

ADMINISTRATIVE
POLICIES AND PROCEDURES

LAKE CUMBERLAND AREA DEVELOPMENT DISTRICT, INC.
RUSSELL SPRINGS, KENTUCKY

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FOREWORD

1. Nothing contained in these policies and procedures shall alter the “at-will” employment status between the Lake Cumberland Area Development District (hereinafter referred to as the District throughout these policies and procedures) and its employees. Either the District or its employees may terminate the employment relationship at any time without cause or advance notice.
2. Information included in these policies and procedures, compensation plan, and classification plan is not intended to represent a contract between any employee and Lake Cumberland Area Development District, and may be changed by the District without notice.
3. The term “established position” indicates the position(s) within each class created by the District. The District may change the number of positions without notice, and employee(s) occupying the position(s) may be affected by such change.
4. Throughout the context of these policies and procedures, an “applicant” shall be defined as an individual who has submitted a completed and signed employer-provided Employment Application Form for a specific position, and who meets the minimum qualifications for the position.
5. If any provision of these policies and procedures is held invalid, such invalidation shall not affect the remainder of this document or its application.
6. All previous District approved policies and procedures relating to human resources that conflict with the contents of this document are hereby repealed.
7. These policies and procedures have been developed in compliance with current and state and federal labor laws and applicable court decisions, and are not intended to supersede either federal legislation or the Kentucky Revised Statutes.

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SECTION I: STATEMENT OF PURPOSE*

A. Organization:

1. The overall governing and policy-setting body of the Lake Cumberland Area Development District, Inc. (hereinafter referred to as the District) is the Board of Directors (hereinafter referred to as the Board), authorized and constituted under Chapter 147A of the Kentucky Revised Statutes, and established by the by-laws.
2. The next level of authority is the Executive Committee, which has authority to act for the Board in internal matters.
3. The Executive Director is charged with the day-to-day management of the District, including entering into programmatic contracts.

B. Administrative Responsibilities:

1. Except as otherwise indicated in these policies and procedures, the Executive Director shall be responsible for all employment decisions, including initial employment, assignment, promotion, transfer, demotion, layoff, or disciplinary action; however, the Executive Committee may be consulted regarding these actions.
2. The Executive Director shall be responsible for the maintenance of these personnel policies and procedures, compensation plan, and classification plan; however, the administration may be delegated to another officer or employee of the District.
3. The Executive Director may delegate administration of programs as necessary to complete District responsibilities.

C. Scope of Coverage:

1. The following are explicitly exempted from coverage, unless otherwise specified in specific sections:

- a. All members of the Board;
 - b. Consultants, advisors and counsel rendering temporary services;
 - c. Independent contractors;
 - d. Temporary, seasonal or on-call employees occupying non-established positions, and
 - e. Interns, trainees and volunteers.
2. All employees not explicitly exempted from coverage of these personnel policies and procedures shall be subject to its provisions unless indicated otherwise in specific sections of these personnel policies and procedures.
 3. Individual sections of these personnel policies and procedures may apply to personnel defined in Section 1 above, provided the provision is specifically stated in the section.

D. Statement of Equal Opportunity:

The District seeks to provide equal opportunity to all of its employees and applicants for employment and to prohibit discrimination based on race, color, religion, sex, national origin, political affiliation, physical or mental disability, age or marital status. The District promotes equal opportunity in matters of hiring, promotion, transfer, compensation, benefits, and all other terms, privileges and conditions of employment, actively pursuing an affirmative action program.

E. Americans with Disabilities (ADA) Statement:

1. The District will not discriminate against any qualified employee or job applicant with respect to any terms, privileges or conditions of employment because of an individual's physical or mental disability. The District also will make reasonable accommodations wherever necessary for all employees or applicant with disabilities if the individual is otherwise qualified to safely perform the essential functions of the job with or without a reasonable accommodation. This policy of nondiscrimination applies to all personnel and employment practices, including:
 - a. Recruitment, advertising and job application procedures;
 - b. Hiring, upgrading, demotion, transfer, lay-off, termination, right of return from lay-off and rehiring;
 - c. Compensation of any kind; and
 - d. Selection and financial support for training.
2. Applicants for employment are encouraged to make a notation on the application form to notify Human Resources if accommodation is required during the employment process.

3. It is the obligation of the employee or the applicant for employment to inform the employer of the disability.

F. Administration of Personnel Policies and Procedures:

1. In addition to the duties set forth in these policies and procedures, the Executive Director shall insure that a current personnel file is maintained for each employee:
 - a. The file shall include name, permanent address, position title, departmental assignment, salary, past changes in employment status with the District, EEO-4 requirements, complete record of leave of all types accrued and used showing a current balance of leave due, and such additional information as may be required.
 - b. All changes in the status of employment shall be recorded in the personnel file, and the personnel file shall be retained in accordance with federal and state law.
2. It shall be the duty of the Executive Director to insure that the policies and procedures reflect all subsequent amendments or additions made by the Board or Executive Committee. Changes to these policies and procedures shall be made in the following manner:
 - a. A list will be kept of all personnel having a copy of these policies and procedures;
 - b. Immediately upon official amendment or addition, the change(s) shall be written in a manner and format consistent with these personnel policies and procedures;
 - c. The effective date of the change or addition for each section affected by such change shall be noted following each section changed; and
 - d. A memorandum explaining the change(s) shall be distributed by e-mail to all personnel assigned custody of a copy of the personnel policies and procedures. This will be each employee`s responsibility to print and place in their Handbook.

SECTION II: EMPLOYMENT PROCESS

A. Employment Application Form:

1. Employment Application Forms supplied by the District and completed by applicants shall include information about the applicant's training and experience and such additional information as required to effectively evaluate the applicant's ability to perform the duties required by the position.
2. No person may be appointed to a position unless verified information on an official Employment Application Form indicates that the person meets the qualifications for the position as set forth in the class specification.
3. All Employment Application Forms must be signed and dated by the applicant.

B. Executive Director and Deputy Executive Director Position`s:

1. The board of directors in each district may appoint an executive director and deputy executive director and fix the salary for each position. The executive director shall perform, in the name of the board, such functions and duties and may exercise such authority of the board as the board may delegate to the executive director. The deputy director, if one is hired, shall perform such functions and duties as designated by the executive director.
2. On or after the effective date of this ACT, HB189, an open position for the executive director or deputy director with an area development district shall be advertised by the board of directors in a manner designed to provide adequate notice of the opening and sufficient time for interested applicants to apply. Advertisement of an open position shall, at a minimum, be published on the website of the district and published in accordance with KRS Chapter 424 at a minimum for a period of twenty-one (21) days.

C. Announcement of Vacant Positions:

1. Internal:
 - a. When a vacancy occurs, current employees may be notified of the vacancy by e-mail and by posting written notice(s) on the District bulletin board for a period of one week. Employees who wish to apply for the position must present a written statement of interest to the Executive Director indicating interest in the vacant position.
 - b. The Executive Director may fill the vacancy by either promoting current employees or by employing a person from outside the agency.

2. External:

a. When announcements of vacant position(s) are made outside the organization, any of the following procedures may apply:

(1) The District's open application policy allows persons interested in employment to complete an Employment Application Form at any time, regardless of whether or not vacancies exist. The applicant must indicate the position applied for, and the Employment Application Form will be considered active for a period of six months from the date received by the District.

(2) If the Executive Director elects to advertise the vacant position(s), the advertisement(s) shall include such information as where to apply, deadline for application, pay ranges for the position, summary of duties of the position, and position qualifications. All written announcements of vacant position(s) shall contain the following statement: "An Equal Opportunity Employer."

(3) If required by the contract/contracting agency the District will list vacant positions with the local office of the Kentucky Department of Employment Services.

D. Certification of Eligibility:

1. The Executive Director (or designee) may review internal notices of interest and all Employment Application Forms to determine eligibility for the vacant position.

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

a. Information the applicant supplies on the official Employment Application Form, including documentation of prior work experience requirements or education and training requirements.

b. Job-related written, performance, physical or mental tests or examinations, substance abuse, communicable disease, or any additional test which may be required.

c. Personal interview;

d. Information and evaluations supplied by references given by the applicant;

e. Other appropriate information as determined.

3. When the Executive Director determines it to be necessary, a more extensive

background investigation may be conducted prior to actual appointment of the applicant.

E. Appointing Authority:

1. Following the determination that the applicant meets the requirements for the vacant position, the Executive Director is responsible for appointments to all positions, subject to consultation with the Executive Committee.
2. This policy shall apply to persons employed from outside the organization and current employees who are reassigned to another position (promotion, transfer, demotion, etc.)

F. Employment of Family Members:

Unless recommended by the Executive Director and approved by the Personnel and Finance Committee in advance, employment of family members within the District shall be considered as follows:

1. It shall be the policy of the Board that a candidate for staff employment will be considered ineligible providing that:
 - a. The candidate has a family member on the Board of Directors or on the staff.
 - b. The candidate has been a member of the District Board of Directors or any of its Committees within one year from date of prospective employment.
 - c. In the event two current employees should marry each other, one of those employees shall terminate their employment with the District either by voluntary resignation or by removal by the Executive Director.
2. No officer, member of the Board of Directors, or an employee of the agency shall advocate, recommend or cause the employment; appointment; promotion; transfer or advancement of a family member to a position of employment with the agency.

Cross-reference: LCADD Code of Ethics, Appendix N

SECTION III: CONDITIONS OF EMPLOYMENT

A. Probation:

1. The LCADD is an “at-will” employer, and either the employee or employer may terminate an employment relationship at any time, with or without cause or advance notice. As such, benefits or employment requirements (if stated in these policies and procedures) may differ during the probation period.
2. Employees shall serve a six-month probation period upon initial employment and upon appointment to a new position. Employees shall be evaluated at the end of the second, fourth, and sixth month during the probation period. Probation may be extended for a period as determined by the Executive Director.
3. Upon confirmation by the Executive Committee following successful completion of the probation period, employees serving an original probation period may receive up to a five (5) percent increase in pay.
4. Employees appointed to a position by promotion may receive an increase in pay upon appointment to the position; in addition, the employee may receive an additional increase upon confirmation.
5. Employees appointed to a position by transfer or demotion shall not receive an increase in pay, either upon appointment to the position or upon confirmation following the probation period.
6. Employees may be placed on probationary status for disciplinary reasons; the length of the probation period shall be in proportion to the reason(s) for being placed on probationary status.

B. Disciplinary Action:

1. Nothing in this section is intended to replace the “at-will” employment practices of the District. Employment-at-will means that either the employee or employer can terminate the employment relationship at any time with or without cause or notice.
2. The policy of the District is to be fair and consistent in the administration of its rules, regulations and procedures, including these personnel policies and procedures. When problems arise, emphasis is on improvement and/or correction rather than punishment. However, willful, continued, or inexcusable breaches of employment rules, regulations and procedures must be dealt with firmly in accordance with a uniform policy that applies to all employees.
3. An employee may be disciplined for (but not limited to) the following:

- a. Incompetence;
- b. Inefficiency;
- c. Dishonesty, which shall include:
 - (1) Deliberately making or using falsified records, materials, requisitions, etc;
 - (2) Lying;
 - (3) Personal use of District property;
 - (4) Theft of property;
 - (5) Deliberate waste;
 - (6) Falsifying the Employment Application Form;
 - d. Immoral or improper conduct;
 - e. Neglect of duty, which shall include;
 - (1) Repeated failure to be at workstation at starting time;
 - (2) Leaving assigned work area without permission;
 - (3) Failure to attend scheduled meeting;
 - (4) Refusal to accept reasonable work assignment;
 - (5) Stopping work before specified time;
 - (6) Deliberate interruption of work;
 - (7) Loitering, loafing or sleeping on job;
 - (8) Unsatisfactory work or attitude.
- f. Neglect or mishandling of equipment;
- g. Excessive absenteeism;
- h. Failure to keep time sheets accurately or completing another employee's time sheet;
- i. Fighting or horseplay on District premises at any time;
- j. Attempting bodily injury to another person;
- k. Failure to observe safety rules;
- l. Abusive or obscene language;
- m. Discourtesy to the public or fellow employees;
- n. Conviction of a felony or a crime involving moral turpitude, in accordance with KRS 335B;
- o. Untidy attire, or failure to maintain a clean, neat appearance;
- p. Off-duty activities that discredit the individual or organization or cause inefficiency in performing assigned duties;
- q. Reporting to work under the influence of intoxicants or illegal drugs;
- r. Manufacturing, possessing, distributing or use of intoxicants or illegal drugs while on duty, including lunch period;
- s. Gambling while on duty, including lunch period;
- t. Improperly discussion or disclosing confidential information;
- u. An accumulation of minor infractions;
- v. Violation of, or failure to report violation of, job related federal or state laws or administrative regulations;
- w. Failure to follow any rule, regulation, operating procedure or job requirement not specifically mentioned above.

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

- a. Verbal warning (reprimand):

- (1) In the case of a minor infraction, the Department Director shall administer a verbal reprimand without rancor and explain the actions necessary to correct the problem as soon as possible after the offense.

- (2) The date of the reprimand, along with a description of the occurrence which prompted the reprimand, actions necessary to correct the problem, and any comments the employee may have made, shall be noted and placed in the employee's personnel folder by the person giving the reprimand.

- b. Written warning:

- (1) In the case of a more serious first offense or a second minor infraction, the Department Director shall give the employee a written warning specifying the reason(s) for such warning and noting any previous verbal and/or written warnings.

- (2) Written warnings shall state that the employee's performance will now be reviewed on a regular basis for improvement and 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 Executive Director, then placed in the employee's personnel folder.

- c. Suspension:

- (1) After either a serious violation or repeated minor violations, the Department Director shall:

- (a) Suspend the employee with pay until the Executive Director reviews the violation; and

- (b) Request that the Executive Director suspend the employee with or without pay. The request shall include the reason(s) for and recommended length of the suspension along with details of previous disciplinary action regarding the employee.

- (2) The Executive Director may suspend an employee with or without pay for any period up to and including thirty calendar days, depending upon the severity of the offense; however, a maximum time limit shall not apply when an employee is suspended with or

without pay due to an investigation of alleged offense.

(3) Employees suspended without pay for a period of thirty calendar days shall forfeit fringe benefits, including accrual of sick and vacation leave and the District's contribution to insurance and retirement benefits during the suspension.

d. Dismissal:

(1) When offense is continually repeated, or misconduct is serious enough for discharge on the first offense, the Department Director may recommend dismissal of an employee to the Executive Director.

(2) The discharge of an employee shall be the responsibility of the Executive Director; however, the Executive Committee may be consulted in the action.

e. Demotion or transfer:

(1) In the event that an employee becomes unable to perform the duties as stated in the class specification, the employee may be transferred or demoted in lieu of taking any disciplinary action, provided the employee meets the qualifications for the position, and the position is vacant.

(2) Such actions shall be recorded in the employee's personnel file.

5. A grievance procedure is included in these policies and procedures for employees who feel unjustly disciplined (see Appendix A). Employees will not be discriminated against in any way because of proper use of the grievance procedure.

C. Resignations:

1. An employee wishing to resign from employment with the District is encouraged to inform the Department Director of the intended resignation as soon as possible after the decision is made. The notice should be in writing, and should include the effective date of the resignation. Unless approved in advance, failure to give one month notice for professional employees or two weeks notice for support staff may be cause for denying future employment with the District and may be cause for refusal to give a recommendation if contacted by other employer(s).
2. The employment date of a former employee who is reemployed will be the latest date of employment.
3. Any employee who is absent from work for three (3) consecutive work days without notifying the Department Director or Executive Director of the reason(s)

for the absence will be considered to have abandoned the job and will be terminated from employment with the District.

D. Layoff:

1. The Executive Director may lay off employees as deemed necessary. Consideration shall be given to both seniority and merit of employees being considered for layoff, but the order of layoff shall be determined by the needs of the District.
2. Temporary, seasonal and probationary employees shall be laid off before employees occupying established positions within affected class(es).
3. An employee occupying an established position that is laid off shall be notified of the layoff in writing at least two weeks in advance of the layoff, or the employee shall receive two weeks' severance pay. A copy of the notice shall be placed in the employee's personnel file.
4. An employee who has a satisfactory record of service and is laid off shall be eligible for reemployment in another position, provided the employee meets the qualifications for the position and position is vacant.
5. Should an employee elect to accept a position of less than their current grade, the employee shall be paid no more than the highest salary as authorized for the lesser grade.

E. Reemployment:

The Executive Director may reemploy any former employee who has resigned with a satisfactory employment record or who has been laid off because of lack of work or funds.

F. Loss of Job Requirement:

Any employee who is unable to perform required duties because of loss of a necessary professional license or other requirement shall be separated from employment with the District.

G. Mandatory Retirement Age:

The District does not have a mandatory retirement age.

