp. 61). Any action taken shall be open to the public at all times except as otherwise permitted by KRS 61.810.

C. The County Judge/Executive may call a Special Meeting of the Fiscal Court for the purpose of transacting any business over which the Fiscal Court has jurisdiction.

D. Whenever the County Judge/Executive is unable, or refuses to call a Special Meeting, a majority of the Fiscal Court may call a Special Meeting.

E. Special meetings shall be called and conducted in accordance with the Kentucky Open Meetings Act (KRS Chp. 61).

(1) A Special meeting may be called by the County Judge/Executive or majority of the Fiscal Court by delivering personally, or by mail, written notice to each member and to each local newspaper of general circulation, each news service and each local radio station or television station which has on file with the Fiscal Court a written request to be notified of special meetings.

(2) Notice of the Special meeting must be delivered at least twenty-four (24) hours prior to the time of the meeting as specified in the notice.

(3) If time does not permit giving twenty-four (24) hour notice, then notice shall be reasonable under the circumstances and calculated to inform the public shall be given the news media and the public.

(4) It shall be the responsibility of the County Judge/Executive to prepare and distribute the proper notices.

SECTION 3.2 Presiding Officer

A. The County Judge/Executive shall be the presiding officer of the Fiscal Court at all regular and special meetings.

B. If the County Judge/Executive is not present or able to preside, a majority of the magistrates shall elect one of their members to preside.

SECTION 3.3 Quorum

A. Not less than a majority of the members of the Fiscal Court shall constitute a quorum for the transaction of business.

B. No proposition shall be adopted except with the concurrence of at least a majority of the members present; with the exception that passage of an ordinance requires a majority of the entire Fiscal Court.

SECTION 3.4 Disturbing Meetings

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

B. Any person violating any provision of this section may be prosecuted under the appropriate provisions of the Kentucky Penal Code. Any person violating any provision of this section shall be fined not less than $ 50.00 or more than $ 250.00 for each offense.

SECTION 3.5 Order of Business

A. The County Judge/Executive shall have at each regular meeting of the Fiscal Court an agenda which will be presented prior to the meeting. The Fiscal Court is subject to the provisions of the open meeting law (KRS 61.805-61.850).

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

C. The County Judge/Executive shall prepare an itemized list of all valid bills requiring Fiscal Court approval. Such list shall accompany the agenda prepared and delivered by the County Judge/Executive.

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

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

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

SECTION 3.6 Fiscal Court Minutes

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

B. The clerk of the Fiscal Court shall keep an index of all Fiscal Court records and make such index of all Fiscal Court records available for public inspection in accordance with the Kentucky Open Records Act (KRS 61.870 to 61.884).

SECTION 3.7 Rules of Order

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

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

SECTION 3.8 Ordinances, Orders and Resolutions

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

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

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

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

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

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

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

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

I. Fiscal Court resolutions may express the position or sentiment of the Fiscal Court about a particular subject and may be transmitted to some individual or body to convey that position or sentiment. A resolution may be adopted by a majority of the members of the Fiscal Court present, provided there is a quorum present.

J. County ordinances, other than the budget ordinance, shall be indexed in a composite index of all current county ordinances and recorded at the Fleming County Clerk's office. Each ordinance shall be listed in the index by date and title no later than thirty (30) days after passage.

K. Traffic, building, housing, plumbing, electrical, safety and other self-contained codes may be adopted by reference if a copy of the code is kept with the adopting ordinance and is made a part of the permanent records of the County.

Section 3.9 Conflict of Interest Policy

A. Statement of Purpose: The Fleming County Fiscal Court and Fleming County employees are covered by the executive branch ethics legislation and by provision of the model procurement code. These statutes regulate actual, potential, and apparent conflicts of interest that may arise through the procurement of goods and services by the Fleming County Fiscal Court or through business relationships between Fleming County Fiscal Court members or Fleming County employees and outside entities. This policy supplements the requirements of the statutes and describes appropriate behavior and action for Fleming County Fiscal Court members and Fleming County employees in typical situations where a conflict-of-interest issue may arise.

B. Statutory Authority: KRS 11A.010 through 11A.060 and KRS 45A.340

C. Policy Statement: General Provisions

(1) A Fleming County Fiscal Court member or Fleming County employee is to:

a. Act on behalf of the best interest of the Fleming County Fiscal Court;

b. Avoid personal and business conflicts of interest;

c. Avoid even the appearance of a conflict of interest; and

d. Disclose a potential or actual conflict of interest to the Office of the Fleming County Judge/Executive:

1. The Fleming County Judge/Executive shall be responsible for ensuring compliance with the requirements of the law and this policy;

2. The Fleming County Judge/Executive shall disseminate information about the requirements of the ethics law and this policy;

3. The Fleming County Judge/Executive shall review requests from Fleming County Fiscal Court member and/or Fleming County employees about outside employment and other ethics-related issues; and

4. The Fleming County Judge/Executive shall communicate requests for advisory opinions.

(2) All Fleming County Fiscal Court members and Fleming County employees shall be given a copy of the Conflict-of-Interest Policy.

(3) A Fleming County Fiscal Court member or Fleming County employee shall not benefit from contracts offered and issued by the Fleming County Fiscal Court.

(4) A Fleming County Fiscal Court member or Fleming County employee shall not have any interest, direct or indirect, in any contract on which the Fleming County Fiscal Court member or Fleming County employee is required to act or vote. If a situation arises where a Fleming County Fiscal Court member or Fleming County employee does have an interest in a contract that is before the Fleming County Fiscal Court, the Fleming County Fiscal Court member or Fleming County employee shall not, in any manner, be involved in the development, consideration or approval of the contract.

(5) A Fleming County Fiscal Court member or Fleming County employee may not take gifts from vendors and/or subcontractors doing business with the Fleming County Fiscal Court if the value of the gift is more than $ 25.00. The limit of $ 25.00 is an annual amount.

Section 3.10 Nepotism in the Workplace

A. The Fleming County Fiscal Court prohibits employees from advocating or influencing in any way the selection and hiring process (employment, appointment, promotion, transfer or advancement) of a family member or of anyone who in substance has a family-like relationship with another employee. Such a relationship presents a potential conflict of interest, thereby resulting in the perception of providing undue advantages, financial gain, and other benefits. Statutory authority KRS 11a.010(4); KRS 11a.020(1) and Executive Branch Ethics Commission's Advisory Opinions 04-34, 06-14, 07-19.

B. Note: "Family" means spouse and children, as well as a person who is related to a public servant as any of the following, whether by blood or adoption: parent, brother, sister, grandparent, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother or half-sister.

C. Fleming County employees shall not directly supervise a member of their family or family-like arrangements, evaluate the employee's job performance, or generate an action relating to the discipline of the employee.

D. Fleming County employees shall immediately inform the County Judge/Executive and/or County Treasurer of any familial relationship that violates this policy. Any attempt by an employee to circumvent the provisions of this policy, such as failure to disclose a family or family-like relationship) is subject to disciplinary action, up to and including termination.

CHAPTER 4 FINANCIAL MANAGEMENT

SECTION 4.1 Budget Preparation Procedures

A. By April 1st of each fiscal year, the County Judge/Executive shall obtain budget proposals prepared by each County office, agency, department, board, commission or other body or group receiving funds from the Fiscal Court, including the Jailer, County Clerk and Sheriff; and shall incorporate the proposals into the total county budget. The written budget request shall show the amount of funds requested and a brief explanation of the need for such funds.

B. The County Judge/Executive shall prepare a report of anticipated revenue from general fund taxes and intergovernmental transfers from city, state, and federal government.

C. The County Judge/Executive shall review the expenditures in each classification of each fund for the preceding year and for the current year.

D. The County Judge/Executive may obtain from the Fleming County Treasurer receipts for actual expenditures made during the current fiscal year.

E. An estimate shall be made of expenditures for the remainder of the current year and of any surplus, by fund, which will remain.

F. The County Judge/Executive shall obtain from the Sheriff and County Clerk an annual tax and free settlement of the previous year, showing county taxes collected, no later than April 1 of the current year. The offices of the Sheriff and County clerk shall operate on a calendar year basis; understood that the Fiscal Court operates on a fiscal year basis.

G. The County Judge/Executive shall prepare the county budget for review and adoption by the Fiscal Court as provided by KRS Chapter 68 and the rules and regulations of the State/Local Finance Office, including the Uniform System of Account.

H. The County Judge/Executive shall submit the completed proposed budget to the Fiscal Court no later than May 1st of each fiscal year.

SECTION 4.2 Duties and Procedures of the County Budget Committee

A. The Budget Committee may consist of the County Judge/Executive, the County Attorney, the County Treasurer and six members of the Fiscal Court.

B. The Budget Committee shall review in detail the proposed budget that the County Judge/Executive has prepared and submitted to the Fiscal Court.

C. The Budget Committee shall include such budgets as may be required by the activities of the County.

D. The review shall be conducted at a meeting or meetings held not later than June 1st of each year.

E. Immediately upon approving a proposed budget for the County, the Budget Committee shall forward a copy of the proposed budget to the Fiscal Court.

The Fleming County Fiscal Court shall make comments, amendments, and tentatively adopt the proposed budget prior to the County Judge/Executive submitting the budget to the Kentucky State Local Finance Officer.

F. Following action by the Fiscal Court, but not later than June 10, the budget shall be submitted to the Kentucky State Local Finance Officer for approval as to form and classification.

G. The Fleming County budget approved by the State Local Finance Officer shall be submitted to Fiscal Court for adoption, in the form of an ordinance not later than July 1 or within ten (10) days after receipt of the certified assessment from the Department of Revenue, as provided by KRS 122.180, whichever shall be later.

H. The County Judge/Executive shall cause a copy of the proposed budget to be posted in conspicuous place in the courthouse near the front door not less than ten (10) days before final adoption.

(1) A summary of the County budget shall be published in a newspaper of general circulation in the county at least seven (7) days before final adoption and in accordance with KRS Chp. 424 before final adoption by Fiscal Court.

(2) A summary of the County budget shall be published in accordance with KRS Chp. 424 within 30 days after adoption by Fiscal Court.

(3) The County Judge/Executive shall maintain a copy of the budget as adopted, together with any amendments adopted thereafter, for public inspection.

SECTION 4.3 County Budget Hearing Procedures and Requirements

A. County Road Aid Fund (CRA):

(1) Publish notice of the proposed use hearing on the CRA fund shall be published not less than seven (7) days in advance of the scheduled hearing.

(2) The County Judge/Executive shall conduct the proposed use hearing.

(3) Copies of the published notice and written minutes of the hearing shall be maintained by the County Judge/Executive as public record.

B. Prior to adoption of the County budget and submittal to the State Local Finance Officer, the Fiscal Court shall conduct a budget hearing on the entire County budget to show the relationship of LGEA fund uses to other funds and uses. The date of the final budget hearing may be immediately prior to the first reading of the budget ordinance.

C. Notice of the budget hearing shall be published in at least one (1) newspaper of general circulation and other news media in the community shall be advised. The preceding shall be as follows:

(1) Published notice of budget hearing not less than seven (7) days prior to the scheduled hearing;

(2) The Fiscal Court shall conduct the budget hearing;

(3) Copies of the published notice and written minutes of the hearing shall be maintained by the County Judge/Executive as public record.

SECTION 4.4 County Procedures for County Treasurer

A. The County Treasurer must keep records and make reports as prescribed by KRS 68.210, 68.020, 63.300 and 66.480. He/she must also keep the following records as required by the Uniform System of Accounts for Kentucky counties:

(1) Cash Receipts Ledger

(2) Check Distribution Ledger

(3) Appropriation Ledger

(4) General Ledger

(5) Account for each individual fund:
a. General
b. Road
c. Jail
d. Local Government Economic Assistance (LGEA)
e. Forest Fire
f. Dispatch
g. Grant
h. Capital Improvement
i. Revolving Loan

(6) Investment Ledger

(7) Financial Reports (prepare monthly for Fiscal Court)

(8) Financial Statement (prepare quarterly for State Local Finance Officer

(9) Annual Itemized Financial Statement (prepares and publishes)

(10) Countersign all checks if the following conditions are met:

a. Claim approved by Fiscal Court
b. If there is adequate cash in bank to cover the check
c. If there is an available free balance in the appropriation account to cover check

(11) The Treasurer's authority to invest idle funds shall be governed by the County's written investment policy.

B. County Treasurer shall receive and deposit all funds due the County.

C. County funds shall be paid out only on order of Fiscal Court.

D. No expenditures may be made in excess of revenues or for purposes other than appropriated.

E. No appropriations may be made which exceed adopted budget amounts.

F. The County Treasurer shall keep an Appropriation Expenditure Ledger. The ledger shall be a record of each budget appropriation, all expenditures from the appropriation and each budget fund.

G. The County Treasurer shall maintain general ledger in which all transactions are entered, either in detail or in summary. Each fund (General Fund, Road Fund, Local Government Economic Assistance, etc.) has a complete balancing set of general ledger accounts. Control accounts are established for the Cash Receipts Register and the Appropriation Expenditure Ledger.

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

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

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

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

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

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

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

O. The County Treasurer shall invest and reinvest county funds as provided in KRS 66.480 and the County's investment policy.

P. All County Treasurers are bonded to receive and disburse county funds and could be liable on his/her bond if he/she does not maintain the correct records and follow the procedures as required by law.

SECTION 4.5 County Procedures for Fiscal Court Administration by the County Judge/Executive

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

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

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

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

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

SECTION 4.6 Claims Against the County

A. The County Judge/Executive shall account for all claims against the County.

B. All claims for payment from the County shall be filed in writing and in form prescribed by County Judge/Executive five (5) days prior to first meeting each month.

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

D. Each order of the Fiscal Court disapproving a claim shall state the reason(s) for disapproval

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

F. The payroll for County officials and regular County employees as well as other recurring payments such as utility expenses, interest and principal on bonded debt that the Fiscal Court may designate are hereby preapproved. Other recurring expenses may be preapproved by the Fiscal Court upon authorization of the State Local Finance Officer.

G. The depositor of Fleming County funds shall not honor any warrant on the County unless it is signed by both the County Judge/Executive and the County Treasurer. In the absence of the County Judge/Executive, the Deputy County Judge/Executive may sign.

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

SECTION 4.7 Spending of Resources and Classification of Fund Balance

A. Fleming County, when both restricted and unrestricted resources are available for spending on a specific purpose, those resources considered restricted will be spent first. Restricted resources have constraints placed on the use externally (creditors, grantors, contributors or laws and regulations of other governments). Constraints can also be imposed by law through constitutional provisions or enabling legislation.

B. Once restricted resources have been exhausted, unrestricted resources will then be spent on the specific purpose. Unrestricted resources are those considered committed, assigned and unassigned by Fleming County and will be spent in that order. Committed resources are formally committed by Fleming County through adoption of an ordinance or a resolution. Assigned resources are informally provided through a declaration of intent to use for the specific purpose. Intent can be shown either in the fiscal court order or motion or by fiscal court appointing an individual or committee to carry out its wishes. All other unrestricted resources not meeting the definition of committed or assigned are considered unassigned and will be spent last.

C. Classification of Ending Fund Balance will be determined by applying the accounting policy as stated above.

CHAPTER 5 PERSONNEL ADMINISTRATION

A. The Fleming County Fiscal Court recognizes that a personnel system which recruits competent, dependable employees is indispensable to effective and efficient county government. These policies and procedures, classification and pay plans and job descriptions have been developed in order to achieve optimum efficiency and economy in the pursuit of the county's goals and the utilization of its human resources.

B. The policies and procedures set forth hereinafter are intended to implement the personnel ordinance by providing procedures for:

(1) Classifying position in the county service;

(2) Recruiting persons for that service; and

(3) Compensating employees for their service to the county.

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

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

E. Pursuant to KRS 67.710 the County Judge/Executive is the chief executive officer of the county. The County Judge/Executive, by law, shall have all the powers and perform all the duties of an executive and administrative nature vested in, or imposed upon the county or its fiscal court. The

Judge/Executive is responsible for the proper administration of the affairs of the county placed in his/her charge. Pursuant to KRS 67.710(7), the County Judge/Executive, with the approval of the fiscal court, has the authority to appoint, supervise, suspend, and remove county personnel, unless otherwise provided for by state statute. Notwithstanding the provisions of KRS 67.710(7), KRS 67.711(1) gives the County Judge/Executive express authority to hire a deputy county judge/executive, and a reasonable number of other assistants, secretaries, and clerical workers to work within the Judge/Executive's office, who shall serve at his/her pleasure. The fiscal court, pursuant to KRS 64.530(4), is required to fix reasonable compensation for these positions.

F. The County Judge/Executive is hereby designated as the county personnel administrator. In this capacity the Judge/Executive may delegate such duties and functions as he/she deems appropriate.

SECTION 5.1 Job Classifications

A. The County Judge/Executive will be responsible for the preparation of a descriptive job classification plan for all non-elected positions.

B. Each job classification shall be in writing and include:

(1) A concise, descriptive title;

(2) Description of the duties and responsibilities of each position in each classification;

(3) State of minimum and desirable qualifications for each position.

C. All positions in a single class shall be sufficiently alike to permit use of a single title, description, qualifications, and pay range.

SECTION 5.2 Personnel Policy of Constitutional Officers

A. Each Elected Official shall develop a personnel policy for the operation of their respective office, or;

B. Should the office and employees of County Clerk, Sheriff or Jailer wish to be included in these Personnel Policies and Procedures, they must request inclusion in writing and adhere to all provisions therein unless state or county statutes, ordinances specify otherwise

C. In those situations where county constitutional officers have chosen to adhere to the policies adopted by the Fleming County Fiscal Court by providing a written request to the County Judge/Executive, the constitutional officer shall serve as the executive authority for the office.

SECTION 5.3 Applicants

A. Each applicant shall fill out and sign a standard written job application form, and each application shall be kept on file for at least six (6) months. All applicants shall sign a release authorizing the County to download and review the applicant's Kentucky Driving History Record or the Driving History Record for the state in which the applicant is licensed.

All applicants shall utilize the Fleming County Application form adopted by the Fleming County Fiscal Court on the 12th day of September, 2017. Official application forms supplied by the county and completed by the applicant shall require legally authorized:

(1) Information about the applicant's training and experience;

(2) References and signed release form; and

(3) Whatever additional information is required for an evaluation of the applicant's fitness for the position for which he/she applies.

B. No employee may be hired until having been interviewed by the Department Head or Immediate Supervisor. Each application shall be reviewed by the County Judge/Executive or appropriate Constitutional Officer and such other persons as deemed appropriate.

C. The County Judge/Executive shall make the selection, subject to approval of Fiscal Court.

D. Equal Employment Opportunity (EEO) information may be obtained from the applicant but shall not be used to exclude any person from employment.

E. All part-time and temporary employees, funded through state or federal programs, shall be recruited and selected in accordance with the appropriate program guidelines.

F. No person may be appointed to a position unless verified information on an official application form indicates that the person meets the required qualifications set forth in the position description for the position.

G. All application forms filed with the county shall be kept by the Executive Authority or his/her designee, for the time required by law. All applications shall be acknowledged in writing.

H. All applicants shall be given a copy of the position description describing the job requirements and necessary qualifications.

SECTION 5.4 Supervision

A. The County Judge/Executive is responsible for the supervision of County employees. This responsibility may be delegated to appropriate department heads and supervisors. Each elected official shall be responsible for the supervision of all employees working within their particular office.

SECTION 5.5 Discipline Procedures

A. The County Judge/Executive shall discipline County employees by written reprimand, suspension or discharge in the best interest of the County. All disciplinary actions require Fiscal Court approval. Approval can come after the imposition of the discipline.

SECTION 5.6 Affirmative Action

A. The County Judge/Executive shall develop and maintain an Affirmative Action Plan consisting of:

(1) A statement of Policy
(2) Methods of Dissemination of the Policy
(3) Workforce Analysis
(4) Goals and Timetables

B. The County Judge/Executive is responsible for the implementation of the affirmative action policy of the County.

SECTION 5.7 Scope of Coverage

A. The following County employees are expressly exempted from coverage:

(1) The County Judge/Executive, Fiscal Court members, Constables and all Elected Officials.

(2) All members of boards and commissions of the County.

(3) Consultants, advisors and counsel rendering temporary professional advice.

(4) Independent contractors.

(5) Employees of the Fleming County Elected Officials.

(6) Employees made available to County by other agencies.

(7) Members of volunteer organizations

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

SECTION 5.8 Definitions

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

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

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

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

County Employees: Those employees supervised by the County Judge/Executive.

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

Elected Official: Any elected official holding one of the constitutional County offices.

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

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

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

Probationary Period: A working test normally established as sixty days from date of hire, during which an employee is required to demonstrate by actual performance, his or her fitness to perform the duties of the position to which appointed. Upon justification to the appointing authority and written notification to the employee involves, a department head may extend the probationary period beyond the sixty days. The probationary period does not apply to transfers from another department. The employee and their supervisor will review their position and make a decision regarding their employment. Completion of the probationary period does not give an employee continued rights to employment with the county as the county is an at-will employer and may terminate employment at any time. Employee will be eligible for benefits on the first day of the month following completion of the sixty-day probationary period.

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

Dismissal: The termination of an employee.

