



**Kent County Levy Court Workshop
Meeting Notice and Agenda
555 Bay Road , Dover, DE 19901
Caucus - Room 230
Tuesday, June 16, 2026**

6:00 PM, WORKSHOP

Location: Caucus Room

The public is welcome to attend in person, via WebEx, or by phone.

to join via WebEx go to: [https://kentcountyde.webex.com/kentcountyde/j.php?](https://kentcountyde.webex.com/kentcountyde/j.php?MTID=mb5be1b37cbbf8809edf94daf921c9a4b)

[MTID=mb5be1b37cbbf8809edf94daf921c9a4b](https://kentcountyde.webex.com/kentcountyde/j.php?MTID=mb5be1b37cbbf8809edf94daf921c9a4b)

or by phone: 1-408-418-9388; Meeting number (access code): 2342 429 6539; Meeting password: #

CALL TO ORDER

DETERMINATION OF QUORUM

WORKSHOP ITEMS:

1. Paramedic Sign-On Bonus Program
2. Update Kent County Levy Court Policy Manual

PUBLIC COMMENTS

COMMISSIONERS' COMMENTS

EXECUTIVE SESSION, if needed

Immediately following the Workshop,
Caucus Room

For preliminary discussion on site acquisition for a publicly funded capital improvement; legal strategy session regarding collective bargaining; pending or potential litigation; and personnel matters.

Pursuant to 29 Del.C. 10004(b)(2), (4), & (9)

ADJOURN

Posting Info:

Posted: 6/9/26

Revised:

Posted by: L. Tanaka

Time: 5:49PM

Take down: Upon Replacement or on 6/17/26

29 Del.C. §10004(e)(2). The Agenda items as listed may not be considered in sequence. This Agenda is subject to change to include additional items including Executive Sessions or the deletion of items including Executive Sessions, which arise at the time of the meeting.



DEPARTMENT OF PUBLIC SAFETY

MEMORANDUM

June 16, 2026

To: Levy Court Commissioners

Via: Kevin Sipple, County Administrator

From: Chief John A. Tinger, Director
Department of Public Safety

RE: Paramedic Sign-On Bonus

In July 2025, the Department of Public Safety requested and received approval for an enhanced Paramedic Sign-On Bonus Program as a temporary workforce stabilization strategy to address significant staffing shortages within the Division of Emergency Medical Services. At that time, the Division was experiencing 12 vacant full-time paramedic positions, impacting operational readiness, staffing resiliency, and the Department's ability to meet service demands. The Department also anticipated the opening of two new EMS stations, further increasing staffing demands throughout the system.

Since implementation of the enhanced recruitment incentive, the Division has experienced significant improvement in staffing levels. Through aggressive recruitment efforts, the continued success of our paramedic trainee program, and employee retention initiatives, the staffing crisis that prompted the enhanced incentive program has largely been resolved.

Since Levy Court approved the enhanced program, the Department has increased its authorized staffing complement by six additional paramedic positions while simultaneously reducing vacancies from twelve positions to five. This improvement has allowed the Department to fully staff and place into service both new EMS stations while maintaining systemwide operational readiness.



DEPARTMENT OF PUBLIC SAFETY

Additionally, the Department is currently preparing to enroll the next group of paramedic recruits through the Delaware Technical Community College Paramedic Program, providing a continued pipeline of future employees and further supporting long-term workforce sustainability.

As noted in the original request, the enhanced sign-on bonus structure was intended to be a temporary measure and would be revisited once vacancy levels improved. Given the substantial progress achieved, the Department believes the objectives of the enhanced program have been met and recommends returning to the original Paramedic Sign-On Bonus Program structure effective July 1, 2026.

Returning to the original structure will continue to provide a recruitment incentive for prospective employees while appropriately aligning the program with current workforce conditions and reducing ongoing personnel-related expenditures.

We respectfully request Levy Court's approval to return to the original Paramedic Sign-On Bonus Program structure effective July 1, 2026.

Proposed motion:

I move to approve the return to the original Paramedic Sign-On Bonus Program structure effective July 1, 2026. The enhanced recruitment incentive approved in July 2025 successfully supported workforce stabilization efforts within the Division of EMS, resulting in increased staffing levels and a significant reduction in vacancies. As such, the temporary enhanced incentive is no longer necessary, and the Department is authorized to return to the original sign-on bonus structure.



DEPARTMENT OF PUBLIC SAFETY

Original Incentive

	Paramedic Recruitment <i>New Hire Remuneration Qualification</i>	Upon hire w/NREMT-P & certs*	End of probation months) ⁽⁶⁾	End of year 1 <i>w/eval.</i>	End of year 2 <i>w/eval.</i>	End of year 3 <i>w/eval.</i>	TOTAL
1	Full paramedic trainee* program participant	\$250	\$500	\$750	\$500	\$500	\$2,500
2	*2 Partial paramedic trainee* program participant	\$500	\$500	\$1,000	\$500	\$500	\$3,000
3	< 1 year experience & Fully certified	\$500	\$750	\$1,000	\$750	\$500	\$3,500
4	1-2 years' experience & Fully certified	\$500	\$1,000	\$1,000	\$1,000	\$500	\$4,000
5	3-5+ years' experience & Fully certified	\$500	\$1,000	\$1,000	\$1,500	\$1,000	\$5,000

Current Enhanced Incentive

	Paramedic Recruitment <i>New Hire Remuneration Qualification</i>	Upon hire w/NREMT-P & certs*	End of probation months) ⁽⁶⁾	End of year 1 <i>with eval</i>	End of year 2 <i>with eval</i>	End of year 3 <i>with eval</i>	TOTAL
1	Full paramedic trainee* program participant	\$500	\$1,000	\$1,500	\$1,000	\$1,000	\$5,000
2	*2 Partial paramedic trainee* program participant	\$1,000	\$1,000	\$2,000	\$1,000	\$1,000	\$6,000
3	< 1 year experience & Fully certified	\$1,000	\$1,500	\$2,000	\$1,500	\$1,000	\$7,000
4	1-2 years' experience & Fully certified	\$1,000	\$2,000	\$2,000	\$2,000	\$1,000	\$8,000
5	3-5+ years' experience & Fully certified	\$1,000	\$2,000	\$2,000	\$3,000	\$2,000	\$10,000



Human Resources Policy Review for Kent County Levy Court

April 2026



Gallagher

Insurance | Risk Management | Consulting

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Introduction

Background and Engagement Overview

The Levy Court was originally established in 1655 due to taxing requirements on landowners in Delaware, and Kent County was formally established in 1683 with evolving responsibilities over the centuries. Today, the County has 326 positions to meet the needs of the County's population of just under 200,000.