H. Examinations:

1. If there is reasonable cause to believe that it is warranted, the Executive Director may require any employee to submit to a physical or mental examination by a medical professional selected by the District to insure competency to complete assigned duties.
2. The District shall pay the costs for required examinations.

I. Political Activities:

1. The District is a non-partisan agency; therefore, employees are not permitted to display political materials such as campaign stickers, buttons, and other paraphernalia in the office, on their person, or automobiles.
2. No employee, as a condition of employment or continued employment, shall be required to contribute to or campaign for any candidate for political office.
3. The agency, and its employees, is covered under the provisions of the Hatch Act (54.S.C. 1501-1508). Before undertaking any activities that are considered political, or which may be construed as political, consult the Political Activities Handbook. The Handbook may be obtained from the Finance Officer of the agency.

J. Use of District Property, Vehicles and Equipment:

1. District owned property, vehicles and equipment may be used only in the performance of official business unless otherwise approved by the Executive Director.
2. Any employee operating or responsible for the operation of a vehicle shall comply with local, state and/or federal laws or policies governing the use of vehicles/equipment.

K. Workplace Harassment (Including Sexual Harassment) and Discrimination:

1. The District (the employer) is responsible for creating and maintaining a working environment free of discrimination and harassment, including sexual harassment. This responsibility requires positive (affirmative) action where necessary to eliminate such practices or remedy their effects. The employer is responsible for providing education and training programs for all employees, especially for managerial and supervisory personnel concerning discrimination, harassment, sexual harassment, and diversity.

2. Managerial and supervisory personnel are responsible for creating and maintaining a work environment free of discrimination and harassment, including sexual harassment, promptly investigating complaints of discrimination and harassment, and taking corrective action to prevent prohibited conduct from reoccurring.
3. Employees are responsible for respecting the rights of their co-workers and avoiding discriminatory or harassing actions, including sexually harassing conduct.
4. These policies apply to all officers and employees of the District and all person(s) outside the District employment who interact with District officers and employees. The present state of law suggests that all harassment, including sexual harassment, is based on the views and reactions of the person toward whom the conduct is directed, not those of the person who is accused of sexual harassment. That the offending party did not intend to commit harassment or sexual harassment, or do not believe that he or she was harassing the other person, may be no excuse for the illegal conduct.
5. Harassment:
 - a. Harassment is conduct that has the purpose or effect of creating an intimidating, hostile or offensive working environment, has the purpose of unreasonably interfering with an individual's work performance, or otherwise adversely affects an individual's employment opportunities.
 - b. The District policy prohibits harassment of one employee by another employee or supervisor. Prohibited conduct includes, but is not limited to, epithets, slurs, negative stereotyping, innuendoes, jokes, disparaging remarks, verbal conduct consisting of crude or vulgar language, inquiries and disclosures, and offensive verbal comments and commentary, or threatening, intimidating, or hostile acts, written or graphic material that denigrates or shows hostility or aversion that is on the employer's premises or circulated in the workplace.
6. Sexual harassment:
 - a. The District prohibits sexual harassment of one employee by another employee or supervisor. Acts of sexual harassment include, but are not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature when (1) submission to such is made, either explicitly or implicitly, a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work

performance or creating an intimidating, hostile or offensive working environment.

b. A special responsibility falls upon managerial and supervisory personnel who are responsible for their actions and the actions of their subordinates. In addition to the policy guidance above for all employees, all employees, especially managers and supervisors, should refrain from touching or intruding in the personal space of another (generally defined in our culture as two to three feet), sexual innuendoes or jokes, disparaging remarks, verbal conduct consisting of crude or vulgar language of a sexual nature, and inquiries or disclosures of sexual habits or proclivities, sexist remarks, repeated offensive sexual flirtations, advances, propositions, and repeated verbal commentaries and sexually suggestive conduct. All employees, especially managers and supervisory personnel, shall assume that all such behavior listed in this paragraph is UNWELCOME at any, every, each, and all times unless express explicit verbal or written permission is granted for such behavior on each separate occasion. The fact that such permission has been granted once does not mean that such behavior may ever be permitted again.

7. Discrimination means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practices of differentiation or preference in the treatment of a person or persons, or the aiding, abetting, inciting, coercing, or compelling thereof made unlawful by the federal or state statutes.
8. Retaliation:
 - a. Disciplining, changing work assignments, providing inaccurate work information, or refusing to cooperate or discuss work-related matters with any employee because that employee has complained about or resisted discrimination or harassment (including sexual harassment) is prohibited.
 - b. Any officer or employee of the District or any person(s) outside the District employment who feels aggrieved by an act of discrimination or harassment (including sexual harassment) shall immediately file a grievance as set forth in Appendix A of these policies and procedures. The District will promptly respond to any grievance.
 - c. Subsequent to exhausting all such administrative remedies as may be available to the staff member or other employee by law and upon a finding of a violation of this policy, the offender will be subject to strongest disciplinary action as may be justified, including termination of employment under the circumstances.

Cross-reference: See Grievance Procedure, Appendix A.

L. Employee Handbook:

1. The Executive Director shall insure that a copy of the Employee Handbook is distributed to all employees occupying established positions. The Handbook shall include a condensed version of these policies and procedures, and is meant to provide employees with a ready-reference on employment policies, procedures, practices and benefits.
2. Each employee shall sign a standardized form indicating that he/she has received a copy of the Employee Handbook and agrees to abide by the contents of the document.

M. Exit Interview:

Employees departing employment with the District are encouraged to participate in an exit interview. This will enable the administration to obtain required information, insure the correct forwarding address, and insure the return of any issued keys and other District property.

N. Conflict of Interest:

1. District employees shall not have any financial interest, either in own behalf or on behalf of any other person, in any business transactions that may come before the Board unless the employee first makes full public disclosures of the nature and extent of such interest.
2. Whenever the performance of duties requires an employee to deliberate and/or vote on any matter involving financial or personal interest, the employee shall disqualify self from participating in the deliberation as well as the voting.
3. District employees shall not directly administer a program to a family member who participates in the program. This policy is not intended to prohibit eligible participants in the programs, but to prohibit situations that could cause a conflict of interest.

O. Conduct:

1. The conduct of all District employees must exemplify, at all times, the highest level of professional standards in the District's relationships with the general public, the constituent governments of the District, and the agencies and officials of local, state and federal government.
2. Employees shall not engage in any outside occupation or trade that will detract from performing the required duties and responsibilities of the position with the District.
3. Employees shall not engage self in any Associations that may reflect unfavorably upon the District or give cause for belief that actions or statements are prejudiced by personal ambitions or opinions.

P. Computer, Information System, and Electronic Mail Policy:

1. This policy sets forth the District's policy on use of computers, information systems and disclosure of electronic mail messages sent or received by employees.
2. Computers, computer files, the e-mail system, facsimile machines and software furnished to employees are property of the District and intended for business use, except that employees may use computers for personal use during breaks and lunch periods. Employees should not use a password, access a file, or retrieve any stored communication without authorization.
3. The electronic mail and other information systems including facsimile machines are not to be used in a way that may be disruptive, offensive to others, or harmful to morale.
4. There is to be no display or transmission of sexually explicit images, messages, or cartoons, or any transmission or use of e-mail communications that contain ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, or religious or political beliefs.

5. The District purchases and licenses the use of computer software programs for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, the District does not have the right to produce such software for use on more than one computer.
6. The computers, facsimiles and e-mail system should not be used to solicit or proselytize others for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations.
7. All computer files, facsimiles and e-mail messages are records of the District, and the District reserves the right to access and disclose all computer files and messages sent over its electronic systems for any purpose except where legally prohibited.
8. For privacy reasons, employees should not attempt to gain access to another employee's computer files and e-mail messages without the latter's express permission. However, the District reserves the right to enter an employee's computer or e-mail files to protect or serve the best interest of the District.
9. Employees should notify their immediate supervisor or any member of management upon learning of violations of this policy. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

SECTION IV: CLASSIFICATION PLAN

A. Allocations:

In the authorized classification plan:

1. Each established position shall be assigned to an appropriate class on the basis of the duties and responsibilities of the position.
2. A class may include one or more positions.

B. Written Specifications:

1. Each class shall have a specification that includes:
 - a. A concise, descriptive title;
 - b. A description of duties and responsibilities of the class; and
 - c. A statement of desirable qualifications for the position.

2. All positions in a class shall be sufficiently alike to permit:
 - a. The use of a single descriptive title;
 - b. A description of each of the duties in the class;
 - c. The same qualifications for each position;
 - d. The use of the same tests of competence for each position; and
 - e. Application of the same pay range to each position.

C. Regular Review/Evaluation:

1. The Executive Director shall insure that the duties and responsibilities of each class are reviewed on a regular basis; following such review, the reclassification of position(s), the creation of new classes, or the abolition of existing classes may be recommended.
2. All changes are subject to the approval of the Executive Committee upon recommendation of the Executive Director.

D. Reclassification:

1. The Executive Director shall recommend reclassification of a position after its duties and responsibilities change materially and it is no longer comparable with other positions in the class.
2. Whenever the duties of a position so change that no appropriate class for it exists, the Executive Director shall insure that an appropriate class specification is prepared for the position and recommend the position be assigned to the new class.
3. Reclassification of a position may not be used to avoid a restriction concerning demotion, promotion, or compensation.
4. When creating a new class, the format of existing specifications shall be maintained, including all required sections.
5. All classification changes shall be made by amendment of the personnel system upon the recommendation of the Executive Director and approval of the Executive Committee.

E. Categories of Employment:

1. All employees of the District shall be classified full-time, part-time, temporary or seasonal, on-call or assigned:
 - a. Full-time employee: An employee who works 37.5 hours or more per week on

a regularly scheduled basis;

b. Part-time employee: An employee who works less than 37.5 hours per week, but on a regularly scheduled basis;

c. Temporary, seasonal, or demonstration project employee: An employee who works in a position which is of a temporary nature;

d. On-call employee: An employee who has no regular schedule, but is available to work on an on-call basis, usually with very short notice; and

e. Assigned employee: An employee made available to the District by another agency.

f. To be eligible for LCADD internship positions, the individual must have completed his or her sophomore year at an accredited college or university and must have declared his or her major prior to the start of the internship.

2. Only full-time employees may occupy established positions.
3. Full-time employees in established positions shall be entitled to all benefits provided by the District; part-time employees in established positions shall be entitled to holiday pay benefit and shall only receive pay for their normal work hours; all other employees shall not be entitled to any benefits except those required by federal or state law.

SECTION V: COMPENSATION PLAN*

Pay Plan:

A pay plan prepared pursuant to the personnel system shall prescribe for each class a minimum and maximum rate of pay, and employees occupying positions assigned to each class shall be compensated at a rate no less than the minimum amount and no more than the maximum amount of the pay grade to which the class is assigned.

A– Hours of Operation and Work Schedules

- (1) Normal office hours are Monday through Friday, 8:00 a.m. until 4:00 p.m. Office hours may be modified due to conferences, trainings, evening meetings and other similar functions, or when weather or other circumstances require.
- (2) The compensation for each employee is based upon a work schedule that anticipates five (5) separate seven and one-half (7.5) hours workdays during each workweek. A work schedule that reasonably deviates from the normal office hours and operational policies provided in this Handbook may be established on a temporary or permanent basis by the employee and his or her supervisor, subject to the approval of the department director and Executive Director. When a permanent alternative work schedule is established, the employee’s department director shall submit details of the alternative work schedule to the Executive Director.
- (3)

B– Employment Types and Classification

- (1) The classification of employee’s as “exempt” or “nonexempt” is based on applicable state and federal laws and regulations. Classifications of positions are reviewed by the Human Resources Department in consultation with legal staff at the time of position creation or modification and on an annual basis to ensure legal compliance. As used in this Handbook, the terms below shall be accorded the following meanings unless specifically stated otherwise:
 - (a) “Nonexempt employee” is an employee in a position with duties, responsibilities, and/or compensation that requires overtime compensation for any time worked in excess of forty (40) hours in any

workweek pursuant to the Fair Labor Standards Act and Kentucky wage and hour laws. The additional overtime compensation for nonexempt employees is calculated under LCADD's Overtime Compensation Policy established under Section E of this Handbook. worked between 37.5 and 40 in any work week

- (b) "Exempt employee" is a salaried employee in a position with duties, responsibilities, and/or compensation that renders the employee exempt from the overtime requirements of the Fair Labor Standards Act and Kentucky wage and hour laws. An exempt employee is not eligible for additional compensation for working in excess of forty (40) hours in a workweek under LCADD's Overtime Compensation Policy established under Section E of this Handbook.

C– Workweek Defined and Pay Periods

- (1) A single workweek is a period of seven (7) consecutive twenty-four (24) hour periods. LCADD's workweek begins at 12:00 a.m. each Saturday and ends at 11:59 p.m. on the following Friday.
- (2) The LCADD pay period shall consist of two (2) single workweeks. LCADD employees shall receive their hourly or salaried wages biweekly. All employees will be paid by direct deposit to the employee's bank account. Payday shall occur on the 2nd Friday after the end of a pay period.
- (3) Time off with pay (holidays, vacation leave, sick leave, personal days, jury duty, and funeral leave, for example) shall not be considered as hours worked for overtime pay purposes.

D– Calculation of an Employee's Regular Hourly Rate of Pay

Whenever any policy in this Handbook requires or permits the use of an employee's regular hourly rate of pay, the regular hourly rate of pay shall equal the quotient that results from dividing the employee's annual salary by the divisor of 1,950 (37.5 hours per week x 52 weeks).

E– Overtime Compensation Policy

- (1) “Overtime” means any time worked by a nonexempt employee in excess of forty (40) hours in any single workweek.
- (2) LCADD is required under the Fair Labor Standards Act and Kentucky wage and hour laws to pay overtime wages to a nonexempt employee if the employee works more than forty (40) hours in a single workweek. Overtime wages shall be calculated at a rate of one and one-half (1½) times the employee’s regular hourly rate of pay as determined under Section D of this Handbook.
- (3) A nonexempt employee must be authorized orally or in writing by the employee’s immediate supervisor or department director prior to the employee’s performance of any work that would result in GAP time or overtime (Approval form must be submitted with time sheet). The employee shall verify that his or her electronic time record accurately reflects any overtime worked as required under Section H of this Handbook. Any employee who works overtime without prior authorization or fails to properly report overtime work shall be subject to disciplinary action.
- (4) LCADD and the employee’s immediate supervisor or department director may request any nonexempt employee to alter the employee’s work schedule, including taking time off, during any workweek that the employee has worked or will work more than 37.5 hours to minimize overtime costs.
- (5) Exempt employees are not eligible for overtime compensation.

F– Work Performed by Nonexempt Employees Outside of Normal Working Hours

- (1) A nonexempt employee shall not perform any work outside of his or her normal work hours unless the work has been approved in advance by his or her supervisor, Department Director and Executive Director. In addition to all time that the employee is required to be on the work premises or at an assigned work location, “work” also means any effort, whether physical or mental, exerted by the employee for the benefit of LCADD, including, but not limited to, travel time to and from an off-site work location and any time spent by the employee using the phone, email, text messaging, or other electronic communications for

the purposes of LCADD, regardless of the time of day or the location where such effort is expended.

- (2) Under both federal and state laws, a nonexempt employee shall be compensated for any and all work that he or she performs for LCADD. Any work performed, including work performed outside of normal working hours, by a nonexempt employee in a single workweek that results in overtime shall be governed by Section`s E and F of the Handbook, respectively. Therefore, a nonexempt employee shall keep track of any time spent working outside of his or her normal working hours and shall report that time in accordance with Section G of this Handbook.
- (3) A nonexempt employee that has the service of an electronic device paid for by LCADD under Appendix K and Appendix R of this Handbook or that has been granted access to LCADD's servers with the explicit expectation for it to be used outside of normal working hours on an on- going basis shall communicate each workweek with his or her supervisor if the inclusion of such time will result or appears it could result in overtime, so that appropriate action may be taken to avoid overtime.
- (4) No employee shall be required, encouraged, or expected to work "off the clock," which is defined as not tracking or reporting the time worked. If any employee has been required to work "off the clock," he or she shall report it immediately to the Executive Director. Any supervisor that has required or is attempting to require "off the clock" work shall be subject to disciplinary action.

G– Electronic Time Records

- (1) Time records will be kept on all nonexempt employees to facilitate LCADD's compliance with overtime pay requirements. Nonexempt employees shall submit electronic time records through the electronic reporting system made available to employees. The electronic time record will reflect a single pay period consisting of two (2) workweeks. Time must be logged as the total number of hours actually worked each day, excluding meal periods. Any GAP and Overtime will be documented in increments of tenth`s (.10), (See Appendix R) Any vacation, sick, or other paid leave time used by the employee must be recorded on the electronic time record. Electronic time records must be completed and submitted to the employee's supervisor no later than the close of business on the Friday immediately following the end of the pay period on the preceding Friday.