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

Resignation: The voluntary termination of employment by an employee.

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

SECTION 5.9 Classifications of Employees

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

B. Regular Full-Time Employee: A courthouse employee who works 31.5 hours per week on a regular scheduled basis or a road department employee who works 40 hours per week on a regularly scheduled basis;

C. Regular Part-Time Employee: An employee who works less than 100 hours per month, but on a regularly scheduled basis;

D. Temporary or Seasonal Employee: An employee who works in a position which is of a temporary nature, either full-time or part-time. The maximum time limit for temporary or seasonal employees is six (6) months.

E. The number of hours which constitute a workweek for employees of Constitutional Officers shall be determined by the appropriate Constitutional Officer.

F. This classification of employees by the county is merely intended to provide basis delineation between the types of employment available with the county. It is expressly noted that nothing in the classification of employees is intended to create a contract of employment. Any individual may voluntarily leave employment or be terminated at any time, for any lawful reason or no

reason at all. Any oral, written statements, custom or course of dealing to the contrary are hereby expressly disavowed.

G. The employment of relatives is addressed in the Fleming County Ethics Ordinance, No. 94-001. The hiring practices of the county shall reflect the standards set forth in this ordinance.

Section 5.10 Americans with Disabilities Act of 1990

A. Fleming County complies with the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of disability and protects qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, and other aspects of employment.

B. The county will provide reasonable accommodation to qualified individuals with a disability who, with or without an accommodation, can perform the essential functions of the job, unless the accommodation will impose an undue hardship for the county.

C. Any person (employee or citizen) who believes that he or she has been subjected to prohibited discrimination may personally, or by a representative, file a complaint with the office of the County Judge/Executive or the Constitutional Officer who serves as the agency's executive authority.

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

(1) Step One: An aggrieved person must submit a written statement to the county's ADA Coordinator (c/o County Judge/Executive), setting forth the nature of the discrimination alleged and facts upon which the allegation is based.

(2) Step Two: The ADA Coordinator shall contact the complainant no later than fifteen (15) days after receiving the written statement to establish an informal meeting with the objective of resolving the matter informally. However, in no case shall the informal meeting be conducted sooner than five (5) days nor more than forty-five (45) days after receiving the written statement. There shall be prepared a written documentary of the discussions at the informal meeting, which shall be preserved in the records of the Fleming County.

(3) Step Three: Within thirty (30) days of the informal meeting, the ADA Coordinator shall issue a written decision on the matter.

(4) Step Four: If the complainant is not satisfied with the written decision, he/she may request reconsideration by the County Judge/Executive or the agency's Executive Authority by filing a written request within 30 days of receiving the ADA Coordinator's decision. The Judge/Executive or the Constitutional Officer shall investigate which may include holding a meeting with the complainant, and shall make a final, written decision.

E. Written documentation of the discussions held at the meeting(s) shall be prepared and shall be preserved in the records of the county.

SECTION 5.11 Hours of Work and Work week

A. The official workweek begins on Friday at 12:01 a.m. and ends on Thursday at midnight. The county may change the official workweek at any time, but not to avoid overtime provisions.

B. Each employee shall work according to a schedule of hours determined by his/her respective office with the exception of the Road Department (see Item B.2.) Respective offices include but not limited to: County Judge/Executive Office, County Clerk Office, Sheriff Department, PVA Office, Child IV-D Office and Jailer.

(1) These employees shall receive a one (1) hour lunch break and two (2) ten-minute breaks per day (one break prior to lunch and one break after lunch);

(2) Road department employees' work hours shall be from 7:30 a.m. to 4:00 p.m. Monday through Friday. Road department employees shall receive one-half (1/2) hour for lunch and two (2) ten-minute breaks per day (one break prior to lunch and one break after lunch);

(3) Non-supervisory salaried full-time employees shall work a minimum of sixty-three (63) hours per pay period.

C. Each employee shall be placed in a classification and compensation plan based of the duties and responsibilities required of the employee.

D. Flexible work schedules may be utilized as agreed to in writing between each employee and his/her department head with the Executive Authority's approval.

SECTION 5.12 Personnel Records

A. Beginning the first day of employment, all new employees shall report to an office designated by the County Judge/Executive to supply any information needed to complete personnel records, execute payroll withholding authorization. Enrollment for benefits shall be completed at the end of the sixty-day probationary period.

B. A personnel file shall be maintained for each county employee by the County Treasurer. All changes in the status of employees shall be recorded in these files, which shall be retained and maintained in accordance with applicable state and federal laws. The file shall contain:

(1) The employee's name, address, and telephone number where the employee may be reached;

(2) Position title;

(3) Hiring date;

(4) Departmental assignment;

(5) Application;

(6) Salary;

(7) All changes in status as a county employee;

(8) Documented compliance with labor standards, EEO-4, I-9 requirements;

(9) Performance appraisals and evaluations;

(10) Commendations and disciplinary memoranda; and

(11) Whatever additional information this ordinance, other governing laws, or the county requires.

C. Employee medical records of a confidential nature shall be maintained separately from other employee files.

D. Personnel records of the county shall be public records as defined and controlled by the appropriate Kentucky Revised Statutes. They will be retained in accordance with the retention schedules adopted by the State Archives and Records Commission.

SECTION 5.13 Employee Records

A. It shall be the obligation of the employee to maintain current information by notifying County Treasurer of all changes in personal or family status, home address, home telephone number, or any other changes which would affect payroll withholding or employee benefits.

SECTION 5.14 Personal Conduct

A. Images presented and statements made by all employees of the County can affect the entire organization; therefore, employees are expected to be friendly, courteous, appropriately dressed at all times and acting in accordance with the County Drug Policy.

B. Outside Employment: County employees owe their primary work allegiance and energies to their county job. Any outside employment that interferes with or creates a conflict of interest with the employee's county employment is prohibited.

SECTION 5.15 Telephone and Cell Phone Policy

A. While at work employees must exercise the same discretion in using personal cell phones as for the use of County phones. Personal calls during the work hours, regardless of the phone used, can interfere with employee productivity and be distracting to others. Cell phones are not to be carried on the job without specific permission from management who will keep supervisors regularly informed of this permission.

B. Employees will inform their supervisor of the need to carry a phone who in turn will set up a meeting with management to discuss with the employee a need to have a cell phone on the job.

C. Permission for use will be granted or denied on a case-by-case basis. All employees are asked to make personal calls during breaks and meal periods and to ensure that friends and family members are aware of this policy.

D. The County will not be liable for the loss of personal cell phones brought into the workplace.

E. Where job or business needs demand immediate employee access, a business cell phone, beeper and/or two-way radio may be issued. For business and tax reasons the personal use of such equipment is not permitted. Phone records may be audited for compliance. If an employee experiences a personal emergency that requires use of the business cell phone, they are required to report this to their supervisor.

F. Failure to report such use may result in disciplinary action up to and including termination. Employees in possession of County equipment such as cell phones, beepers and radios are expected to protect the equipment from loss, damage or theft.

G. Upon resignation or termination of employment, or at any time upon request, the employee must return the equipment.

H. Employees whose job responsibilities include driving and who must use a cell phone for business use are expected to refrain from using their phone while driving. Allow voice mail or your passenger to handle calls when possible. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call.

I. If acceptance of a call is unavoidable and pulling over is not a safe option:

(1) Use hands-free devices;

(2) Use the voice-activated or "speed dial" feature;

(3) Keep the call short;

(4) Do not take notes, text message or e-mail while driving;

(5) Refrain from discussion of complicated or emotional issues; and,

(6) Keep eyes and attention on the road and both hands free to operate the vehicle.

J. Special care should be taken in situations;

(1) When there is moderate to heavy traffic;

(2) Inclement weather; or,

(3) Driving in an unfamiliar area.

K. In situations where employees drive and accept phone calls, state law, as well as this policy requires the use of "hands-free" equipment. Under no circumstances are employees allowed to place themselves at risk to fulfill business needs. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

L. Violations of this policy will be subject to discipline, including termination.

M. Special Responsibilities for Managerial Staff: As with any policy, management staff is expected to serve as role models for proper compliance with the provisions above and are encouraged to regularly remind employees of their responsibilities in complying with this policy.

Section 5.16 Vehicle Assignment

A. A "take-home" vehicle assignment means that the County employee is permitted to drive the vehicle from home/to work. The purpose of a "take-home" vehicle assignment is to decrease the response time required when an employee is called to work for an after-hours emergency. By

shortening the response time, the County hopes to mitigate any personal injury, and/or property damage, that might result in the emergency situation.

B. Employees assigned a "take-home" vehicle must not use the vehicle for personal use under any circumstances nor permit members of family or others to travel in a County owned vehicle. Violations of this policy will be subject to discipline, including termination.

Section 5.17 Safety and Seat Belt Policy

A. The health and safety of employees is a primary concern Fleming County. As a condition of employment, employees are required to comply with all safety procedures that are established for the position held by the employee.

B. The Fleming County Fiscal Court recognizes that seat belts are extremely effective in preventing injuries and loss of life. All county employees must wear seat belts when operating a county-owned vehicle , or any vehicle on county premises or on county business; and all occupants are to wear seat belts or, where appropriate, child restraints when riding in a county-owned vehicle, or in a personal vehicle being used for county business.

C. Any employee who becomes aware of any unsafe or hazardous condition shall report the situation to their supervisor or department head immediately.

D. All work related injuries must be reported to the employee's immediate supervisor or the department head as soon as possible after the injury occurs, but no later than the end of the work day/shift.

E. Failure to comply with established workplace safety rules, report workplace injuries, or failure to report unsafe/hazardous conditions of which the employee is aware will result in personnel action, up to and including termination from employment.

SECTION 5.18 Credentials

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

SECTION 5.19 Selection and Appointment

A. Each applicant shall fill out and sign a standard written job application and each application shall be kept for at least six (6) months.

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

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

SECTION 5.20 Announcements of Positions and Methods of Filling Vacancies

A. Announcement of a position shall include such information as to where to apply, deadlines for application, the title and pay ranges for the position, summary of duties of the position, and the

position qualifications required. All written announcements of a position shall contain the following statement: "An Equal Opportunity Employer M\F\D."

B. Announcements for newly established positions shall be made public in a newspaper of general circulation in the area. The county's work force will be notified by posting of job vacancies or newly established positions in a conspicuous place to which all employees have access. Employees' requests for consideration for the positions shall be made to the County Judge/Executive or appropriate Constitutional Officer in writing.

C. Consideration will be given to current employees in filling new and vacant positions. However, if the Executive Authority deems that the best interests of the county are served by seeking applications from persons other than the existing workforce, he/she shall seek applications as deemed appropriate.

D. If it is determined by the County Judge/Executive that no current County employee meets the education, experience and skill requirements set forth in the classification description, the positions shall be filled through applications on file. If no applicant on file meets the requirements, open public recruitment will be used to fill the position.

SECTION 5.21 Recruitment, Evaluation, and Certification

A. The County Judge/Executive or designee shall be responsible for:

(1) Accepting complete application forms from the applicants.

(2) Conducting interviews, reference checks, and evaluating training, experience and credentials.

SECTION 5.22 Announcements of Vacancies

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

B. Such notices shall:

(1) List the vacant position(s).

(2) Specify for each position its position title, nature of work to be performed, and qualifications for employment in the position.

(3) Tell when and where to file applications for employment in the position.

SECTION 5.23 Appointments

A. Appointment to positions may be made on a full-time or part-time basis for regular or temporary employment.

B. Full-time employees shall be entitled to all benefits as provided in these policies. Part-time or temporary employees shall not be entitled to any benefits unless otherwise stated in these policies.

C. In determining the qualifications of an applicant for a position the county may consider the following:

(1) Information the applicant supplies on an application form prescribed and supplied by the county;

(2) Written, performance, or post job-offer physical examinations;

(3) Interviews;

(4) Information and evaluations supplied by the references whom the applicant identifies on the application form; and

(5) Other appropriate measures.

D. All persons who qualify for an appointment to a position of a particular classification shall be considered by the Executive Authority for appointment. No person may be appointed to a position unless verified information on an official application form indicates that the person has the desired qualifications set forth in the position description.

SECTION 5.24 Orientation of newly employed personnel

A. An orientation shall be made available to all new employees by their supervisor as soon as possible after their first day of employment.

B. The orientation shall consist of the following elements:

(1) Explanation of the purpose and goals of the County;

(2) Overview of the County's history, structure and operations;

C (3) Overview of management policies and procedures; and
D

(4) Other elements deemed appropriate.

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

(1) Job related performance (internal candidates);

(2) Information provided on the Application;

(3) Interview(s);

(4) References;

(5) Other appropriate means;

D. Where a declaration of emergency has been declared in accordance with KRS 39B, the County may hire employees on a temporary basis for emergency purposes without Fiscal Court approval. Most other employees are to be recommended by the County Judge/Executive to the Fiscal Court with Fiscal Court approval required for all hiring decisions. No employee should start work prior to Fiscal Court Approval being granted, except in accordance with KRS 39.B. The Fleming County Fiscal Court shall set a reasonable time limit and detail the expected scope of work for each local emergency

order. The Fleming County Fiscal Court shall resume its regular oversight functions immediately to coincide with the state's emergency order expiration if at all possible.

SECTION 5.25 Transfer

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

SECTION 5.26 Promotion

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

B. In the filling of a vacancy in a position above the entrance level, preference shall be given to promotion of present employees at the time the vacancy occurs. If, however, the County Judge/Executive deems that the best interests be outside the current workforce, he may fill the position by appointment of a person from outside the current workforce.

C. When such a vacancy occurs, the names of all persons who qualify for promotion to the vacant position shall be presented to the County Judge/Executive for consideration in filling the vacancy by promotion.

SECTION 5.27 Attendance, Leave and Fringe Benefit Provisions

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

B. Employees shall be at their places of work in accordance with prescribed schedules. The direct job supervisor shall maintain daily attendance records of all employees.

C. At the end of each calendar year each office/department supervisor, including Dispatch, Sheriff, Jailer and Clerk's office must submit to the County Treasurer's office a signed summary sheet "Annual Leave Settlement " form showing each employee's balance of vacation and sick leave time accrued to be placed in the employee's personnel folder by the County Treasurer. If at the time of

termination or retirement this summary is not in place the County will not recognize time accrued as "useable time" towards retirement.

D. It is also recommended that any employee seriously considering retirement notify the County Judge/Executive's office at least six (6) months prior to the approximate date if possible. This will allow us to review accrued hours and make plans to compensate the employee as needed.

SECTION 5.28 Holidays

A. The Fiscal Court shall adopt a holiday schedule prior to commencement of each calendar year and shall distribute same to all County employees and department heads.

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

C. Any full-time employees occupying regular position/s shall receive time off at the regular rate of pay for each holiday.

D. When any holiday listed above falls on a Saturday, it will be observed on the preceding Friday. When any holiday listed above falls on a Sunday, it will be observed on the following Monday.

E. In addition to the above, any day may be designated as a holiday by the County Judge/ Executive.

F. Holiday pay is pay at the regular rate.

G. When it is essential for a non-exempt full-time employee to work on a holiday, the employee may be given the choice of receiving holiday pay in addition to regular pay, or receiving another workday off with pay. The employee shall notify his/her superior of their choice prior to working the holiday.

H. In order to be eligible for a holiday with pay, an employee must work the day before and after the holiday. Holiday pay will not be issued if an employee is under probationary period or is off work for worker compensation or extended sick leave. Exceptions are as follows:

(1) If an employee is on approved vacation, he/she will be paid for the holiday;

(2) If an employee is absent because of illness on the day before or after the holiday, the absence on the holiday will be charged against his/her accumulated sick leave unless after being seen by a physician and doctor's statement is presented. If the employee has no sick leave, the time will be charged as time without pay.

SECTION 5.29 Vacation

A. All employees occupying regular full-time positions and not under probationary period shall be entitled to vacation leave if the minimum number of work hours are achieved as follows:

(1) Full Time Regular Employee must work a minimum 100 hours per month to earn vacation leave.

(2) Full Time Salaried Employee must work a minimum 80 hours per month to earn vacation leave.

(3) Part Time, Seasonal and Temporary employees are not eligible to earn vacation leave.

(4) Vacation leave will not be accrued if an employee is under probationary period or is off work under worker compensation or sick leave.

B. Eligible employees shall earn vacation time on the following schedule, which shall be accrued monthly.

Full Year of Continuous Service	Earned Vacation
1-3 years of service	80 hours annually
4-6 years of service	100 hours annually
7 years of service and above	120 hours annually

C. Upon termination of employment employees shall be compensated for all unused vacation leave at their regular rate of pay.

D. Employees shall be allowed to accrue a cumulative total of vacation leave equivalent to twice the amount of vacation hours earned in a one (1) year period. Vacation time in excess of this amount may be converted to sick time on an hour for hour basis or an employee may be paid for up to one year's worth of vacation time once a year in January by request. This must be requested on the annual leave settlement form.

E. When a former employee is reinstated, the person shall be considered a new employee for vacation leave purposes.

F. Upon receiving approval of their supervisor, employees absent because of sickness, injury or disability may use accrued vacation leave only after accrued sick leave has been exhausted.

G. Vacation leave must be taken in increments of not less than One-half (1/2) hour.

H. The County Judge/Executive or his/her designee shall ensure that accurate records are kept for vacation leave allowance, vacation leave taken, and accrued leave for each employee.

I. All employees shall designate in January of each year, a thirty (30) day period in which they intend to use their vacation leave for the current calendar year. If the employee has multiple times when they are to use their vacation leave then each thirty (30) day period shall be designated. Failure to designate a thirty (30) day period may result in the employee's vacation leave not being granted at the time they wish. At least thirty (30) days prior to when the employee wishes to begin their vacation leave, they must specifically set out dates and the length of the vacation leave and get approval from their immediate supervisor as to the specific days of vacation leave, they requested. The vacation leave shall be granted on a first to specifically designate the vacation leave. The purpose of this designation is so Fleming County can have a continuous operation of each department. The County reserves the right not to grant vacation leave to multiple employees at the same time if by doing so it would cause a disruption of services offered by that department. All notices shall be delivered by the employee to their immediate supervisor for review and approval. Failure to give proper notice under this section may cause denial of vacation leave request.

SECTION 5.30 Sick Leave

A. Sick leave is provided so that an employee will not be seriously handicapped financially if he/she is unable to work because of illness. Sick leave abuse may be cause for dismissal.

B. All employees occupying full-time regular positions and not under probationary period shall receive eight (8) hours of sick leave credit for each month of service if the minimum number of work hours are achieved as follows:

(1) Full Time Regular Employee must work a minimum 100 hours per month to earn sick leave.

(2) Full Time Salaried Employee must work a minimum 80 hours per month to earn sick leave.

(3) Part Time, Seasonal and Temporary employees are not eligible to earn sick leave.

(4) Sick leave will not be accrued if an employee is under probationary period or is off work under worker compensation.

C. Eligible employees shall accrue sick leave on a monthly basis.

D. Sick leave credit may be utilized by employees when they are unable to perform their duties because of:

(1) Sickness, injury, childbirth, doctor/dental appointments, when they are quarantined, or when their absence from work is required due to sickness in the immediate family.

(2) For the purposes of this policy, immediate family shall include grandparents, parents, spouse, children, siblings in any case, legal guardian(s) and immediate in-laws.

E. All foreseeable leave for such purposes shall require specific prior written approval of the department head.

F. The county may require a certification from the employee's doctor, where the employee is absent from work due to illness, disability or other medical condition, prior to the employee's return to work.

G. When an employee takes sick leave, his/her immediate supervisor shall be informed of the fact and the reason(s) thereof within one (1) hour of the start of the employee's work shift. Failure to notify the supervisor may be cause for disallowing the use of sick leave during the period of absence.

H. Absence for a part of a day that is chargeable to sick leave shall be charged proportionately in an amount not smaller than one-half (1/2) hour.

I. The County Judge/Executive's or his/her designee shall keep records of sick leave allowance, sick leave taken and balance of sick leave allowance for individual employees. An employee fraudulently obtaining sick leave, or a department head falsely certifying sick leave allowance for absence from work, may be suspended or dismissed. Abuse of sick leave shall be cause for disciplinary action, up to and including dismissal.

J. Absences on account of sickness, injury or disability in excess of that authorization for such purposes may, at the request of the employee, and with the approval of the department head, be charged to vacation leave credit.

K. Employees shall be allowed to accrue an unlimited number of sick leave hours. Upon termination of employment with the county, other than retirement from county position, unused sick leave shall be forfeited without pay. Part-time, seasonal or temporary employees are not eligible to earn sick leave hours.

L. Any employee who has missed work with a worker's compensation related absence does not have to use sick time for follow up doctor's appointment or therapy, as long as the follow up or therapy is at the direction of the attending doctor for the worker's compensation condition. The employee must present a doctor's excuse with their timecard for the days missed.

M. Reporting Sick Leave:

(1) To be paid sick leave, the employee has the responsibility to report their inability to be on the job. Failure to notify his office or Department Head prior to the established work time may result in loss of pay for that day and may result in disciplinary action against the employee. If notification is not possible prior to the start of the established work time, the employee shall notify the Department Head as soon as is possible.