In February of 2025, Kent County Levy Court contracted with Arthur J. Gallagher & Co. to conduct a review of its employment policy documents. In some cases, policies had not been updated in thirty years, and even where the law itself has not necessitated policy updates, best practices that impact policy language regularly evolve.

Approach

Charlotte Jensen, Senior HR Consultant with Gallagher, worked with Kent County's Human Resources Director, Trudena Horsey, to identify all applicable policy documents. To date, over 200 pages of policy documents have been reviewed.

To capture recommended edits to policies, Gallagher used "track changes" and comment boxes within the policy documents themselves so that Kent County could directly see the impact of changes on policy language and to accept or reject changes with ease, leaving the County with a clean document upon completion. Because of the age of the documents, formatting issues persist on the revised documents; however, the system the County uses for managing policy documents will perform as required to eliminate the formatting concerns.

Ongoing meetings between Ms. Horsey and Ms. Jensen occurred as recommendations were discussed, and meetings with key stakeholders took place as needed to ensure recommended changes align with actual practice and meet the needs of both the County and its employees. For purposes of this report, "key stakeholders" are members of the leadership team, including the County Administrator, Human Resources Director, Director of Administration, and most department heads and row officers.

Gallagher also identified policies that the County did not formally have and assisted the County with developing language for those the County would like to add.

This summary report is specific to Kent County Policy Manual.

Kent County Policy Manual Review and Recommendations

General Changes

- As a point of modernization, in most cases, the word “Personnel” was exchanged for “Human Resources,” as the function is known as today. This change was not made in a few distinct areas, such as policy titles and the naming of the Personnel Administration Board.
- Another change for modernization was replacing “permanent employee” with “regular employee.” There have been a number of court cases where words like “permanent” were used against an employer because such words suggest to an employee that they can never be terminated. The use of “regular” keeps with the spirit of permanent by indicating the position is regularly staffed and isn’t temporary or interim, while removing the suggestion that the incumbent themselves is permanent.
- Gender specific language (him/her; his/hers; Chairman) was replaced with gender neutral language (them/their; Chair), in alignment with federal Equal Employment Opportunity Commission (EEOC) guidance.
- Key stakeholders recommended condensing language that said “classified and unclassified employees” when the policy pertained to both. Those specific policies now just say “employees.”
- “Temporary, contracted, intermittent and seasonal employees” are now referred to as “contractual.”
- Defining family members as either “relative” or “near relative” has been merged into a single definition of “relative.”
- Policies that have been removed (2-14, 2-20, and 4-5) have had the policy title changed to “Deleted in its entirety” in order to maintain the integrity of policy numbers.

Key Changes

2-2 Employee Compensation

In letter C, the County Administrator is capped at 8% in how far above the minimum rate a new hire can be paid.

In letter E, previously D, it is clarified that employee promoted to a higher pay grade will be slotted at the step that provides at least an 8% pay increase.

2-7 Payroll Direct Deposit and 2-8 Pay Day

Language that employees will be terminated if they do not utilize direct deposit has been removed.

2-10 Workers’ Compensation

Letter D language was adjusted to reflect unpaid extraordinary leave, removing the provision that employees could be advanced sick time.

2-11 Employee Assistance Plan

Language has been added to clarify that while use of the EAP is free, referrals to providers are not and are the expense of the employee and/or their health insurance.

The County's right to mandate an employee to the EAP has been added. This is most often used when an employer doesn't want to lose an employee but wants to ensure they seek help and take accountability for certain conduct, such as violation of a substance abuse policy or inappropriate outbursts of anger.

2-14 Department Manager Performance Evaluations

This has been moved to 3.2.

2-15 Higher Education and Certification

The promise that employees who earn 15 training credits within three years will receive a 1% pay increase has been removed.

2-20 Gainsharing Program

This policy has been removed for not being applicable to the County.

2-21 Employee of the Month/Year

Language has been added to inform employees that they can opt out of having their photo publicly displayed. This is for privacy and security reasons or simply that the employee is not comfortable having their picture on public display.

Language has also been added that Department Heads, Directors, Assistant Directors, and Appointed Deputies and Chief Deputies are not eligible for this program.

2-22 Deputies

New section titled "Appointed Deputies and Chief Deputies." The following sections involving Deputies have been folded into a single section:

- 2-2.1 – Slotting of Deputies and Chief Deputies
- 2-4 – Longevity Pay for Deputies and Chief Deputies
- 2-5.1 – Overtime for Deputies and Chief Deputies
- 2-9.1 – Salary for Deputies, Chief Deputies and Sheriff's Deputies
- 3-1 – Work Hours for Deputies and Chief Deputies

4-2 Closing of County Government Offices

"Operational" employees have been redefined as "Essential," and "Administrative" employees as "Non-Essential." It has also been added that who is deemed "essential" may also vary depending on the nature of the event.

Clarifying language has been added that "liberal leave" is only applicable when an employee's work location is open.

4-4 Use of Vehicles for County Business

We have added language to remind employees that expectations of appropriate conduct apply while using a County vehicle, even if the use is of a personal nature and may not make stops at establishments they wouldn't be allowed to stop at while on working time.

4-5 Clean Air Act; Carpooling with County Vehicles

Policy removed.

4-13.1 Social Media Usage

This policy has been overhauled to balance the County's interests with employee rights regarding their personal usage of social media by creating acceptable usage guidelines for County accounts, personal accounts, and hybrid accounts.

5-1 Substance Abuse

Marijuana has been added as a specific item.

5-2 Smoking

Added clarification that the policy applies to all forms of smoking and tobacco products.

11-1 Family and Medical Leave

Updated with most recent provisions of the law. Additionally, 11-5 (Military Family Leave) has been folded into 11-1, as that is part of FMLA, so repetition of provisions has been removed.

12 – Harassment

Part I: Multiple changes have been made to align with current best practices and EEOC expectation, designed to increase protection to Kent County.

Part III: Added to include pregnancy accommodations and religious accommodations.

Added Policies

Deductions in Pay for Exempt Employees

New section 2-2 J. Added language strongly recommended by the Department of Labor that outlines when an employer may choose to dock the salary of an exempt employee. Different from payroll deductions, exempt employees are generally guaranteed their full salary in any week in which they perform work. This policy outlines when the County has the right to dock an exempt employee's salary.

Discussion of Wages

New section 2-1 F and G. This policy confirms that the County does not interfere with employees' rights to discuss their terms and conditions of employment, including their pay rate.

Spouse Coordination

New section 2-12 L. This outlines how the County handles insurance when the spouse of a County employee is eligible for insurance coverage through their own employer's group plan. This has become a common practice for employers to reduce their costs by limiting or removing spouses who are eligible for coverage through their own employer.