Supervisors and Executive Director shall review and approve or disapprove time records in a timely manner.

- (2) All employees are forbidden from entering any information on another employee's time record. An employee shall not falsify information on his or her own time record. Employees found to have violated this policy will be subject to discipline, up to and including discharge. Any errors discovered in an employee's time record shall be reported immediately to the employee's immediate supervisor, who will determine the manner and method of correcting legitimate mistakes.

H– Meals and Rest Periods

- (1) LCADD's general work schedule established under Section A of this Handbook contemplates employees taking an unpaid lunch period of one (30) minutes close to the middle of each workday. At a minimum, each employee shall be permitted by his or her supervisor to take an unpaid lunch period of one (30) minutes each workday to occur no sooner than three (3) hours after the employee begins his or her work shift no later than five (5) hours after the employee begins his or her work shift. However, an employee and his or her immediate supervisor may agree to make a reasonable alternative schedule for an unpaid lunch period on a temporary or permanent basis in accordance with the scheduling flexibility permitted under Section A of this Handbook.
- (2) Employees are encouraged to schedule their personal breaks as work flow allows. The total time taken for personal breaks should not exceed ten (10) minutes during each four (4) hours worked. No reduction in compensation shall be made for time spent on personal breaks taken in conformance with this policy for either exempt or nonexempt employees.

I– Payroll Deductions

- (1) LCADD will make all legally required deductions from an employee's gross pay in accordance with applicable legal requirements. When LCADD must rely on information provided by the employee in order to make any legally required

deduction, it is the sole responsibility of the employee to provide accurate and timely information to LCADD.

- (2) Employees may request voluntary deductions be made from their gross pay. The employee shall obtain the appropriate form to request voluntary deductions from the Human Resources Department.
- (3) In accordance with the Fair Labor Standards Act, LCADD prohibits improper deductions from the pay of exempt employees and will reimburse employees for any improper deduction. When an exempt employee has exhausted all paid leave, LCADD may deduct for absences of one (1) or more full days for leave related to sickness, disability, unpaid disciplinary suspensions, or for other personal reasons. In addition, LCADD may make either full or partial day deductions from the pay of an exempt employee during the first or the last week of employment when only part of the week is worked by the employee or for any unpaid leave taken in accordance with a legitimate absence under FMLA. Any exempt employee who believes that an improper pay deduction has been made shall immediately file a written complaint with the Executive Director setting forth the dates, amounts, reasons, and any other information for the pay deduction. The Executive Director shall take immediate action to investigate the issue and, if found to be an improper deduction, shall cause the employee to be compensated for the improper deduction within two (2) pay periods from the date the written complaint was filed.

J. Periodic Review:

1. The Executive Director shall insure that the following are completed on a scheduled basis of at least every other year:
 - a. Compare the salary rates, compensation policies, and the personnel policies and procedures of the District with those of other employers in the labor market area;
 - b. Analyze fluctuations in the cost of living;
 - c. Examine the salary range for each class in the classification plan to ascertain whether minimum and maximum salaries should be raised or lowered for a particular class or classes during the succeeding twelve months; and
 - d. Upon the basis of the comparison, analysis and examination, recommend any

necessary changes to the Executive Committee.

2. All changes must be made by amendment of the personnel system upon approval by the Executive Committee.

K. Implications of Personnel Actions:

1. Reclassification of an employee's position from one class to another of comparable pay range shall effect no change in salary for the employee.
2. An employee whose position is reclassified to a higher class shall enter the class at its minimum salary. If the minimum is lower than, or the same as, the employee's salary, the employee shall retain at least the present salary.
3. An employee whose position is reclassified from one class to a lower class shall retain that salary at the effective date if the reclassification does not exceed the maximum salary for the position of the lower class, or receive only the maximum if the employee's salary exceeds the maximum.
4. Whenever a recommendation that a position be reclassified to a class that requires a higher salary is presented to the Executive Committee, an estimate of the financial implications shall accompany the recommendation.
5. In the event that an employee enters a higher class by promotion, the salary in the higher class shall be the minimum salary for that class unless the minimum is lower than, or the same as, the salary at the time of promotion.
6. If an employee is demoted, the employee shall be paid no more than the maximum amount in the grade to which the employee's new class is assigned.
7. When an employee transfers from a position in one class to a position in an equivalent class, the transfer shall effect no change in rate of pay.

L. Minimum Salary:

1. Newly employed personnel shall receive the minimum salary for the class to which the position is allocated. Subject to approval of the Executive Committee, appointments may be made at a salary above the minimum, but not more than the maximum, for a class of unusual difficulty in filling the position, or if necessary in order to hire exceptionally qualified personnel.
2. Documented justification for either instance shall be required prior to the actual appointment.

M. Salary Increases:

1. Upon the recommendation of the Executive Director and approval of the Executive Committee, the annual budget may include salary increases for the budget year; individual adjustments may be made during the year as necessary, subject to availability of revenues and the current budget.
2. Employees may receive individual merit increases if recommended by the Department Director and approved by the Executive Director, subject to the availability of revenues.
3. Service increases may be granted to employees occupying full-time established positions, subject to the consent of the Executive Committee, effective each July.
4. Bonuses, awards, one (1) time salary adjustments, special salary enhancements, or severance pay for any employee, unless severance pay is provided pursuant to a contract approved by the board, that do not constitute a permanent change in the employee's compensation shall not be made to any employee of the district.

N. Non-traditional workdays.

1. If a non-exempt employee is required to attend or participate in any conference, training or continuing education program that does not take place at their designated work station said non-exempt employee shall not participate in any portion of the training, conference or education program in excess of 7.5 hours each day without prior approval from the Department Director and/or the Executive Director. Attendance at any reception, banquet or dinner while at a conference, training or continuing education program by a non-exempt employee is not required by the employer and shall not be considered time worked.
2. The time spent traveling to and from any conference, training or continuing education program is considered hours worked and must be included when determining overtime pay of any non-exempt employee. Normal commuting time to an employee's regular worksite is not treated as hours worked

SECTION VI: BENEFITS

A. Holidays:

1. The following days are declared paid holidays at the regular rate of pay for all employees occupying full-time established positions?
 - a. The first day of January (New Year's Day);
 - b. The third Monday in January (M.L. King, Jr. Day);
 - c. Good Friday, ½ day;
 - d. The last Monday in May (Memorial Day);
 - e. The fourth day of July (Independence Day);
 - f. The first Monday in September (Labor Day);
 - g. The fourth Thursday in November (Thanksgiving Day) plus one additional day;
 - h. The twenty-fifth day of December (Christmas Day) plus one additional day.
 - i. The thirty-first day of December (New Year's Eve).
2. In addition to the above, any day may be designated as a holiday by the Executive Committee or Executive Director.
3. When a holiday falls on Saturday or Sunday, the Executive Director will determine which business day shall be considered the holiday.
4. All full-time employees occupying established positions shall receive holiday pay. In the event that an employee is required to work on a holiday, the employee shall be compensated for actual hours worked at the regular rate of pay in addition to holiday pay.
5. All part-time employees occupying established positions shall receive holiday pay for only the hours that would have been worked on a given holiday.

B. Personal Day:

Each full time employee shall be granted four personal days per year, to be used anytime during the fiscal year beginning in July, for personal matters. Personal days shall not be accumulated, and shall not have any cash value if not used. Number of days per year will be prorated based upon date of hire.

C. Vacation (Annual Leave):

1. All full-time employees occupying established positions shall be granted annual leave at full pay at the current salary rate.
2. Employees occupying established positions shall accrue vacation leave as follows:

- a. Through four years of service - 1 day (7.5 hours) per month;
 - b. Five through nine years of service - 1 1/4 days (9.38 hours) per month;
 - c. Ten through fourteen years of service - 1 1/2 days (11.25 hours) per month;
 - d. Fifteen through nineteen years of service - 1 3/4 days (13.14 hours) per month;
 - e. Twenty years and beyond - 2 days (15 hours) per month.
3. The maximum accrued leave that may be carried into the next fiscal period shall not exceed thirty days without the advance written approval of the Executive Director. Vacation leave in excess of thirty days on June 30 will be converted to sick leave.
 4. For accrual purposes, a new employee who reports for work on or before the 15th of any month shall accrue the full amount for that month; if employed on or after the 16th of any month, a new employee shall begin accruing vacation leave the beginning of the following month. An employee who terminates employment on or before the 15th of the month shall not accrue vacation leave for the month; an employee who terminates employment on or after the 16th of the month shall accrue vacation leave for the month.
 5. Vacation leave may not be taken by employees serving an original probation period; employees on probation as a result of promotion, demotion or transfer may take accrued vacation leave.
 6. Vacation leave shall be requested in advance (one month in advance is preferred); vacation leave may be disapproved if the District requires the employee's services at the requested time.
 7. After the original probation period, any employee who terminates employment with the District shall be compensated for all accrued but unused vacation leave up to a maximum of thirty days.
 8. When a former employee is reemployed, the latest date of employment shall be considered the official date of employment for vacation leave purposes.
 9. Employees absent because of sickness or off-duty injury or disability may use accrued vacation leave during the time off in conjunction with accrued sick leave. No employee shall be permitted to use any combination of the above while using the disability insurance program.
 10. Payment for vacation leave in lieu of time off shall not be granted.
 11. The Executive Director shall insure that records are kept for vacation leave allowance, vacation leave taken, and the current accrued leave for each employee; vacation leave taken shall be limited to the current amount accrued.

12. Employees who have accumulated the maximum allowed vacation leave time (30 days), may elect as follows:
 - a. An employee may be paid the unused portion of the accumulated leave time (maximum 30 days) at the time of retirement and the payment will be used in determining the employee's final compensation.

D. Sick Leave:

1. All employees occupying full-time established positions shall receive 1 1/4 days sick leave credit for each month of service; the amount of sick leave an employee may accrue shall be unlimited.
2. Sick leave credit may be utilized by employees when they are unable to perform their duties because of non-job related sickness or injury or when they are quarantined, or when their absence from work is required due to sickness in the family (for purpose of this section, ***“family member” will have the same definition listed in Appendix N, code of Ethics*** and include health care surrogate and persons of the same relation to the spouse). All foreseeable leave for such purposes shall require prior approval of the Department Director and in the event of sick leave taken for any purpose, the Department Director or Executive Director may require a statement from a medical professional before allowing the employee to receive sick leave pay during the absence. In extenuating circumstances additional approvals may be granted at the discretion of the Executive Director.
3. For accrual purposes, a new employee who reports for work on or before the 15th of any month shall accrue the full amount for that month; if employed on or after the 16th of any month, a new employee shall begin accruing sick leave the beginning of the following month. An employee who terminates employment on or before the 15th of the month shall not accrue sick leave for the month; an employee who terminates employment on or after the 16th of the month shall accrue sick leave for the month.
4. When an employee takes sick leave, the employee's Department Director shall be informed of the fact and the reason(s) thereof as soon as possible. Failure to do so by the scheduled time to begin work on the first day absent may be cause for denial of sick leave with pay for the period of absence.
5. Absence for a part of a day that is chargeable to sick leave shall be charged proportionately in an amount not smaller than one hour.
6. Employees shall not be paid for unused sick leave credit upon termination of employment except that employees that retire under the CERS retirement system may receive credit for accrued but unused sick leave up to 120 days for retirement purposes depending on the entry date into the retirement system. For the

additional accruable sick leave (maximum of 60 days), the employee may elect as follows:

- a. Sick days in excess of 120 up to a maximum allowable of 180 days may be purchased from the employee. Unused sick leave accrual purchased from the employee upon retirement will be used in determining the employee's final compensation.
7. Employees who are injured on the job and apply for worker's compensation insurance shall not be paid for sick leave, except for the amount to make up the difference between the regular net pay and the amount received from the worker's compensation insurance company for a period not to exceed six months for each injury or illness.
8. When a former employee is re-employed, the latest date of employment shall be considered the official date of employment for sick leave purposes, and any unused sick leave from the previous employment period shall not be reinstated.
9. The Executive Director shall insure that current and accurate records are kept for sick leave allowance, sick leave taken, and sick leave accrued for each employee.
10. Sick leave taken shall be limited to the current amount accrued unless approved in advance by the Executive Committee.
11. Any employee fraudulently taking sick leave may be subject to the District's disciplinary policy.

Cross-reference: See Sick Leave Bank Policy and Application Form, Appendix I

E. Disability Leave:

1. Provided that an employee has accrued leave, an employee who suffers injury or illness as a result of service connected accident or illness shall be compensated at the negotiated rate with the worker's compensation insurance company. The District shall continue to pay the employee until the insurance becomes effective, after which time the employee may use accrued sick leave to make up the difference between the insurance payment and the current net pay for a period not to exceed six months for each accident or illness for as long as the benefits last.
2. Employees shall continue to accrue sick leave and vacation leave while on disability leave due to service connected accident or illness for a period of six months after the accident or illness, provided the employee continues to be employed by the District.
3. The District shall continue to contribute the employer's share of any benefits requiring an outlay of funds for the first six months, after which time the employee shall pay both employer and employee share by the 10th of each month

in order to keep any benefits in effect unless the time limit is extended by the Executive Committee.

F. Family and Medical Leave:

1. FMLA provides up to twelve weeks of un-paid, job protected leave time for eligible employees for certain family and medical reasons. To be eligible for family and medical leave, an employee must have:
 - a. Completed at least twelve (12) months of service and
 - b. Worked or been on paid leave for at least 1,250 hours in the twelve (12) months immediately preceding the first day of family and medical leave.
2. An eligible employee must be granted at least (12) weeks of unpaid family and medical leave during the year for one or more of the following reasons:
 - a. For birth of a son or daughter and to care for the newborn child;
 - b. For placement of a son or daughter for adoption or foster care, with the employee;
 - c. In order to care for the employee's spouse, son, daughter, or parent with a serious health condition;
 - d. Because of a serious health condition that makes an employee unable to perform the functions of the employee's job;
 - e. Because of any qualifying exigency arising out of the fact that the employee's spouse, child, parent, or someone of similarly close relationship is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation;
 - f. To care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter or next of kin to the service member.

Note: An eligible employee is entitled up to 26 work weeks of leave to care for a covered service member with a serious injury or illness during a twelve (12) month period.
3. The following conditions shall apply:
 - a. In general, an employee shall not be placed on family and medical leave until the employee has exhausted all accumulated paid leave such as sick, vacation and personal leave. However, upon written request, the employee may reserve up to ten (10) days of accumulated sick leave and be placed on family and medical leave. An employee may not elect to reserve vacation or personal leave.

b. Alternatively, the employee may elect to utilize family and medical leave concurrently with other accumulated paid leave. An employee utilizing paid leave MUST elect to use family and medical leave concurrently in order to be entitled to the protections of the federal FMLA while on paid leave. Employees must also comply with applicable leave procedures located in this Policies and Procedures. In addition, the employee shall not accrue benefits or longevity during the time on leave without pay status.

c. The employee may be required to provide advanced leave notice and medical certification or other supporting documentation. Request for leave may be delayed or denied if requirements are not met. The employee must generally provide an advance notice when the need for leave is foreseeable.

d. The LCADD may require medical certification to support a request for family and medical leave because of a serious health condition (and may require second or third opinions) and a fitness for duty report to return to work.

e. The calculation of time used for family and medical leave shall begin on the first day that family and medical leave is taken and expire twelve months after that date.

4. Job benefits and protections.

a. While an employee is on unpaid family and medical leave, the contribution for health and involuntary life insurance shall be maintained by the employer. Arrangements must be made for the employee to pay their share of health and life insurance premiums while on unpaid family and medical leave.

b. On return from family and medical leave, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay and other terms of employment, provided that the employee is capable of performing required duties of the position upon returning from family and medical leave.

Cross-reference: See Leave of Absence Without Pay, Section VI.J.

G. Maternity Leave:

1. Maternity leave may be granted for employees who are not eligible for family and medical leave with temporary disability due to pregnancy, childbirth, or any impairment thereof, and miscarriage for a period not to exceed twelve weeks. An additional period may be granted if required by a medical professional.

2. The employee may use any accrued sick leave, personal days, and accrued vacation leave, in combination, to the extent their accrued leave permits and the remaining period will be time off without pay.

H. Bereavement (Funeral) Leave:

1. Employees occupying established positions may be granted from one to three working days off without loss of pay in case of death of a family member. *(Definition of family member under bereavement will be the same as listed as family member under sick leave)*
2. In the event of extenuating circumstances, the Executive Director may approve additional bereavement leave without loss in pay.
3. Employees are granted one (1) day of inter-agency bereavement leave per year to attend a visitation or funeral for a “co-worker”/employee from another Area Development District or Agency.

