

3) All policies and practices heretofore adopted or implemented by the Commission or any of its officers, employees or agents which conflict with this Policy Resolution are hereby repealed.

POLICY #27

POLICIES AND PROCEDURES FOR “UNCLASSIFIED EMPLOYEES” OF THE HOUSTON COUNTY COMMISSION

DATE ADOPTED: 10-14-08
MINUTE BOOK: 36 PAGE

1. Purpose and Use of the Policy and Procedures for Unclassified Employees.

The Policy and Procedures for Unclassified Employees of the Houston County Commission (“Policy”) is for the use of all Unclassified Employees and should help each person perform his or her work effectively and in as professional and complete a manner as possible. Everyone should become thoroughly familiar with the provisions of the Policy. The Policy is designed to inform all Unclassified Employees of the Commission’s policies in general, and should be consulted and used on a continuing basis.

The contents of this Policy are presented as a matter of information and for employee guidance only and are neither intended to create, nor are they to be construed to constitute, an offer of contract or a contract, express or implied, between the Commission or any of its employees. All employment contracts, if any, with Unclassified Employees shall be made outside of the Policy and in writing with all appropriate formalities. Unless otherwise provided by separate contract or agreement, all Unclassified Employees are employed by the Commission as “AT WILL EMPLOYEES” meaning that employees may resign at any time, or the Commission may terminate their employment at any time with or without any cause (i.e., for a good reason, a wrong reason or no reason) or notice. No employee of the Commission has the authority to alter or amend this paragraph with regard to any employee. No contract for employment or any other specific rights or procedures relative to your employment is intended or granted by this Policy.

2. Definitions:

A. “Annual Leave.” Leave with pay accumulated by Unclassified Employees for use by said Unclassified Employee for vacation or personal time off. Except as may be otherwise agreed between the Commission and the Unclassified Employee, Annual Leave for Unclassified Employees shall accrue and be taken or used by Unclassified Employees in the same manner as provided by the Personnel Board Rules to Classified Employees unless otherwise determined, set or provided by the Commission.

B. “Commission.” The Houston County Commission of Houston County, Alabama.

C. “Excessive Hours” or “Excessive Hours of Work.” Hours of work that exceed ninety (90) hours of work within a single pay period.

- D. “Exempt Positions.” Salaried Unclassified Positions that are exempt under the Fair Labor Standards Act of 1938, 29 U.S.C. § 201 et seq. (“FLSA”).
- E. “FLSA”. The Fair Labor Standards Act of 1938, 29 U.S.C. § 201 et seq., as amended and all applicable Federal Rules and Regulations promulgated for the implementation thereof.
- F. “Personnel Board.” The Personnel Board of Houston County, Alabama.
- G. “Personnel Board Rules.” The Rules and Regulations of the Personnel Board of Houston County, Alabama, as may be amended from time to time.
- H. “Policy.” The Policy and Procedures for Unclassified Employees of the Houston County Commission.
- I. “Sick Leave.” Leave time accumulated by Unclassified Employees for use during illness and related reasons in accordance with the application of the provisions of The Personnel Board Rules. Sick leave shall accrue and be taken or used by Unclassified Employees in the same manner as provided by The Personnel Board Rules to Classified Employees unless otherwise determined, set or provided by the Commission.
- J. “Unclassified Employees” or “Unclassified Positions” Unclassified Employees or “Unclassified Positions” are defined as any “at will” employee or employment position in the service of the Houston County Commission who reports directly to the Houston County Commission, the County Engineer or the County Chief Administrative Officer, as authorized and hired by the Houston County Commission, and who or which is designated or defined as a part of the “Exempt Service” in “The Rules and Regulations of The Personnel Board of Houston County” and Act Number 84-578 of the Legislature of the State of Alabama.

3. Appointment.

The Houston County Commission (“The Commission”) is authorized to fill vacancies in Unclassified Positions in any manner that the Commission deems necessary to secure, in the judgment and discretion of the Commission, the most qualified or otherwise suitable individual to fill the position. There shall be no restriction on the Commission regarding the geographical area from which Unclassified Position candidates may be recruited or employed. Applications, resumes or any other method determined suitable by the Commission may be used as the method of applying for open positions. All Unclassified Employees shall be “at will” employees who serve at the pleasure of the Houston County Commission.

It is the goal of the Commission to provide high quality and appropriate governmental services, within the budgetary limitations of the Commission, to the citizens of Houston County, Alabama. In that regard, it is the expectation of the Commission that all Unclassified Employees, as department heads or supervisors, should assume an appropriate leadership role in their respective departments and at all times set an example of the appropriate standards of job performance for other county employees. Unclassified Employees, who are department heads, should expect to be held to a higher standard of job performance than other employees.

4. Discipline.

A. With regard to Unclassified Employees, the Commission has broad authority and discretion in the way and in what form disciplinary action is provided for and administered and reserves the right to

exercise that discretion at all times to provide for the effective provision of services to the citizens of Houston County, Alabama. Whenever a disciplinary matter involves the good name and character of the Unclassified Employee or other employee, all discussion of said disciplinary matter should be done in executive session in accordance with applicable law.