Confidentiality

New section 3-4. Created to outline expectations regarding the handling of information that is confidential, whether it is about employees, citizens, or other third parties.

Personal Appearance

New section 3-5. Developed basic guidelines for appropriate dress and appearance standards.

Workplace Searches

New section 8-4. Established the County's right to search its property, which includes employee work areas.

Fit for Duty

New section 8-5. Guidelines developed for the County to determine if an employee is potentially not fit for duty, such as potential impairment or other observations that suggest an employee may be posing a safety threat.

Volunteer Emergency Response Leave

New section 11-4. Added as a little-known Delaware leave law.

Crime Victim Leave

New section 11-5. Added as a little-known Delaware leave law.

Accommodations for Pregnancy

New section 12-7. Added to reflect requirements under the newer federal law, Pregnant Workers Fairness Act (PWFA).

Religious Accommodations

New section 12-8. Added to reflect employers' responsibilities to provide reasonable accommodations to those whose work duties may conflict with their religious practices, such as dress code or work hours.

Policies Not Reviewed

The following policies were reviewed for any language concerns but were not reviewed for content, as they are not within the scope of this project:

- Policy 13 – Sheriff's Office

Employment Policies

Policy 1**GENERAL PROVISIONS****§ 1-1. Policy adoption procedures. [Adopted 11-26-2002 (P-29A)]**

The following policy adoption procedures shall be followed:

- A. A proposed policy is prepared by staff as a recommendation of staff to the Levy Court or at the direction of any Levy Court Commissioner.
- B. A proposed policy shall contain only one subject.
- C. A Levy Court Commissioner may introduce a policy at any business meeting with the understanding that the policy will be deferred to the committee meetings for consideration, unless the Levy Court by majority vote decides to not place the matter in committee.
- D. The Levy Court may:
 - (1) Adopt the policy as proposed.
 - (2) Adopt the policy with amendments.
 - (3) Reject the policy.
 - (4) Send back to Committee.
- E. After adoption, the Levy Court staff will distribute it to all affected parties.
- F. The effective date of all policies shall be the date of adoption unless otherwise specified.

§ 1-2. Ordinance adoption procedures. [Adopted 7-12-1983 (P-2)]

The ordinance adoption procedure is as follows:

- A. A proposed ordinance is introduced in writing in final form by any Levy Court Commissioner at any duly constituted meeting of the Levy Court.
- B. The proposed ordinance shall contain no more than one main subject, which shall be stated in its title.
- C. When introduced the Clerk of the Peace shall:
 - (1) Distribute a copy to each elected County official.
 - (2) Post copies in those public places designated by the Levy Court.
 - (3) Publish the proposed ordinance by title in at least one newspaper of general circulation in the County, together with notice of the time and place of a hearing to receive public comment on said ordinance and the time, date, and place where copies may be obtained.
- D. At least 10 calendar days shall transpire between the last publication date and the date of the public hearing.
- E. Following the public hearing, the Levy Court may:

- (1) Adopt the ordinance as introduced.
 - (2) Adopt the ordinance with amendments.
 - (3) Reject the ordinance.
 - (4) Table for further review.
 - (5) Remand to staff and/or Committee for further development.
- F. If the ordinance is amended in any substantial manner not included in the title, the ordinance or the amended portion thereof shall be subject to the same procedures as if it was a new ordinance.
- G. After the adoption of the ordinance by the Levy Court, the Clerk of the Peace shall number the ordinance and publish it again with the notice of its adoption.
- H. Unless the effective date is included in the body of the ordinance, it shall become effective immediately.

KENT COUNTY POLICY MANUAL

Policy 2

COMPENSATION AND BENEFITS

Kent County Code References

§ 68-2— Categories of employment service.

§ 68-12— Training and higher education.

§ 68-5— Classification.

§ 68-13— Performance evaluations.

§ 68-6— Compensation.

PART I
Classification of Positions

§ 2-1. Annual pay plan. [Adopted 3-27-1999, effective 7-1-1999 (P-67B)]

This Policy establishes the annual pay plan for Kent County employees, except those covered by a collective bargaining agreement.

- A. The base salary for each Kent County pay range shall be adjusted by the increased cost of living (COLA) as determined by the Levy Court. The minimum and maximum salary for each Kent County pay range shall be increased by the established COLA.
- B. The annual base salary or rate of pay for each Kent County employee, except temporary employees, and statutorily established salaries, shall be adjusted to reflect the increased cost of living (COLA) as determined by the Levy Court. Retired employees receiving a Kent County pension as well as employees hired any time during the previous fiscal year may receive a full cost of living adjustment, unless otherwise determined as part of the annual budget process.
- C. The Human Resources Director shall annually calculate the adjusted salary of each applicable employee within 45 days of adoption of the annual budget, but no later than July 1 of each year. Each department head shall be advised of the annual salary figures for the employees within their respective department, and they or a designee shall individually advise each employee of their new fiscal year salary.
- D. As the final arbiter, any disputes regarding salary increases, cost of living adjustments or other payroll-related errors shall be resolved by the Human Resources Director in consultation with the County Administrator and the applicable department head.
- E. The Human Resources Director and/or County Administrator shall ensure that the full costs and specific rates approved for the annual pay plan by Levy Court are incorporated into the annual budget document before it is presented for public hearing.
- F. No employee is prohibited from inquiring about, disclosing or otherwise discussing their wages. The County will not terminate or otherwise discriminate or retaliate against employees because they engage in such inquiries, disclosures or discussions about their wages.
- G. This policy does not require the County to disclose wages of any employee except as required by law.

§ 2-2. Employee compensation. [Adopted 4-27-1999, effective 7-1-1999 (P-77)]

This Policy establishes an employee compensation program with pay grades, pay ranges, pay step increases, and pay administration.

- A. All classified and unclassified positions shall be assigned a job class or pay grade on the basis of the kind and level of duties and responsibilities. Those positions exercising similar duties and responsibilities shall be placed in the same pay grade.
- B. Each pay grade shall be assigned a pay range with pay rates that reflect fairly the compensation for comparable positions in other places of public and private employment as determined by an independent analysis conducted from time to time as directed by Levy Court.
- C. New employees meeting the minimum requirements of a position shall be compensated the minimum rate for the position's pay range. If it is necessary to appoint a new employee of lesser qualifications, the person may be hired as an intern for a period of six months at a pay rate 5% less than the minimum. Upon the recommendation of the department head, a new employee exceeding the minimum

§ 2-1

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qualifications may be compensated up to 5% above the minimum. The County Administrator may approve a salary in excess of 5%, not to exceed 8% .