I. Special Leave:

1. The Executive Director may authorize special leaves of absence without pay for employees in established positions for any period or periods not to exceed four weeks in any calendar year for any purpose(s) that are deemed beneficial to the District.
2. The Executive Committee may authorize special leaves of absence without pay for employees in established positions for any period or periods for purpose(s) deemed beneficial to the District.

J. Military Leave:

1. KRS 61.394 requires that any employee of the Commonwealth of Kentucky 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 leave of absence from their respective duties without loss of time, pay, regular leave, impairment of efficiency rating, or of any other rights or benefits to which they are entitled, while in the performance of duty or training in the service of this state or of the United States under competent orders as specified in this section. In any one (1) federal fiscal year, any employee, while on military leave, shall be paid his/her 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.

a. After consultation with the Commonwealth of Kentucky Department of

Personnel, the language is clarified as follows:

- (1) The 21 calendar days is interpreted as 15 working days.
- (2) The policy applies to training for which “competent” orders have been issued (i.e., summer camp, responding to disasters such as Katrina, etc.) and does not apply to weekend training requirements.
- (3) Employees who are on active duty and unable to attend the “summer camp” shall accrue the training days in compliance with KRS 61.394 and shall not be compensated for the days.

2. In the event an employee is called to active military duty (for reasons other than those identified in KRS 61.394), the provisions of Title 38, United States Code, Chapter 43 - Employment and Reemployment Rights to Members of the Uniformed Services shall apply. Employees shall be separated from the District payroll and shall not accrue benefits during the period of active duty.

K. Jury Duty:

1. When an employee is required to serve on a jury, the employee shall be compensated at the normal rate of pay while serving on jury duty.
2. Employees serving on jury duty shall be absent from work only during the times required by the courts.
3. Employees summoned as a plaintiff or a defendant in a proceeding involving or arising from outside employment or personal business shall not be entitled to leave with pay, but may use accrued vacation leave during the absence.

L. Insurance:

1. Worker’s Compensation Insurance: The District will pay total costs (coverage applies to all employees).
2. Unemployment Insurance: The District will pay total costs (coverage applies to all employees).
3. Health Insurance:
 - a. For employees occupying established positions, the District shall pay costs of group policy to which it is affiliated for employees and employee dependents as authorized by the Executive Committee.
 - b. Employees may, at their discretion, choose to accept cash payment in lieu of health insurance, an amount of **\$300, unless you purchase through Health Exchange (Affordable Care Act).**

c. Employees currently covered under the family plans shall not be allowed to convert to a single plan and receive payment of the difference in the cost of the plans.

d. If the employee wishes to reapply for health insurance coverage, they may do so, only during regular reopening periods of the group and subject to established procedures or qualifying events, and at that time the cash payment to the employee shall cease.

5. Life Insurance: The District may pay the complete cost for a life insurance policy as determined by the Executive Committee to the affiliated insurance company for each employee occupying an established position.

M. Retirement:

1. All employees who qualify are required to join the County Employees Retirement System. The District and all participating employees contribute amounts as determined by CERS.
2. The District pays total costs for additional disability insurance to supplement the disability portions of CERS.
3. Applicants (including former employees) currently participating in CERS retirement benefits who wish to seek employment with the District shall contact the District's Executive Director and/or CERS offices in Frankfort to determine the feasibility of and/or procedures for new employment. Employees who retire and are subsequently reemployed by the District shall be considered a new employee.

N. COVID-19 Leave:

1. Staff absent due to isolating after testing positive for COVID-19, including a presumptive positive, or staff absent due to quarantining after being directly exposed to a positive COVID-19 case, or absent due to their child being placed in quarantine, shall use their sick leave for the time they are required to be off. Staff must present documentation to the HR Director from a healthcare provider or the Health Department for isolation due to a presumptive/positive COVID-19 case or to quarantine immediately upon returning for work.
2. Accrued leave or leave without pay (including FMLA) shall be utilized. Should a COVID-19 isolation or quarantine result from staff being directly exposed in the line of work, COVID-19 administrative leave or the allowance of the staff working from isolation may be granted in those instances. The exposure must be directly traceable to staff's job duties and documented accordingly. Should this policy be in conflict with guidance/directives from any funding source, funding source guidance/directives will be followed.

GRIEVANCE PROCEDURE
Appendix A

A. Employees:

1. Unless an employee or employee group is procedurally covered otherwise by state or federal law, any employee of the District who feels aggrieved by an act or decision by the administration, supervisory personnel or other officers or employees shall have the right to process the grievance in accordance with the following procedure:

a. The aggrieved employee shall present the grievance to the Department Director within three working days of its occurrence or knowledge of its occurrence. The Department Director shall attempt to adjust the matter, and shall respond to the employee in writing within three working days.

(1) The grievance (and all subsequent appeals) shall be in writing, and shall set forth the reasons and grounds for the grievance with a statement of relief sought.

(2) Both the grievance and statement of relief sought shall be specific as to facts, names, facility involved, dates, places, etc. State specifically which law, policy, rule, regulation, procedure, condition of employment, past practice or agreement was involved and how it was violated.

(3) An investigation may be conducted at any level of grievance by the recipient of the grievance.

(4) If a hearing is held at any level, either the organization or aggrieved employee may be represented by Counsel.

b. If the grievance remains unresolved within the department, it may be presented by the aggrieved employee to the Executive Director within three working days after receiving the Department Director's response. The Executive Director shall attempt to adjust the matter and shall respond to the aggrieved employee in writing within ten working days after receiving the grievance.

c. If the grievance remains unresolved, it may be presented to the Personnel and Finance Committee within three working days after receiving the Executive Director's response. The Personnel and Finance Committee may agree with the Executive Director and return the grievance without further action, or may schedule a hearing and/or conduct a more extensive investigation; the Personnel and Finance Committee shall respond to the grievance within sixty days after receiving the grievance.

d. The Personnel and Finance Committee's decision shall be final.

B. Person(s) Outside District Employment:

1. If any person or persons outside the District employment, including protected class individuals, feel(s) aggrieved by an act or decision of the District's executive, administrative, supervisory, or other officers or employees, the grievance shall be processed in accordance with the following procedures:
 - a. The individual shall forward the grievance, in writing, to the Executive Director. The grievance shall include the specific grievance and proposed solution to grievance, and must be specific as to facts, names, facility involved, dates, places, etc. The grievance must be received by the Executive Director within the time limit as required by federal law.
 - b. The Executive Director may conduct an investigation, and shall respond to the grievance in writing thirty days after receiving the grievance.
 - c. If the grievance remains unresolved, it may be presented to the Executive Committee within thirty days after receiving the Executive Director's response. The Executive Committee shall respond to the grievance within the time limits as required by federal law.
2. If the aggrieved person or persons is not satisfied with the decision of the Executive Committee, the Executive Director will advise the person or persons of the available alternatives.
3. Under the Workforce Innovation and Opportunity Act (WIOA), grievances must be resolved at the District level within sixty (60) days from the date of receipt of the grievance. In the event the aggrieved person(s) are not satisfied with the resolution of the grievance, the Executive Director shall inform the aggrieved person(s) of the appeal process (including agency names and addresses) to the state and/or federal levels.

DRUG-FREE WORKPLACE POLICY
Appendix B

1. The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited within the workplace of the District. (See attached list of drugs with potential for abuse).
2. Employees found to be abusing drugs, but not convicted of any drug statute violation, will be subject to appropriate personnel action against such an employee up to and including termination or be required to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes. The employer is not required to pay for this rehabilitation.
3. Each employee is required as a condition of employment:
 - (a) To abide by the terms of item Number 1 above; and
 - (b) To notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction;
4. The District shall notify the granting agency within 10 days after receiving notice of a conviction under item number III (a) from an employee or otherwise receiving actual notice of such conviction.
5. The District shall, within 30 days after receiving notice from an employee of a conviction pursuant to item 3.(a) or 4, take appropriate personnel action against such employee up to and including termination:
6. The District also assures to make a good faith effort to continue to maintain a drug-free workplace through implementation of items 1 through 5 above.

DRUGS WITH POTENTIAL FOR ABUSE

Barbiturates (Nembutal, Seconal, Amytal, Tuinal, etc.): These are central system depressants that are highly addictive both mentally and physically; they have a high potential for causing overdose reactions and severe and dangerous withdrawal complications.

Minor tranquilizers (Librium, Valium, etc.): These have an effect similar to barbiturates and alcohol but are less powerful in their effect and less likely to produce physical and psychological dependency, although psychological dependency is still very common among users.

Narcotics (opium, morphine, heroin): These are drugs that act upon the central nervous system and parasympathetic nervous system to reduce pain, induce sleep and give a calming effect. They are very physically and psychologically addicting and, because of the haphazard manner in which they are manufactured and sold, frequently are used excessively.

Stimulants (amphetamines, cocaine): These are drugs that affect the central nervous system, causing increased alertness and activity and bringing on a feeling of confidence and well being. They cause psychological dependency but their ability to cause actual physical dependency is not clear. They can have negative psychological effects when overused.

Hallucinogens (LSD, mescaline, psilocybin, PCP, etc.): These drugs act upon the central nervous system and produce changes in perception with accompanying excitement to the user. They are not likely to cause psychological or physical dependency. They are somewhat unreliable in their effect and may cause extreme anxiety reactions or panic states in some users.

Marijuana: The active ingredient in marijuana is THC, which is sometimes classified as a hallucinogen. The actual amount of this chemical in marijuana is quite low, however, hallucinations are rare. It generally has an intoxicating effect and may heighten sensory perception, especially auditory perception. There are almost no observable physical effects due to marijuana use. It can produce a psychological dependence somewhat similar to caffeine and has no potential for physical dependence.

Volatile substances (gasoline, paint thinner, lighter fluid, airplane glues, etc.): These substances act on the central nervous system and produce an intoxicating effect. They can be extremely dangerous, causing either brain damage or death from overdose.

CERTIFICATION

I, _____, do hereby certify that I have read and understand the Drug-Free Workplace Policy, and have received a copy of the aforementioned policy.

Signature

Date

Drug-Free Workplace

The LCADD is committed to providing a safe work environment and to fostering the well-being and health of its employee through maintaining a drug-free environment. The purpose of this policy is to avoid the dangers of drugs in the workplace and to advise employees of available sources of counseling, rehabilitation, and employee assistance. All employees are expected to understand and comply with the following guidelines, in adherence with the Drug-Free Workplace Act of 1988.

The LCADD prohibits the unauthorized possession, use, or sale of alcohol and/or illicit drugs or other illegally obtained controlled substances by employees and prohibits employees from being under the influence of alcohol and/or illicit drugs or other illegally-obtained controlled substances on the LCADD's premises, while performing LCADD business, or during working hours. "Under the influence" for purposes of this policy shall be defined as reporting for work in a condition which results in a positive result for any drug or alcohol screening test.

No employee shall engage in unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the workplace.

Drug tests will/may be administered:

1. After a conditional offer of employment
2. Post-accident
3. When an employee is returning to duty after a violation of this policy
4. When there is a reasonable suspicion of drug use
5. Randomly

As a condition of employment, employees must agree to abide by the Drug-Free Workplace policy and to notify management, no later than five (5) calendar days, after any conviction under a criminal drug statute. Within thirty (30) days, the LCADD shall take appropriate action.

Violations of this policy are subject to disciplinary action, up to and including termination.

Any employees found to be abusing drugs, but not convicted of any drug statute violation, will be subject to appropriate personnel action up to and including termination, or are required to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes. The employer is not required to pay for this rehabilitation. Any employee violating the terms of this policy is subject to immediate dismissal.

For more information, see the Drug-Free Workplace Policy included in Appendix **B** of this handbook.

Drug and/or Alcohol Testing— Substance Abuse Policy

Purpose

Consistent with the LCADD's policy to maintain a safe, healthy drug-free work environment in compliance with the Drug Free Work Place Act of 1988 and the Omnibus Transportation Employee Testing Act of 1991, and in the interest of assuring the safety of the general public by employing persons in sensitive positions that do not abuse alcohol or illegal drugs, the following policies are adopted and strictly adhered to by LCADD. For purposes of complying with federal drug and alcohol regulations, the substance abuse testing procedures for employees covered by the Omnibus Transportation Employee Testing Act of 1991 (Commercial Driver's License) shall be established and administered separately from the LCADDs overall substance abuse testing program.

Applicability

This policy applies to all employees that are subject to appointment by the Executive Director, with approval from the Board of Directors. Additionally, all applicants for such LCADD employment are subject to pre-employment drug testing.

Definitions

Accident: For the purposes of this policy an "accident" is an incident which results in the need for a reasonable person to file a police report or to seek medical attention. All incidents meeting this standard shall be considered cause for post-accident drug/alcohol testing of the employee.

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.

Blood Alcohol Concentration: Refers to the amount of alcohol contained in a person's blood. It is measured as weight per unit of volume. Typically this measurement is converted to a percentage such as 0.10%, which indicates that one-tenth of a percent of a person's blood is alcohol.

Controlled substance: Has the meaning as assigned by 21 U.S.C. 802 and includes all substances listed on Schedule I through V as they may be revised from time to time (21 CFR 1308) i.e., marijuana (THC metabolite), cocaine, amphetamines; opiates (including heroin); phencyclidine (PCP).

Driver: Means any person who operates a motor vehicle. This includes, but is not limited to: full time, regularly employed drivers; casual, volunteers, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or

under lease to any employer or who operates a personal vehicle during working hours and/or company assigned vehicles at the direction of or with the consent of an employer.

Medical Review Officer (MRO): Means a licensed M.D. or D.O. (Doctor of Osteopathy) with knowledge of drug abuse disorders who is employed or used to conduct drug tests in accordance with this policy.

Random Selection Process: Means that alcohol and drug tests are unannounced. Tests conducted randomly

Drug and/or Alcohol Testing— Substance Abuse Policy (Continued)

Reasonable Cause: Means that the employer believes the actions, appearance or conduct of an employee who is on duty are indicative of substance abuse. Justification for such a conclusion may be actions, appearance or conduct consistent with those conditions identified on page 60 of this policy, or other identifiable actions, appearance of conduct that raise the suspicion of appropriately trained persons. Reasonable suspicion will be determined by two or more supervisory personnel who will attest to their observations. The Executive Director will make the final determination.

On Duty Time: Means all time, from the time the employee begins work or is required to be in readiness to work, until the time he/she is relieved from work and all responsibility for performing work. On duty time shall include:

- a. All time waiting to work or working unless relieved from duty by the employer.

Drug and Alcohol Test: The compulsory production and submission of urine, breathe, or blood sample by an employee in accordance with procedures contained herein for chemical analysis to detect drug and/or alcohol use.

Under the Influence: An individual is considered to be under the influence of intoxicants when the individual's blood alcohol content exceeds 0.02%. An individual is considered to be under the influence of a controlled substance when any detectable amount of the substance is identified through employee testing.

Positive Drug Screen: Means positive identification of alcohol, a drug or a metabolite which has been confirmed by sophisticated scientific laboratory tests.

Detectable Amount: For the purposes of this policy, detectable amount is defined as the cutoff level defined by federal or state regulation.

Employee: An individual employed by the LCADD.

He or his also means her or hers in appropriate context.

Substance Abuse Professional (SAP): A person who evaluates employees who have violated a drug and alcohol program regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

Administrator

The Executive Director and/or the Human Resources Director will serve as the program administrator (PA) of this policy.

Prohibitions

The following conduct is strictly prohibited and will subject an employee to immediate discipline:

Alcohol Prohibitions

- The unlawful buying, selling, transportation, possession, providing of alcohol while on duty.
- Use during the four (4) hours before reporting for duty.
- Reporting for normal duty or remaining on duty to perform work with an alcohol concentration of 0.02% or greater.
- Use of alcohol during eight (8) hours following an accident, or until he/she undergoes a post-accident test.
- Refusing to take the test.
-

Employees found to have an alcohol concentration of 0.02% or greater, but less than 0.04%, shall immediately be removed from their duties. The employee shall receive a written reprimand which indicates any further violations of the policy will result in the employee's dismissal.

Employees found to have an alcohol concentration of greater than 0.04% shall immediately be removed from their duties and subjected to other actions outlined in this policy, including personnel actions up to, and including termination from employment.

Drug Prohibitions

The use of any drug is prohibited if the drug could affect job performance, including, but not limited to:

- Use of any drug, except by doctor's prescription, and then only if the doctor has advised the employee that the drug will not adversely affect the employee's ability to safely perform the duties of his/her job;
- Testing positive for drugs; and
- Refusing to take a required test.