(2) Sick leave time used will be subtracted on a (½) one-half hour basis.

(3) Upon return to work the employee shall file a Notice of Leave form stating the reasons for the absence, unless the employee filed the form prior to taking Sick leave. The form must be approved by the Department Head before being charged to sick leave. Individual records of all sick leave credit shall be maintained by the County.

(4) A Department Head may require the employee to submit a medical statement, period of treatment, and date that the employee may return to work from sick leave when it occurs before or after a holiday or other scheduled day off or when an employee has a record of repetitious usage of short amounts of sick leave over an extended time period. The employee may be required to take a medical examination on returning from sick leave or on such occasions that it is in the best interest of the County. The medical examination shall be given by a physician designated by the County.

(5) The County Judge/Executive, an Elected Official or a designee may investigate the alleged illness of an employee under the Elected Official's supervision absent from work on sick leave. False or fraudulent use of sick leave shall be cause for disciplinary action, up to, and including, dismissal.

N. Sick Leave Donation Program

(1) Eligibility

a. Both recipients and donors must be current employees of the County.

b. A donor may not donate an amount of sick leave which would cause his/her sick leave balance to go below 75 hours.

c. An employee becomes eligible to receive donated sick leave at the

point in time when all four of the criteria below are met:

(1) The employee or member of his/her immediate family suffers from a "medically certified" illness, injury, impairment, or physical or mental condition which has caused, or is likely to cause, the employee to go on leave for at least ten consecutive working days;

(2) The employee's need for absence is certified by a licensed practicing physician;

(3) The employee has exhausted all of his/her available paid leave; and

(4) The employee has complied with administrative regulations governing the use of sick leave.

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

P. Guidelines on Sick Leave Sharing Regulations:

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

(2) RECIPIENT COMPLETES APPLICATION AND SUBMITS IT ALONG WITH THE PHYSICIAN'S CERTIFICATION TO HIS PAYROLL OFFICER. The payroll officer collects all information, and transmits the appropriate documents to the Appointing Authority.

(3) THE APPLICATION IS REVIEWED TO ENSURE THAT THE

CERTIFICATION OF THE PHYSICIAN IS COMPLETE AND THE FORM IS CORRECTLY FILLED OUT. Verify that the employee will exhaust his leave during the projected absence. Note that the employee does not have to have exhausted his leave before he submits the application. Also, note that the employee does not have to have already been off for 10 days in order to apply, but must have a situation where it is likely to cause an absence for at least 10 consecutive days. A file is created for the recipient by the payroll officer. All medical information must be kept in a locked file separate from the personnel files.

(4) DONOR(S) COMPLETES DONATION FORM AND SUBMITS TO HIS PAYROLL OFFICER. The donor's payroll officer verifies the donor's leave balance for eligibility. After the form is signed by the appointing authority, a copy is sent to the recipient's payroll officer. The donor's payroll officer must reduce the donor's sick leave balance upon receipt of the memo from the recipient's payroll officer.

(5) RECEIVE AND FILE FORMS. As the donation forms are received by the recipient's payroll officer, they are stamped with a received date, and the time of receipt is recorded on the form. The recipient's payroll officer will file the donor forms in the file for the appropriate recipient.

(6) PREPARE AND PROCESS PAYROLLS. Upon certification of eligibility, all donated leave is to be added to recipient's sick leave balance. As the employee utilizes leave for the Sick Leave Sharing qualifying condition he will be paid as usual, reporting sick leave used.

(7) SEQUENCE OF LEAVE USAGE. Transfer all leave donated to the recipient at the time of donation, not on a pay period basis, up to the amount requested. As the recipient accrues leave of his own, his leave time must be used first. He can then use time donated to him. The recipient uses donated leave in the order in which it is received.

(8) RECIPIENT CAN RETAIN LEAVE AFTER RETURN TO WORK. The recipient may retain the donated leave upon return to work only if the recipient documents that leave will be needed for continuing treatment relating to the condition which caused the individual's absence. For example, if the employee was absent due to surgery to remove a malignant tumor and returns to work, but will require periodic absences for radiation therapy, the excess leave may be retained for that purpose. However, the employee may not retain the excess leave to be used for any unrelated condition.

(9) SEQUENCE OF RESTORING UNUSED LEAVE TO DONORS. When the

recipient returns to work and the donated leave is no longer needed for the qualifying condition, excess leave shall be returned to donors in reverse order of donation (last donor's leave is returned first.) If the donor has left employment, the returned hours should be credited to the inactive record for restoration if the employee is rehired.

SECTION 5.31 Family and Medical Leave Act (FMLA)

Fleming County Employees are eligible for FMLA benefits where Fleming County employs at least fifty (50) people.

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

(1) The birth of a son/daughter or care for newborn child;

(2) The placement of a son/daughter for adoption or foster care;

(3) Care for the employee's spouse, son/daughter, or parent with a serious health condition;

(4) The employee's own serious health condition.

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

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

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

E. The employee shall use accumulated sick leave and annual leave time concurrent with unpaid FMLA leave.

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

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

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

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

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

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

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

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

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

SECTION 5.32 Bereavement Leave

A. Employees occupying regular full-time positions shall be granted up to three (3) paid working days off in case of death in the immediate family.

B. Immediate family shall include parents, grandparents, spouse, brothers, sisters, children, legal guardian(s) and immediate in-laws of the same relation.

C. In the event an employee desires to extend leave beyond three (3) working days due to a death in the immediate family, the employee must receive approval from the County Judge/Executive.

SECTION 5.33 Special Leave / Leave without Pay

A. The County Judge/Executive may authorize special leaves of absence with or without pay for employees occupying regular positions for any period deemed beneficial to the County.

B. The County Judge/Executive may authorize an employee to be absent without pay for personal reasons for a period or periods not exceeding ten (10) working days in any calendar year.

C. All full-time county employees shall be allowed two (2) hour paid leave to make blood donations, up to a maximum of four (4) donations per calendar year.

SECTION 5.34 Maternity Leave

A. Employees absent from work due to pregnancy/childbirth may utilize vacation leave after all sick leave has been utilized. Leave beyond the employee's accrued leave balances shall be leave without pay.

B. During leave due to pregnancy/childbirth, vacation days shall continue to accrue and shall be credited if the employee returns to work.

C. The County paid portion of insurance benefits will continue to be paid for full- time employees who provide written certification of their intent to return to work following childbirth. .

D. An employee who is not planning to return to work following childbirth is requested to submit a timely resignation to allow the county's staffing needs to be met.

E. To the extent possible, an employee shall submit her written request for such leave in advance, indicating the approximate dates of absence from work, and her anticipated return to work.

SECTION 5.35 Military Leave

A. Pursuant to KRS 61.394 and 61.396, all employees of this county, or of any department or agency thereof, who are members of the National Guard or of any reserve component of the Armed Forces of the United States, or of the reserve corps of the United States Public Health Service, shall be entitled to leave of absence from their respective duties, without loss of time, pay, regular

leave, impairment of efficiency rating, or of any other rights or benefits to which they are entitled, while in the performance of duty or training in the service of this state or of the United States under competent orders as specified in this section.

B. In any one (1) federal fiscal year, officers or employees, while on military leave, shall be paid their salaries or compensations for a period or periods not exceeding twenty-one (21) calendar days. Any unused military leave in a federal fiscal year shall be carried over to the next year. Any unused military leave shall expire two (2) years after it has accrued.

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

D. Any employee occupying a full-time regular position with the County who is a member of the National Guard or any reserve component of the Armed Forces of the United States, or of the Reserve Corps of the United States Public Health Service, shall be entitled to paid military leave for intervals not exceeding fifteen (15) calendar days in any one calendar year for the purpose of attending annual mandatory training.

SECTION 5.36 Jury Duty, Court Leave, Civil Leave

A. In the event an employee is requested to serve on a jury, he/she shall be compensated at the normal rate of pay while serving on jury duty. All employees serving on jury duty shall be absent from work only during the times required by the courts, and shall provide their supervisor with documentation from the court verifying the employee's participation.

B. County employees required to appear in court in a case related to their employment shall be paid at the same rate of pay they normally receive. When court time and normal work hours exceed forty (40) hours in a specific work week, the overtime rate shall be paid.

C. An employee involved in a personal case, either as a plaintiff or defendant, in a suit not resulting from duties performed on behalf of the county, may be granted leave, provided such leave is deducted from the employee's accrued vacation time or classified as leave without pay.

SECTION 5.37 Voting Leave

A. Any county employee entitled to vote at any election in this state shall, if he/she has made application for leave prior to the day of election, be entitled to absent him/herself from any services or employment of the county for a period of four (4) hours on the day of the election, between the time of opening and closing the polls.

B. The county maintains the authority to specify the hours during which the employee may take voting leave. Voting leave shall be paid leave. (KRS 118.035)

SECTION 5.38 Court Appearance

A. Upon receipt of the order requiring the employee to make a court appearance, the employee shall make arrangements with the employee's Department Head to comply with the order.

B. If appearing in an official capacity in connection with the County as an expert witness because of professional or observed knowledge, the employee's court time is considered working time and no charge is made against leave time.

C. If the employee is involved in a personal case, either as plaintiff or defendant in a suit not resulting from his duties with the County, he may be granted leave, but the time off he takes must be charged to his accrued vacation time or to leave of absence without pay or the employee may be allowed to work alternative hours if approved by the Department Head and County Judge/Executive and if the alternative hours are within the same pay period as the needed leave.

SECTION 5.39 Overtime/Compensation Time

A. Each employee shall be placed in a classification and compensation plan based of the duties and responsibilities required of the employee.

B. In order to determine whether an employee will receive overtime pay for hours worked in excess of forty (40) hours per week, each class shall be declared "exempt" or "non-exempt" in accordance with provisions of existing labor laws. Exempt employees shall not be compensated in cash for overtime worked. Non-exempt employees shall receive overtime pay at the rate of one and one-half (1.5) times the hourly wages for actual hours worked in excess of forty (40) hours in any work week. Compensation time accrued shall be limited to a maximum not to exceed 100 (One Hundred) hours at any given time. (Amendment effective 7-1-2015)Non-exempt employees who are required to work all seven (7) days in a workweek shall receive overtime pay at the rate of one and one-half times the hourly wage for all hours worked on the seventh day of the work week if the cumulative weekly total exceeds 40 hours.

C. Time off with pay (such as vacation leave, sick leave and holidays) shall not be considered as hours worked for overtime pay purposes.

D. Overtime work shall be approved in advance by the employee's immediate supervisor whenever possible, and shall be kept at the minimum consistent with maintenance of essential services and the county's financial resources.

E. Any time spent by road department employees pushing snow during hours other than regular work hours (M-F, 7:30am till 4:00pm Eastern Time) shall be paid at one and one-half of regular pay rate. This applies even if they do not have 40 hours of actual work time in that week. If time is spent pushing snow on a scheduled holiday, employees will receive regular rate for holiday time plus one and one-half of regular pay rate. If the courthouse is closed due to snow emergency the road department employees will receive overtime pay for all hours worked during the snow emergency. This is to be paid in addition to other overtime hours accrued as state above.

SECTION 5.40 County Vehicles

A. Anyone driving a county vehicle will be responsible for that vehicle in case of an accident. A breathalyzer test, urinalysis, or other testing, or any combination of the three (3), will be required with refusal resulting in automatic dismissal of the County employee. Anyone driving a county vehicle must stay in good standing with the Department of Transportation and further maintain a valid operator's license. Any accident, traffic citation, or driving arrest of an employee in a county vehicle must be reported immediately to the supervisor or office holder.

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

SECTION 5.41 Annual Leave Reporting

A. At the end of each calendar year, each county office / department supervisor, including Dispatch, Sheriff, Jailer and County Clerk shall submit to the County Treasurer's office a signed summary sheet "Annual Leave Settlement" form reflecting each employee's balance of vacation and sick time leave accrued to be placed in the employee's personnel folder.

B. If at the time of termination or retirement if this summary has not been submitted to the County Treasurer it may not be recognized as accrued and considered as "useable time" towards retirement.

SECTION 5.42 Health Insurance and Employee Elected Benefits

A. The county and the employee pay appropriate shares of the cost of an individual health insurance policy, as determined annually by the fiscal court. County employees may purchase family health insurance coverage at group rates.

B. All participating employees are subject to the terms and conditions of the group health insurance plans and employee elected benefits provided by the county.

C. Newly hired employees are eligible to participate in health insurance coverage and employee elected benefits on the first day of the month after hired. (effective July 1, 2024)

D. COBRA - The Consolidated Omnibus Budget Reconciliation Act requires employers sponsoring group health plans to offer employees and certain eligible dependents the opportunity to purchase a temporary extension of health coverage, at group rates, in certain instances when coverage under the plan would otherwise end.

SECTION 5.43 Life Insurance

A. The county provides regular full-time employees on the first day of the month after completion of sixty-day probationary period with a term life insurance policy, with a face value of $15,000.00 (Fifteen Thousand Dollars).

SECTION 5.44 Kentucky County Employees Retirement Program

A. The provision of this program may change from time-to-time. The County shall conduct the retirement program in accordance with the guidelines and directives of the Kentucky Retirement System (CER). Employee is eligible to participate in the retirement program on the first payroll after hire date.

B. Fleming County does not have a mandatory retirement age for its employees. The county does participate in the County Employees Retirement System (CERS), including participation in the Standard Unused Sick Leave Program. Information regarding this program is provided in the Section 5.30 of these policies, with detailed information available from the County's Treasurer.

C. Fleming County participates in the County Employees Retirement System, including its Standard Unused Sick Leave Program. Under this program, eligible employees (employees must work 100 hours per month to participate in retirement) who retire with the county may have up to six (6) months of unused sick time purchased by the county to add to their length of service. The employee may purchase additional sick leave towards their retirement. Details regarding this program may be obtained from the county's Personnel Officer.

D. It is recommended that any employee considering retirement should notify the County Judge/Executive and the County Treasurer at least six (6) months prior to the date.

SECTION 5.45 Employee Relation Provisions Training and Career Development

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

B. Fleming County may pay for training and development classes for its employees in an effort to enhance their professional and personal growth and to improve the efficiency and effectiveness of the county's programs and operations. Requests for training must be made in advance and approved by the Executive Authority. The county's ability to provide for training will depend upon the availability of funds. The assistance will be determined annually on an individual basis, and in a consistent and fair manner.

SECTION 5.46 Performance Evaluation

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

SECTION 5.47 Reclassification

A. An employee whose position is reclassified from one class to a higher class shall enter the higher class at its minimum salary. If the minimum is lower than, or the same as, his/her salary at the time of the reclassification, he/she shall retain at least the present salary.

B. If the employee's salary is the same as the minimum, the County Judge/Executive shall determine what salary to recommend for the employee in the reclassified position.

C. An employee whose position is reclassified from one class to a lower class shall:

(1) Retain their current salary if his/her salary, at the effective date of the reclassification, does not exceed the maximum salary for the position of the lower class; or

(2) Receive only the maximum if that salary exceeds the maximum.

D. An estimate of its financial implications shall accompany any recommendation made to the fiscal court for reclassifying a position to a classification with a higher salary.

E. In the event an employee enters a higher classification by promotion, the salary in the higher classification shall be the minimum salary for the classification, unless the minimum is lower than, or the same as, the employee's salary at the time of the promotion.

F. If an employee is demoted, he/she shall be paid no more than the maximum amount in the grade to which he/she has been assigned.

G. When an employee transfers from a position in one classification to a position in an equivalent classification, the transfer shall have no change in the rate of pay.

SECTION 5.48 Progressive Discipline

A. Generally, the Fleming County Fiscal Court believes in the application of progressive discipline. However, the county reserves the right to skip any step or requirement in the disciplinary action sequence outlined below depending on the severity of the misconduct or when the facts or circumstances otherwise warrant. Further, it is also noted that in establishing the following disciplinary procedures it is specifically not the county's intention to create any employment situation that compromises its at-will employment status. As expressly stated in these policies *Statement of Purpose*, nothing in these policies is intended to create a contract of employment. Any individual may voluntarily leave employment or may be terminated by the county at any time, for any lawful reason, or for no reason at all. Any oral, written statements, custom or course of dealing to the contrary are hereby expressly disavowed.

B. When an employee fails to follow any rule, regulation, operating procedure or job requirement, one of the following measures shall apply, depending upon the circumstances involved and the severity of the offense:

(1) Verbal Warning

(2) In the case of a minor infraction, the immediate supervisor or department head shall administer the verbal reprimand as soon as possible after the offense.

(3) The date of the verbal reprimand, along with a description of the occurrence which prompted the reprimand and any comments the employee may have made, shall be noted by the person giving the reprimand in his/her own supervisory file.

C. Written Warning:

(1) In the case of either a second minor infraction or a more serious first infraction, the immediate supervisor or department head shall give the employee written warning specifying the reason(s) for such warning and noting any previous verbal and/or written warnings.

(2) After issuing a written warning the county may choose to have the employee's performance reviewed on a daily basis for improvement. In doing so the county shall explain the consequences of continued infractions.

(3) The employee shall sign the written warning or the warning shall be signed by a witness. A copy of the written warning shall be forwarded to the Personnel Officer to be placed in the employee's personnel file.

D. Suspension

(1) After either a serious violation or repeated minor violations, the supervisor or department head shall request, in writing, that the Executive Authority, suspend the employee without pay. The request shall include the reason(s) for the suspension, if any, along with details of previous disciplinary action/s taken against the employee, if any.

(2) The County Judge/Executive, with the approval of the fiscal court, may suspend an employee for any period up to and including four (4) calendar weeks, depending upon the offense's severity. Other Constitutional Officers may also exercise this authority.

(3) When a decision to suspend an employee is made, the Executive Authority shall immediately notify the employee in writing. The notice shall include the reason(s) for the suspension, if any, and the duration of the suspension.

(4) Employees suspended without pay for a period of four (4) calendar weeks shall forfeit fringe benefits during the suspension, including accrual of sick and vacation time, and the county's contribution to life and medical insurance.

(5) The county may suspend the employee with pay, at the county's discretion.

E. Dismissal

(1) When an offense is repeated, or misconduct is serious enough for discharge on the first offense, a supervisor or department head may recommend dismissal of an employee. The recommendation shall include the reason(s) for dismissal, if any, details of previous disciplinary action taken against the employee, if any, and the recommended effective date and time of discharge.

(2) Upon review of the supervisor or department head recommendation to dismiss, and after receiving the approval of the fiscal court, the County Judge/Executive shall provide the employee with a Letter of Intent to Dismiss which may contain:

(a) the reason(s) for dismissal, if any;

(b) the details of previous disciplinary action(s) taken against the employee, if any; and

(c) the recommended effective date and time of the intended discharge.

Other Constitutional Officers operating under these policies shall also comply with this requirement, but do not have to have the approval of the fiscal court.

F. Common Infractions

The following is a list of common infractions. While this list does not include all actions that call for disciplinary action, it is intended as a guide to assist in avoiding activities that are in conflict with the principles and goals of an efficient work force.

(1) Absenteeism, lateness, extended meal times;
(2) Neglect of duty;
(3) Abuse of sick leave;
(4) Insubordination;
(5) Theft of county property;
(6) Leaving work without authorization;
(7) Intoxication or use of intoxicants while on duty;
(8) Reporting to work under the influence of drugs or alcohol;
(9) Unauthorized use of county property or vehicles;
(10) Provoking or inciting a fight, or fighting during work hours;
(11) Mistreatment (physical or verbal) of citizens or co-workers;
(12) Willful neglect or abuse of county property;
(13) Deliberate falsification of time records;
(14) Conviction of a felony;
(15) Improper discussion or disclosing of confidential information;
(16) Failure to comply with established safety practices or procedures;
(17) Harassment, including sexual harassment;
(18) Supplying false information on employment application;
(19) Incompetence or inefficiency on the job; and

(20) Violation of established employer policies.

SECTION 5.49 Resignation

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

B. A resignation made without the notice required by these rules may be regarded as cause for denying the resigning employee future employment by the County.

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

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

E. Any employee who is absent from work for three (3) consecutive work days without notifying his/her department head of the reason(s) for the absence will be considered to have voluntarily resigned his/her employment with the county.

SECTION 5.50 Layoff

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

B. In layoff

(1) The order of layoff shall be established by the Fiscal Court on the basis of the needs of the County;
(2) Consideration shall be given to both the seniority and merit of the persons considered for layoff;

C. Two weeks before the effective date of the layoff of an employee, if time permits, the County Judge/Executive shall:

(1) Notify the employee of the layoff;

(2) Explain the reason for the layoff;

(3) Certify whether his service has been satisfactory.

D. A copy of the notice shall be retained in the employee's personnel file.

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

SECTION 5.51 Reinstatement

The County Judge/Executive with the Fiscal Court's approval:

A. May re-employ any former employee:

(1) Who has resigned from County employment with a good record

(2) Who has been laid off because of lack of work or funds

B. Shall reinstate any employee who has been demoted or dismissed for a reason prohibited by local, state or federal employment regulations.

SECTION 5.52 Grievances

A. A Grievance Committee will be set up on request of a complaining employee. The committee will consist of (2) members of Fiscal Court and the County Judge/Executive.