- D. In order to advance within the individual pay ranges, each full-time and part-time employee in the classified or unclassified service shall receive a base pay rate step increase equal to 2% each year, effective with the start of the fiscal year and upon receipt of an effective performance appraisal. Those employees hired within the previous year shall receive a prorated increase as follows: employees with nine months or more of County service on June 30 shall advance one full 2% step; employees with not more than one day less than nine months, but less than three months, of County service on June 30 shall advance one-half 1% step; employees with not more than one day less than three months of County service on June 30 shall not advance to the next step; and employees with a pay rate between steps on June 30 shall advance to the next higher step and then one full step, if available.
- E. To ensure consistency and equitable compensation practices, an employee that is promoted to a higher pay grade will be slotted into the new grade at the corresponding step that provides at least an 8% increase over their current rate of compensation.
- F. Employees with an annual salary at or above the maximum pay range figure shall not be eligible for an annual step increase, but shall be eligible for any cost of living adjustment approved by Levy Court.
- G. All nonexempt employees shall be compensated at an hourly rate, with the annual salary figure based on the normal hours in the workweek (35 or 40) multiplied by the hourly rate and by 52 weeks. All exempt employees shall be compensated by an annual salary with the biweekly rate based on the salary figure divided by the number of pay periods during the year.
- H. All employees shall be compensated every other Friday one week in arrears, except when it falls on a holiday, for hours worked the previous two workweeks. Deductions for insurances shall be made from payroll in equal amounts over two pay periods each month; in months where there are three paydays, insurance deductions will not occur on the third payday of the month.
- I. The Human Resources Director and/or County Administrator shall submit any proposed amendments to the employee compensation program to Levy Court at the same time the annual budget is presented for public hearing.
- J. Deductions in Pay for Exempt Employees, Exempt employees are paid on a salary basis and are generally paid their full weekly salary for any week in which they perform work. However, their weekly salary may be reduced at the discretion of the County, but only in the following circumstances:
 - (1) Employees who are absent for a full day because of sickness, disability, or personal reasons who have no time off benefits accrued may not be paid for the day. For absences of less than a full day for these reasons, the employee will be paid for the day, but the employee's time off balance may be reduced by the amount of time the employee is absent from work.
 - (2) Employees who are absent from work for jury duty, attendance as a witness at a trial, or temporary military leave may have their pay reduced by the amount of payment they receive in the form of jury fees, witness fees, or military pay; however, their salary will not be reduced for the time absent from work unless they perform no work in a full workweek.
 - (3) Employees may be suspended without pay if found to have violated one of the County's policies regarding proper workplace conduct, but only in full-day increments.
 - (4) Employees who work less than a full week during the first or last week of employment will be paid a proportionate part of their salary for the time actually worked.
 - (5) Actual time taken off for Family and Medical Leave (FMLA) purposes.
 - (6) The County will reimburse any exempt employee whose pay is inadvertently reduced in violation of this policy. If an employee feels their pay has been improperly reduced, they

§ 2-2.1

COMPENSATION AND BENEFITS

§ 2-2.1

should notify Human Resources as soon as possible so that the matter can be investigated and, if there was an error, reimburse the employee.

PART II
Compensation

§ 2-3. Shift differential. [Adopted 4-25-1989, effective 7-1-1989 (P-33)]

This Policy provides additional compensation for those employees regularly scheduled to work the second shift or the third shift, as shift differential.

- A. The second shift shall be defined as those hours between 4:00 p.m. and 11:59 p.m., and the third shift shall be defined as those hours between 12:00 midnight and 7:59 a.m.
- B. Employees occasionally starting work early and/or occasionally working longer hours are not entitled to shift differential, as determined by the Human Resources Director. The shift differential rate shall be determined by Levy Court during the annual budget approval process.

§ 2-5. Compensatory time; overtime. [Adopted 3-26-2002 (P-38A)]

This Policy establishes procedures for the use and approval of compensatory time and overtime.

- A. Department heads or division managers shall authorize overtime and accrual of compensatory time only when absolutely necessary to complete a project with specific deadlines.
- B. Accrual of compensatory time off in lieu of monetary overtime compensation shall be at a rate of not less than 1 1/2 hours of compensatory time for each hour of overtime worked over the normal workweek (35 hours or 40 hours as the case may be). Accrued compensatory time in excess of 40 hours shall be paid to any affected employee on a quarterly basis, unless waived by the Human Resources Director for a specified and legitimate reason, but in no case longer than two consecutive quarters.
- C. Compensatory time off may be scheduled in conjunction with annual leave with the approval of the department head or division manager.
- D. Compensatory time off may be scheduled at the discretion of the department head or supervisor without the employee's consent, or paid out in full at any time as determined by the Human Resources Director after consulting the affected department head.
- E. Each quarter, the Human Resources Director shall provide a written report to the County Administrator and Levy Court Commissioners, as to the status of compensatory time being accrued and used.
- F. The Levy Court may at any time limit the authority of all or individual department heads or division managers to grant compensatory time.

§ 2-6. On-call pay. [Adopted 8-23-1994, effective 9-1-1994 (P-57)]

This Policy establishes an "on-call" compensation program for classified employees.

- A. Department heads may select one or more exempt employees to be available to routinely respond to emergencies after normal business hours, provided such compensation has been included in the department's annual budget for such purposes.
- B. Department heads may select one or more nonexempt (hourly) employees to be available to routinely respond to emergencies after normal business hours, provided such compensation has been included

§ 2-6

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§ 2-8

in the department's annual budget for such purposes. When responding to an emergency, the employee(s) shall be compensated for a minimum of two hours, inclusive of any follow-up callouts for the same incident.

- C. The compensation rate for being "on call" shall be established by Levy Court in the annual budget document.

§ 2-7. Payroll direct deposit. [Adopted 12-17-1996, effective 1-1-1997 (P-63)]

This Policy is intended to provide for the direct deposit of paychecks into the personal bank accounts of Kent County employees.

- A. Any employee of Kent County government shall be required to have their payroll check electronically transferred into a personal bank account or other acceptable account. Required direct deposit information shall be provided by the employee to the payroll office during the first week of employment.
- B. A waiver from the direct deposit requirement may be granted by the Human Resources Director to those employees who are students; have been denied a bank account based on poor credit history; if the employee's bank does not participate in direct deposit; for short-term employment less than three months; if the employee is new to the state and has not yet established a bank account (temporary waiver only); or for some personal reason to be fully explained on a waiver form available at the Human Resources Office. The employee's paycheck may be mailed to the employee's address.
- C. Direct deposit shall be a condition of employment, and notification that direct deposit is required shall be included on the Kent County employment application form.
- D.

§ 2-8. Pay day. [Adopted 12-17-1996, effective 1-1-1997 (P-64)]

This Policy establishes the payday for current Kent County employees.