Failure to notify the supervisor if alcohol or a controlled substance is ingested unintentionally or if the employee is made to ingest a controlled substance so that appropriate medical steps may

be taken to ensure the employee's health and safety;

Failure to notify the supervisor of any alcohol or criminal drug statute charge or conviction no later than five (5) days after such charge or conviction relating to alcohol or drug abuse or misuse. However, notification of conviction does not insulate the employee from disciplinary action;

An employee will not be disciplined for reporting personal use of alcohol or prescribed medications when called to perform additional duties outside normal work hours unless that employee has been officially put on call.

An employee will inform his supervisor or the PA of any therapeutic drug and/or prescription use that could adversely affect his performance prior to performing any duties.

Employees found to be in violation of the LCADD's substance abuse policies are subject to appropriate personnel action, up to and including dismissal from employment.

Preconditions to Drug and Alcohol Testing

The LCADD shall contract with a Department of Health and Human Services' certified laboratory. Samples to be tested shall be obtained by ENVIVO Health.

The LCADD has designated the **Medical Review Officer from Envivo Health** to review the results.

Types of Testing

1. Pre-employment testing

All offers of employment are made contingent upon passing a medical review, including an alcohol and drug test. If the test is confirmed positive for drugs or alcohol, the candidate will be disqualified with no further action to be taken. Job applicants, who are denied employment because of a positive test, may reapply for employment after six (6) months. The records will be maintained in the applicant's confidential medical file.

2. Reasonable Suspicion

If an employee's work performance or behavior is indicative of possible alcohol or drug abuse or misuse as demonstrated by the following behaviors/symptoms, or if the employer observes specific, contemporaneous, articulable conduct pertaining to the appearance, behavior, speech or body odors of the employee that indicate he/she may be in violation of this policy, an appropriately trained supervisor, with the concurrence of the PA or another appropriately trained supervisor, will require the employee to submit to a breath test or urinalysis. The following conditions, which should not be construed to be all inclusive, are signs of possible alcohol or drug abuse:

- Abnormally dilated or constricted pupils

- Glazed stare - redness of eyes
- Change of speech
- Constant sniffing
- Increased absences
- Redness under nose
- Sudden weight loss
- Needle marks
- Change in personality
- Increased appetite for sweets
- Forgetfulness - performance faltering poor concentration
- Borrowing money from co-workers, seeking an advance in pay, or other unusual display of need for money.
- Constant fatigue or hyperactivity
- Smell of alcohol
- Difficulty walking
- Excessive, unexplained absences
- Dulled mental processes
- Slowed reaction rate

Supervisors must notify the PA and/or the Executive Director if they have reason to believe one or more of the above listed conditions is indicated, and that the substance abuse is affecting an employee's performance or behavior in any manner. Job performance and policy violations must be specific.

The PA will arrange to observe or talk to the employee. If the PA and supervisor concur on reasonable suspicion, the PA will immediately arrange for the specified test.

The employee will be required to release any evidence relating to the observation for further testing. Failure to comply may subject the employee to subsequent discipline, suspension or termination. All confiscated evidence will be receipted for with signatures of both the receiving supervisor and the provider.

If upon questioning by the supervisor, the employee admits to use but requests assistance, the PA may arrange for assessment by a substance abuse professional (SAP). Reassignment to job duties will be conditioned on completing the SAP's guidelines and return to work testing.

The supervisor shall, within 24 hours, or before the results of the alcohol or controlled substance testing is released, document the particular facts related to the behavior or performance problems and present documentation to the PA.

The PA shall cause the removal of the employee from LCADD property and ensure that the employee is transported to the collection site. Under no circumstances will the employee be allowed to drive any vehicle until a confirmed negative test result is received.

All supervisors will receive a minimum of one (1) hour training on alcohol abuse and one (1)

hour training on drug abuse to assist them in identifying abuse behavioral characteristics.

3. Post-Accident Testing

An “accident” is an incident which results in the need to file a police report or to seek medical attention. The LCADD may require testing on minor accidents not involving the need for a police report if there is reasonable suspicion that alcohol or drugs were involved. All employees are required to provide a breath test and a urine specimen to be tested within eight (8) hours after an accident. The employee shall remain readily available for testing or he will be deemed to have refused testing. If the employee is seriously injured and cannot provide a specimen at the time of the accident, he shall provide the necessary authorization for obtaining the hospital reports and other documents that would indicate whether there were any controlled substances in his system. Adherence by the employee to the post-accident testing requirements is a condition of continued employment with the LCADD.

4. Random Selection

A selection process which removes discretion in selection will be adopted by the LCADD.

The random testing will be reasonably spaced over a twelve (12) month period.

Once notified, the employee will immediately proceed to the collection site. The employee will not be notified prior to duty that he/she is to be tested. If the employee is not scheduled to work he/she will not be randomly tested until drawn again.

5. Return-to-Duty Testing

Before an employee returns to duty after engaging in conduct prohibited by this policy, the employee shall undergo a return to duty alcohol test with a result of less than a 0.02% breath alcohol concentration (BAC) or receive a confirmed negative result from a controlled substance urinalysis test.

Collection of Breath and Urine Specimens and Laboratory Analysis

1. Breath alcohol testing

Breath alcohol testing will be conducted at a prearranged location by a qualified Breath Alcohol Technician according to CFR 49 Part 40 procedures. Refusal to provide breath will be considered a positive test and the employee will be removed from the job site.

2. Specimen collection

Specimen collection will be conducted in accordance with applicable state and federal law. The collection procedures will be designed to ensure the security and integrity of the specimen provided by each employee, and those procedures will strictly follow federal chain-of-custody guidelines. Every effort will be made to maintain the dignity of each employee submitting specimen for analysis in accordance with these procedures.

3. Laboratory analysis

Only a laboratory certified by the Department of Health and Human Services (DHHS) to perform a 9 panel urinalysis test for the detection of the presence of controlled substances will be retained by the LCADD. The laboratory will be required to maintain strict compliance with federally approved chain of custody procedures, quality control, maintenance and scientific analytical methodologies.

4. Follow-up testing

Following a determination that an employee is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, the LCADD shall see that the employee is subject to unannounced follow-up testing as directed by the SAP as required by 382 CFR 605(c)(2)(ii).

Consequences: Appeal of Test Results

Alcohol and drug abuse may not only threaten the safety and productivity of all employees, but causes serious individual health consequences.

An employee testing positive for alcohol or drug use is subject to disciplinary action. Refusal to submit to testing will also be considered a positive test. Refusal includes not providing a breath or urine sample as directed, neglecting to sign appropriate control forms, using alcohol within 8 hours of an accident unless a test sample has been taken earlier, or engaging in conduct that clearly obstructs the testing process.

Any employee testing positive for the presence of a controlled substance will be contacted by the LCADD's MRO. The employee will be allowed to present medical documentation to explain any permissible use of drugs. All such discussions between the employee and the MRO will be confidential. If medically supportable reasons exist to explain the positive result, the MRO will report the test result to the LCADD as negative.

Within 72 hours after the employee has been notified of a positive test result for drugs, he may request a retest of the split sample. The signed request will be provided to the MRO in writing, who will then initiate the new laboratory analysis. If a different result is detected by the subsequent laboratory, the test will be voided by the MRO, and the PA will be notified. A new sample may be requested as appropriate.

The employee may seek assistance from a substance abuse professional who, in conjunction with the MRO, will take appropriate action, which may include diagnosing the problem and recommending treatment.

If the employee acknowledges a substance abuse problem, requests assistance and completes the substance abuse treatment recommended by the SAP, these may be considered to be mitigating factors.

The employee's successful completion of an approved treatment program may be a condition of continued employment.

An employee will be required to submit to at least 6 unannounced drug tests during the first year and follow-up testing may be conducted for up to 60 months. Failure to adhere to this condition is grounds for immediate termination.

Nothing in these policies shall be deemed as precluding the LCADD from dismissing any employee who has been found to be in violation of these policies. There is no express responsibility to retain an employee, or to provide assistance beyond referral information regarding rehabilitative resources.

Confidentiality

Under no circumstance, unless required or authorized by law, will alcohol or drug testing information or results for any employee or applicant be released without written request from the applicable employee. Employees are entitled, upon written request, to obtain copies of any records pertaining to his use of alcohol or controlled substances, including any records pertaining to his alcohol or controlled substances tests. The LCADD will have three (3) working days to provide copies.

Collection of breath and urine samples must always be documented and sealed with a tamper-proof system in the presence of the employee, to insure that all tests can be correctly traced to the employee. Drug and alcohol test analysis from the DHHS approved laboratory will be forwarded directly to the MRO for confidential record keeping.

Record Retention

The LCADD shall maintain records of its alcohol misuse and controlled substance abuse prevention programs in a secured location as prescribed by 382 CFR 401.

CERTIFICATION

I, _____, do hereby certify that I have read and understand the Drug-Free Workplace Policy, and have received a copy of the aforementioned policy.

Signature

Date

TRAVEL POLICY
Appendix C

Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business. CFR 200.474 states, "Such costs may be charged on an actual *cost* basis, on a per diem or mileage basis, in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip and not to selected days of the trip, and results in charges consistent with those normally allowed in like circumstances in the non-Federal entity's non-federally-funded activities and in accordance with non-Federal entity's written travel reimbursement policies." Costs incurred by employees and officers for travel, including costs of lodging, other subsistence, and incidental expenses, must be considered reasonable and otherwise allowable only to the extent such costs do not exceed charges normally allowed by the non-Federal entity in its regular operations as the result of the non-Federal entity's written travel policy.

The Travel Policy of the Lake Cumberland Area Development District, Inc., is in accordance with the referenced circular and travel regulations noted previously. The District will pay actual room rates. Any expenses paid that exceed the established reimbursement rate or HRGA for specific location will be charged to local funds.

A. **LCADD staff and Board** expenses must be itemized and properly identified on travel expense vouchers, supported by receipts, except for meal expenses which will be paid per 200 KAR 2:006. However, the cost of each meal must be itemized on the travel voucher. **Employee and Board** meal expenses will be paid per diem according to the rates determined by 200 KAR 2:006.

B. The breakfast and lunch meal will be reimbursed only when preceded by an overnight stay. No meals will be reimbursed for in-district travel.

C. All expense vouchers must be approved for payment by the Department Director and the Executive Director or designee.

D. Mileage shall be reimbursed at a rate not to exceed the state rate.

E. Tipping up to \$10.00 per day for valet or baggage.

All expenditures must be verified by a receipt except for meal expenses which will be paid per 200 KAR 2:006. Any charge, which is not a meal expense, which is not verified by a receipt, will not be paid.

Conference and Air Travel: The District reimburses for hotel and travel costs including the following:

- A. Room rate at conference rate
- B. One checked luggage to and from the destination with receipt.
- C. Airport parking with receipt.
- D. Mileage to and from the airport at state rate.
- E. Taxi fares to and from the hotel with receipts.

F. Flight. For air travel, persons who use commercial carriers on official business must use less than “first class” accommodations unless the carrier offers only “first class” or other space is not available. Under justifiable circumstances and for expediency, the Executive Director may authorize other travel means including charter aircraft, rental car, etc. For travel over extended distances, the cheaper mode of transportation will be reimbursed (airplane vs. private automobile).

Private Vehicle Use: The use of private vehicle for District usage shall be approved in advance by the Executive Director or designee.

Mileage Compensation: The mileage compensation for Board members and staff personnel using private vehicles shall not exceed the amount per mile as authorized by state authority. The allowance will be computed on a mileage basis through the use of odometer readings or a standard highway mileage guide. Any substantial deviation from distances shown on the voucher from the standard highway mileage guide will be explained. “In town” travel will not be reimbursed unless previously authorized by the Executive Director or designee.

Travel Advances: An advance of funds may be granted to a traveler in an amount to cover reimbursable travel expenses, provided all previous advances have been liquidated. Advances will be granted for out-of-state travel only, and the amount of the advance may not exceed the amount of the traveler’s reimbursable expenses. A properly completed expense voucher shall be completed and submitted. All advances will be taken from those allowable expenses charged.

Cancellations: It shall be the policy of the District concerning in-state conference and out-of-state conference travel that when an individual requests a slot or slots to attend specific conferences and the District has made arrangements and expended funds based on the individual’s request, that if cancellation occurs for any reason other than a medical emergency the individual canceling will be required to reimburse the District for any and all funds expended that the District cannot recover from airlines, hotels, and conference sponsors

This policy has been reviewed by the Executive Committee and addresses the concern of federal and state officials and the necessity of fiscal accountability.

Additional Board Member Requirements: Subject to budgetary limitations, Board and staff will be reimbursed for allowable expenses, for travel as aforementioned, provided the following conditions have been satisfied.

A. Board members shall have attended at least two-thirds of the regular board meetings in the previous twelve months, or since becoming a member.

B. No expenses shall be reimbursed to persons other than Executive Committee designees who shall have attended at least two-thirds of the preceding meetings, or persons specified by the

Board of Directors.

C. In the event funds are insufficient to reimburse all those eligible for out-of-state travel, the following priorities shall be followed: Board of Director's Chairman; Vice Chairman; Secretary; Treasurer; members of the Executive Committee; immediate Past-Chairman; Committee Chairmen.

LAKE CUMBERLAND AREA DEVELOPMENT DISTRICT
VEHICLE USE POLICY
Appendix D

1. Effective immediately, all personnel traveling in LCADD vehicles shall wear seat belts.
2. Vehicles are to be parked in the office parking lot during working hours when not being used on official travel.
3. The vehicles will be cleaned on an as-needed basis.
4. The vehicles are to be locked at all times. Don't leave vehicles unlocked when returning them to the parking lot.
5. Priority use of vehicles will be given to out-of-district, out-of-town travel; longer trips will be given priority over shorter trips, larger number of travelers will be given priority over fewer riders regardless of any prior reservations.
6. If company vehicle use included airport parking for several days, then use of personal vehicle would be approved in order to keep company vehicle in daily use for district travel.
7. Twenty-four hour minimum notice will be necessary to reserve a vehicle for out-of-district travel. It will be advantageous to reserve vehicles as far in advance as possible.
8. Staff is encouraged to ride together whenever possible.
9. It is understandable that estimates of time of expected return will vary and be difficult to estimate. However, any time a vehicle is taken for in-district travel, first ascertain if the vehicle is scheduled for out-of-district travel later the same day. If so, it must be returned prior to the beginning time for the out-of-district trip. If you should be in doubt concerning whether you can return in time for the scheduled out-of-district trip, then don't take the vehicle.
10. All charges for gasoline, maintenance, service, etc., are to be on credit cards supplied by the office. No charges of any type shall appear on any billing except those directly relating to the care and operation of the vehicles. Copies of signed credit card charges must be submitted to the receptionist.
11. When you are returning a vehicle to the office, the gas tank is to be filled if it is less than one-half full.
12. The vehicle travel log is to be completely filled out when using a vehicle. There is a section of the form for "service". Be sure to fill out this section if there is any kind of maintenance or service problem with the vehicle.
13. If you are taking the vehicle early in the morning, before the office opens, please make

arrangements to obtain the keys and credit care during working hours the day before.

14. If you return a vehicle to the office after working hours, always keep the key and credit card until the next working day and return them personally. DO NOT leave the keys and credit card laying on a desk or with the vehicle.
15. Vehicles are to be kept CLEAN - DO NOT leave trash in the vehicle after use.
16. Vehicles may be used for in-town travel when necessary.
17. Requests for vehicles are to be submitted to the Receptionist as early as possible for schedule purposes.
18. No Smoking in company vehicles.
19. Unless hands-free devices are available, employees are prohibited from cell phone use, use of PDA's (personal digital assistants), and texting while driving. If hands-free capability does not exist, drivers need to pull off the road to conduct conversations or to review e-mails or text messages. The LCADD does not require employees to make business calls while driving.

PROCUREMENT POLICY

Appendix E

All purchases of supplies, equipment, or contracted services shall be made in accordance with the Kentucky Model Procurement Code and the following:

1. A purchase order may be initiated by any staff member so authorized by the Executive Director. Information provided on the requisition will consist of the vendor's name, address, item ordered, quantity, and cost. The purchase order will then be submitted to the designated District official for approval before the purchase order is submitted to the vendor.

2. All purchase orders are to be submitted to the Purchasing Agent of the District. However, approval by the Executive Director or Deputy Executive Director is required when items to be purchased are anticipated to cost in excess of five hundred dollars (\$500.00). All purchase orders under five hundred dollars (\$500.00) can be approved by the Executive Assistant. Any item of one thousand dollars (\$1000.00) to thirty thousand nine hundred ninety-nine dollars (\$39,999.00), must include three (3) quotes. Items costing \$40,000.00 and above must be bid unless state price contract is used.

3. Whenever possible, vendors will be selected on the basis of price quotations and/or competitive bidding. Under some circumstances, the District may purchase supplies without bids or quotations. All purchases made without bids or quotations must be approved by the Executive Director. All efforts to buy American Made should be used.