B. Grievance Procedure: Any grievance or dispute which may arise from employment with the County shall be settled in the following manner:

(1) The employees shall present the grievance to his/her immediate supervisor within three (3) working days of its occurrence or within three (3) working days of knowledge of the occurrence by the employee. The supervisor should then attempt to respond to the employee within seven (7) days of the receipt of the complaint.

(2) If the grievance remains unadjusted, it may then be presented by the employee to the County Judge/Executive for review by the grievance committee within a reasonable period of time.

SECTION 5.53 Grievance Procedures for Complaints Relating to Suspected or Alleged Discrimination on Basis of Handicapped Status

A. Any person (employee or citizen) who believes that he or she has been subjected to discrimination as prohibited by Section 504 of the Rehabilitation Act of 1973, may personally or by representative, file a complaint with the Office of the County Judge/Executive. A person who has not personally been subjected to discrimination may also file a complaint.

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

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

Step Two: The County Judge/Executive shall contact the complainant no later than twenty (20) days after receiving the written statement to establish an informal meeting with the objective of resolving the matter informally. However, in no case shall the informal meeting be conducted sooner than five (5) days or more than forty-five (45) days after receiving the written statement. The County Judge/Executive and the County Attorney or the County Attorney's designee shall represent the County during the informal meeting. There shall be prepared written documentation of the discussions at the informal meeting, which shall be preserved in the records of the County.

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

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

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

SECTION 5.54 Political Activity

A. Any employee while in the service of the County is not required to contribute to any political fund or be denied the rights of political activity, as specified by the Kentucky Revised Statutes.

B. No employee, as a condition of employment or continued employment, shall be required to contribute to a campaign or campaign for any candidate for political office.

C. No employee of the county shall engage in political activity during his/her assigned duty hours or while in uniform.

SECTION 5.55 Employee Bonding

A. All applicants seeking county employment which involves the handling of county funds or writing checks shall be bondable. All employees involved in handling county funds may be bonded at the expense of the county.

SECTION 5.56 Harassment and Sexual Harassment

A. The County of Fleming is committed to maintaining a work environment that is free of harassment. Complaints of harassing conduct will be promptly and carefully investigated, and where necessary appropriate disciplinary action will be taken. All employees may be assured that they will be free from any and all reprisal or retaliation from filing such complaints. Any employee who has a complaint of harassment at work by anyone, including supervisors, co-workers, visitors, clients, or customers, should immediately bring the problem to the attention of their supervisor, County Judge/Executive and/or County Attorney.

B. State law prohibits unwelcome sexual advances, requests for sexual acts or favors, with or without accompanying promises, threats, or reciprocal favors or actions; or other verbal or physical contact of a sexual nature that has the purpose of or creates a hostile or offensive working environment. Examples of prohibited conduct include, but are not limited to, lewd or sexually suggestive comments, off-color language or jokes of a sexual nature; slurs and other verbal, graphic or physical conduct relating to an individual's sex; or any display of sexually explicit pictures, greeting cards, articles, books, magazines, photos or cartoons.

C. Complaints of sexual harassment will be promptly and carefully investigated, and where necessary, appropriate disciplinary action will be taken. All employees may be assured that they will be free from any and all reprisal or retaliation from filing such complaints. Any employee who has a complaint of sexual harassment at work by anyone, including supervisors, co-workers, visitors, clients, or customers should immediately bring the problem to the attention of their supervisor, County Judge/Executive and/or County Attorney.

D. Purpose

(1) To advise employees that sexual harassment is a violation of law.

(2) To clearly state that employees or employee applicants should not be subjected to unwelcome sexual conduct, on or off the job, regardless of whether such action results from conduct of co employees, supervisory staff, department heads, the public or others.

(3) To provide for disciplinary action in the event this policy is not followed.

E. Policy

(1) Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

b. Submission to or rejection of any such conduct by an individual is used as the basis for employment decisions; or

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

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

a. Visual displays of sexually explicit or suggestive materials;

b. Sexually explicit or suggestive comments, jokes, etc.…;

c. Sexually explicit or suggestive gestures;

d. Sexually explicit or suggestive e-mail;

e. Using the internet to view sexually explicit or suggestive material;

f. Viewing or showing sexually explicit videos;

g. Touching co-workers in sexually suggestive or explicit manners;

h. Removal of clothing that involves actual or threatened physical conduct or that involves a sexually explicit or suggestive element.

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

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

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

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

SECTION 5.57 Drug Free Workplace

A. Drug abuse has an effect on many things, including absenteeism, productivity, number of health and accident claims, morale of other workers and employee turnover.

B. In addition to lost time, money, and productivity caused by chemical abuse is the personal suffering caused to the individual abuser and those around him, such as his family, friends, and co-workers. People who abuse chemicals tend to be very erratic in their behavior towards other. Their thinking and personal interactions become increasingly impaired the more preoccupied they become with their drug of choice.

C. Problem drinkers and drug abusers tend to lose interest in things that once were important. Self-hatred builds because at some point these people realize they are failing themselves, their families, friends, co-workers, and employer as they act contrary to their own moral beliefs.

E. Financial and legal troubles are common problems for alcohol and drug abusers. The chemically dependent person's overall earning power is adversely affected by lost hours at work. This in turn adds to financial troubles, which are heightened by spending what income is left on drugs or alcohol.

F. The County Judge/Executive may, with the approval of the Fiscal Court, implement procedures for health assessment of County employees and applicant, which may include drug and alcohol testing, in compliance with the following guidelines:

(1) A county policy may include screening tests to detect the use of alcohol and illegal drugs by employees. Employee alcohol and drug testing shall, pursuant to such policies, be performed under the following circumstances:

a. There is reasonable suspicion that drugs or alcohol are affecting the job performance and conduct in the workplace;

b. The nature of the employee's job involves a significant risk to the employee or to others, or to the property of the County;

c. Immediately after the occurrence of a serious accident;

d. In conjunction with a routine physical examination, in which case affected employees shall be notified in advance that the examination will include drug and alcohol screening; or

e. It is required by law or regulation.

G. Random or surprise testing of employees on a wholesale basis shall not be done without evidence or probable abuse by a substantial number of employees within a work group. Such testing requires the advance written approval of the County Judge/Executive.

H. For purposes of this Policy, a "serious accident" is one which involves one or more employees of the County and/or a contractor or supplier performing services at a county facility, and results in:

(1) any injury to any person which requires professional medical treatment beyond first aid;

(2) damage to or destruction of property in excess of $1,000.00;

(3) a chemical spill or the discharge or release of a chemical into the environment of a nature that requires reporting to an environmental regulatory agency.

I. Employees who are to be tested pursuant to this Policy shall be advised of the purpose and possible consequences of the particular test.

J. Employees who test positive, or who refuse to submit to a test required pursuant to this Policy, shall be subject to discipline, including discharge, or other administrative action.

K. Employees found to be abusing drugs, but not convicted of any drug statute violation, will be subject to appropriate personnel action against such employee, up to and including termination, or be required to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes. Fleming County is not required to pay for this rehabilitation.

L. Each employee is hereby notified that they shall notify the Fleming County Judge/Executive within five (5) days of any criminal drug statute conviction.
A criminal drug statute conviction may result in disciplinary action, up to and including, dismissal.

M. Search practices, including inspection of County facilities and employee property on county facilities, may be maintained as part of the County's general security measures.

(1) The County may conduct unannounced searches of its facilities and vehicles, at any time, and for any reason.

(2) The County may also conduct unannounced searches of County desks and lockers and of employee's property on County facilities, including without limitation, briefcases, lunch boxes, tool boxes, purses, clothing or other personal property containers, where it has reasonable cause to believe that one or more employees may be in possession of alcohol or illegal drugs. Such inspections must be authorized by the County Judge/Executive or County Official or Department Head. Wholesale inspection of personal

property should, where feasible, be approved in advance by the County Judge/Executive.

(3) Employees shall be expected, as a condition of employment, to cooperate with any search of County facilities or employee property conducted by the County on such facilities.

N. Fleming County will use its best effort consistent with the circumstances to conduct its testing and search procedures in a manner calculated to preserve the employees' privacy and dignity. These efforts shall include the restriction of information pertaining to the fact that a test or search has occurred, and the results thereof, to the County Judge/Executive and to those managers who need to have access to such information in order to make and implement personnel decisions involving the employee.

O. It is the responsibility of each employee to advise his/her immediate supervisor when taking a legal drug, which may adversely affect his/her ability to work safely and productively. The County will determine whether the employee may continue to work while taking the drug, and if, not, where appropriate and permissible, whether the employee's job can be temporarily modified to accommodate his/her reduced capabilities.

SECTION 5.58 Expense Reimbursements

A. Employees will be reimbursed for pre-authorized travel expenses incurred in the performance of their work, but not for commuting to and from the workplace. Any costs incurred should be the most economical consistent with the county's best interest.

B. Any employee of the county incurring expenses for prior approved county related business shall be reimbursed as follows:

(1) Official travel in privately owned vehicles shall be reimbursed in accordance with the rates set forth in the Commonwealth of Kentucky's Travel Regulations. Mileage payment shall not be claimed if county-owned vehicles are used.

(2) The County will only reimburse coach fare. Under reasonable circumstances, or for necessary expediency, the County Judge/Executive may authorize other travel means.

(3) Lodging paid for by the employee shall be reimbursable at the actual expense and shall not exceed the cost of a single room rate, except that if employees share lodging, each employee shall be reimbursed the lesser of single rate or one-half (1/2) the double rate. If the county credit card is used to pay for lodging and actual expenses exceed the single room rate, the employee shall be responsible to reimburse the county of overages. Itemized receipts must be provided for all lodging.

(4) Conference and registration fees shall be approved in advance by the Fiscal Court, and may be prepaid when necessary and appropriate.

(5) Use of rental vehicles must be approved in advance, or justification provided that shows the use of such vehicle was more feasible than other types of available transportation.

(6) An employee shall be reimbursed for meals on a per diem basis, except no reimbursement shall be allowed for meals that are included in registration /seminar fees. Allowances for meals shall be the same rate paid by the Commonwealth of Kentucky. Reimbursement for meals will only be paid if an itemized receipt is presented with detailed description of the expenditure. Gratuities may be reimbursed if it does not exceed 20% of the cost of the meal.

(7) "High-Rate Area" means a city, state or metropolitan area in which it has been recognized that higher meal costs and lodging rates have historically prevailed, and that has been designated by the Secretary of the Finance and Administration Cabinet as a high-rate area listed on the Kentucky Office of the Controller's web site.

(Note: The Commonwealth of Kentucky is not considered "high-rate area" according to the Controller's web site therefore travel within the state is not considered "high-rate area".)

C. Subject to budgetary limitations, any officer or employee of the County incurring expenses for approved travel on behalf of the County shall be reimbursed for allowable out-of-County travel expenses as follows:

(1) Meal Costs: A county employee shall be eligible for reimbursement for subsistence for breakfast, lunch and dinner expenses while traveling and absence during the mealtime hours established:

Rate of reimbursement for non-high-rate area

Breakfast	$ 12.00
Lunch	$ 15.00
Dinner	$ 23.00

Rate of reimbursement for high-rate area

Breakfast	$ 14.00
Lunch	$ 18.00
Dinner	$ 28.00

(2) Meal Time Hours - Breakfast 6:30 AM - 9:00AM
Lunch 11:00 AM - 2:00 PM
Dinner 5:00 PM - 9:00 PM

(3) Telephone calls for the purpose of county business are reimbursable at the actual rate.

(4) Other necessary expenses which were unforeseeable prior to travel may be approved by the County Judge/Executive upon presentation of itemized documentation of the need for such expense.

D. Itemized receipts for all expenditures shall be obtained and attached to the request for reimbursement, which must be completed as soon as possible upon completion of travel. All requests for reimbursement shall be signed by the employee and supervisor.

E. Employees violating this section will be subject to appropriate disciplinary action.

F. Mileage Reimbursement: The mileage rate paid will determined by current rate paid by the Commonwealth of Kentucky Finance and Administration Cabinet Office of the Controller if travel by personal vehicle is required. Mileage payment shall not be claimed if county-owned vehicles are used.

G. Other Expenses: Tolls, parking and similar expenses. Expenses shall be necessary and reasonable. No expenses shall be reimbursed which are not directly related to job related purposes or other County business purpose.

H. Authorization: All travel by County employees must be approved in advance by the employee's supervisor or the County Judge/Executive. Meeting notices supporting travel shall be submitted with the travel request, when available.

I. Expense Reimbursement Reporting

(1) The Expense Request for Reimbursement Form must be completed (including required itemized receipts) and submitted to the County Judge/Executive within (30) thirty days after returning from travel.

(2) The Expense Request for Reimbursement Form must be signed by the employee requesting reimbursement, the department director, and the County Judge/Executive.

(3) Exceptions to this rule may be made by the County Judge/Executive through use of a credit card in the County's name.

SECTION 5.59 Inclement Weather

A. In the event of occurrence of weather conditions in which travel to and from work may jeopardize the safety of employees, county offices may be closed at the direction of the County Judge/Executive.

B. Employees will be notified of this action in a timely and appropriate manner. This will be paid as a regularly scheduled workday.

C. Where individual circumstances exist, such as longer than average distance of travel to and from the work place, the employee must notify his/her supervisor, and may exercise his/her own judgment in not reporting to work.

D. If county offices are not subsequently closed, this time off will be charged, at the discretion of the employee, to vacation leave or leave without pay.

SECTION 5.60 Employee Suggestion System

A. Employees are urged to submit suggestions that will result in more effective and efficient operation of county government. Suggestions should be submitted to the employee's supervisor, who shall forward the suggestion to the County Judge/Executive for consideration.

B. As appropriate and necessary, the County Judge/Executive shall submit the suggestion to the Fiscal Court for approval.

C. Employees submitting suggestions that are implemented will receive recognition at the time of the suggestion's implementation.

CHAPTER 6 COUNTY ROAD DEPARTMENT

SECTION 6.1 Establishment of Department

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

B. The County Road Department shall be responsible for the maintenance, construction, and upkeep of all county roads and county bridges in the County Road System.

C. The Fiscal Court shall designate roads in the County to be in the County Road System. Such roads and bridges shall be maintained by the County Road Department.

D. The County Road Supervisor shall be appointed by the County Judge/Executive with the approval of Fiscal Court, and shall serve a period of four (4) years.

E. The Fiscal Court shall set the number and compensation of all employees of the County Road Department.

F. All appointments to the County Road Department and removals therefrom shall be made by the County Judge/Executive in accordance with provisions of this Code/Policy.

G. When required, the County Road Department employees shall possess such qualifications as set forth in KRS 179.020. In addition, they shall be residents of the County.

SECTION 6.2 Duties of Road Supervisor

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

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

C. If no applicant is found to serve as County Road Supervisor, the County Judge/Executive may appoint a temporary supervisor for a period not to exceed three (3) months in accordance with provisions of KRS 179.020.

D. The County Road Supervisor shall keep such records and make such reports concerning the activities of his/her department as may be required by statute or by the County Judge/Executive and shall perform such duties as outlined by Kentucky Statute as follows:

(1) Keep records and deliver to successor (KRS 179.040);

(2) In charged of county roads and bridges in his/her county to be maintained or improved as required by law (KRS 179.070);

(3) Supervise construction and maintenance of roads and bridges (KRS 179.070);

(4) Make reports required by the County Judge/Executive (KRS 179.070); (KRS 179.160)

(5) Advise and direct employees on road work (KRS 179.070);

(6) Examine stone and gravel deposits and report to the Bureau of Highways (KRS 179.070);

(7) Together with the Fiscal Court, plan the construction and maintenance of roads and bridges (KRS 179.070);

(8) Inspect and supervise constructions and improvements of county roads and bridges (KRS 179.070);

(9) Remove obstacles from roads (KRS 179.070);

(10) Make recommendations on speed limits and parking regulations (KRS 179.070);

(11) Approve drainage plans for site development in County (KRS 179.070);

(12) Divide county roads into sections (KRS 179.140); plan improvements for sections (KRS 179.140); advertise for bids on improvements (KRS 179.140); supervise contracts (KRS 179.150);

(13) Care for road machinery purchased by Fiscal Court (KRS 179.170; lease or hire machinery (with Fiscal Court approval) (KRS 179.180);

(14) Acquire gravel, stone and other related items for use on country roads (with Fiscal Court approval) (KRS 179.190);

(15) Inspect roads and bridges (KRS 179.200); remove stones and weeds;

(16) Notify persons responsible for removing obstacles; assess costs of performing work if performed by the county (KRS 179.280);

(17) Prevent flooding of roads (KRS 179.300);

(18) Erect guide boards (with Fiscal Court approval) (KRS 179.320);

(19) Plant and care for shade trees (KRS 179.340);

(20) Measure public roads within the County (KRS 179.350);

(21) Present annual itemized account (October) to the Fiscal Court (KRS 179.390);

(22) Bring actions for county (KRS 179.450).

SECTION 6.3 Road Department Property

A. Employees of the department shall be responsible for the good care of departmental equipment and property, whether fixed or movable, assigned to their use and keeping and shall promptly report to their supervisor the loss or damage to our unserviceable condition of such property.

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

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

D. All employees of the road department shall immediately report to their supervisor the loss of any departmental property or equipment that has been furnished to the individual.

E. No departmental property or equipment shall be used for private purposes or on private property without the prior written authorization of the County Judge/Executive.

F. Any employee found to be using alcoholic beverages during work hours, while using County equipment or on County property, will be dismissed immediately.

G. Any employee found guilty of damages to or destruction of departmental equipment or property, either through willfulness or negligence, shall be required to pay all costs of repairs or replacements thereto.

H. Each employee shall be responsible for servicing the equipment operated by the said employee on a regular basis including a regular check for oil levels and the necessity for an oil change. Any equipment problems or deficiencies should be reported immediately to the equipment supervisor. Trucks and equipment shall be cleaned at least once a week or more often as such need arises.

SECTION 6.4 County Road Inventory/Condition

A. The County Judge/Executive or his/her designee shall maintain a map(s) that clearly identifies all County maintained roads.

B. The County Judge/Executive prepares and maintains a current inventory of all County roads for identification and condition at least annually.

C. The inventory shall identify:

(1) Road name and number;

(2) Road length;

(3) Type of surface, its condition and width;

(4) Width of right-of-way;

(5) The number of bridges on the road, their posted weight limits and condition;

D. The Road Supervisor shall contact all area utilities relative to their planned activities prior to surfacing or resurfacing any County Road.

SECTION 6.5 Procedures for County Road Repairs and Maintenance

A. Each magistrate shall inspect roads in his district periodically to determine needs.

B. Each magistrate shall file a road report with the County Judge/Executive and/or Road Department, including, but not limited to, the following information:

(1) Road name and number;

(2) Description of work to be performed;

(3) Any additional information, which shall be deemed necessary.

C. The County Judge/Executive shall compile all reports from magistrates and present a final report to the Fiscal Court for their action.

D. When the Fiscal Court makes approval of County Road work, the County Judge/Executive shall direct the Road Supervisor to perform these activities subject to budgetary constraints.

SECTION 6.6 Miscellaneous Requirements

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

Section 6.7 Personal Protective Equipment

A. Mandatory hard hat areas are defined as those times when any employee engaged in work activities consisting of but not limited to:

(1) Overhead work such as tree trimming and/or removal;

(2) Operation of overhead equipment;

(3) Present during any situation where the hazards of falling or flying objects could reasonably be expected, such as working below other workers who are using tools and materials which could fall or working below machinery or processes which might cause material or objects to fall

B. Mandatory requirements for the use of safety vests and/or high-visibility clothing:

(1) All workers must wear high-visibility safety apparel during work hours.

C. Any incidents of non-compliance of Section 6.7 (A) (B) shall be subject to but not limited to:

(1) First offense: Verbal Warning.

(2) Second offense: Written Warning

(3) Third offense: Three-day suspension without pay or termination

CHAPTER 7 COUNTY PROPERTY

A. Any County employee found guilty of damage to, or destruction of County property or equipment, either through willfulness or negligence, shall be required to pay all costs of repairs or replacement of the property and may be subject to discipline, up to and including dismissal.

B. Each office holder or supervisor is responsible for the equipment that is used in their office. A list of each office's equipment is to be kept current. A copy of the list shall be sent to the County Judge/Executive's office annually or as any changes are made.

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

CHAPTER 8 PURCHASES AND CONTRACTS

SECTION 8.1 Authorization of Contracts

A. Every contract, change or amendment thereto, shall be authorized or approved by the Fiscal Court before it is executed by the County Judge/Executive.

B. Every contract of Fleming County, except small purchases, shall be approve by the County Attorney as to form and legality.

C. The chief executive officer may delegate to a purchasing officer and to department heads such authority as may be appropriate.

D. Any delegation of purchasing authority shall be in writing.

E. No delegation shall be made to the purchasing officer of the authority to award any contract in excess of $ 2,500 or to a department head to award any contract in excess of $ 2,500.

F. No contract shall be awarded for an amount which exceeds the sum authorized by the budget for the procurement.

SECTION 8.2 Adoption of Kentucky Model Procurement Code

A. The Fleming County Fiscal Court shall hereby adopt and follow the provisions of the Kentucky Model Procurement Code (KRS 45A.005 to 45A.488) effective July 2023. This document shall be adopted in reference and made a permanent part of this Code.