- A. Payday shall be and paychecks will be electronically credited to employees on a biweekly basis on Friday one week in arrears, unless the day is a recognized holiday, in which case paychecks will be distributed or credited on the last working day before the holiday.
- B. The weekly pay period shall be from 12:00 midnight Sunday through 11:59 p.m. Saturday, one week later.
- C. Any manual paychecks, if issued in error, missing information, or for advanced vacation, may not be deposited or cashed until the date printed on the check.

- D. Employees must notify their supervisor and the payroll office immediately when errors are discovered in gross pay, net pay, pay rate, deductions, vacation and/or sick day accrual, holiday pay, credits, etc.
- E. Payroll errors shall be credited or deducted from the next paycheck following notification or completion of investigation.

§ 2-9. Dual compensation.¹ [Adopted 5-13-2003 (P-90); amended 11-24-2009 (P09-07); 12-18-2018 (P18-05)]

This Policy establishes procedures to ensure that the taxpayers of Kent County are not paying employees for duties performed for other employers or positions during working time with the County.

- A. The primary occupation for all full-time classified or unclassified employees shall be the employee's County government position.
- B. Any classified or unclassified County employee, who has some other paid occupation or occupations outside their County position, including any elected or paid appointed position in state government or in the government of any political subdivision of the state, including, but not limited to, any county or municipality, shall have their pay or accrued vacation or personal leave reduced on a hour-per-hour basis for any hours or days missed during the course of the employee's normal workday or during the course of the employee's normal workweek while working in any other paid occupation or serving in an elected or paid appointed position which requires the employee to miss any work time which is normally required of other County employees in the same or similar positions.
- C. Any workday during which an employee misses work time due to their other occupation, including elected or paid appointed positions, they shall have their immediate supervisor verify a signed time record stating specifically the number of hours physically worked and accounting for those hours not worked during the normal workday, said verification to take place not less often than once every pay period.
- D. All time records, so verified, shall be kept by the department or office until such time as they are requested by the Human Resources Office for review. The Human Resources Director shall perform an annual audit of the time records of classified employees with any other paid occupation(s), including elected or paid appointed positions, and refer any discrepancies to the employee's department head for possible disciplinary action.
- E. No employee shall be permitted to make up time during hours other than the normal workday for purposes of compensation. A normal workday is defined as 8:00 a.m. to 5:00 p.m., except as provided in the Code of Kent County for those who are scheduled to work outside of the normal workday. A standard work schedule is defined as Monday through Friday, except as provided in the Code of Kent County for those who are scheduled to work outside of the standard work schedule.
- F. Hourly (nonexempt) employees shall be permitted to use accrued vacation, personal, or compensatory hours with their supervisor's approval for missed work time while performing in any other paid occupation, including elected or appointed official duties. Salaried (exempt) employees shall be permitted to use accrued personal or vacation leave for full-day absences or partial-day absences with their supervisor's prior approval for missed work time while performing in any other paid occupation,

1. Editor's Note: See also the State Code of Conduct.

including elected or appointed official duties. In addition, hourly or salaried employees who hold an elected or paid appointed position in state government or in the government of any political subdivision of the state, including but not limited to any county or municipality, shall with their supervisor's approval for the missed work time be permitted to waive compensation for such time, after using at least one-half of their applicable monthly vacation leave accrual rate. However, no more than four hours per pay week and no more than 40 total hours during any calendar year shall be "unpaid" while performing such elected or paid appointed duties. If the employee exceeds the limitation for unpaid hours and/or has no accrued time as prescribed in this Policy to cover any missed time while performing any other paid occupation, including elected or appointed official duties, it shall constitute just cause for immediate termination of the employee in accordance with Kent County Code § 68-14. This policy will be amended when necessary to comply with wage and hour laws for exempt employees.

- G. Employees shall not be permitted to hold an elected Kent County government office and a Kent County government classified, unclassified or excluded position at the same time, except as provided herein. The commencement of an employee's term of elected Kent County government office shall constitute automatic resignation from any other County government position. Nothing in this section shall be construed to prohibit the Director of Finance from holding the office of Receiver of Taxes and County Treasurer, provided that the Finance Director shall receive no additional compensation for holding said office.
- H. Employees violating this Policy, including failure to maintain complete and accurate time records, shall be subject to disciplinary action up to and including termination. Any individual violating the State Code of Conduct is subject to the penalties of the law and can be referred for criminal prosecution.

PART III
Benefits

§ 2-10. Workers' compensation; on-the-job injury. [Adopted 11-24-1998 (P-16A)]

This Policy establishes the procedure for the filing of workers' compensation claims and continuation of employee benefits due to incapacity to work or disability caused by an on-the-job injury or job-related illness.

- A. Coverage. As required by Chapter 23, Title 19 of the Delaware Code, Kent County Levy Court will provide workers' compensation coverage for its employees through a reputable insurance carrier conducting business within the State of Delaware, which at a minimum shall pay the costs attributed with the medical treatment of an on-the-job injury or job-related illness and 66 2/3% of the employee's average weekly wages, up to the maximum statutorily set by the State of Delaware for wages, after three days of job-related disability. If an employee continues to be out of work due to a job-related disability, on the seventh day, they will be eligible for lost wages at the 66 2/3% rate for the first, second, and third days of disability.
- B. Reporting. An employee injured or suffering an illness arising out of and in the course of employment shall as promptly as possible report such injury, no matter how minor, to their supervisor and the Human Resources Office. If the injury requires treatment by a licensed physician, the employee may visit their doctor and advise the attending physician that the injury or illness is job-related or promptly seek treatment at a facility designated by the Human Resources Office to care for such injuries. Any employee suffering an injury requiring emergency medical treatment while on the job should immediately go or be transported to a hospital emergency facility. When a physical injury requiring emergency medical treatment occurs, the department head, the supervisor, or the senior employee on site shall seek immediate medical assistance for the injured employee, secure the scene of the accident, and contact the County Safety Officer and Human Resources Office.
- C. Testing. Employees physically injured on the job and any other employee on the job site working with the injured employee are subject to immediate alcohol and/or substance abuse testing as directed by the Human Resources Office.
- D. Wages. Employees unable to work because of disability arising out of and in the course of employment shall continue to receive their full wages through the use of accrued sick leave, less any wage replacement provided by the County's workers' compensation policy. . Upon the recommendation of the department head, the County Administrator may grant an unpaid leave of absence (with or without employee benefits) or paid administrative leave in response to extraordinary circumstances and when in the best interest of the Levy Court and of the employee. Leaves will be considered in accordance with any legal requirements. **[Amended 9-26-2023 by Ord. No. 23-21]**
- E. Benefits. Employees unable to work because of disability arising out of and in the course of employment shall be placed on family and medical leave (FMLA), if they are eligible, as provided in County policy and shall continue to receive County employee benefits for up to 12 weeks, from the date of the incident. The Human Resources Director may continue County benefits, during which all other accrued sick leave must be used, if a leave of absence is extended as provided in Subsection F.
- F. Return to work. If an employee is unable to work because of disability arising out of or incurred during the course of employment, and the employee does not or will not be able to return to work and perform the essential duties of their position after a maximum of 12 weeks of leave as provided by FMLA, the employee shall be laid off; provided, however, that the Human Resources Director shall have the authority to extend the employee's leave of absence up to nine months from the date of disability if, in the judgment of the Personnel Director, there is a reasonable likelihood that the employee will be able to return to work after the extended leave of absence. An employee unable to return to their normal