4. Vendors providing services to the District shall be reputable firms having demonstrated the capacity to provide supplies, equipment, services, and other items within the time frame established by the District. Vendors may be disqualified if they are found to misrepresent the service they are to provide, or if they cannot deliver within the time frame established.

5. All purchases by the District shall be made by the submission of a purchase order to the vendor. Exceptions to this system are, but not limited to, utility bills, janitorial services, office rent, telephone, and other such services. All purchase orders are to be filled out in duplicate, listing date, name of vendor, type and quantity of items order, and unit price as quoted by the vendor. The purchase order will be signed by the staff person making the order and submitted to the Executive Assistant for approval. In cases where the anticipated cost is expected to exceed \$500, the Purchasing Agent will forward the requisition to the Executive Director for approval. The original copy of the purchase order will be submitted to the vendor. The second copy will serve as the central copy of open purchase orders, to be periodically reviewed, and as orders are filled, matched against the invoices comparing quantities and prices.

6. Disbursements to vendors will be made only after the receipt of service has been certified by the responsible party of the District; the invoices have been matched to the purchase order; and approval for payment has been made by the designated District official.

LAKE CUMBERLAND AREA DEVELOPMENT DISTRICT
EXPOSURE PROTECTION PLAN
Appendix F

1. Background:

The Occupational Health and Safety Act administered under 29 CFR 653, 655, 657 amended and expanded protection of employees potentially exposed to blood borne pathogens. 29 CFR 1910.1030 is being added under authority of 29 CFR 653. The full text of the new 1910.1030 can be found in Federal Register 6 December 1991 at 64175. This section requires employers to protect potentially exposed employees from infection with pathogens that may be transmitted by contact with blood or other body secretions.

2. Definitions:

For the purpose of this policy, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

“Blood” Human blood, blood components and products made from blood.

“Blood borne Pathogen” Any microorganism that can be present in human blood and can cause disease in humans. This includes but is not limited to hepatitis B (HBV) or HIV.

“Contaminated” The presence or the potential presence of blood or other potentially infectious material on an item or surface.

“Decontaminate” To use physical or chemical means to remove blood or other infectious material from surface or item, to render it safe for handling, use or disposal.

“Engineering Controls” Controls that isolate or remove blood borne pathogen hazards from the work place.

“Exposure Control Plan” A written exposure control plan (ECP) designed to eliminate or minimize employee exposure. For those with an occupational exposure to blood borne pathogens, employers are required under 29 CFR 1910. 1030 to have a written exposure control plan, with annual review and updates as the law is amended.

“Exposure Incident” A specific eye, mouth, nasal membrane, non-intact skin or other parenteral contact with blood or other potentially infectious material in the course of employee’s job.

“HBV” Hepatitis B virus

“HIV” Human immunodeficiency virus

“Occupational Exposure” Reasonably anticipated skin, eye, mouth, mucous membrane or

parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's job.

“Other Potentially Infectious Material” Bodily fluids, including semen, vaginal secretions, cerebrospinal fluid, synovial fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids; any unfixed tissue or organ from a human; and HIV-containing cell or tissue cultures, organ cultures, and HIV or HBV containing culture medium or other situations, and blood from experimental animals infected with HIV or HBV.

“Personal Protective Equipment” Specialized clothing or equipment worn by an employee for protection against contamination with bloodborne pathogens or other potentially infectious materials.

“Regulated Waste” Liquid or semi-liquid blood or other potentially infectious materials (OPIM); contaminated items that would release blood or OPIM if compressed or wet or handled (examples include but not limited to gloves, paper towels, rags, syringes, needles).

“Source Individual” Any individual, living or dead, whose blood or other potentially infectious materials may be source of occupational exposure to the employee.

“Universal Precautions” An approach to infection control whereas all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, and other bloodborne pathogens.

“Work Practice Controls” Controls that reduce the likelihood of exposure by altering the manner in which a task is performed.

3. Purpose:

This plan applies to all occupational exposure to blood or other potentially infectious materials. The purpose of this plan is to eliminate or minimize exposure of designated District employees to bloodborne pathogens.

4. Exposure Determination:

Employees in the following job classifications have exposure to bloodborne pathogens:

- (A) Director of Elderly Services
- (B) Assistant Director of Elderly Services
- (C) Homecare Coordinator
- (D) Homecare Case Manager
- (E) Homecare Medicaid Waiver Unit Supervisor/Case Manager
- (F) Registered Nurse.

5. Tasks Performed that may lead to Bloodborne Pathogen Exposure:

- (A) Regular care for persons not capable of caring for themselves.
- (B) Contamination of eye, mouth, nose, or open skin.
- © Improper handling of used gloves, soiled clothing, contaminated items (towels, weapons, clothing, glasses, etc.)
- (D) Performing CPR or attempting to control bleeding.

6. Precautions Observed to Eliminate or Minimize Exposure:

- (A) Hand washing facilities shall be maintained in all facilities with potable running water, soap, and single-use paper towels or hot air hand dryers.
- (B) Situations that prevent hand washing in a facility will be handled by having in the vehicle a hand washing solution such as a water solution mixed to 10% bleach strength or bottle isopropyl alcohol, or pre-packed hand wipes with benzalkonium chloride and disposable one-use paper towel. When exposed employees use this method of hand washing, they shall, as soon as practical, go to a facility and wash their hands with soap and water.
- © Employees shall wash their hands after removal of protective gloves, contamination by a potential infectious material and after removal of protective clothing.
- (D) Employees shall wash their hands or other body parts and flush all mucous membranes with copious amounts of water immediately or as soon as feasible after contact with blood or other infectious material.
- (E) Contaminated paper towels, gloves or other materials used to clean or disinfect hands while in vehicles shall be packed in closeable plastic bag and securely closed. This plastic bag contains regulated hazardous waste. It shall be stored in the trunk of the vehicle and as soon as feasible taken to the facility (police department or fire department) for disposal into a biohazard red plastic liner, closed trash container.
- (F) Specimens of blood or other bodily fluids, materials or tissue shall be placed in a container that prevents leakage during collection, handling, processing, storage, transport or shipping.
- (G) Such materials noted in (F) shall be labeled and color coded in red prior to being transported, mailed, shipped or stored.
- (H) Equipment which may be contaminated with blood or other infectious material shall be inspected prior to servicing or reuse. It shall be decontaminated prior to continued use, shipping, storage or transportation.

- (I) Decontamination of equipment and items may be accomplished with a solution of 10% bleach or hot soap and water or undiluted rubbing alcohol, while wearing protective equipment.
- (J) Personal protective equipment shall be provided to all employees with a potential for exposure to blood and other infectious materials. It shall include the following:
 - 1. Gloves made of non-permeable latex of sufficient strength that they do not tear or puncture for the duration of time which the protective equipment is in use. Vinyl gloves are not suitable in most instances, as they tear and puncture easily.
 - 2. Gloves shall be single use; they shall not be reused or washed.
 - 3. Utility gloves may be washed and reused if the integrity of the rubber is not disrupted (such as heavy rubber gloves used in the cleaning and washing of contaminated cruisers).
 - 4. Eye protection in the form of goggles or glasses with solid side shields shall be made available to all designated employees for protection from situations where there may be droplet spray of blood or other infectious materials.
 - 5. Shoe covers or boots will be provided and worn in situations where gross contamination can be reasonably expected.
 - 6. If a garment (uniform or over gown) is penetrated by blood or other infectious material, it will be removed immediately or as soon as possible. Cleaning of garment shall be provided by employer at no cost. Garment will be placed in biohazard bag and transported to appropriate laundry or cleaning facility.
- (K) Work site shall be maintained in clean sanitary manner. Regulated hazardous waste, such as used gloves or contaminated towels, will be disposed of in a red biohazard bag. Contaminated work surfaces shall be washed down with 10% bleach or alcohol as soon as possible after contamination with blood or other infectious material.
- (L) Regulated waste containers shall be closeable, lined with a red biohazard leak-proof sealable bag. This biohazard bag shall be closed prior to removal from the work site and disposed of in accordance with applicable regulations of the United States and Commonwealth of Kentucky.
- (M) Employees having contact with contaminated wastes, contaminated laundry or contaminated vehicles or equipment shall wear protective gloves and, if appropriate, eye protection and surgical face masks (example: in washing down a blood-contaminated vehicle, the person working or hosing down the vehicle should

wear gloves, goggles and mask).

- (N) All protective equipment, laundry of contaminated blood-penetrated uniforms, cleaning of equipment and repair of protective equipment shall be provided to the employee at no cost.
- (O) Protective equipment shall be readily accessible and issued to employees in sufficient quantities to ensure availability. Employees needing specialized gloves for proven allergy to latex or glove powders will be provided with hypoallergenic gloves or glove liners.
- (P) All spills of blood or blood-contaminated fluids should be promptly cleaned, using an EPA approved germicide or a 1:100 solution of household bleach in the following manner while wearing gloves. Visible material should be removed with disposable towels or other appropriate means that will ensure against direct contact with blood. If splashing is anticipated, protective eye wear should be worn along with an impervious gown or apron which provides an effective barrier to splashes. The area should then be decontaminated with an appropriate germicide.

7. Vaccination: Hepatitis A & B

It is recommended that all employees that are associated with any handling/preparation of food be vaccinated for the Hepatitis A Virus. The costs for this can be covered by insurance or if insurance is not available LCADD will cover cost. Hepatitis B vaccination will be made available to all employees with exposure levels as defined above at no cost to the employees

- (A) ***Vaccination will consist of two shots for Hepatitis A, one at the day 0 and another at six months.*** Three separate injections of the hepatitis B vaccine into the deltoid arm muscle. The vaccination shall occur on day 0, day 30 and at 6 months. A posttest will be done after the vaccine series has been completed to determine if antibodies have developed, and a booster shot will be given if necessary following the post test.
- (B) Employees will not be required to accept vaccination; however, employees who decline the vaccination must sign a waiver (Attachment 1).
- ©) Employees who decline vaccination and subsequently decide to be vaccinated will receive the vaccine at no cost to the employee, provided occupational exposure still exists.
- (D) Employees who have been previously vaccinated and show immunity through blood antibody testing will not be reimmunized.
- (E) New employees in classes with exposure levels as defined above shall be offered vaccination as soon as practical following employment.

8. Post-Exposure Evaluation:

If an employee has a specific job related incident that results in Exposure Incident, as defined above, a confidential medical evaluation and follow-up will be provided by District.

- (A) Employee must report exposure incident to employer immediately.
- (B) Documentation of route of exposure and circumstances of exposure must be written.
- (C) Report of source individual identification shall be included in the report unless not feasible or prohibited by state or local law.
- (D) Source individual's blood may be drawn under protective precautions, with written permission of source individual, in order to test for HBV and HIV. If consent is not obtained, then employer shall establish that legally required consent cannot be obtained. If source individual refuses blood test for HBV and HIV, blood cannot be drawn without permission of the courts under Kentucky law.
- (E) If source individual is already known to be infected with HBV or HIV, testing of source individual for known infection need not be repeated.
- (F) Exposed employees' blood shall be collected as soon as feasible after written consent for testing is obtained.
- (G) If exposed employee consents to HBV testing but refuses HIV testing, their serum for HIV testing shall be frozen for 90 days. If within 90 days the employee decides to allow HIV testing baseline, it shall be provided as soon as possible at no cost to the employee.
- (H) All testing shall be done by a reputable certified laboratory and paid for by the District.
- (I) Employee blood testing shall be accomplished as follows after written permission to test:
 - 1. Baseline blood test for HBV surface antibody (to determine immunity) and HBV and HIV test base line. If HIV baseline is negative, then exposed employee will be retested for HIV in 6 weeks, 12 weeks, 6 months, 12 months, and 24 months post exposure.
 - 2. If an employee with exposure has not been immunized or not completed all immunizations, they will be given with their permission HBV immune globulin injections, HBV vaccination #1 ABD gamma globulin injection. All testing and injections and follow-up care will be paid for by the District.

9. Information and Training:

- (A) All employees with occupational exposure shall participate in a training program on precautions and prevention of HBV and HIV, at no cost to the employee and during working hours.
- (B) Training will be provided for new employees in classes with exposure levels as defined above as soon as practical following the beginning of employment.
- © Training shall be repeated annually.

10. Medical Records:

- (A) Employer will maintain medical records of all vaccinations, post exposure evaluations and health care related to exposure in accordance with 29 CFR 1910.20.
- (B) Employee training records shall be maintained in accordance with 29 CFR 1910.20.

HEPATITIS B VACCINATION DECLINATION

I understand that due to my occupational exposure to blood and other potentially infectious materials I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with HBV vaccine at no cost to me. I decline HBV vaccination at this time. I understand that by declining the vaccine I continue to be at risk of acquiring hepatitis B, a serious and potentially fatal liver infection.

If in the future, I continue to have occupational exposure with this employer to blood or other potentially infectious materials and I want to be vaccinated with HBV vaccine, I can receive the vaccination series (three injections over 6 months) at no cost to me.

Signature/Date_____

Typed Name_____

Witness/Date_____

Witness/Date_____

VIOLENCE IN THE WORKPLACE
Appendix G

A. Purpose:

1. The District is committed to providing a work environment that is safe and free from hostility and intimidation. To that end, the District adopts a policy of zero tolerance for both acts of violence and threats of violence in the workplace. Such violent activity is prohibited and will be dealt with expeditiously and appropriately by supervisory and/or management personnel.
2. Substantial violent incidents will result in disciplinary actions, which include written reprimand, suspension or dismissal. Non-employees will be subject to removal from the workplace.
3. This procedure applies to any persons entering the offices of LCADD, including but not limited to employees, contractors, vendors, clients, employee's spouses, students, and visitors.

B. Definitions:

1. Act of Violence: Any physical action, intentional or reckless, that harms or threatens to harm the safety of another individual.
2. Flagrant Act of Violence: An act of violence that poses a clear and present threat or danger to life or a serious danger to safety or health, including presenting or possessing any deadly weapon in the workplace, except as carried by law enforcement personnel in the performance of their law enforcement duties.
3. Threat of Violence: Any speech or other communication or behavior that by its very nature could be interpreted by a reasonable person as an intent to cause physical harm to another individual.
4. Workplace: Any real property owned or leased by the District on which the work or business is conducted, and the interiors of vehicles in use for the conduct of District business.
5. Hot Encounter: This is an encounter where one or more of the following are obvious: angry intoxication, bizarre speech or actions, hallucinations, extreme agitation.
6. Alleged Perpetrator: The person or persons allegedly committing the act of violence or threat of violence.

C. General Rules and Responsibilities:

1. Executive Director:
 - a. Provide consultation with management personnel on requests about handling specific acts and threats of violence.
 - b. Maintain records of all reported acts and threats of violence.
 - c. Investigate all reported acts and threats of violence.
 - d. Work with supervisory personnel on appropriate disciplinary actions.
 - e. Assure that training is provided on procedure for dealing with acts and threats of violence in the workplace, on identifying potential perpetrators on managing confrontations and de-escalating techniques.
2. Management:
 - a. All supervisors must be committed to treating all supervisees equitable and consistently, and with respect and compassion.
 - b. Supervisors must immediately report or have another person report any flagrant act of violence to law enforcement (911) officials.
 - c. All acts of violence and threats of violence shall be reported by the supervisor to local law enforcement, and in writing within 24 hours directly to the Executive Director, whether or not the situation has been addressed.
 - d. Supervisory staff has the obligation to report immediately any reasonably foreseeable acts of violence to employees who might be directly affected by that threatened violence.
 - e. All supervisory personnel shall receive training in Workplace Violence for use in a confrontation with an alleged perpetrator.
 - f. Supervisory personnel should be familiar with the Kentucky Employee Assistance Program and refer employees for assistance as appropriate.
 - g. Supervisory personnel should initiate a request for disciplinary action as appropriate.
3. Employees:
 - a. Each employee must refrain from all acts of violence or threats of violence in the workplace.
 - b. Each employee must report to work and perform assigned tasks free from

voluntary impairment.

c. Each employee should immediately report any acts of violence or threats of violence to his/her immediate supervisor or other available management personnel in the office.

d. Each employee has a responsibility to report to his/her supervisor any threats or other information which would lead one to reasonable expectation that violence might be brought into the workplace. This includes advising the supervisor of any emergency protective orders or domestic violence orders in effect for the protection of that employee. This information will be treated as confidentially as is deemed possible.

e. Each employee should receive training on Workplace Violence for use in the event that he/she is confronted by a perpetrator. New employees should be scheduled to take a Workplace Violence training session as soon as available after hire.

D. Examples of Prohibited Conduct:

1. Hitting or shoving an individual.
2. Threatening to harm an individual or his/her family, friend or associates.
3. Damaging or threatening to damage property such that a reasonable fear for one's safety is created.
4. "Stalking" or following and making a credible threat intending to place another person in fear of his/her safety, or acting in such a manner as to reasonably create such a fear.