B. The County Judge/Executive or his designee is responsible for administration of the procurement function of the Fleming County Fiscal Court.

C. The Fleming County Fiscal Court has the sole authority to award any contract which exceeds $ 40,000.00 regardless of whether the award is based on competitive sealed bids, multi-stop sealed bidding, competitive negotiations, or by non-competitive negotiations as long as Model Procurement Code is followed.

D. The Fleming County Fiscal Court reserves the right to reject any and all bids and to waive technicalities and minor irregularities in bids.

E. An invitation for bids, a request for proposals or other solicitation may be canceled, or any or all bids or proposals may be rejected in whole or in part as may be specified in the solicitation, when it is in the best interest of the county. The reasons therefore shall be made part of the contract file, and each solicitation issued by the county shall state that it may be canceled and that any bid or proposal may be rejected in whole or in part for good cause when in the county's best interest. Reasons for rejections shall be provided in writing upon request to unsuccessful bidders or offerors, and set forth in the Fiscal Court's minutes.

SECTION 8.3 Procedures for Determination of Qualification of Bidders

A. The contractors who have demonstrated by past performance the ability to perform satisfactorily in accordance with contracts on a timely basis and have shown a sound financial structure shall be qualified as responsible.

SECTION 8.4 Procedures Prerequisite to Use of Negotiated Process

A. The no competitive, negotiated process may be used instead of advertisement for bids when the amount exceeds $ 2,500.00 except in the following circumstances:

(1) an emergency exists;

(2) the contract is for professional services;

(3) all bids received exceed the amount budgeted;

(4) single sources or product service;

(5) perishable

B. Before an emergency is declared the County Judge/ Executive shall determine whether or not the delay in obtaining bids will result in danger to health, safety or property and submit such determination to the Fiscal Court.

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

D. A professional service as one performed by a licensed professional and an activity for which the license is required.

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

SECTION 8.5 Procedures for Negotiated Process

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

B. The County Judge/Executive shall prepare a record of all negotiated contracts, showing the items and quantities acquired, name of supplier, cost and date of contract.

C. Professional services shall be negotiated with such persons as are properly licensed to perform such services and shall be limited to those services to which the license applies.

D. Where more than one bid was received and all were in excess of the amount available, the lowest three bidders shall be notified that the County desires to negotiate a contract for a submission of proposals.

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

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

G. The County Judge/Executive or his designee shall notify all persons submitting a proposal in writing, by phone and/or by email that the award has been made.

SECTION 8.6 Small Purchase Procedures

A. The County Judge/Executive or his designee and each elected official or department head shall determine the need for any item requested and whether or not the contract is for less than $ 2,500 and the expenditure is provided for in the budget.

B. The County Judge/Executive or his designee shall enter the actual amount of expenditure in the ledger.

SECTION 8.7 Hold Harmless Clause

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

SECTION 8.8 Storage and Inventory Control - Procedures for Receiving, Storing and Disbursing Repetitive use Items

A. The chief executive officer or designee, elected official or department head is responsible for the receipt and inspection of all property and supplies to be stored.

SECTION 8.9 Accountability of County Property

A. A list of equipment, land, buildings, tools, and other property owned by the County which is not consumable, has a life expectancy of at least one (1) year, and an original value greater than $ 250.00 shall be complied by the County Treasurer and maintained by the County Treasurer.

B. The list shall identify which agency of county government has custody of the property.

C. The Finance Officer shall affix a label or otherwise mark the property as belonging to the County and assign and affix a number to the property.

D. As additional property is acquired by the County, it shall be physically marked and identified and added to the list.

E. Each agency possessing such property shall notify the County Judge/Executive in writing when such property is sold, destroyed, stolen, transferred to another agency, or otherwise removed from its possession.

F. In August of each year, the County Judge/Executive or his/her designee in charge of purchasing shall transmit to each agency of county government a list of all such property assigned to that agency. Within thirty (30) days each agency shall locate and verify that they do indeed possess the property or account for its absence.

SECTION 8.10 Disposition of County Surplus Property

A. A local public agency may sell or otherwise dispose of any personal property which is not needed or has become unsuitable for public use, or which would be suitable, consistent with the public interest, for some other use.

B. A written determination as to need of suitability of any personal property of the local public agency shall be made; and such determination shall fully describe the personal property; its intended use at the time of acquisition; the reasons why it is in the public interest to dispose of the item; and the method of disposition to be used.

C. Surplus or excess personal property as described in this section may be transferred, with or without compensation, to another governmental agency; or it may be sold at public auction or by sealed bids in accordance with KRS 45A.365.

D. In the event that a local public agency receives no bids for surplus or excess personal property, either at public auction or by sealed bid, such property may be disposed of, consistent with the public interest, in any manner deemed appropriate by the local public agency. In such instances, a written description of the property, the method of disposal, and the amount of compensation, if

any, shall be made. Any compensation resulting from the disposal of surplus or excess personal property shall be transferred to the general fund of the local public agency.

E. As an alternative procedure to that set out in this section, a county may dispose of personal property pursuant to KRS 67.0802 relating to the disposition of county property, to define "independent appraisal" and to, in addition to the disposal methods available to counties, allow counties to transfer property for economic development purposes, trade property for the same or similar type of property, sell property without bids if the property is appraised for $5,000 or less, sell property as scraps or dispose of as garbage, which can include road millings and dirt, if the value of the property is no greater than nominal, or allow the Finance and Administration Cabinet to sell the property on behalf of the county; amend KRS 45A.425 to allow the provisions of Section 1 of the Act to be used in lieu of those set out in the local model procurement code for counties having adopted it.

F. Notwithstanding subsections (A) to (D) of this section, a city, urban-county government, or consolidated local government that has adopted KRS 45A.345 to 45A.460 may dispose of surplus property using the procedures in KRS 82.083.

CHAPTER 9 BOARDS AND COMMISSIONS

SECTION 9.1 Maintenance of Records of Administrative Agencies and County Departments

A. All agencies which receive county funding shall file a detailed copy of the agency's annual budget with the County Judge/Executive within the time limits established by the County Judge/Executive. It shall also file a copy of each audit required by law with the County Judge/Executive and the Fleming County Clerk.

B. All agencies which receive county funding shall maintain a financial record of the agency activities containing the amount budgeted for the year, the amount expended to date and the balance available.

C. All agencies which receive county funding shall submit a monthly financial statement for each of the agency's department. The financial statement shall contain the total amount of appropriations for the agency, the amount spent and encumbered by the agency during the preceding month, the total amount encumbered during the fiscal year, and the amount of the total appropriation, which is still available for spending;

D. Within sixty (60) days after the close of each fiscal year, each administrative agency shall make full report to the County Judge/Executive and the Fiscal Court. The report shall include a financial statement and the general scope of operations of the agency during the preceding year.

SECTION 9.2 Regular Meetings

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

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

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

CHAPTER 10 SPECIAL DISTRICTS (Special Purpose Government Entities)

SECTION 10.1 Procedures for Dissemination of Information

A. For the purpose of efficient and successful administration of County boards, districts, and commissions, the governing body of such board, district, or commission shall develop and present copies of minutes, audits, and fiscal year budgets to the County Judge/Executive for the purpose of sharing information.

SECTION 10.2 Procedures for Dissolution

A. A plan of dissolution of any special district shall be made by the County Judge/Executive in writing and shall be submitted to the Fiscal Court for approval for any district which was created by the County (KRS 67.715).

B. The County Judge/Executive shall notify the Chairperson of the special district which is the subject of the plan of dissolution. The notice shall be in writing and shall be provided at least five (5) days before the plan of dissolution is submitted to the Fiscal Court.

C. All plans of dissolution shall contain:

(1) A list of the reasons for dissolving the special district;

(2) A list of the services and functions, if any, which are to be transferred to another special district, agency, board, commission, or department, and the names of which agency, board, etc., is to receive the transferred services or functions;

(3) A list of all property owned or controlled by the special district and the method of disposing of such property;

(4) A list of all creditors of the special district and a plan for satisfying all creditors.

D. If a plan of dissolution transfers services or functions to another special district, the goals and objectives (or charter of the recipient district) shall require amendment in order to provide the services transferred.

E. The Fiscal Court shall vote on the plan of dissolution within sixty (60) days of its submission to the Fiscal Court by the County Judge, provided the Fiscal Court shall not vote on said plan of dissolution during the meeting in which it shall be submitted by the County Judge. If the plan is not disapproved within sixty (60) days, the plan shall become effective.

SECTION 10.3 Removal and Appeal Process

A. Unless otherwise provided by state law, an appointed member of the governing body of a special district may be removed from office by the appointing authority after a hearing with notice as required by KRS Chapter 424 for inefficiency, neglect of duty, malfeasance, or conflict of interest. The hearing shall be initiated and chaired by the appointing authority, who shall prepare a written statement setting forth the reason for the removal. The member to be removed shall be notified of the proposed removal and the reasons therefore by registered mail sent to their last known address at least ten (10) days prior to the hearing. The person to be removed may be represented by counsel at their own expense. The official record of the hearing shall be made by the appointing authority.

B. Where the removal of an appointed member of a special district governing body is by the County Judge/Executive pursuant to the preceding section, the removal shall be subject to approval by the Fiscal Court.

C. A member removed pursuant to this section may appeal within ten (10) days of the rendering of a decision or the approval of the Fiscal Court, if required, to the Circuit Court of the County of the appointing authority. The scope of the appeal shall be limited to whether the appointing authority or the Fiscal Court abused their discretion in removing the member.

SECTION 10.4 Single County Special Districts

A. The governing body of each special district shall annually prepare a budget and shall classify budget units in the same fashion as County budgets are classified pursuant to KRS 68.240 (2) through (5). The state local finance officer shall prepare standard budget forms for district use and shall furnish them to County Clerks for distribution to the district officers.

B. The governing body of each special district shall at least once every four years, employ an independent certified public accountant, or contact with the auditor of public accounts to perform an audit of the funds in the district budget. The audit shall conform to standard audit programs for governmental accounting which are approved by the Auditor of Public Accounts or to other generally accepted accounting procedures as set forth by the Kentucky Board of Accountancy.

C. At least once every twelve (12) months, a district shall:

(1) File with the County Clerk of each County with territory in the district, a certification showing the name of the district, a map or general description of its service area, the statutory authority under which it was created, and the names and addresses of the members of its governing body and chief executive officer.

(2) File a copy of the district budget, financial statement if prepared, and audit when performed, with the County Judge/Executive.

D. Each district commission shall elect from its membership a chairman, secretary, and County Treasurer.

E. Vacancies shall be filled by the same appointing authority which is empowered to make the original appointment.

CHAPTER 11 COUNTY SERVICES

SECTION 11.1 Road Department

A. Goals and Objectives: The Road Department shall be responsible for the maintenance, construction, and upkeep of all roads and bridges in the County Road System, and the construction, maintenance, and upkeep of the County parks and recreational areas. The County Road Supervisor shall head this Department.

SECTION 11.2 County Road System

A. The Fiscal Court shall designate by Resolution which roads in the County will be on the County Road System and maintained by the Road Department. Those roads so designated shall

include for County maintenance all appurtenant bridges, side ditches, headwalls, culverts, guard rail systems, and traffic control devices unless specifically excluded by an agreement.

B. Roads may be accepted into the county system by the Fiscal Court in accordance with KRS 179.470 and the minimum specifications set forth in this Code/Policy.

C. Prior to Fiscal Court consideration of a road for acceptance into the county road system, the County Road Supervisor shall certify the following minimum specifications have been met or exceeded:

(1) Surveyed-center line and legal description of proposed by licensed Kentucky registered land surveyor.

(2) A copy of all property owners' deeds and a certification of the certifying good, marketable and fee simple title in the property owners proposing to deed the road right-of-way to the county.

(3) Certification by the property owners that fences, buildings, gates and proposed county road and right-of-way.

(4) Road right-of-way must have a minimum of forty (40) feet with a minimum of eighteen (18) foot gravel surface with four (4) inches of compressed gravel and properly ditched and tiled.

(5) Road banks shall be stabilized and in grass or other suitable cover.

D. Specifications - Classification of new roads in Fleming County

(1) In addition to the requirements set forth in Kentucky Revised Statutes Chapter 178, all roads and streets being built by developers or sub-dividers in Fleming County must comply with the specifications set out below for Class 1 before they will be accepted into the county road system. Roads, which are or will be accepted as county roads will be classified, controlled and regulated as set out below:

(2) Class 1 roads will contain at least sixty (60) feet of right-of-way or more, to be determined upon recommendation by the County Road Department Supervisor, with the approval of the Fiscal Court, when more is needed to construct or reconstruct such a road to the best interest of all concerned.

(3) Class 1 roads will be constructed with a minimum of eighteen (18) feet of surface, a minimum of three (3) feet of shoulder on each side and a minimum of thirty-two (32) feet from the center of the ditch to the center of opposite ditch.

(4) All roads or streets built by a developer or sub-divider must meet all specifications set out above for Class 1.

(5) Grade construction will have a minimum shoulder width of three (3) feet outside the edge of finished pavement, with a cross-slope of 1 inch per foot (1"/1'). Ditches will have a minimum cross-slope of three to

one (3:1) and a minimum depth of one (1) foot below the edge of shoulder.

(6) The maximum slope of the road bed shall be one (1) foot to every ten (10) feet: a 10% drop

(7) All dead-end streets shall have cul-de-sac at the end, with a minimum of seventy-five (75) foot radius and one hundred twenty (120) feet deep.

(8) All areas upon right-of-ways of road and adjoining area shall be seeded or sodded to prevent erosion or silt sedimentation. Seeding must be done in accordance with good deeding practice, such as proper kind of seed at recommended time; reasonable application of fertilizer; and mulching where erosion could become a hindrance to establishing good sod.

(9) All construction maintenance shall be the responsibility developer for a minimum period of one (1) year.

(10) Stage construction is recommended whereby aggregate base is put down after grade is built, then, when possible, one (1) year after the grade is built enough aggregate is added to equal six (6) inches total.

(11) To provide for the proper completion, correction of defects and compliance with the specifications and regulations of this ordinance, all developers and sub-dividers preparing a road or roads to be accepted into the county road system shall be required to post bond, with surety approved by the Fiscal Court, which shall be posted in the following amounts based upon the length of the road:

a) 0 to ¼ miles, $ 2,500

b) ¼ to ½ miles, $ 5,000

c) ½ to One mile, $ 10,000; and

d) $ 2,500 per every ¼ mile thereafter

(12) This bond shall remain in full force and effect for a period of one (1) year from the date the road is originally completed, inspected and approved by the appropriate governing body. The beginning date to the one (1) year waiting period will begin once the road has been completed, inspected and approved by the appropriate governing body. Written approval of the beginning of the one (1) year waiting period may be obtained from the Fiscal Court record book.

(13) All pavement materials and construction methods shall be in conformity with the Kentucky Department of Transportation Standard Specifications for Road and Bridge Construction, current edition.

(14) All roadbeds shall be made of crushed limestone.

SECTION 11.3 Subdivisions Guidelines Offered for Acceptance into County Road Maintenance

A. The County shall provide for comprehensive planning and the implementation of subdivision guidelines. For the purpose of these guidelines, "subdivision" shall mean a permanent, residential housing development in one contiguous area, which is financed or owned by one investor/developer (corporate or individual), or group of investors/developers, with an expected development of at least three (3) individually owned homes.

B. All right-of-way must be a minimum of 40 feet in width.

C. Roads must have a paved width of at least 20 linear feet and the surface must conform to the following: surface consisting of a 6" compacted mat of crushed limestone base, a 2" compacted mat of bituminous base or binder and a 1" compacted mat of bituminous surface.

(1) All crushed stone base and asphalt paving used shall conform to the requirements contained in Kentucky Department of Transportation Standard Specifications for roads and bridge construction and shall be installed according to said specifications.

(2) Material supplier is to certify that material meets KDOT specifications.

D. Road slopes can have no more than a 10 percent grade, unless they were black-topped prior to making a request to become a county road. A road black-topped prior to request of county ownership may be 12 percent grade.

E. All drainage ditches must be at least 20 inches deep from the lowest elevation of the blacktop.

F. All culverts must be a minimum of at least 15 inches wide in diameter, or whatever necessary to carry the water flow.

G. Ditch-line culverts must have two-foot surface water catch basins every 50 feet.

H. Culverts placed in drainage ditches along road intersections or junction must be at least 40 feet in length with headwalls.

I. To ensure that the contemplated roadways have been properly constructed and drained, the developer shall maintain roads for at least one (1) year prior to the Fiscal Court's consideration of the acceptance of the subdivision roads into the county road maintenance system.

J. All bridge structures shall be certified to meet a minimum weight standard of 20 tons, and a double lane width of 26 feet.

K. All streets shall have a 2-foot shoulder and be ditched on each side.

L. All driveway entrances are to have a two-foot-wide paved entrance apron and a minimum 15-inch tile. All driveway entrances shall be the financial responsibility of the landowner and/or developer and the county shall in no way be responsible for replacement of entrance to the individual lots.

M. The plans for construction of the roadways, drainage ditches and water systems shall be certified by requirements. Any variance must be noted and explained by the engineer as to what effect the variance will have with any positive or negative effects of the variance.

N. Before acceptance, a certified engineer shall submit a certification that the project was completed in accordance with the plans.

O. A surveyed description of the road right-of-way shall be submitted by the developer at the time of request for acceptance.

P. Dead End Streets:

(1) Definition - Any street or road in a subdivision which accessibility is limited to only one means of ingress and egress including, but not limited to, a street that ends at a private property.

(2) Each dead-end street shall have a cul-de-sac or circle turn of equivalent size.

(3) A cul-de-sac shall be no less than seventy-five (75) feet wide and one hundred-twenty (120) feet deep.

Q. These are only guidelines, and the Fiscal Court reserves the right to require more information and may have the right to deny acceptance of any road they feel is substandard, whether or not it complies with these guidelines.

SECTION 11.4 Guidelines for private road taken into county maintenance system (except subdivisions)

A. All landowners (including spouses) must agree and be willing to sign deed of conveyance to the County

B. Width of the proposed roadway must be at least 30', preferably 40'.

C. Privately owned trailer parks are excluded

D. Likelihood of development by individual landowners will be considered

E. At least 3 individual landowners must be served; at least one of who shall be a resident (not a tenant).

F. Landowners must be willing to deed sufficient land alongside or at the end of the road for turning for county equipment, school buses, etc.

G. Initial cost, future maintenance costs and foreseeable construction costs to the County will be considered. The County will not consider taking into the system a road would involve a combination of an initial cost and foreseeable costs (excluding ordinary maintenance) above $5,000.00 per landowner/household.

H. Through roads are preferred.

I. Only the length of road having common use by two or more landowners will be considered for taking.

J. Cost of the project (immediate & foreseeable) along with the number of citizens reasonably to be served will be prime considerations.

K. If the above guidelines are favorably met by the project, the Fiscal Court, although not required to take the roadway in to the system, may then consider Whether to do so, after taking all relevant matters into consideration including budgetary concerns.

L. Right- of- way to be clear. No trees, no posts and obstacles.

SECTION 11.5 Roadways with no houses or less than one house

A. Routine maintenance of county roadways with no occupied houses or less than one occupied house shall be lowest priority unless emergency situations exist.

B. All county roads that access cemeteries shall be maintained upon request and prior approval by the County Judge/Executive.

SECTION 11.6 Abutments along County roads

Pursuant to County of Fleming, Ordinance 05-005 requiring a permit to install fences abutting county roads, install culverts and establish entrances:

A. Definitions

(1) *County Road*:

a. Any road that is designated on the current County Road Aid Series Map which has been maintained by the county within the previous five (5) years or;

b. Any road defined as such by Kentucky Revised Statute

(2) *Fence:*

a. Post and/or stakes on which wire or other substance are connected that demarks a specific line.

(3) *Obstruction:*

a. Any man-made object or any object which is placed or planted by human beings within the area defined by a county road.

(4) *Right-of-way:*

a. The area on which the county road is situated and not less than the area that was between fences, monuments, or another marker that were established before December 6, 2005

b. Any new county road right-of-way established from the effective date of this ordinance shall not be less than 20 feet from the center of the surfaced of the road way and if no surface exist the right-of-way shall be 40 feet in width.

c. Any right-of-way accepted shall be clear of all obstructions before acceptance.

(5) *Culvert:*

a. Any pipe or construction used to allow the flow of water and moisture adjacent to the traveled surface of the county road so as to allow a traveler to exit the county road surface.

(6) *County Judge/Executive:*

a. The duly elected County Judge/Executive as certified by the Board of Elections.

(7) *County Road Supervisor:*

a. The duly appointed and approved county road supervisor for Fleming County.

(8) *Entrance:*

a. The area along the county road, which allows a traveler to exit the traveled portion of a county road so as not to obstruct the flow of moisture away from and/or adjacent to the county road surface.

B. Permit Requirements before constructing a fence, placement of a culvert, or establishing an entrance, or constructing an obstruction on a county road right-of-way

(1) Each owner of property, person or entity shall before constructing a fence, remove and rebuild a fence, place a culvert, establish an entrance, or constructing an obstruction on a county road right-of-way, as defined herein, shall apply for a permit at the Office of the County Judge/Executive during regular business hours. The party requesting the permit shall present a written application explaining in details what they are to do, along with a drawing outlining the location of the construction on a county right-of-way.