B. Unclassified Employees who are not serving in an Exempt Position shall be addressed to the Commission Chairman who in the Chairman's discretion, may undertake to address any such disciplinary matter or may allow the handling of any disciplinary matter by the Chief Administrative Officer or any department head.

5. Administrative Leave.

Administrative leave for Unclassified Employees, shall be provided as may be determined by the Commission in its discretion. Whenever the determination of Administrative Leave involves the good name and character of the Unclassified Employee all discussion of the issue of such Administrative Leave should be done in executive session in accordance with applicable law.

6. Pay and Benefits.

The Commission in its sole discretion shall determine and set the pay for "Unclassified Positions" and "Unclassified Employees". The Commission shall determine and set any raises or promotions. All salaries and benefits for the Unclassified Employees shall be budgeted and approved by the Commission as may be required by law.

7. Work Schedule and Overtime.

An Unclassified Employee in an Exempt Position with the approval of the Commission or their Department Head will establish the work schedule for said Unclassified Employee. Exempt Positions are salaried positions and are exempt under the Fair Labor Standards Act of 1938, 29 U.S.C § 201 et sq. ("FLSA") and the Exempt Positions may require more than forty hours of work per week. Salaried Exempt Positions shall receive no overtime pay unless such pay should become mandated by the Fair Labor Standards Act or other applicable law.

Unclassified Employees in an Exempt Position who work Excessive Hours may be granted the benefit of additional paid leave based on the criteria set forth herein. With regard to work time away from the office for one or more full work day(s) for travel or meetings, said travel day(s) or meeting day(s) shall be counted as no more than the unclassified employees' normal scheduled working hours per calendar day. For each Excessive Hour worked, the Exempt Employee may be granted one (1) hour of additional paid leave pursuant to this policy. No more than forty (40) unused Excessive Hours of work may be accumulated at any one time for purposes of the granting of the additional paid leave contemplated herein. The additional paid leave granted pursuant to this Policy is not a right for which an Unclassified Employee may make demand but is a privilege and additional benefit that is granted in accordance with this Policy which may be changed from time to time as the best interests of the County are determined by the Commission. Separation from employment in the service of Houston County for any reason shall result in the forfeiture of any unused additional leave with pay granted pursuant to this Policy.

As a precondition to qualifying for the granting of the additional paid leave contemplate herein, the Unclassified Employee shall complete, maintain and submit the additional time and attendance record/report to the Payroll Department at the end of each pay period for which additional paid leave

time is requested. All time and attendance records for Unclassified Employees will be maintained through the Time and Attendance System.

8. Leaves of Absence.

The following types of leave are officially established: holidays, vacation leave, sick leave, military leave, jury leave, leaves for special meetings and conferences, administrative leave with or without pay and additional paid leave time granted for Excessive Hours of work. Any Unclassified Employee who is absent from work without authorized leave may be subject to disciplinary action as determined by the Commission or its representative(s).

9. Holidays.

Unclassified Employees shall receive the same holidays as those determined by the Houston County Personnel Board unless otherwise determined or authorized by the Commission.

10. Annual Leave.

Unclassified Employees shall accrue and receive the same Annual Leave time provided by the Personnel Board Rules for Classified Employees unless otherwise determined or authorized by the Commission.

11. Sick Leave, Military Service Leave and Reinstatement, Temporary Leave for National Guard and Armed Forces Reserve Training, Civil/Legal Leave, Hazardous Weather Leave, Family and Medical Leave Act Leave.

Unclassified Employees shall accrue or be entitled to receive the same Sick Leave, Military Service Leave and Reinstatement, Temporary Leave for National Guard and Armed Forces Reserve Training, Civil/Legal Leave, Hazardous Weather Leave, Family and Medical Leave Act Leave as provided by The Personnel Board Rules except as may be otherwise determined or authorized by the Commission in accordance with applicable law.

12. Special Meetings and Conferences.

Unclassified Employees will be allowed to attend meetings and conferences as may be approved in the Commission's Annual Budget for the County or as otherwise authorized by the Commission. As stated herein above, for time away from the office for one or more full work day(s) for travel or meetings, said travel day(s) or meeting day(s) shall be counted as no more than the unclassified employees' normal scheduled working hours per calendar day for purposes of computing Excessive Hours.

THE COMMISSION RESERVES THE RIGHT, AT ANY TIME, TO DEVIATE FROM, MODIFY, CHANGE, DISREGARD, SUSPEND OR CANCEL AT ANY TIME, WITHOUT WRITTEN NOTICE OR VERBAL NOTICE, ALL OR ANY PART OF THE POLICY'S CONTENTS AS CIRCUMSTANCES MAY WARRANT OR REQUIRE. ADOPTED AND MADE EFFECTIVE THE 14TH DAY OF OCTOBER, 2008.