E. Workplace Violence Response Guidelines:

1. Hot Encounter:
 - a. Get a signal to 911 at once.
 - b. Do not try to intervene.
 - c. Remain CALM while you simply OBSERVE and LISTEN until law enforcement officials arrive.
2. Flagrant Acts of Violence:
 - a. Report immediately to law enforcement (911) and continue as indicated below as appropriate.

3. Acts of Violence:

a. Report immediately to 911.

b. STAY CALM – always maintain a calm, low voice.

c. Avoid rushing to perpetrator or encroaching upon his/her personal space.

d. Slowly withdraw from the personal space of the perpetrator, with his/her permission, if necessary.

e. Remember to make no quick movements.

f. Negotiate with the perpetrator if necessary to buy time. This involves getting as many small “yeses” as possible from the perpetrator and agreeing with him/her where appropriate.

g. Buy time by talking as long as possible. Use questions to control the conversation

h. Continue negotiating until help arrives or the situation is defused.

i. If nothing else seems to help, EXCUSE YOURSELF (e.g., “I am going to the restroom,”) and notify security. This break may calm the angry person.

F. Retaliation:

Employees who, in good faith, report real or implied acts or threats of violence will not be retaliated against or subjected to harassment for such report.

EMPLOYEE PROTECTION PLAN
Appendix H

The District strives to provide a safe and secure work environment for all employees while on the job. Because certain job classifications require that employees travel to isolated, rural areas and visit private homes, it will be the policy of the District to take additional steps to ensure the safety of employees under these circumstances. The District will provide to said employees a canister of pepper spray as a method of self-defense and to aid in their protection based on the following conditions:

1. Employees agree to and receive proper training for the use of pepper spray prior to distribution of canisters. Training will be conducted by local police officers familiar with the proper use of the spray and with applicable law addressing appropriate usage. This training will be scheduled by the District as needed.
2. Employees agree to use the pepper spray in self-defense only and only while conducting the official business of the District.
3. Employees who find themselves in situations while on the job which necessitate the use of the pepper spray agree to provide the District with a written report of such event. A detailed report of the incident will be due to management within seven (7) days of the event.

Employee Protection Plan Certification

I, _____, do hereby certify that I have read, understand, and agree to all stipulations as to the use of pepper spray as outlined in the LCADD Employee Protection Plan.

Employee Signature

Date

SICK LEAVE BANK POLICY

Appendix I

1. Employees occupying established positions who wish to participate in the employee sick leave bank shall enroll in the month of January and once participation has been declared, the employee shall be annually enrolled until he/she withdraws by written notice.
2. Each employee who wishes to participate in the sick leave bank shall contribute a minimum of one (1) sick leave day per quarter, until such time as the sick leave bank has a substantial pool of sick days available for use.
3. Members may not designate contributed sick leave days to be used by individuals or groups of individuals. The day or days, once contributed to the bank, become the property of the bank. Only members of the sick leave bank, at any given time, shall be eligible to draw on the sick leave bank.
4. Access to the sick leave bank shall be gained by making the request through the Department Director to the Executive Director. A statement from a physician will be required in order to participate in the program. Approval of the use of sick leave bank days may be approved for up to thirty (30) days, and extensions for the same illness/injury may be granted for additional intervals of up to thirty (30) days.
5. Sick leave days used shall be deducted from the total days available from the sick leave bank. No additional time may be used under this program upon depletion of the pool.
6. Sick leave days contributed to the bank will be deducted from the employee's total of sick leave accruals. An employee may draw from the sick leave bank only after the employee has used all accrued paid leave.
7. Request to use sick leave bank days will be limited to that period of time between the expiration of an individual's accrued leave and the beginning of participation in any disability insurance program.

LAKE CUMBERLAND AREA DEVELOPMENT DISTRICT, INC.
Sick Leave Bank Application

I, _____, Social Security Number _____,
make application for ____ day(s) from the Sick Leave Bank for the following reason(s).
Please check those that apply:

- _____ 1. Serious accident by the employee requiring extended work absences.
- _____ 2. Catastrophic illness of the employee such as cancer, stroke, heart attack.
- _____ 3. Extended hospitalization of the employee.

How many years have you belonged to the Sick Leave Bank? _____ years.

Are you to be absent without pay? _____

For your application to be considered, you must attach a detailed statement from your attending physician. The statement must include (a) complete statement pertaining to your illness/medical condition, (b) if surgery is involved, was/is it elective/non-elective, and (c) when will your physician allow you to return to work. The physician's statement must be signed and attached to this application.

Number of sick leave days used this year: _____ days

Number of sick leave days used for this situation: _____ days

Signature

Date

Emergency Response Plan
Appendix J

(Coming Soon)

COMPUTER AND DIGITAL DEVICE POLICY

APPENDIX K

A. Computer, e-mail, internet and electronic device usage policy

Computers, e-mails, electronic devices and the internet are helpful and often necessary to complete job activities. Use of these devices and activities are permitted and encouraged where such use supports the goals and objectives of our agency. The same principles and guidelines that apply to activities in general, also apply to activities on-line. The use of equipment, services and technology is a privilege and all employees must adhere to the policies currently in place, and the policies set forth here.

The equipment, services and technology used to access the Internet are the property of LCADD and the company reserves the right to monitor all aspects of employee use of company owned equipment and services at any time and without notice.

Company employees are expected to use the Internet responsibly and productively. Job-related activities include e-mail, research and educational tasks that may be found via the Internet that help in an employee's role. Acceptable personal use on company time includes reasonable and limited communication. Employees may be monitored or blocked from using certain websites during work hours/while connected to the corporate network, at the discretion of the company.

All Internet data that is composed, transmitted and/or received by LCADD computer systems is considered to belong to LCADD and is recognized as part of its official data. It is therefore subject to disclosure for legal reasons or to other appropriate third parties

All sites and downloads may be monitored and/or blocked by LCADD if they are deemed to be harmful and/or not productive to business.

Personal devices used to access business e-mail must be locked (password protected) to maintain security. The device should be set to lock itself if idle for at least five minutes.

B. Social Media

Using social media is becoming a standard activity. Employees often use it to connect, learn and share. However, it is important to consider the power, benefits and risks associated with use of social media. Once again, it is important to remember that the same principles and guidelines that apply to employee activities in general, also apply to activities on-line. Employees shall not engage in any internet activities that may discredit the staff or programs of the LCADD. Additionally, employees shall not abuse their knowledge of the LCADD or its programs to further their social media interests. Unacceptable use of the internet by employees includes, but is not limited to:

- Sending or posting discriminatory, harassing, or threatening messages or images on the Internet or via LCADD's email service
- Sending Emails via the agency email that contains content that is deemed to be offensive. This includes, though is not restricted to, the use of vulgar or harassing language/images
- Using computers to perpetrate any form of fraud, and/or software, film or music piracy
- Stealing, using, or disclosing someone else's password without authorization
- Downloading, copying or pirating software and electronic files that are copyrighted or without authorization
- Sharing confidential material or proprietary information outside of the organization
- Hacking into unauthorized websites
- Sending or posting information that is defamatory to the company, its products/services, colleagues and/or customers
- Introducing malicious software onto the company network and/or jeopardizing the security of the organization's electronic communications systems
- Sending or posting chain letters, solicitations, or advertisements not related to business purposes or activities
- Unauthorized encryption
- Passing off personal views as representing those of the organization
- Engaging in discussions or activities that are considered political, or which may be construed as political as the agency and its' employees are covered under the provisions of the Hatch Act.

If an employee is unsure about what constituted acceptable computer, e-mail or Internet usage, then he/she should ask his/her supervisor for further guidance and clarification

All terms and conditions as stated in this document are applicable to all users of LCADD's network and Internet connection. All terms and conditions as stated in this document reflect an agreement of all parties and should be governed and interpreted in accordance with the policies and procedures mentioned above. Any user violating these policies is subject to disciplinary actions deemed appropriate by LCADD.

C. Software

LCADD recognizes the importance of legal and ethical use of software assets. All software assets are for business use only and should not be used by the employees for personal interests.

LCADD has purchased fully licensed copies of computer software from a variety of publishers and vendors. These licensed and registered copies are placed on computers with appropriate backup copies. No other copies of this software can be made without the written consent of the software publisher and LCADD. LCADD will provide copies of software to meet all our business needs in a timely fashion. The use of software obtained from any other source could present security and legal threats to LCADD and such use is strictly prohibited. In addition, unauthorized copies of software are a violation of the law and contrary to the policies of LCADD. Employees who make, acquire or use unauthorized copies of software will be subject to immediate discipline up to and including termination.

LCADD reserves the right to periodically audit software use and agency computers to assure compliance with this policy. Software without a valid license or that has not been authorized may be removed and disciplinary actions may result.

PROTECTION OF PERSONAL INFORMATION

APPENDIX L

Your job at the LCADD may require you to possess or review personal, health or financial information. This may include social security numbers, e-mail addresses, phone numbers, bank account numbers, addresses, or private health information. The purpose of this policy is to minimize the risk of disclosing this personal information and setting practical guidelines for responding to security incidents.

Non-digital Media

Non-digital media containing personal information shall be physically controlled and securely stored in a manner to ensure that the information will not be accessed by unauthorized individuals. This storage may include, but is not limited to, storage in locked containers such as cabinets, drawers, file rooms or similar locations.

Digital Media

If such personal information is stored in electronic format, it shall be protected from access by unauthorized individuals. Such information must be protected by software that prevents unauthorized access. If personal information is transmitted via e-mail or other electronic means, it must be sent using appropriate encryption mechanisms.

Portable Computing Devices

During the course of LCADD business, personal information may have to be placed on portable computing devices. Employees should take every effort to minimize the amount of personal information included on any personal device. Employees should take reasonable efforts including physical control to protect the information from unauthorized access. This may include locking vehicles or offices where portable devices are located and taking reasonable measures to prevent tampering, damage or theft. The LCADD will encrypt all personal information. In the event the portable device is lost or stolen, the employee should immediately contact the LCADD as the LCADD will need to provide notification to all affected persons/entities. Failure to notify the LCADD of a stolen or lost portable device could result in disciplinary measures, including dismissal.

Return of LCADD Property and Information

All files or devices containing LCADD related business and personal information must be returned to the LCADD within 24 hours upon leaving employment with the agency. All LCADD equipment must be returned to LCADD before receiving your final paycheck.

Agreement Regarding Protection of Personal Information

I realize that my employment with the LCADD may require me to possess, gather or review personal, health or financial information. This may include social security numbers, bank account numbers, addresses and private health information.

As such, I agree that I have read Appendix L of the LCADD Policies and Procedures Manual and that I understand it is my duty to minimize the risk of disclosing personal information and limiting security incidents. This may include, but is not limited to, locking cars, cabinets, devices and limiting the personal information included in e-mails or electronic communications. In addition I agree to immediately report any theft or loss of personal information, such as files or portable electronic devices that contain personal information.

Date: _____

Employee: _____

**Lake Cumberland Area Development District
Whistleblower Policy
Appendix M**

Purpose:

It is the policy of Lake Cumberland Area Development District that its operations are conducted according to the highest standard of integrity, and that its officers, directors, staff, consultants, volunteers, and any and all other agents avoid situations that might conflict with their responsibilities on behalf of the agency. In these positions, we must practice honesty and candor.

Scope:

All board members, staff, volunteers, consultants and anyone doing business in any way with the Lake Cumberland Area Development District are covered by the scope of this policy and its guidelines.

Policy:

It is the responsibility of all those noted in the Scope of Policy to report in accordance with this Whistleblower Policy within 90 days of discovering the violations or suspected violations in accordance with this policy.

The objectives of Lake Cumberland Area Development District's whistleblower policy are to establish policies and procedures to:

- Prevent or detect and correct improper activities.
- Encourage each officer, employee and volunteer (reporting individual) to report what he or she in good faith believes to be a material violation of law or policy.
- Ensure the receipt, documentation, retention of records and resolution of reports received under this policy.
- Protect reporting individuals from retaliatory action.

Reporting individuals must also notify the agency if an action needs to be taken in order for the agency to be in compliance with law, policy or with generally accepted accounting practices. The types of concerns that should be reported include, for purposes of illustration and without being limited to, the following:

- Providing false or misleading information in the agency's financial documents, grant reports, tax returns or other public documents.
- Providing false information to or withholding material information from the agency's auditors, accountants, lawyers, directors or other representatives responsible for ensuring compliance with fiscal and legal responsibilities.
- Embezzlement, private benefit, or misappropriation of funds.

- Material violation of agency policy including, among others, confidentiality, conflict of interest, whistleblower, ethics and document retention.
- Discrimination based on race, gender, sexual orientation, ethnicity, disability or others protected by law.
- Facilitation or concealing any of the above or similar actions.

Reporting Concerns:

Staff, Consultants and Volunteers

Whenever possible, individuals should seek to resolve concerns by reporting issues directly to the next level of management, as needed, until matters are satisfactorily resolved. If, for any reason, an individual is not comfortable speaking to a manager or does not believe the issue is being properly addressed, the individual may contact the Chair of the agency or its Executive Director. If an individual does not believe that these channels of communication can or should be used to express his/her concerns, the individual may contact the chair of the agency's Executive Committee. Whenever practical, reports should be in writing. Contact information for the Chair of the Board and the Executive Director may be obtained from the agency's website or by calling the agency at 270-866-4200.

Board Members, Vendors and Agents

Board members, vendors, volunteers and other agents may submit concerns to the Executive Director or directly to the appropriate committee Chair. If such individuals are not comfortable reporting to either of these individuals, or if he/she does not believe the issue is being properly addressed, the report should be escalated directly to the board Chair.

Handling of Reported Violations:

In accordance with this policy, the agency will investigate all reports filed with promptness and care. Matters reported internally without initial resolution will be investigated by the Executive Director and Chair of Lake Cumberland Area Development District to determine if the allegations are true, whether the issue is material, and what actions, if any, are necessary to correct the problem. The agency staff will issue a full report to the executive committee of the board of all matters raised under this policy.

For matters reported directly to the Executive Committee, the Chair, or the Executive Director, the committee shall promptly (generally within five business days) acknowledge receipt of the complaint to the complainant if that individual is known. An investigation will be held to determine if the allegations are true, whether the issue is material and what, if any, corrective action is necessary. Upon the conclusion of this investigation, the Executive Committee shall, as soon as is reasonably possible, report its finding to the regional board of Lake Cumberland Area Development District.

Authority of the Executive Committee:

The Executive Committee shall have full authority to investigate concerns raised in accordance with this policy and may retain outside legal counsel, accountants, private investigators or any other resource that the committee reasonably believes is necessary to conduct a full and complete investigation of the allegations.

No Retaliation:

No board member, staff, volunteer, consultant, vendor or agent that in good faith reports a violation of the policy shall suffer harassment, retaliation or adverse consequences. An individual who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment. This policy is intended to encourage and enable individuals to raise serious concerns within the agency prior to seeking resolution outside the organization.

Acting in Good Faith:

Anyone filing a complaint concerning a violation or suspected violation of the policy must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of the policy. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

Confidentiality

Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

Adopted on _____

I acknowledge that I have received a copy of the Lake Cumberland Area Development District's Whistleblower Policy, and I agree to read it thoroughly and direct any questions I may have to my supervisor, the Human Resource Director, or the LCADD Executive Director.

Signature/Name

Date

LAKE CUMBERLAND AREA DEVELOPMENT DISTRICT

Appendix N

CODE OF ETHICS

I. Introduction

This Code of Ethics (Code) has been adopted by the Board of Directors (Board) of the LCADD Area Development District (the District) this 19th day of July, 2017. The Code will be to help assure appropriate use of District funds and its proper operation, free from conflicts of interest with employees, Officers, Board Members and others who serve the District. The Code generally applies to Board Officers, Board Members, District employees and others who serve the District, such as Council and Committee members. The Code may be amended from time-to-time by a vote of the majority of the Board at a regularly scheduled Board meeting pursuant to the District's standard processes for passing resolutions or otherwise taking Board action.

The Code is not an all-exclusive or all-inclusive list of ethical responsibilities for those who serve the District. The District expects all of those who serve it to exercise common sense and good judgment, taking into account the District's responsibility to remain faithful and responsive to public trust. The District also maintains Administrative Regulations and Personnel Policies which address the details of subjects such as disbursements, purchasing, petty cash, travel expenses, conference and meeting expenses and other financial /conflict of interest issues. In addition, the District expects those who are associated with it to abide by whatever additional ethical rules to which they may be subject, including any local, state and federal rules. In the event of conflicts between this Code of Ethics and other ethical rules, District's Administrative Regulations or the District's Personnel Policies, those associated with the District should follow the most stringent standards applicable to them. The District will also follow in compliance to KRS 147A as established and will adhere to all regulatory statutes as addressed to Area Development Districts.