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duties on a full-time basis may be transferred or reassigned to another vacant position for which they are qualified or laid off. Requests for temporary alternative duties shall be reviewed and accommodated as long as the employee can be productive at the discretion of the affected department head. The County complies with all laws regarding employees with disabilities and reasonable accommodations.

- G. False claims. Employees filing false workers' compensation claims or employees intentionally failing to report work-related injuries or illnesses shall be subject to immediate disciplinary action up to and including termination.

§ 2-11. Employee assistance program. [Adopted 9-25-1990 (P-42)].

- A. The employee assistance program is established by Levy Court to provide limited and confidential assistance to employees and family members experiencing such matters as family or marital conflicts, divorce, death, serious financial difficulties, and chemical dependency.
- (1) The program shall be available to employees and their family members, as defined by the program provider, and shall be administered by the Human Resources Office through a contracted service provider.
 - (2) The program is also intended to maintain compliance with the employee assistance provisions requirements for employers with employees with commercial driver's licenses.
 - (3) At a minimum the contracted service provider shall operate a twenty-four-hour toll-free telephone system to provide prompt assistance and indirect counseling to employees and family members in need. The provider shall also offer referrals to area professionals qualified to provide assistance in the problem area. While use of the program is free to employees, referrals to specific providers or services will be paid for directly by the employee and/or through the employee's health insurance, if applicable.
 - (4) The County Administrator, Department Head, and Human Resources Director reserve the right to consult together to determine if an employee will be mandatorily referred to the program in lieu of termination under certain circumstances.
- B. The program and all provisions therein are subject to change as part of the annual budget review and approval process.

§ 2-12. Employee health/medical and dental insurance. [Adopted 3-23-2004 (P-72B); amended 9-27-2011 (P11-03); 4-23-2013 (P13-02)³]

This Policy establishes the employee health/medical and dental insurance programs for Kent County employees and retirees and provides guidelines for the appeal of denied or hardship claims.

A. Eligibility.

- (1) Full-time employees, elected officials and their appointed deputies, former employees retired from active service, and COBRA-eligible former employees and their respective dependents shall be eligible to participate in the County's group health/medical and dental insurance programs. Covered retirees becoming Medicare-eligible shall use a supplemental health/medical insurance product offered through the County.
- (2) Part-time employees, temporary or seasonal employees and similar positions working fewer than 30 hours per week on average over one full year are ineligible for any employee insurances or benefits.
- (3) Employees are eligible to participate in the State Insurance Exchange, but health insurance

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2. **Editor's Note: This amendment provided that it shall be effective upon adoption, except where a later effective date is permitted under the Patient Protection and Affordable Care Act.**

coverage provided by the County to eligible employees meets or exceeds the minimum essential coverage and affordability requirements established by the Patient Protection and Affordable Care Act. Therefore, eligible employees would not be entitled to any subsidy or tax credits under the Act.

B. Employee coverage.

- (1) The group health/medical insurance coverage shall at a minimum cover major medical, routine physician visits, and prescriptions at the levels and limits prescribed in the Plan. The group dental insurance coverage shall at a minimum cover preventative care, fillings, and extractions at the levels and limits prescribed in the Plan. Copayment, deductible, coinsurance and benefit limits shall be as established by the group health/medical and dental Plan(s) approved by the Levy Court.
- (2) Insurance coverage for new employees shall be effective the first of the month following the date of hire, provided all requirements of the Plan(s) have been and continue to be met.
- (3) Eligible employees will be automatically enrolled in the basic plan offered and must maintain individual medical/health insurance while actively employed by Kent County. Those employees declining coverage provided by the County must execute a waiver of insurance coverage and produce, as requested, verification of medical/health insurance coverage from another source.

C. Dependent coverage. Eligible employees and retirees may purchase medical/health insurance and dental insurance for eligible dependents at the costs approved by the Levy Court. The County will pay such costs as determined by Levy Court associated with the individual portion of the premium, and the employee shall pay the remainder for dependent coverage through payroll deduction, less any dependent contribution approved by the Levy Court. Premiums are paid in advance by a schedule approved by the Human Resources Director.

- (1) Employees serving on active duty as a member of the National Guard or military reserve shall not be required to pay any such premium normally due and payable for self or dependent coverage for any period of military service encompassing a full month when no hours of work are performed directly on behalf of the County.

D. Coverage costs.

- (1) Group health/medical shall be provided to individual eligible active employees and retirees at no or reduced premium cost as determined from time to time by the Levy Court. The County's group health/medical coverage shall also be available to former employees and dependents for a specific period of time and at the established premiums required by the federal COBRA rules and regulations.
- (2) The premium cost for individual and dependent health/medical insurance coverage is subject to change by the Levy Court.
- (3) Group dental insurance shall be provided to individual eligible active employees and retirees at a nominal premium cost as determined from time to time by the Levy Court. The County's group dental insurance coverage shall also be available to former employees and dependents for a specific period of time and at the established premiums required by the federal COBRA rules and regulations.
- (4) The premium cost for individual and dependent dental insurance coverage is subject to change by the Levy Court.