(2) The County Judge/Executive or his/her designee, along with the County Road Supervisor, shall within a reasonable time, after the application is submitted, review the application and view the site to determine what if any public hazards, or damages would exist by placement of construction.

(3) If the County Judge/Executive and County Road Foreman or Engineer agree that no unreasonable hazard exist as to the public or there is no damage to county property and the county will be able to maintain their property without unreasonable interference, then the County Judge/Executive shall, within a reasonable time, issue a written permit approving the construction to take place.

(4) If the County Judge/Executive denies the permit, the party aggrieved by the denial shall file a petition with the County

Judge/Executive, requesting the denial be reviewed by the Fleming County Fiscal Court, at their next regularly scheduled meeting. The petition shall notify each member of the Fiscal Court of his/her petition by forwarding a copy of the petition, by U.S. Mail, to their address as on file at the County Judge/Executive's office. Said notice shall be mailed at least ten (10) days prior to the meeting or may be hand delivered at least seven (7) days prior to the meeting to the Fiscal Court member or hand delivered to his/her residence.

(5) At the meeting the Fiscal Court shall review the petition, hear argument from the party requesting the permit, or their attorney, hear the reasons for denial from the County Judge/Executive and/or County Road Foreman and review all other relevant information before determining whether to grant the permit or deny the permit. The Fiscal Court shall state their reasons on the record for denial. The Fiscal Court may continue the hearing from one meeting to the next so as to view the site of the permit request.

(6) Upon denial of a permit the party aggrieved may file an appeal of that decision to the Fleming Circuit Court within thirty (30) days of written notice of the denial.

(7) There is excepted and no permit is required for placing a mail box on the County right-of-way in compliance with United States Postal Service regulations.

(8) Penalties shall be incurred for violations, reference Penalties section of Ordinance 05-005

SECTION 11.7 Guidelines and regulations for installing culverts

A. The landowner must provide a drawing or map providing the location with complete description of the proposed encroachment or entrance showing the following:

(1) All work areas affected and photographs of site when available.

(2) Permanent residential structure or foundation completed.

(3) Mobile homes must be in place and on proper foundation

(4) Number and names of all streets and highways that appear on the drawings or map.

(5) Width of existing roadways and shoulders

(6) Location of property lines

(7) Length of property road frontage

(8) Location and size of any existing or proposed cross drain or side drain pipes or culverts, and direction of flow within these structures.

(9) Minimum size of pipe will be 15" circumference and 24' in length of corrugated metal and must be approved by the County Road Supervisor.

(10) Landowner will be required to pay all costs of pipe purchased from the Fleming County Road Department or an individual supplier before installation.

(11) Fleming County Road Supervisor will approve all requests for installation and work areas, and has the authority to deny such requests if he determines that the project would cause future damage to existing roadways or right-of-ways.

(12) Fleming County Fiscal Court will provide the necessary labor and aggregates and equipment to install this pipe at no charge to the landowner providing all previous stipulations, regulations and requirements have been met by the property owner.

(13) Fleming County Fiscal Court reserves the right to limit the number of culvert pipes to each individual landowner on any one tract of property. The size, location and amount of acreage or residential lots involved in the project will determine these.

(14) The property owner will pay for any damage done to the approved pipe

(15) Drainage across road to 18 inches in diameter

(16) Length to conform to drainage ditches on either side.

(17) If any pipe other than corrugated metal is used, there is to be room for 15-inch soil coverage to conform to ditch line; if not, then metal pipe must be used.

(18) During the one (1) year period, the developer is to be responsible for meeting specification on driveway culverts and installation.

(19) Developer shall be responsible for all maintenance of said road one (1) year pending final inspection and approval by the Fleming County Fiscal Court.

(20) At the end of said one (1) year waiting period, the property owner shall be responsible for the cost and installation of any culverts.

(21) At the end of the one (1) year waiting period, the developer shall be given ninety (90) days from written notification by the appropriate governing body to correct any defects concerning specifications. If the listed defects are not corrected within said ninety (90) day period, the developer shall forfeit the bond to Fleming County, Kentucky, which shall be used for maintenance of said road.

(22) At any time during the one (1) year period, Fleming County, its agent, servants and employees may inspect the road and request the developer in writing to make necessary improvements, the developer shall comply therewith. All said roads proposed for acceptance shall be maintained according to appropriate written requests during the one (1) year waiting period. The developer must present a plat of road to be developed, with legal description prepared by a licensed surveyor. Additionally, the end of the road shall be marked by a concrete road marker, and must meet the specifications set forth herein before deed of the property shall be accepted by the County. The one (1) year waiting period will begin once bond with approved surety has been posted and the initial road has been posted and the initial road has been completed, inspected and approved by the appropriate governing body.

SECTION 11.8 Discontinuance of County Road

A. In accordance with Kentucky Revised Statute 178.070 the Fiscal Court must adhere to the following in order to discontinue a county road:

(1) The fiscal court may direct any county road to be discontinued.

(2) Notice must be published, according to the provisions of KRS 178.050, and in addition, notices must be placed at three (3) prominent and visible public places within one (1) mile of the road.

(3) Notice in newspaper at least once but may be published two (2) or more times, provided that one (1) publication occurs not less than seven (7) days nor more than twenty-one (21) days before the occurrence.

(4) After posting the notices, the fiscal court shall appoint two (2) viewers who have no vested interest in the discontinuance of the road and who, together with the county road supervisor, shall view the road and report in writing at the hearing what inconvenience would result from the discontinuance.

(5) Upon presentation of the report and other evidences, if any, at a public meeting of the fiscal court, the court may discontinue the road.

SECTION 11.9 Discontinuance of a road

A. In accordance with Kentucky Revised Statute 178.116 the Fiscal Court must adhere to the following in order to discontinue a road:

(1) Any county road, or road formerly maintained by the county or state, shall be deemed discontinued and possession shall revert to the owner or owners of the tract of land to which it originally belonged unless at least one (1) of the following conditions exists:

a. A public need is served by the road;

b. The road provides a necessary access for a private person;

c. The road has been maintained and policed by the county or state within a three (3) year period.

(2) If the only condition which exists is for a necessary access for a private person, by a joint petition of all parties entitled to such access, the road shall be deemed discontinued and possession shall revert to the owner or owners of the tract of land to which it originally belonged.

(3) If the only condition which exists is for a necessary access for a private person, by joint petition of all parties entitled to such access, the road shall be closed to public use but remain open in accordance with its condition and use for the access of the private parties involved.

(4) If a county road has been discontinued under the provisions of KRS 178.070, then by a joint petition of all private parties entitled to necessary access the road shall be closed to public use but remain open in accordance with its condition and use for the access of the private parties involved, or by a joint petition of all parties entitled to necessary access the road shall revert to the owner or owners of the tract or tracts of land to which it originally belonged.

(5) For the purposes of this chapter "necessary access" shall be construed to include access to any farm, tract of land, or dwelling, or to any portions of such farm, tract of land, or dwelling.

SECTION 11.10 Nuisance Abatement

A. Fleming County shall act in accordance with the Kentucky Revised Statutes 65.8840, 67.083, 99.810, 99.825, 211.210, 211.990, 212.620, 212.990 and 381.775 relating to the abatement of nuisances in the unincorporated areas of Fleming County, Kentucky. All related statutes are hereby adopted by reference and is made a part of the permanent records of the County and this Code.

SECTION 11.11 Parks and Recreation

A. Goals and Objectives: To provide an adequate amount and variety of recreational opportunities to satisfy the full range of needs of the population.

B. The provision of recreation services by the Fiscal Court shall be through joint efforts of the City of Flemingsburg and the County through the formation of the Flemingsburg-Fleming County Recreation Park Board.

SECTION 11.12 Flood Plain

A. Pursuant to County of Fleming Ordinance 10-1070 pertaining to flood plain administration of residents of Fleming County, Kentucky shall be made part of the permanent records of the County and any future amendments shall automatically be included in this Code/Policy.

B. Regulation shall apply to all areas of special flood hazard within the jurisdiction of Fleming County, Kentucky as identified by the Federal Insurance Administration, and mandates that no structure or land in said areas shall hereafter be located, or extended, converted or structurally altered without compliance with its provisions.

SECTION 11.13 Dog Licensing and Harboring

A. Pursuant to County of Fleming Ordinance 04-001 pertaining to licensing for dogs and harboring barking dogs of residents of Fleming County, Kentucky and any future amendments shall automatically be included in this Code/Policy.

CHAPTER 12 INTERNET & E-MAIL POLICY

Section 12.1 Acceptable Uses of the Internet and County E-mail

A. The County-provided internet and e-mail access is intended for business purposes only. The County encourages the use of the internet and e-mail because it makes communication more efficient and effective. However, internet service and e-mail are County property, and their purpose is to facilitate County business.

B. Every staff member has a responsibility to maintain and enhance the county's public image and to use County e-mail and access to the Internet in a productive manner.

C. To ensure that all employees are responsible, the following guidelines have been established for using e-mail and the internet.

D. Any improper use of the internet or e-mail is not acceptable and will result in appropriate disciplinary action, up to and including dismissal.

Section 12.2 Unacceptable uses of the Internet and County E-mail

A. The County internet and e-mail access may not be used for transmitting, retrieving or storage of any communications of a discriminatory or harassing nature or materials that are obscene or X-rated. Harassment of any kind is prohibited.

B. No messages with derogatory or inflammatory remarks about race, age, disability, religion, national origin, physical attributes or sexual preference shall be transmitted.

C. No abusive, profane or offensive language is allowed to be transmitted through the County's e-mail or Internet system. Electronic media may not be used for any purpose which is illegal, deceptive or against County policy or contrary to the County's best interest. Solicitation of non-county e-mail or Internet for personal gain is prohibited. Employees are prohibited from chat room interchange unless established by government agencies.

Section 12.3 Communications

A. Each employee is personally responsible for the content of all test, audio or images that they place or send over the county's e-mail/internet system. No e-mail or other electronic communications may be sent which hides the identity of the sender or represents the sender as someone else or someone from another entity.

B. All messages communicated on the County's e-mail/internet system should contain the employee's name.

C. Excessive personal communications are prohibited.

D. All communications sent by employees via the County's e-mail/internet system must comply with this and other County policies and may not disclose any confidential or proprietary information.

Section 12.4 Software

A. To prevent computer viruses from being transmitted through the County's e-mail/internet system, there will be no unauthorized downloading of any unauthorized software.

B. All software downloaded must be registered to the County.

Section 12.5 Copyright Issues

A. Copyrighted material belonging to entities other than Fleming County may not be transmitted by employees on the County's e-mail/internet system. All employees obtaining access to other companies' or individuals' materials must respect all copyrights and shall not copy, retrieve, modify or forward copyrighted materials, except with permission, or as a single copy, to reference only.

B. Failure to observe copyright or license agreements may result in disciplinary action up to and including termination.

Section 12.6 Security

A. The County routinely monitors usage patterns for its e-mail/internet communications. The reasons for this monitoring are many, including cost analysis/allocation and the management of the County's gateway to the internet. All messages created, sent or retrieved over the county's e-mail/internet are the property of the County and should be considered public information.

B. The County reserves the right to access and monitor all messages and files on the County's e-mail/internet system. Employees should not assume electronic communications are totally private and should transmit highly confidential data in other ways.

C. Passwords and sign-on access codes shall not be shared with anyone including co-workers, family members, or other unauthorized personnel. A county employee will be designated as system administrator for e-mail/internet purposes.

Section 12.7 Violations

A. Any employee who abuses the privilege of County-facilitated access to e-mail or the internet will be subject to corrective action up to and including termination.
B. If necessary, the County reserves the right to advise appropriate officials of any suspected illegal violations.

Section 12.8 Protection of Personal Information -Security and Incident Investigation

Definitions:

"*Computer security incident*" or "*incident*" means a violation or imminent threat of violation of computer security policies, acceptable use policies, or standard security practices.

"*COT*" means the Commonwealth Office of Technology.

"*Digital media*" means physical, electronic media, used to store information, including, but not limited to: diskettes, magnetic tapes, desktop computers, laptops, hard drives, random access memory, read only memory, compact discs, network equipment, other forms of optical and magnetic media, and any other

electronic media on which information may be stored. This definition includes forms of media existing at the time these regulations are promulgated and also any such forms or formats as may be invented.

"*DLG*" means the Department for Local Government.

"*Local Governmental Unit*," or "*LGU*" means every group, governmental entity and governmental subdivision identified by KRS 61.931(1) (b) and (c) that are not organizational units of the executive branch of state government of the Commonwealth of Kentucky.

"*Non-digital media*" means a hard copy or physical representation of information, including, but not limited to, paper copies, printer ribbons, drums, microfilm, platens, and other forms of preserved or preservable information.

"*Portable computing device*" means electronic devices on which personal information is stored, or may be stored, designed, used or intended to be used in multiple physical locations or capable of being used while traveling, such as laptops, tablet computers, personal digital assistants (PDAs), digital cameras, portable telephones, and similar devices.

For purposes of this policy, all terms not otherwise defined are used consistent with the definitions set forth in KRS 61.932.

Policy Statement: The purpose of this policy is to provide guidance to minimize the risk of disclosing personal information and setting practical guidelines for effectively responding to security incidents. This policy sets forth the procedures and practices pursuant to KRS 61.932 to follow in order to:

1) Identify vulnerabilities;

2) Eliminate or mitigate those vulnerabilities;

3) Recognize when an incident has occurred;

4) Notify appropriate personnel in the event of an incident;

5) Respond to information security threats; and

6) Recognize events that require special handling due to their potential impact or special reporting due to legal or other concerns.

In addition, this policy requires the County to enact appropriate measures to protect information stored on media, both digital and non-digital, during the entire term of its use, until its destruction.

Applicability: In the absence of more restrictive policies, this policy shall be followed by the County with access to personal information and also by any and all persons or entities with access to such information in the possession or control of the County. Such persons or entities include, but are not limited to, employees, contractors, consultants, temporary employees, volunteers and other workers with access to personal information whether printed, electronic or other format.

Responsibility for Compliance: The County is responsible for ensuring that employees and others with permissive access to, or who may access, personal information are familiar with the policy and all such persons or entities shall be aware of what constitutes an incident. The County shall ensure that employees are aware that compliance with this policy is mandatory. The County has the responsibility to enforce this policy.

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

Point of Contact: The County Judge/Executive shall designate a Point of Contact ("POC"). The POC shall serve the following functions:

1) Maintain the County's adopted Information Security Policy and be familiar with its requirements;

2) Ensure the County's employees and others with access to personal information are aware of and understand the Information Security Policy;

3) Serve as contact for inquiries from other agencies regarding its Information Security Policy and any incidents;

4) Be responsible for ensuring compliance with the Information Security Policy; and

5) Be responsible for responding to any incidents

Software: Security software used to protect personal information must provide user identification, authentication, data access controls, integrity, and audit controls. Security software should be adequately tested to confirm functionality and to ensure that it is minimally disruptive to all associated operating systems, communications, applications, and other associated software systems. Contractual provisions must also ensure that the supplier's software, by design or configuration, will not introduce any security exposures. The level of protection afforded by security software should be commensurate with the sensitivity of the data. For example, if data resides in a database that is deemed highly confidential, stringent access controls to the database should be employed. The level of protection along with the methods to implement that protection should be addressed before any personal information is stored on a device. Systems, networks and application software used to process personal information must adhere to the highest level of protection reasonably practical. The County shall use Intrusion Detection and Prevention software approved by COT. A list of approved software is available on the COT website. As an alternative, the County may use software not approved by COT, provided that such software provides comparable, or superior, protection.

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

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

Portable Computing Devices: This policy prohibits the unnecessary placement (download or input) of personal information on portable computing devices. However, users who in the course of County business must place personal information on portable computing devices must be made aware of the risks involved and impact to the affected person/entities in the event of actual or suspected loss or disclosure of personal information. If personal information is placed on a portable computing device, reasonable efforts

must be taken, including physical controls and encryption, to protect the information from unauthorized access. Additionally, each person using the portable computing device must sign a form approved by the County indicating acceptance of the information and acknowledging his/her understanding of the responsibility to protect the information. In the event the portable computing device is lost or stolen, the County should be able to accurately recreate the personal information and must be able to provide notification to all affected persons/entities. When it is determined that personal information must be placed on a portable computing device, every effort should be taken to minimize the amount of information required. If possible, information should be abbreviated to limit exposure (e.g., last 4 digits of the social security number).

Physical Security Procedures: This policy does not specifically address physical security needs and threats, such as natural disasters, electrical outages, fire, or other physical threats to personnel or information resources. The County is responsible for establishing and maintaining the physical security procedures. The Information Security Policy adopted by The County shall include provisions calculated to ensure that its information resources are protected by physical security measures that address physical tampering, damage, theft, or unauthorized physical access. When feasible, information technology equipment should be marked with some form of identification that clearly indicates it is the property of the County. During transport, media shall be protected and controlled outside of secured areas and activities associated with transport of such media restricted to authorized personnel. Tracking methods shall be developed and deployed to ensure media reaches its intended destination.

Protection of Personal Information: The County shall secure and, when applicable, appropriately dispose of non-digital media. Non-digital media containing personal information must be properly stored and secured from view by unauthorized persons. Secure measures must be employed by the County and all permissive users to safeguard personal information contained on all County technology resources. The County shall ensure that all authorized personnel are familiar with and comply with the Information Security Policy. The County shall ensure that only authorized personnel may hold and have access to personal information.

Types of Incidents: Threats to the security of personal information arise in many different ways. Attacks on personal information may arise from:

(1) External/Removable Media—an attack executed from removable media (e.g. flash drive, CD) or a peripheral device.

(2) Attrition—An attack that employs brute force methods to compromise, degrade, or destroy systems, networks, or services.

(3) Web—An attack executed from a website or web-based application.

(4) Email—An attack executed via an email message or attachment.

(5) Improper usage—Any incident resulting from violation of an organization's acceptable usage policies by an authorized user, excluding the above categories.

(6) Loss or Theft of Equipment—The loss or theft of a computing device or media used by the organization, such as a laptop or smartphone.

(7) Other—an attack that does not fit into any of the other categories.

Destruction of Records Containing Personal Information:
A media retention schedule shall be defined for all media in accordance with regulatory requirements. When records containing personal or confidential information are ready for destruction, The County shall

destroy the information completely to ensure that the information cannot be recognized or reconstructed. In addition, any personal or confidential data contained on the computer media must be obliterated and/or made indecipherable before disposing of the tape, diskette, CD-ROM, zip disk, or other type of medium. The County must provide appropriate methods and equipment to routinely destroy personal or confidential information. The methods set forth below are listed in priority order with the most highly recommended safeguard listed first. One of the following safeguards must be implemented:

(1) Hire a document disposal contractor to dispose of the material. The contractor should be certified by a recognized trade association and should use disk sanitizing software and/or equipment approved by the United States Department of Defense. The County should review and evaluate the disposal company's information security policies and procedures. The County should review an independent audit of a disposal company's operations and/or its compliance with nationally recognized standards.

(2) Secure and utilize shredding equipment that performs cross-cut or confetti patterns.

(3) Secure and utilize disk sanitizing or erasing software or equipment approved by the United States Department of Defense.

(4) Modify the information to make it unreadable, unusable or indecipherable through any Means.

Reporting of Incidents Involving Personal Information:
The County must disclose a security breach in which personal information is disclosed to, or obtained by, an unauthorized person. Notification of the incident must be made in the most prompt and expedient manner after the incident has been discovered. Within thirty-five days, a letter notifying affected individuals of actual or suspected loss or disclosure of personal information must be sent by the County describing the types of information lost and recommended actions to be taken to mitigate the potential misuse of their information. When the County identifies that a security breach has occurred in which personal information has been disclosed to, or obtained by, an unauthorized person, within three business days it shall notify Kentucky State Police, the Auditor of Public Accounts, the Attorney General and the Commissioner of the Department for Local Government and complete form COT-F012. The County shall document the following:

1) Preliminary Reporting and description of the incident;

2) Response, including evidence gathered;

3) Final Assessment and corrective action taken; and

4) Final Reporting

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

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

2) Denial of Service Attacks;

3) Actual or Anticipated Widespread Malware Infections;

4) Data Breaches;

5) Loss/Theft of Equipment;

6) Significant Disruption of Services

7) Significant Level of Unauthorized Scanning Activity to or from Hosts on the Network

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

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

CHAPTER 13 SEVERABILTY AND DISCLAIMER

SECTION 13.1 Severability

A. If any provision/s of these policies and procedures, classification plan, or compensation plan, or any provision/s of their subsequent application/s are held invalid, such invalidation does not affect the remainder of this ordinance or its application/s.

SECTION 13.2 Disclaimer

A. Information included in these personnel policies and procedures, classification and compensation plans are not intended to represent a contract, and may be changed by the county without notice.

B. The term "regular position" indicates the position(s) in each class created by ordinance. The class(es) and/or number of positions in each may be changed by the county without notice, and the employee(s) occupying the position(s) may be affected by such changes.