II. Standards of Conduct

- A. District employees shall avoid any interests or activity which is in conflict with the conduct of official duties and should avoid the appearance of conflict of interest, seeking or accepting favor, benefit, profit, individually or for family members or friends, secured by privileged information or by misuse of position, public times or public resources.

- B. Board Members or District employees shall not solicit nor accept gratuities, favors, or loans from contractors, potential contractors, or parties to sub-agreements based upon the understanding that the gift was given or offered for the purposes of influencing such Board Member or District employee directly or indirectly in the discharge of his/her duties.
 - 1. No District employee, Board Member or an immediate family member (spouse, a child residing in the employee's household, or a person claimed by the employee, or the employee's spouse, as a dependent for tax purposes) of an employee or board member of the District shall directly or indirectly or through other benefit, hold or enjoy, in whole or in part, any contract made, entered into, awarded, or granted by the District.
 - 2. Any violations of this section will be referred to the Ethics Committee for evaluation and action which is discussed in section III. Enforcement and Compliance.
- C. District employees shall not engage in, solicit, negotiate for, or promise to accept private employment, nor shall they render services for private interests or conduct a private business, when such employment, service, or conduct presents a potential for a conflict with their duties and responsibilities.
- D. District employees should never conduct themselves in a manner that gives the impression that they can be improperly influenced in the performance of their professional duties and responsibilities, and staff members in the proper and faithful exercise of those duties and responsibilities shall maintain complete impartiality, giving no preferential treatment and showing no favoritism in any manner in conduct of work, performance of service, actions or attitude.
- E. Board Members and District employees shall familiarize themselves with and are responsible for understanding and complying with the laws and regulations to which the District are subject.

III. Enforcement and Compliance

- A. Ethics Committee- The District Executive Committee and the Executive Director shall constitute the Ethics Committee. Notwithstanding the existence of an Ethics Committee, every person associated with the District maintains a continuous responsibility for compliance. The District's management staff retains, in connection with its management duties, additional responsibilities to monitor employee compliance.
- B. Training and Education- At least biennially, the District shall cause ethics training to be conducted for Board Members and employees, including training on this Code. New Board Members shall receive training on this Code as part of their initial orientation to the organization.
- C. Complaints and Reports- The District encourages complaints and reports about any and all ethics issues and suspected violations, whether under this Code or otherwise. Employees and others must report suspected violations to any member of the Ethics Committee, or to the Executive Director. All complaints and reports will be investigated and kept confidential to the extent consistent with a thorough investigation, and to the extent consistent with the law. The District will undertake appropriate steps to remedy Code violations and other

District issues which can properly be regarded as presenting ethical issues in the area of

District finances and conflicts of interest. The District will not undertake reprisals against an individual who has made a report, in good faith, of an alleged violation of the Code, the law or financial mismanagement.

IV. Definitions

- A. Ethics Committee-The District Executive Committee and the Executive Director shall constitute the Ethics Committee
- B. Family member- spouse, parent, child, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, grandchild, great-grandparent, great-grandchild, step family members and include health care surrogate and persons the same relation to the spouse.
- C. Immediate family member- spouse, a child residing in the employee's household, or a person claimed by the employee, or the employee's spouse, as a dependent for tax purposes

Executive Director Code of Ethics "Honesty, Integrity and Excellence"

I. Introduction

The creation of Kentucky's Area Development Districts is the result of the labors of many dedicated persons, over a period of many years, who have diligently sought to increase the capacity of government to better serve its citizens and the ability of citizens to better influence their governments in achieving and serving the general welfare of all citizens.

The area development district, while not a government in itself, is a device for improving communications between governments, between governments and their constituents, and between people. Its function is to serve and where it serves well, the best hopes and ambitions of the people will be clearly expressed and, by their expression, provide guidance to their elected officials in enacting and administering law essential to the achievement of those best hopes and ambitions.

The voice of the area development district is its Board of Directors. Comprised of local elected officials and representative citizens, it is particularly adapted for the purpose of receiving the views of its citizens and translating them into concise statements of goals and objectives for the common guidance of both government and governed.

In order that the Board of Directors of an area development district may perform well their responsibilities, it is essential they be provided the services of an efficient, professional staff whose responsibilities are to provide them adequate information regarding alternatives on which their decisions can be based, ways and means for achieving determined goals and objectives, and to serve to effectuate the decisions of the Board.

II. Executive Director Code

Principal responsibility for the provision of competent staff services rests with the Executive Director of the area development district. In recognition of this responsibility, the Executive Directors of Kentucky's Area Development Districts, through their organization, the Kentucky Association of District Directors, do this 19th day of July, 2017, adopt and proclaim the following guidelines for the conduct of their respective offices:

1. The conduct of the Executive Director must exemplify the highest professional standards in the District's relationship to the public, the constituent governments of the district, and the agencies and officials of local, state, and federal governments.
2. The conduct of the Executive Director shall be an example for all members of the District staff in order that they may enjoy respect for their professional competence and take pride in their association with the area development district.

III. Compliance Standards

In order for the Executive Director to implement the codes and conduct of him/her, and to assure the actions of the District and its staff to follow established and approved policies and procedures, the Executive Director shall be responsible to the District staff and operations to comply with the following policy directives as adopted by the respective District Board of Directors:

1. Area Development District Governance, Transparency, and Accountability Standards.
2. Code of Ethics for Area Development District staff and Board of Directors.

IV. Compliance Procedure.

The following procedure will be followed to assure compliance of this adopted Code of Ethics. Any cause of concern of infraction, or the potential of infraction, of any of the codes by an Executive Director shall be reported to the Chairperson of the Kentucky Association of Development Districts, unless the Director in concern is the Chairperson, in which case the infraction will be reported to the Vice Chair. The Chairperson (or Vice Chair) shall select two other Directors to form a fact-finding committee. The committee will call upon the Director in question and gather facts and hopefully resolve the infraction. The committee will report to the Executive Committee of the Kentucky Association of Development Districts of any unresolved issues. If infraction(s) is still not resolved, a report will be made to the Chairman of the Kentucky Council of Area Development Districts as well as to the respective Chairman of the Area Development District Board, for further plan of action.

Adopted this 19th day of July 2017

Executive Director

**LAKE CUMBERLAND AREA DEVELOPMENT DISTRICT
RECORD RETENTION SCHEDULE
Appendix O**

The Lake Cumberland Area Development District shall follow the record retention policy of the Kentucky Department for Libraries and Archives, General Schedule for State Agencies and Area Development Districts.

Appendix P.

**LAKE CUMBERLAND AREA DEVELOPMENT DISTRICT, INC
EMPLOYEE NON-DISCLOSURE AGREEMENT**

1. **Covenant of Confidentiality and Nondisclosure:** Lake Cumberland Area Development District, Inc. (hereinafter “LCADD”) acknowledges that the terms of this Agreement and all matters in conjunction with the negotiations giving rise to this Agreement, are strictly confidential, and that such confidentiality was a critical consideration for LCADD to enter into this Agreement. Except to attorneys as necessary for procuring advice regarding this Agreement, or as required by law, Employee agrees that they will not disclose to any third party, whether directly or indirectly, and whether personally or through other persons or entities: (1) the existence or terms of documents or information generated or discussed in conjunction with the negotiations giving rise to this Agreement; or (2) the scope or the terms of this Agreement.

2. **Confidential Information:** Employee acknowledges that, in and as a result of their employment by LCADD, Employee will make use of, acquired and be informed of information about certain matters and things which are confidential to LCADD and its clients and which information is the exclusive property of LCADD and its clients, including, without limitation:

a. ‘Confidential Information’ means all data and information relating to the business and management of LCADD, including proprietary and trade secret technology. Accounting, books of business records to which access is obtained by Employee, and it includes Work Product, Computer Software, Other Proprietary Data, Business Operations, Marketing and Development Operations, and client information.

b. ‘Computer Software’ which means computer software resulting from or related to work or projects performed or to be performed for LCADD, of any type or form in any stage of actual or anticipated research and development, including but not limited to programs and program modules, routines and subroutines, processes, algorithms, design concepts, design specifications (design notes, annotations, documentation, flowcharts, coding sheets, and the like), source code, object code and load modules, programming, program patches and system designs;

c. ‘Other Proprietary Data’ means information relating to LCADD’s proprietary rights prior to any public disclosure of such information, including but not limited to production data, technical and engineering data, test data and test results, the status and details or research and development

of products and services, and information regarding acquiring, protecting, enforcing and licensing rights belonging to Employ.

d. 'Business Operations' means internal personnel and financial information, client names and other client information (including client characteristics, services and agreements), purchasing and internal cost information, internal services and operational manuals, and the manner and methods of conducting LCADD's business;

e. 'Marketing and Development Operations' means marketing and development plans, price and cost data, price and fee amounts, pricing and billing policies, quoting procedures, marketing techniques and methods of obtaining business, forecasts assumptions and volumes, and future plans and potential strategies of LCADD which have been or are being discussed;

f. "Grant Procurements" means the attempts, successful or unsuccessful, by LCADD on its behalf or on the behalf of a client to secure government funding for any and all projects.

g. 'Client' means names of clients and their representatives, contracts and their contents and parties, customer services, data provided by clients and the type, quantity and specifications of products and services purchased, leased, licensed or received by clients of LCADD.

3. **Confidential Obligations:** Employee agrees that a material term of this Agreement is to keep all Confidential Information absolutely confidential and protect its release to the public or any third party. Employee agrees not to divulge, reveal, report, publish or use, for any purpose, any of the Confidential Information which Employee has learned or obtained or which was disclosed to Employee by LCADD as a result of or during Employee's employment by LCADD. Employee agrees that if there is any question as to such disclosure then Employee will consult LCADD or counsel for LCADD prior to making any disclosure of LCADD's information that may be covered by this Agreement.

a. Health Insurance Portability and Accountability Act. Employee acknowledges that LCADD receives confidential information from clients that is subject to the Health Insurance Portability and Accountability Act (HIPPA) and agrees to strictly abide by the rules and regulations of said act in the disclosure or release of any and all client information.

b. The obligations to ensure and protect the confidentiality of the Confidential Information imposed on Employee in this Agreement and any obligations to provide notice under this Agreement continue for a period of five (5) years from the date of Employee's execution of this Agreement.

4. **Ownership and Title:** Employee acknowledges and agrees that all rights, title and interest in any Confidential Information will remain the exclusive property of LCADD. Accordingly, Employee specifically agrees and acknowledges that he will have no interest in the Confidential Information, including, without limitation, no interest in know-how, copyright, trade-marks or trade names, notwithstanding the fact that he may have created or contributed to the creation of the same.

(Signature)

(Date)

EMPLOYEE: _____

(Print)

Q. Self-reporting of Criminal Conduct.

1. Upon the conviction or plea of guilty by any employee for any felony or any misdemeanor relating to theft or fraud, the employee shall report said conviction or plea of guilt to the Human Resource Director and the Executive Director within (5) business days of said conviction or guilty plea
2. Upon any employee being charged or cited for any violation, misdemeanor or felony while on duty as an employee of LCADD or while driving a vehicle owned by LCADD, the employee shall report said charge or citation to the Human Resource Director and the Executive Director within (24) hours of said charge or citation.
3. Said conviction, plea, charge or citation will be taken into consideration by the Executive Director and may lead to the termination of the Employee. Failure by the Employee to comply with the foregoing reporting requirements of this section shall cause for immediate termination of the employee.
4. Nothing in this section shall negate or alter the provisions of Paragraph 1 of the Forward stated above.

Appendix R

For HCBS waiver Service Advisors/Case Managers, a cellular telephone provided by LCADD will be utilized in a weekly on-call rotation among waiver staff to address phone calls and/or text messages received after regular business hours, on weekends and on holidays that LCADD is closed. These communications will be addressed by on-call waiver staff based upon the nature of the contact and per applicable regulation.

For waiver staff who may be providing on-call coverage, the following calculation table will apply:

Overtime Minutes	Calculated Overtime
1 - 6	.10 hour
7 - 12	.20 hour
13 - 18	.30 hour
19 - 24	.40 hour
25 - 30	.50 hour
31 - 36	.60 hour
37 - 42	.70 hour
43 - 48	.80 hour
49 - 54	.90 hour
55 - 60	1 hour

LAKE CUMBERLAND AREA DEVELOPMENT DISTRICT
OPEN RECORDS RULES AND REGULATIONS
Appendix S

Purpose:

Public policy requires “free and open examination of public records.” KRS 61.871. Accordingly, the Agency must respond effectively and efficiently to records requests in a consistent and coordinated manner. Therefore, this Open Records Policy sets forth the standards for all LCADD employees when a records request is received and ensures compliance with all applicable open records laws.

Applicability:

This Policy supersedes any relevant policy that previously existed. All LCADD employees shall read this policy and sign to indicate that they have read, understand, and will comply with this Policy.

Records Custodian:

Lake Cumberland Area Development District shall designate an employee as its Records Custodian. The Records Custodian shall review the Kentucky Open Records Act, 200 KAR 1:020, and “The Kentucky Open Records & Open Meetings Acts: A guide for the public and public agencies” published by the Office of the Attorney General. The Records Custodian shall ensure compliance with the Kentucky Open Records Act, 200 KAR 1:020, this Policy, and all relevant requests.

The Office designates the following Records Custodian:

Name: Lyndsey Brown

Title: Deputy Executive Director/Director of Community and Economic Development

Mailing Address: P.O. Box 1570 Russell Springs, KY 42642

Email Address: lyndsey@lcadd.org

Phone: 270-866-4200

Responding to Records Requests:

All requests for copies or review of public records in the custody of the Agency must be made in writing. A request may be sent electronically to the Record Custodian’s email address identified above. Requests may also be mailed to Lake Cumberland Area Development District or hand delivered to Lake Cumberland Area Development District at 2384 Lakeway Drive, Russell Springs, Kentucky 42642.

After consulting with LCADD General Counsel, the Records Custodian shall provide a response to the records request that is postmarked or electronically transmitted within five business days of the date the request is received. Notice promptly shall be sent to the requesting party if additional time is needed under KRS Chapter 61. When a response is delayed, the notice shall specifically indicate that additional time is required to process the request and explain the circumstances justifying additional processing time.

The Records Custodian shall determine whether the requester has reasonably described records within the possession of Lake Cumberland Area Development District. If no such records are

identified, the request may be denied on those grounds. However, if it is reasonably believed that another public agency is in possession of the records described in the request, the Records Custodian shall refer the requester to the appropriate records custodian, providing both their name and contact information. If it is determined that the records are within Lake Cumberland Area Development District's possession, the Records Custodian shall gather them for processing. Records that are responsive shall be segregated from nonresponsive records (i.e., records that were not requested). The Records Custodian shall then examine responsive records to determine which records, if any, are exempt from disclosure and make appropriate redactions. If the Records Custodian determines that the records request should be denied in whole or in part, the Records Custodian shall notify the requester with an explanation for the decision to withhold any responsive records, citing the specific exemption in statute as the basis for withholding. If any part of a request for records is denied, the Records Custodian shall confer with legal counsel to ensure accuracy in applying the law.

If the request places an unreasonable burden for producing public records, or if the Records Custodian has reason to believe that repeated requests are intended to disrupt other essential functions of Lake Cumberland Area Development District, the Records Custodian may refuse to produce the records upon conferring with legal counsel prior to denying the request.

Record Production and Fees:

When responsive records are to be transmitted electronically to the requester, there is no charge to the requester. However, if the responsive material is more than 8 megabytes ("MB"), the documents will automatically be produced via USB flash drive and mailed to the requester. Prior to mailing, the Records Custodian shall provide an invoice to the requester for the production and postage. The fee for each USB flash drive is \$5.00. A USB flash drive containing responsive records will be mailed upon receipt of payment.

When responsive records are to be mailed to the requester, the Records Custodian shall first provide an invoice to the requester for the production and postage. Printing costs are \$0.10 per page, and additional fees shall be justified on any invoice. Copies of photographs, maps, and other such records shall be furnished to any person requesting them on payment of a fee equal to the Lake Cumberland Area Developments District's actual cost to produce the copies. Estimated costs shall be communicated to the requestor before costs are incurred. After the invoice is paid, the Records Custodian shall produce the responsive records to the requester.

If the requester wishes to personally inspect responsive records at Lake Cumberland Area Development District, or the location where the records are maintained, the Records Custodian shall facilitate with the requester the scheduling of a convenient time and place for inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday. The Records Custodian, or an employee of the Agency, shall be present and personally monitor the inspection.

I, _____, do hereby certify that I have read, understand, and will comply with this Policy.

Employee Signature

Date