- E. Medical incentives. In order to encourage employees to practice wellness and avoid costly health/medical treatments in the future, the County may offer financial or other incentives to promote wellness and healthier lifestyles. In compliance with cafeteria plan regulations, taxable medical cash-back will be provided to eligible employees and retirees waiving County health/medical insurance due to equal or better coverage provided by another source. If such other coverage lapses, the employee must promptly enroll with the County's health/medical insurance plan. Medical incentives are subject to change by the Levy Court.
- F. Administration. The Human Resources Office shall serve as administrator for all Kent County employee insurances and liaison between employees, retirees and their respective dependents and the group health/medical and dental insurance plan(s) carrier(s) or administrator(s). The Plan(s) documents shall be maintained in the Personnel Office and open for inspection by eligible employees, retirees, and dependents during regular office hours.
- G. Appeals and hardship.
- (1) The Human Resources Director shall develop a form upon which eligible employees, eligible retirees, or eligible former employees may file an appeal when a medical or dental claim is denied or payment of a claim, coinsurance, deductible or other related cost is a personal financial hardship.
 - (2) Upon receipt of a claim appeal, the Human Resources Director shall review the information and make a determination whether the appeal is or should be covered by the County's health/medical or dental insurance Plan(s) and pursue payment with the insurance carrier or administrator. The Human Resources Director may authorize payment or reimbursement from the Medical Trust Fund of claims judged proper but denied by the carrier/administrator, up to a maximum of \$500 per individual employee per calendar year incurred. Payments for claims exceeding \$500 must be approved by the Employee Insurance Appeal Committee (EIAC).
 - (3) Upon receipt of a hardship appeal, the Human Resources Director shall review the information and make a determination whether the appeal is justified. If it is determined that a true hardship exists, the Human Resources Director may authorize payment of a claim or reimbursement from the Medical Insurance Trust Fund up to a maximum of \$500 per individual employee per calendar year incurred. Payment for claims or reimbursement in excess of \$500 must be approved by the Employee Insurance Appeal Committee. Hardship appeals denied by the Human Resources Director may be further appealed to EIAC.
 - (4) Claim and/or hardship appeals shall be submitted to the Human Resources Director for consideration for payment or reimbursement within one year of the original date of service or within 60 days of final denial by the insurance plan, whichever is later.
 - (5) The Employee Insurance Appeal Committee (EIAC) shall be composed of the Levy Court Administration Committee Chairman, County Administrator, Director of Finance, Director of Personnel and one employee member selected by the Employee Council and shall meet as required to determine if payment from the Medical Trust Fund should be made for claims exceeding \$500 due to denial by the insurance carrier or plan administrator, personal financial hardship, or denial by the Human Resources Director.
- H. Medical trust fund. Necessary funds shall be budgeted and maintained in a Medical Trust Fund for payment of group medical/health and dental insurance premiums/claims and related costs as provided in this Policy. An annual report shall be provided to the Levy Court detailing expenditures.

- I. Taxation. Employees are responsible for all federal, state, and/or any other taxes on medical incentives, hardship payments, and reimbursements.
- J. Plan changes. The County's group health/medical and dental insurance Plan(s) shall be that determined solely by the Kent County Levy Court to meet the needs of the eligible employees, eligible retirees, and eligible former employees, and it reserves the right to make changes at any time and for any reason whatsoever to the approved Plan(s) or options and select a new Plan(s) or option(s), to change eligibility criteria, to change insurers, providers and networks, end coverage(s) for some or all employee groups, and/or to amend this Policy.
- K. The Employee Insurance Appeals Committee shall develop appropriate guidelines, rules and forms as necessary to use in the decision-making process. The maximum annual cumulative payments and/ or reimbursement per employee, retiree, or dependent shall be limited to \$3,000, such amount may be adjusted from time to time by Levy Court as part of the annual budget review and approval process.
- L. In order to certify that an Employee or Pensioner's spouse is or is not covered by a health care plan where the spouse works or where the spouse is collecting a pension benefit, all Employees or Pensioners who enroll a spouse MUST complete the Spousal Coordination of Benefits Form to accompany submission of the enrollment application, each year during open enrollment and anytime throughout the year if your spouse's employment or insurance status changes. The Spousal Coordination of Benefits Form is used to determine the spouse's eligibility for primary or secondary coverage in a State of Delaware Group Health Insurance plan.

IT IS THE EMPLOYEE OR PENSIONER'S RESPONSIBILITY TO UPDATE SPOUSAL INFORMATION WITHIN 30 DAYS AFTER THE SPOUSE LOSES OR GAINS COVERAGE AND EACH YEAR DURING OPEN ENROLLMENT.

The Human Resources Director will guide affected employees about how this coordination is handled.

§ 2-13. Employee life and long-term disability insurance. [Adopted 8-25-1998, effective 6-1-1998 (P-73)]

This Policy establishes the employee life with accidental death and dismemberment and long-term disability insurance programs for Kent County employees and retirees.

- A. Eligibility.
 - (1) Full-time employees, elected officials and their appointed deputies, members of the Board of Assessment, and former employees retired from active service shall be eligible to participate at no cost in the County's group term life insurance program.
 - (2) Full-time employees, elected officials and their appointed deputies, and members of the Board of Assessment shall be eligible to participate at no cost in the County's group long-term disability insurance program. Retirees are not eligible for long-term disability insurance coverage.
 - (3) Part-time employees, temporary or seasonal employees, the Mortgage Commissioner, and like positions are ineligible for any employee insurances or benefits.
- B. Employee coverage.
 - (1) Term life insurance coverage shall at a minimum provide a beneficiary a benefit equal to the annual salary of the eligible active employee with applicable age reduction. The beneficiary of

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an eligible retiree shall at a minimum receive \$5,000 with applicable age reduction. Life and accidental death and dismemberment benefits shall be provided under the conditions and at the levels and limits prescribed in the Plan approved by the Levy Court. Employees are responsible for applicable taxes due to excess benefits.

- (2) Long-term disability coverage shall at a minimum provide a disabled eligible employee a benefit equal to 60% of the annual salary (\$36,000 maximum salary) until age 65 or recovery from the disability. Long-term disability benefits shall be provided under the conditions and at the levels and limits prescribed in the Plan approved by the Levy Court.
- (3) Insurance coverage for new employees shall be effective the first of the month following the date of hire, provided all requirements of the Plan(s) have been and continue to be met.

- C. Supplemental coverage. Eligible active employees may purchase supplemental life insurance at rates approved by the Levy Court. The employee must pay the full cost for any additional or supplemental insurance through payroll deduction, and failure to pay such premium shall cause the coverage to expire. Premiums are paid by a schedule approved by the Human Resources Director.
- D. Coverage costs.
 - (1) Eligible employees and retirees shall be covered by the County's group life insurance or long-term disability plans at the levels provided in the Plan document at no premium cost to the individual.
 - (2) The premium costs for supplemental or additional life insurance are subject to change by the Levy Court with or without notice.
- E. Administration. The Human Resources Office shall serve as administrator for all Kent County employee insurances and liaison between employees, retirees and their beneficiaries and the respective Plan carrier or administrator. The Plan documents shall be maintained in the Human Resources Office and be open for inspection by eligible employees and beneficiaries during regular office hours.
- F. Funding. The necessary funds shall be budgeted by department and dispersed for payment of life and long-term disability premiums as provided in this Policy. As part of the annual budget review and approval process, a report shall be provided to the Levy Court detailing expenditures.
- G. Taxation. Employees and/or their beneficiaries are responsible for all federal, state, and/or any other taxes on claims or payments.
- H. Plan changes. The County's group life and long-term disability insurance plan(s) shall be those determined solely by the Kent County Levy Court to meet the needs of the eligible employees and retirees, and it reserves the right to make changes to the approved Plan(s) or option(s), select a new Plan(s) or option(s), end coverage(s) for some or all employee groups, and/or amend this Policy at any time and for any reason whatsoever.