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Fleming County, Kentucky

Position Classification and Class Title
Finance Officer

Characteristics of the Class
Under general direction of the County Judge/Executive, assists in oversight and administration of county finances. Performs related work as required.

Examples of Duties or Responsibilities of the Classification

Under general direction of the County Judge/Executive, responsible for a variety of functions pertaining to county financial activities. Maintains an appropriations ledger that contrasts annual budget appropriation with actual expenditures for all funds. Receives/processes all county claims and prepares a master claims list for presentation to fiscal court. Reconciles the appropriation ledger with the County Treasurer's appropriation ledger at least once each month. Track encumbrances and. Issues purchase orders and maintains purchase order journal. Responsible for the Quarterly Financial Statement. Receives and processes jail medical claims. Maintains appropriate records on employee sick and vacation leave Assists with other county responsibilities as assigned by the County Judge/Executive. Serves as Fiscal Court Clerk. Performs related work as required.

Typical Working Conditions and Unique Physical Requirements
Work is performed indoors in an office setting. Work requires little physical exertion, but a great deal of time is spent sitting when utilizing office equipment.

MINIMUM QUALIFICATIONS:

Training and Experience
Graduation from an accredited high school or equivalency (GED), supplemented by four (4) years of responsible bookkeeping or accounting experience, preferably in the public sector.

Training and Experience (continued)
A baccalaureate degree from an accredited college or university in finance or accounting may be substituted for up to two (2) years of required experience.

Special Licensing Requirements
Must be bondable

Special Knowledge, Skills and Abilities
Considerable knowledge of public sector finance and accounting. Considerable knowledge of statutes and regulations governing county financial activities. Knowledge of and ability to operate standard equipment used in office setting. Computer skills and the ability to utilize specialized software. Ability to understand and implement oral and written instructions. Ability to maintain accurate records and filing systems. Ability to make mathematical computations with speed and accuracy by hand or machine. Ability to establish effective working relationships with county officials, other employees and the general public.

Overtime Status : Non-exempt

Fleming County, Kentucky

Position Classification and Class Title
County Treasurer

Characteristics of the Class
Under direction of the County Judge/Executive and Fiscal Court performs statutorily required functions of the office of County Treasurer. Performs related work as required.

Examples of Duties or Responsibilities of the Classification
Serves as the financial officer of the county. Responsible for performing all duties imposed on the office by KRS 68.020, including oversight and maintenance of required financial records for all accounts. Assists Judge/Executive in development of the annual budget. Ensures all county revenues are received from collecting officers and other persons whose duty it is to provide payment to the county, and deposited on a daily basis. Prepares and collects bank deposits tax. Reviews all claims, assigns appropriation number, and ensures all county expenditures are in compliance with the adopted county budget. Co-signs all warrants or

checks for county funds. Maintains all required journals and ledgers, including, but not limited to, a Cash Receipt Journal, Cash Receipt Ledger, Appropriation Ledger, General Ledger, Check Distribution Ledger, and an Investments Journal. Ensures individual accounts are maintained for the General Fund, Road and Bridge Fund, Jail Fund, and other funds as required by the State Local Finance Officer. Ensures funds not needed for payment of claims is invested in interest bearing accounts. Monitors bank balances to ensure county funds are properly secured. Responsible for reconciliation of bank statements; preparation of monthly financial report for the fiscal court and jailer; preparation of quarterly financial reports for the fiscal court and the State Local Finance Officer; preparation of an annual financial statement in compliance with KRS 424.220, and an annual settlement with the fiscal court. . Prepares payroll for employees of the fiscal court, sheriff and county clerk's offices. Prepares and submits required payroll reports to the Department of Labor. Prepares/files required retirement report, deferred compensation report, and other reports as appropriate. Prepares W-2 and 1099 forms for employees and vendors. Prepares necessary documentation, memoranda and reports on all activities. Coordinates and administers employee benefits. Works with auditors during fee and fiscal court audits. Assists employees in filing worker's compensation claims and monitors all claims Participates in appropriate training courses. Perform related duties as assigned.

Typical Working Conditions and Unique Physical Requirements
Primary duties of this position are performed in-doors, in an office setting. Nature of work requires light lifting, kneeling, and bending. A great deal of time is spent sitting at a desk working on books and computer programs.

MINIMUM QUALIFICATIONS:

Special Necessary Requirements

a. Must be at least 25 years of age or has obtained a baccalaureate level degree from regionally accredited institution of higher education, a citizen of Kentucky, and resident of Fleming County for at least two (2) years prior to appointment.

b. Must be bondable

Training and Experience
Graduate of an accredited college or university with a baccalaureate degree in accounting, supplemented by one (1) year experience in a responsible accounting
position in the public sector. Accreditation as a Certified Public Accountant (CPA) or a master's degree in accounting may be supplemented for two (2) years of required experience. Direct experience in the financial operations of a county government may be substituted for required education on a year for year basis.

Special Licensing Requirements
Certified Public Accountant (preferred)

Special Knowledge, Skills and Abilities
Extensive knowledge and application of state and local laws governing county finance. Extensive knowledge of public sector accounting practices and principles. Considerable knowledge of modern office practices, procedures and equipment. Knowledge of computer technology with ability to learn and utilize necessary computer software programs. Understanding of state and local regulatory requirements pertaining to the development and preservation of financial records. Ability to maintain important records efficiently and accurately, and to prepare clear, concise reports from this information. Effective communication skills.

Overtime Status

Exempt

Fleming County, Kentucky

Position Classification and Class Title
Receptionist/Administrative Assistant

Characteristics of the Class
Under general direction of the County Judge/Executive, performs related work as required.

Examples of Duties or Responsibilities of the Classification
Under general direction of the County Judge/Executive. Performs general receptionist tasks, greeting people, answering phone, receiving mail and its disposition. Orders necessary supplies. Responsible for receipt of Jail Bills due county and issuing billing correspondence. Attends court at the direction of the County Attorney regarding jail bills. Maintains records for jail bill reimbursement. Maintains receipt ledger for all revenue entering the County Judge's Office. Issues Dog License to county residents and maintains records. Maintains the county website. Assists with other county responsibilities as assigned by the County Judge/ Executive. Performs related work as required.

Typical Working Conditions and Unique Physical Requirements
Work is performed indoors in an office setting. Work requires little physical exertion, but a great deal of time is spent sitting when utilizing office equipment.

MINIMUM QUALIFICATIONS

Training and Experience
Graduation from an accredited high school or equivalency (GED), supplemented by two (2) years of office related work, preferably in the public sector.

Special Licensing Requirements
Must be bondable

Special Knowledge, Skills and Abilities
Computer skills and the ability to utilize specialized software and office equipment. Ability to understand and implement oral and written instructions. Ability to maintain accurate records and filing systems. Ability to make mathematical computations with speed and accuracy by hand or machine. Ability to establish effective working relationships with county officials, other employees and the general public.

Overtime Status
Non exempt

Fleming County, Kentucky

Position Classification and Class Title
Road Secretary/ Solid Waste Coordinator / FEMA Administrator

Characteristics of the Class
Under general direction of the County Judge/Executive, performs related work as required.

Examples of Duties or Responsibilities of the Classification
Under general direction of the County Judge/Executive. Performs general receptionist tasks, greeting people, answering phone, receiving mail. Inputs work orders for Road Department into specialized computer software. Maintains work records. Prepares monthly reports for fiscal court. Works with Co Road Foreman

during disasters and serves as Applicant Agent. Makes signs for county roads as needed. Serves as County Solid Waste Coordinator, prepares necessary reports and deals with illegal dumpsites in the county. Assists with other county responsibilities as assigned by the County Judge/ Executive. Performs related work as required.

Typical Working Conditions and Unique Physical Requirements
Work is performed indoors in an office setting. Work requires little physical exertion, but a great deal of time is spent sitting when utilizing office equipment.

MINIMUM QUALIFICATIONS

Training and Experience
Graduation from an accredited high school or equivalency (GED), supplemented by two (2) years of office related work, preferably in the public sector.

Special Licensing Requirements
Must be bondable

Special Knowledge, Skills and Abilities

Computer skills and the ability to utilize specialized software and office equipment. Ability to understand and implement oral and written instructions. Ability to maintain accurate records and filing systems. Ability to make mathematical computations with speed and accuracy by hand or machine. Ability to establish effective working relationships with county officials, other employees and the general public.

Overtime Status
Non exempt

Fleming County, Kentucky

Position Classification and Class Title
Animal Control Officer

Characteristic of the Class
Under general direction of the County Judge/ Executive, is responsible for capturing stray dogs and taking them to the appropriate shelter or assist in returning them to their owner.

Examples of Duties or Responsibilities of Classification
Under general direction of the County Judge/Executive, responsible for controlling stray dogs in the county. Responsible for answering calls relating to stray dogs and scheduling a pickup if needed. Drives a County owned truck equipped with cages and the equipment needed to capture and cage the dogs in a safe and humane manner. Works with the county dispatch and local law agencies as needed. Maintains appropriate records of his work schedule and pickups. Submits reports to the County Judge/Executive on a regular basis.

Typical Working Conditions and Unique Physical Requirements
Officers can expect to work in a dirty environment where abused and sick animals are kept. Officers may be bitten by animals. Cleaning cages of animal waste requires daily attention. Much of the workweek requires being outdoors including being exposed to bad weather. Officers work as needed and night and weekend shifts may be required on occasion. The position is considered a full-time position but the officer may also work hours in another department of the county when not working as the animal control officer to fulfill the hours needed for full time status.

MINIMUM QUALIFICATIONS

Training and Experience
Employees must understand and apply local and state laws pertaining to violations of animal safety. Competent reading and writing skills are required.

Special Licensing Requirements
Officer must have a valid driver's license.

Special Knowledge, Skills and Abilities
The work demands that officers have affection for animals. Exercising good judgment is also required when dealing with agitated dogs and sick, injured or dangerous dogs. The ability to relate well with people who are often in an emotional state during the officer's work.

Overtime Status
Non exempt

Fleming County, Kentucky

Position Classification and Class Title
Road Department Supervisor

Characteristics of the Class
Under general direction from the County Judge/Executive, responsible for administrative oversight of Road and Sanitation Departments. Serves as Director of Public Works. Performs related work as required.

Examples of Duties or Responsibilities of the Classification
Under general direction of the county judge/executive, plans, organizes and participates as appropriate in the ongoing operation of the road department. Oversees all road construction and maintenance, including culverts, bridges, catch basins, snow removal, street paving, and maintenance of other county facilities as

assigned. Develops/approves departmental work priorities and daily work assignments. Ensures that all department operations are performed consistent with federal/state statutes and regulations, including the submittal of required and necessary reports. Evaluates employees and ensures all departmental employees are properly trained and/or certified for performance of assigned duties. Maintains an adequate inventory of supplies and equipment to allow for proper performance of job duties. Inspects work of departments to ensure it meets desired standards. Interacts with County Judge/Executive in preparation of departmental budget, and ensures department operates within adopted budget constraints. Represents county in discussions with citizens regarding departmental activities. Performs related work as necessary.

Typical Working Conditions and Unique Physical Requirements
Depending on activities being performed, work may be in office setting, specific departmental work locations, or at work sites. Nature of work requires employee to report to work sites in all types of weather conditions. Moderate to heavy lifting, and a great deal of walking required.

MINIMUM QUALIFICATIONS: Training and Experience
Graduate of an accredited high school or equivalent (GED), supplemented by two (2) years' experience in a position involving directly related work responsibilities. At least one (1) year experience in a supervisory position if preferred.

Special Licensing Requirements
Valid driver's license and Commercial Driver's License

Special Knowledge, Skills and Abilities
Knowledge of or ability to learn the federal, state and local statutory/regulatory requirements associated with the operation and maintenance of county roadways. Comprehensive knowledge of road maintenance practices and principles. Considerable knowledge of occupational hazards and appropriate safety precautions pertaining to the construction and maintenance of roads. Ability to plan, organize and implement comprehensive work programs necessary for maintenance of county roads. Supervisory abilities necessary to establish effective working relationships with other county officials, employees and the general public. Analytical ability necessary to oversee development and ensure the accuracy of required reports.

Overtime Status - Exempt

Position Classification and Class Title
Deputy County Judge/Executive

Characteristics of the Class
Under direction of the County Judge/Executive, assists in performing responsibilities assigned to the office. In the absence of County Judge/Executive performs duties and responsibilities assigned to the judge/executive by statute and the fiscal court. Performs related work as required.

Examples of Duties or Responsibilities of the Classification
Under general direction of County Judge/Executive, assists in performing all responsibilities assigned to the CJE, with the exception of chairing meetings of the fiscal court. Maintains primary responsibility for a variety of functions pertaining to county financial activities. Administers federal grants and maintains funding manual ledgers required by auditor. Serves as County Judge/Executive's designee for signing checks. Works with auditors during fee and fiscal court audits. Prepares and submits required payroll reports to the Department of Labor. Responsible for administration of county health insurance program. Prepares and tabulates annual bids. Assists employees in filing claims and monitors all claims. Assists with other county responsibilities as assigned by the County Judge/Executive. Performs related work as required.

Typical Working Conditions and Unique Physical Requirements
Work is performed indoors in an office setting. Work requires little physical exertion, but a great deal of time is spent sitting when utilizing office equipment.

MINIMUM QUALIFICATIONS

Training and Experience
Graduation from an accredited high school or equivalency (GED), supplemented by four (4) years of responsible bookkeeping or accounting experience, preferably in the public sector. A baccalaureate degree from an accredited college or university in finance or accounting may be substituted for up to two (2) years of required experience.

Special Licensing Requirements
Valid driver's license

Special Knowledge, Skills and Abilities
Considerable knowledge of functions and responsibilities of county government. Considerable knowledge of public sector finance and accounting. Considerable knowledge of statutes and regulations governing county financial activities. Knowledge of and ability to operate standard equipment used in office setting. Computer skills and the ability to utilize specialized software. Ability to understand and implement oral and written instructions. Ability to maintain accurate records and filing systems. Ability to make mathematical computations with speed and accuracy by hand or machine. Ability to establish effective working relationships with county officials, other employees and the general public.

Overtime Status
Exempt

Fleming County, Kentucky

Position Class Title
Operator/Laborer/All Other

Characteristics of the Class
Under general supervision of the Road Department Supervisor performs skilled, semi-skilled and unskilled duties related to the operation of light/heavy equipment, and hand tools. Performs unskilled duties necessary for the provision of county services. Performs related work as required.

Examples of Duties or Responsibilities of the Classification
Under the general direction of the Road Department Supervisor operates backhoe, skid steer, snowplow, and other equipment necessary for provision of county services. Operates vehicles requiring a commercial driver's license. Performs work activities related to proper maintenance of county property, roads, and rights of way, including but not limited to cutting weeds/trees, installation and maintenance of street signs and guard rails, maintenance of roadways and culverts, construction and maintenance of bridges, and painting county owned facilities. Ensures vehicles and equipment are properly maintained and cleaned as needed.

Typical Working Conditions and Unique Physical Requirements
The majority of work tasks are performed outdoors in all types of weather. Some maintenance work may be performed indoors. The nature of work requires extreme physical exertion, including lifting weights of up to 50 pounds. Must possess excellent manual dexterity and be able to perform heavy manual labor for extended periods of time.

MINIMUM QUALIFICATIONS
Training and Experience
Graduation from an accredited high school or equivalent (GED), with preferred experience in the operation of light and heavy equipment.

Special Licensing Requirements
Valid Kentucky Driver's License and Commercial Driver's License (CDL)

Special Knowledge, Skills and Abilities
Ability to understand and follow oral and written instructions. Knowledge of the work hazards and applicable safety precautions associated with assigned equipment. Knowledge of the operating characteristics and servicing of relevant equipment. Ability to make minor operating adjustments and to recognize operating deficiencies in assigned equipment. Ability to perform moderately heavy to heavy labor for extended periods of time. Ability to establish and maintain effective working relationships with other employees and the general public. Knowledge of applicable traffic laws, ordinances, and regulations involved in the operation of departmental vehicles. Excellent physical condition.

Overtime Status - Non-exempt

Fleming County, Kentucky

Position Classification and Class Title
Mechanic

Characteristics of the Class
Under general direction of the Road Department Supervisor, performs skilled mechanical maintenance and repairs on county equipment and vehicles. Performs related work as required.

Examples of Duties or Responsibilities of the Classification

Under general direction of the Road Department Supervisor, performs maintenance and repair work on city vehicles and equipment. Performs tests to locate malfunctions or defects, and checks repair work before returning vehicle or equipment to active service. Prepares accurate job sheets for work performed. Performs custodial activities necessary to maintain a neat, orderly work area. Maintains inventory of all necessary supplies. Performs work activities observing appropriate safety rules and regulations. Attends necessary training to maintain ability to perform necessary functions. Performs related work as required. Works in the capacity of Class 1, Class 2, or Class 3 Operator if
needed and meets the requirements of the position.

Typical Working Conditions and Unique Physical Requirements
Majority of work is performed indoors. Nature of work sometimes requires moderate physical exertion, including a great deal of bending, kneeling and lifting. Must possess excellent manual dexterity and be able to perform moderate manual labor for extended periods of time.

MINIMUM QUALIFICATIONS

Training and Experience
Graduation from an accredited high school or equivalency (GED), supplemented by at three-(3) years' experience in directly related work. Appropriate vocational/technical training courses which enable the applicant to perform the responsibilities of the job may be substituted for required experience.

Special Licensing Requirements
Valid Kentucky Driver's License and Commercial Driver's License

Special Knowledge, Skills and Abilities
Considerable knowledge of the standard practices and equipment used in automotive repair. Considerable knowledge of, and experience in, the principles of operation of gasoline, diesel and electric motors. Ability to understand and implement oral and written instructions. Skill in the use and care of tools and equipment. Considerable knowledge of the occupational hazards and safety precautions of the trade. Ability to maintain complete and accurate records concerning all work activities, and to prepare reports concerning such work. Ability to establish and maintain effective working relationships with employees, officials and the general public.

Overtime Status
Non-exempt

Fleming County, Kentucky

Position Classification and Class Title
Local Emergency Management Director

Characteristics of the Class
Under the direction of the County Judge/Executive, develops emergency response plans and programs for the county. Coordinates local response at the scene of disasters, emergencies, and catastrophes. Performs related work as required.

Examples of Duties or Responsibilities of the Classification
Provides assistance to county and state personnel in the development and implementation of local comprehensive emergency management programs and plans. In conjunction with appropriate state and/or federal agency personnel, coordinates all local emergency response efforts at the scene of disasters and emergencies, including, but not limited to, direction and control, incident command or management;

communications; fire protection services; police services; medical and health services; ambulance services; rescue; search and rescue or recovery; urban search and rescue; engineering; alerting and warning services; resource management; public works services; nuclear, chemical, biological, or other hazardous material or substance monitoring, containment, decontamination, neutralization, and disposal; emergency worker protection, site safety, site operations and response planning; evacuation of persons; emergency welfare services; emergency transportation; physical plant protection; temporary restoration of public utility services; emergency lighting and power services; emergency public information; incident investigation, hazards analysis, and damage assessment; and other functions related to effective reaction to a disaster or emergency or catastrophe. Attends training exercises as appropriate. Develops and submits required reports, plans and other documentation for state and/or federal agencies. Works with civic organizations and the general public to provide education on emergency response programs. Performs other related duties as required.

Typical Working Conditions and Unique Physical Requirements
Administrative work related to this position is performed primarily in an office setting, with few physical demands. Emergency response duties necessitate that employee possess excellent manual dexterity and be able to perform physical labor for extended periods of time. Extreme mental stress due to personal danger or danger to others may occur.

MINIMUM QUALIFICATIONS
Training and Experience
Graduate from an accredited high school, supplemented by three (3) years of experience in business administration, government planning, industrial, or commercial planning, public safety, management of emergency services, or related community or governmental service. Management level experience may not be substituted for high school education. Education at an accredited college or university may be substituted for experience on a year-for-year basis.

Special Licensing Requirements
Valid Kentucky Driver's License

Special Necessary Requirements
Resident of Kentucky and Fleming County (KRS 39B.020)
Director may not hold or seek a partisan political office (KRS 39B.020)
24 hour on-call status

Special Knowledge, Skills and Abilities
Comprehensive knowledge of disaster and emergency operational procedures. Ability to effectively coordinate multi-agency response to disasters and emergencies. Ability to establish and maintain effective working relationships with employees and the general public.

Overtime Status
Exempt

Fleming County, Kentucky

Position Classification and Class Title
Maintenance and Janitorial

Characteristics of the Class
Under the direction of the County Judge/Executive and performs related work as required.

Examples of Duties or Responsibilities of the Classification
Develop a performance schedule with the County Judge/Executive regarding daily, weekly, monthly, semi-annual and annual services needed. Cleaning shall be scheduled at a time when it will not interfere with the orderly performance of the services offered by the offices located in the county building(s).

Typical Working Conditions and Unique Physical Requirements

The job requires that the person performing the janitorial work must be able to lift at least 75 lbs., and job requires bending, stooping, climbing on ladders, and other physical labor. Some carpenter skills are desired.

MINIMUM QUALIFICATIONS
Applicant must be a resident of Fleming County, Kentucky and at least 21 years of age.

Training and Experience
Graduation from an accredited high school or equivalency (GED), supplemented by at three-(3) years' experience in directly related work. Appropriate vocational/technical training courses which enable the applicant to perform the responsibilities of the job may be substituted for required experience.

Special Licensing Requirements
Valid Kentucky Driver's License

Overtime Status
Non-exempt

Fleming County, Kentucky

CLASS TITLE: Transport Officer

Characteristics of the Class: Under the general direction of the County Jailer, assists in prisoner transports and required administrative duties.

Duties or Responsibilities of the Classification: Under the general direction of the County Jailer, the Transport Officer will assist in transporting prisoners to and from the designated detention centers, transporting both juvenile and adult offenders locally and across the state as needed. They will attend to the needs of inmates while being transported. They will assist in transporting persons to medical facilities and guard prisoners while in medical facilities. The Transport Officer is required to perform administrative duties including daily reports and assist with other responsibilities as assigned by the County Jailer.

Typical Working Conditions and Unique Physical Requirements: The Transport Officer is required to work under a variety of working conditions. Physical demands include driving, walking, standing and sitting for extended periods of time. This position is a part-time on call position. While on call it is required that the officer be able to respond and or take custody of prisoner within 20 minutes if at all possible.

MINIMUM QUALIFICATIONS: Valid Kentucky Driver's License.

Training and Experience: Employed Transport Officers are required to have a minimum of 16 hours of training each year.

PRE-EMPLOYMENT REQUIREMENTS: All candidates must pass a Background Investigation. Pre-employment drug screening test.

Overtime Status: N/A

Fleming County, Kentucky

Class Title: Dispatch Director

Characteristics of the Class: Under direction of the County Judge/Executive and Fiscal Court performs statutorily required functions of the Dispatch Office. Performs related work as required. To oversee day to day operations of the dispatch center, manage personnel, submit recommendations of new hires, plan for future operations, prepare a budget and make reports to the Fleming County Fiscal Court, subject to control and supervision of the Fleming County Fiscal Court and in addition to duties and responsibilities assigned by the Fleming County Fiscal Court.

Duties and Responsibilities of the Classification: Responsible for supervising all telecommunicators and the day-to-day operation of the Fleming County Dispatch Center. The Dispatch Director monitors the accuracy of all records, validates all entries into NCIC/LINK, schedules shifts to ensure dispatch is operated 24/7, schedules employee training, maintains daily log book, and is on-call 24/7 to assist the on-duty dispatcher if the call volume is high. The supervisor also is responsible to handle all complaints made on the dispatch center and to prepare records and recordings for court proceedings. Duties are:

- Supervise the work of all telecommunicators
- Schedule shifts to ensure coverage of the dispatch center 24/7
- Schedule and keep a record of telecommunicator's vacation and sick hours.
- Maintain a personnel file on each telecommunicator
- Schedule training for telecommunicators to maintain state certification requirements.
- TAC Officer (job description for this is attached)
- Prepare dispatch log sheets
- Schedule wrecker rotation.
- Prepare wrecker log sheets.
- Order office supplies
- Prepare telecommunicator employees payroll sheets
- Maintain employee training records
- File E-911 call sheets
- Update DVO/EPO file
- Update warrant file
- Prepare annual budget
- Handle complaints on dispatch center
- Check bills for accuracy before given to Finance Officer
- Store and label recording disks.
- Prepare CAD copies for court.
- Make recording copies for court.
- Update new information on CAD screen.

- Report mapping discrepancies to IT/Mapping Address Coordinator
- Train new personnel.
- Ensures all computer equipment is operational and reports any malfunctions to the mapping coordinator.

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- Stay informed of new legislation concerning the dispatch center.
- On call 24/7 via cell phone (not provided by the Fiscal court)
- Janitorial duties
- Dispatch three days a week and additional shifts when needed.
- Maintain a good working relationship with co-workers and other emergency service agencies.
- Submit employee fingerprints to the LINK staff.
- Attend required training.
- Assist in procurement of grant funding.
- Ensures Dispatch Center is compliant with State Laws and Regulations

Knowledge and abilities:

- Knowledge of communication procedures.
- Knowledge of the function and operations of the dispatch center.
- Knowledge of the layout of Fleming County including streets, and highways.
- Knowledge of the NCIC/LINK computer system
- Knowledge of records confidentially and release laws.
- Ability to maintain good judgment in high stress situations.
- Ability to relate to co-workers and the general public.
- Ability to speak clearly.
- Ability to perform a wide variety of difficult communications and technical tasks with accuracy and speed in a high stress emergency situation.
- Ability to solve problems
- Knowledge of supervisory techniques.
- Ability to train others.
- Ability to organize and maintain files.

Responsibilities of the LINK Terminal Agency Coordinator (TAC)

- Shall be the primary coordinator between the agency and the Control Terminal Agency.
- Shall be the coordinator between the agency and the Satellite (Non-Terminal Agencies)
- Shall ensure that all records entered from the terminal into LINK are accurate and kept up-to-date.
- Shall keep all terminal operators informed and up-to-date- on all policy, procedures and capabilities on the LINK network.
- Shall keep Satellite Agencies informed of any and all policy, procedures, and capabilities of the LINK Network.
- Shall ensure that all hit confirmations are made within ten (10) minutes for urgent requests and within one (1) hour for routine requests by either the Terminal Agency or the Satellite Agency holding the record.

- Shall ensure that the monthly validation listing for the Terminal Agency is completed and maintained on file at the agency for a
- period of one (1) year.
- Shall ensure that each Satellite Agency receives and completes its monthly validation listing.
- Shall ensure that the validation certification letters for the terminal agency and any satellite agency are signed and returned to the TAC at the terminal agency by the due date, and a teletype is sent to the LINK Coordinator by the due date. Validation letters and printouts shall be filed at the terminal agency by the month for one (1) year.
- Shall ensure that only Satellite Agencies having a signed Criminal History Exchange Use Agreement on file with the Terminal Agency receive criminal history data.
- Shall ensure that a signed Exchange/User Agreement is on file for each of the Satellite Agencies.
- Should attend annual statewide LINK User meetings.
- Shall be certified as a LINK Terminal Operator.
- Shall ensure System Maintenance Operations are performed as prescribed by the State Control Terminal Agency.
- Shall ensure second party checks are properly performed by the terminal operators, on records entered for the terminal and any satellite agency.
- Should appoint an Assistant Terminal Agency Coordinator.
- Shall ensure that a case report, warrant or missing person report, which includes a complete description of the person or property, and all documentation supporting the entry, is on file at the terminal agency for each record entered into LINK/NCIC.

Minimum Qualifications:
Must be able to process/utilize: Computer aided dispatching and telephone software, Microsoft Windows, Word, Excel, Microsoft Works, NCIC/LINK, Recording System, Fax, Copier, Radio Communications.

Training and Experience: Must be a high school graduate, college degree or five years' experience in telecommunications. Hold Telecommunicator Certification for DOCJT, NCIC/LINK Certification form DOCJT, Supervisor In-Service Training, Telecommunicator In-Service, NCIC/LINK In-Service, Annual State Conference Training, and LINK User Training.

Typical Working Conditions and Unique Physical Requirements:
Administrative work related to this position is performed primarily in an office setting.

Overtime Status:
Non-Exempt

Fleming County, Kentucky

Position Classification and Class Title
Administrative Assistant County Attorney's Office

Characteristics of the Class
Under the general direction of the County Attorney, performs related work as required.

Examples of Duties or Responsibilities of the Classification
Under the general direction of the County Attorney, performs general office tasks, greeting people, answering phone, receiving mail and its disposition, and filing. Orders office supplies as needed. Prepares paperwork needed for court cases. Participates in weekly District and Juvenile Court as well as hearings as requested by County Attorney. Prepares subpoenas, Criminal Summons, and warrants. Prepares and mails delinquent tax letters. Completes data entry as needed for e-warrants, cold checks, and the Ky Drive Safe Program. Performs related work as required.

Typical Working Conditions and Unique Physical Requirements
Work is performed indoors in an office setting. Work requires little physical exertion, but a great deal of time is spent sitting when utilizing office equipment.

MINIMUM QUALIFICATIONS

Training and Experience
Graduation from an accredited high school or equivalency (GED), supplemented by two (2) years of office related work, preferably in the public sector.

Special Knowledge, Skills, and Abilities
Computer skills and the ability to utilize specialized software and office equipment. Ability to understand and implement oral and written instructions. Ability to maintain accurate records and filing systems. Ability to establish effective working relationships with county officials, other employees, and the public. Must be discreet with confidential information associated with the County Attorney's office.

Overtime Status
Non-Exempt

Fleming County Fiscal Court
Employment Application

We consider applicants for all positions without regard to race, color, religion, creed gender, national origin, age, disability, marital or veteran status, or any other legally protected status.

All applications submitted remain active for six (6) months.

Please print the application and mail the original or drop off to:

Fleming County Fiscal Court
100 Court Square
Flemingsburg, KY 41041

Position(s) applied for _____ Date _____

How did you learn about us?

- Advertisement
- Friend
- Employment Agency
- Relative
- Inquiry
- Other

Last Name First Name Middle Name

_____

Address City State Zip Code

_____

Telephone Number (s) Social Security Number

_____ _____ - _____ - _____

Best Time to Contact you at Home is? ___:___ am or pm

If you are under the age of 18, can you provide required proof of your eligibility to work? Yes or No

Have you ever filed an application with us before? Yes or No

Have you ever been employed with us before? Yes or No

Do any of your friends or relatives, other than spouse, work here? Yes or No

If yes, state name, relationship and location _____.

Are you currently employed? Yes or No

May we contact your present employer? Yes Or No

Are you prevented from lawfully becoming employed in this country because of a Visa or Immigration Status? Yes Or No

Date available for work ____/___/____ what is your salary range? _____

Are you able to work?

- Full Time (Please Indicate 1 2 3 shift)
- Part Time (Please Indicate Morning Afternoon Evenings)
- Temporary (Please Indicate dates available ___/___ - ___/___)

Are you currently on "lay-off" statues and subject to recall? Yes or No

Can you travel if a job requires it? Yes or No

Education:

School	Name, City	Course of Study	Year Complete	Diploma/ Degree
High School				
Undergraduate/ College				
Graduate/ Professional				
Other (Specify)				

Work Experience (please provide information regarding last three positions held)

Employer_____ Dates Employed From To Work Performed _____

Address_____ _____

Telephone _____ Hourly Salary Starting Final _____

Job Title_____ _____

Supervisor _____

Reason for leaving May We Contact Yes or No

_____

Employer_____ Dates Employed From To Work Performed _____

Address_____ _____

Telephone _____ Hourly Salary Starting Final _____

Job Title_____ _____

Supervisor _____

Reason for leaving May We Contact Yes or No

_____

Employer_____ Dates Employed From To Work Performed _____

Address_____ _____

Telephone _____ Hourly Salary

Starting Final

Job Title_____ _____

_____

Supervisor _____

Reason for leaving

_____

May We Contact
Yes or No

Describe any specialized training apprenticeship, skills and extra-curricular activities.

_____

_____

_____

_____

_____

Describe any job-related training received in the United States military.

_____

_____

_____

_____

_____

List professional trade business or civic activities and offices held.

_____

_____

_____

_____

_____

Additional Information

_____

_____

_____

_____

_____

Specialized Skills

_____ Terminal _____ Spreadsheet
_____ PC/MAC _____ Word Processing
_____ Typewriter _____ Shorthand

State any additional information you feel may be helpful to us in considering you application.

_____

_____

_____

_____

_____

Personal / Professional References: (please provide three)

Name Phone Number City, State

_____

_____

_____

I certify that answers given herein are true and complete.

I authorize investigation of all statement contained in this application for employment as may be necessary in arriving at an employment decision. This application for employment shall be considered active for a period of time not to exceed 180 days. Any applicant wishing to be considered for employment beyond this time period should inquire as to whether or not applications are being accepted at that time.

I hereby understand and acknowledge that, unless otherwise defined by applicable law, any employment relationship with this organization is of an “at will” nature, which means that the Employee may resign at any time and the employer may discharge employee at any time with or without cause. It is further understood that this “at will” employment relationship may not be changed by any written document or by conduct unless such change is specifically acknowledged in writing by and authorized executive of this organization. In the event of employment, I understand that false or misleading information given in

my application or interview(s) may result in discharge. I understood, also, that I am required to abide by all rules and regulation of the employer.

_____

Signature of Applicant

_____

Date

AOC-RU-004
Rev. 11-13
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www.courts.ky.gov

ADMINISTRATIVE OFFICE OF THE COURTS
RECORDS UNIT
1001 VANDALAY DRIVE
FRANKFORT, KENTUCKY 40601
502-573-1682 or 800-928-6381
records@kycourts.net

The process to obtain the information contained in CourtNet is as follows:

Individuals

Requesting a record on yourself requires a $20.00 fee **(check or money order)**. If you do not receive a response in 30 days contact us at the number listed above.

Nonprofit/Commercial/Others

Requesting a record on individuals requires a $20.00 fee **(check or money order)** .

Criminal Justice Agencies

Criminal Justice Agenices do receive a waiver of fees for requests that are for criminal justice purposes.

Fees are paid to the order of the KENTUCKY STATE TREASURER by check or money order ONLY. FAILURE TO COMPLY WITH THESE PROCEDURES WILL RESULT IN THE REQUEST BEING RETURNED UNPROCESSED. If you suspect information contained on the record is incorrect, or have any questions, please contact the Records Unit at (502) 573-1682 or (800) 928-6381.

PLEASE **PRINT OR TYPE** THE INDIVIDUAL'S INFORMATION **CLEARLY**.

SOCIAL SECURITY NUMBER: _____ DLN: _____

NAME: _____

MAIDEN NAME(S) AND/OR ALIAS: _____

DATE OF BIRTH: _____

STREET ADDRESS / P.O. BOX: _____

CITY, STATE, ZIP CODE: _____

I understand the information supplied by me must be truthful and falsification with an intent to mislead may result in my prosecution under KRS 523.100. I have provided the basic information necessary to qualify for record processing and exemption of fees - if applicable.

*** ALL INFORMATION BELOW IS REQUIRED.**

_____
Individual's Signature

_____
Company

_____
Requestor/Contact Person

_____
Address

_____
City, State, Zip

_____
Date

_____
E-mail address

_____
Telephone Number

Please denote which purpose applies to this request:

- ☐ Employment
- ☐ Criminal Investigation
- ☐ Screening Housing Applicants
- ☐ Volunteer/Care over Juvenile
- ☐ Licensing
- ☐ Other (please explain) _____

Fleming County Fiscal Court
Annual Leave Settlement

Name: _____

Department/Office: _____

The beginning balance of Annual Vacation Leave as of January 1, _____ is _____hours.

(Per policy, carry over balance cannot exceed equivalent to twice amount of hours earned in one (1) calendar year)

The beginning balance of my Annual Sick Leave as of January 1, _____is _____ hours.
Do you want to convert any vacation time into sick time? (Select one option)

_____ Yes, Convert _____ vacation leave hours to sick leave hours.

_____ No

Do you want to request payment any vacation leave hours? (Select one option)
(Maximum request cannot exceed 96 hours)

_____Yes, Request payment for _____ of vacation leave hours.

_____No

If conversion or payment of accrued hours is requested above, please calculate difference from the above beginning balance.

The balance of your vacation leave time carried into _____ is _____.

The balance of your sick leave time carried into _____ is _____.

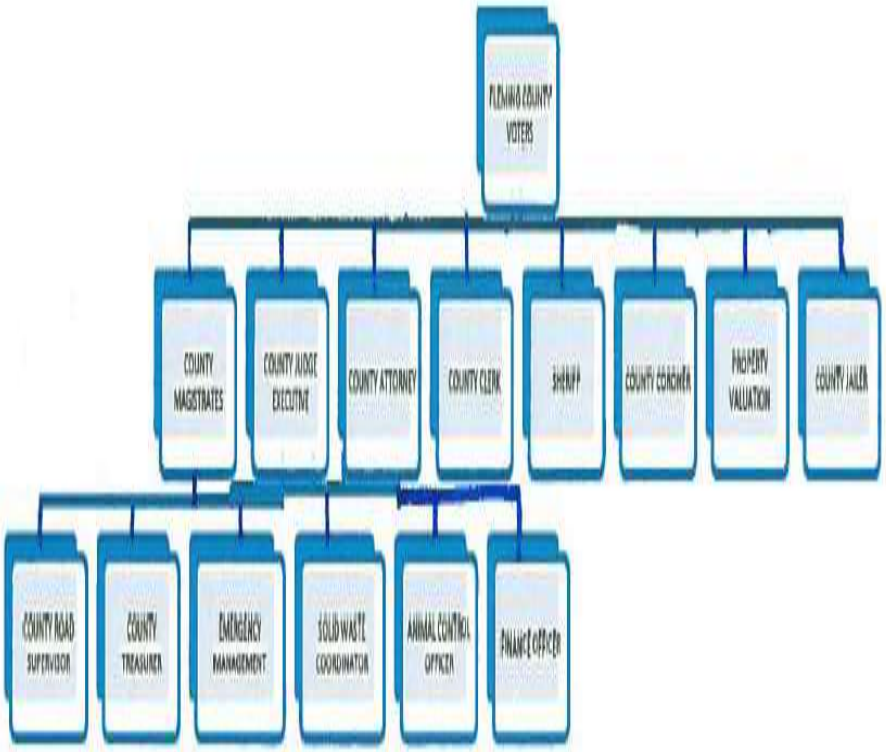
_____
Employee Signature

_____
Witness Signature

Fleming County, Kentucky

Organizational Chart

June 27, 2013



APPLICATION FOR SICK LEAVE SHARING

Name of Recipient: _____

Department: _____

Social Security Number: _____

Amount of Sick Leave Needed: _____

Please provide a reason transferred leave is needed, including a brief description of the nature, severity, and anticipated duration of the medical issue. (If this is an amended request, provide reason for extension.) Please attach certification by one or more physicians of the medical reason that employee will be unable to perform the duties and responsibilities of his/her position for ten (10) or more consecutive working days or the reason for extension, if an amended request.

_____ _____, 20__
Recipient or Representative Date

_____ _____, 20__
Department Head/Supervisor Date

The above-named employee has been approved to receive donated sick leave in accordance with the provisions of the sick leave sharing policy.

_____ _____, 20__
Appointing Authority Date

*The original should be kept by the Recipient's Payroll Officer.

SICK LEAVE DONATION FORM

Name of Donor: _____

Department: _____

Soc. Sec. #: _____

Amount of Donation to be credited to Recipient: _____

(Employee must have 40 hours remaining after donation. Minimum amount employee may donate is 8.0 hours.)

Recipient: _____

Department: _____

I hereby certify that this donation is given without expectation or promise for any purpose other than that authorized by the sick leave sharing policy.

_____ _____, 20__ _____ _____, 20_

Donor Appointing Authority

*The original should remain with the Donor's payroll officer. A copy should be transmitted to the Recipient's Payroll Officer so that Sick Leave balances may be adjusted.

RETURN OF UNUSED DONATED SICK LEAVE

This is to certify that ____ hours of sick leave donated by:

_____	_____	_____
Donor	Soc. Sec. #	Department

Were unused by:

_____	_____	_____
Recipient	Soc. Sec. #	Department

Credit the Donor's sick leave balance accordingly.

_____	_____	_____
Recipient Payroll Officer		Date

*The original should be sent to Donor's Payroll Officer.

REQUEST FOR SICK LEAVE

Employee Name and Address: _____

_____

_____

_____

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

_____

_____

_____

_____

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

_____ _____, 20__

Signature

Recommended for Approval By:

_____ _____, 20__

Signature

Approved By:

_____ _____, 20__

Signature

Request to Inspect Public Records

Pursuant to the Kentucky Open Records Act ("the Act"), KRS 61.870 *et seq*., the Undersigned requests to inspect the public records which are described below.

Requester's contact information.

Name: _____

Mailing Address: _____

E-Mail Address (if applicable): _____

Records to be inspected:

_____

_____

_____

_____

Statement regarding the use of public records. KRS 61.870(4) defines "commercial purpose" as "the direct or indirect use of any part of a public record or records, in any form, for sale, resale, solicitation, rent, or lease of a service, or any use by which the used expects a profit either through commission, salary, or fee." However, "commercial purpose" does not include the publication or related use of public record by a newspaper or periodical, by a radio or television station in its news or informational program, or by the use in the prosecution or defense of litigation by the parties to such an action or their attorney.

This request is (choose one):

_____ NOT for a commercial purpose; or

_____ FOR a commercial purpose.

Statement regarding residency. I further state that I am a resident of Kentucky because I am (Please check one):

_____ An individual residing in the Commonwealth; or

_____ A domestic business entity with a location in the Commonwealth; or

_____ A foreign business entity registered with the Kentucky Secretary of State; or

_____ An individual that is employed and works at a location within the Commonwealth; or

_____ An individual or business entity that owns real property within the Commonwealth; or

_____ An individual or business entity that has been authorized to act on behalf of an individual or business entity listed above; or

_____ A news-gathering organization as defined in KRS 189.635(8)(b)1a to e.

Signature: _____ Date: _____