PART V
Training and Education

§ 2-15. Higher education and certification rating system. [Adopted 6-22-2004 (P-80B); amended 2-18-2020 (P19-03)]

This Policy establishes a rating system for the award of pay increases to eligible employees for achieving an advanced educational degree or job-related professional certification under the provisions contained in the Kent County Code.

- A. In order to be eligible for the award of a pay increase under this Policy, an employee must request and receive approval in writing from their department head and the Human Resources Director or the County Administrator before embarking on a course of study or training.
- B. County employees earning a Master's Degree or Doctorate Degree or the following professional licenses in a state-regulated profession, Certified Public Accountant, Professional Engineer, or Physician's Assistant, shall be eligible for a five-percent base salary increase; provided, however, the degree or license must be in the employee's current field of employment with the County.
- C. County employees earning a Bachelor's Degree in their current field of employment with the County shall be eligible for a four-percent base salary increase.
- D. County employees earning an Associate's Degree in their field of employment with the County or a Master's or Bachelor's Degree in a related field of employment with the County, or a professional certification as a Certified Building Official (CBO), Associate of Risk Management (ARM), ICMA-Certified Professional, IPMA-HR Certified Professional, Certified Government Benefits Administrator (CGBA), Emergency Medical Technician (EMT), Certified Arborist, Fundamentals of Engineering (FE/EIT), American Institute of Certified Planners (AICP), or specific professional certification as determined and approved in advance by the Human Resources Director and County Administrator based upon overall benefit to/needs of the County and the employee, in consultation with the Department Head, shall be eligible for a two-percent base salary increase. The Associate's Degree or certification must be in the employee's current field of employment with the County.
- E. Documentation sufficient to prove achievement of a degree, certification, training credits or designation shall be submitted to the Human Resources Director for consideration.
- F. For the purposes of this Policy, "current field of employment" shall directly relate to the employee's current position with the County (i.e., paramedic and nursing degree, personnel technician and human resources degree, etc.); "related field of employment" shall closely relate to the employee's current position with the County (i.e., paramedic and degree in public administration, etc.); educational "degree(s)" must be awarded by an accredited college or university verified through the Delaware Department of Education; "training credits" shall mean the assigned Continuing Education Units (CEU's) or one hour of actual contact training time equals one-tenth CEU, unless given a different value by the Human Resources Director.
- G. Any nonretroactive pay increase permitted under the rating system shall be effective upon approval

of the Human Resources Director, based on the submission date, but shall not include the following: any degrees or certifications earned before January 1, 2017, or an employee's hire date; certification required in the position description or specific training for the employee's current position, including new procedures; or any National, State, County, professional, or similar accreditation required license, certification, or training; or credits earned as part of a continuing education requirement for any previously earned or awarded certification/designation. Such pay increases may exceed the pay plan maximum for salaries, but no employee shall be compensated for earning more than one educational degree per level (i.e., Associate's, Bachelor's, or Master's) or a lower degree awarded without significant additional coursework, as determined by the Human Resources Director.

- H. Any employee receiving a pay increase for achieving a certification/designation with continuing education requirements shall annually confirm that said certification/designation remains valid. Any employee failing to report such status or failing to retain/maintain any certification for which a pay increase was previously awarded shall have their current salary reduced by the same percentage pay increase previously awarded retroactive to the date of loss of certification or standing.
- I. The Human Resources Director shall develop appropriate forms and guidelines and shall be responsible for the administration of this program. The Human Resources Director shall make an annual report to Levy Court regarding participants, degrees/certifications earned, and program costs. Any disagreement between the Human Resources Director and department head on an employee's eligibility or percentage raise to be awarded shall be resolved with finality by the County Administrator.
- J. Employees are expected to complete any coursework during nonworking time, unless otherwise approved by their department head.

§ 2-16. Staff development and training.⁴ [Adopted 11-14-2000 (P-82)]

This Policy establishes the procedure for the review and approval of courses, seminars, classes, workshops, or conferences utilized for staff development and training purposes.

- A. County employees are encouraged to participate in staff development/training opportunities or courses, such as seminars, workshops, conferences, and related activities, in order to enhance their knowledge and improve performance to better serve the citizens of Kent County.
- B. Whenever an employee believes that a particular staff development/training opportunity will be beneficial to them and County, a request shall be submitted to the department head for review and consideration for approval. Department head, legal staff, and appointed advisory board, committee or commission member requests must be reviewed for approval by the County Administrator, and, in their absence, the Human Resources Director.
- C. Department heads or the County Administrator may approve participation in staff development programs if the training course(s) will improve the employee's knowledge or ability to perform their duties and if adequate funds have been budgeted for the proposed course(s).
- D. Department heads or the County Administrator may require any or all employees to participate in specified staff development/training programs whenever the employee's performance will be enhanced, to achieve certification or mandated training, for continuing education purposes, or to meet risk management obligations. Time spent in mandatory training is considered hours worked and is compensable for nonexempt employees.
- E. Upon return from an approved training course(s), the employee shall submit a report to the approving authority outlining the name of the course(s), date(s) attended, and personal/professional knowledge gained from attendance.

3. Editor's Note: See also § 6-1, Travel and meal reimbursement; and § 2-18, Higher education and certification rating system.

§ 2-17. Employee higher education tuition assistance. [Adopted 9-16-2003 (P-91)]

This Policy provides for the partial reimbursement of higher education tuition and lab fees to eligible employees seeking an advanced educational degree related to their employment with the County from an accredited college or university.

- A. Full-time, nonprobationary County employees are eligible for reimbursement of up to 75% of tuition costs, including individual course, lab, and registration fees, within a specified maximum upon application and satisfactory completion (passing grade of 2.0/C or better) of course work leading to an Associate's, Bachelor's or Master's Degree from an accredited college or university as determined by the Delaware Department of Education. All other costs, including books, insurances, etc., shall be the financial responsibility of the employee.
- B. The Levy Court shall establish a maximum reimbursement rate(s) per fiscal year, but the full 75% of eligible costs shall be reimbursed over time as long as the employee continues to be employed by Kent County and maintains satisfactory work performance and attendance standards.
- C. Eligibility for reimbursement is limited to those employees without other financial assistance, such as scholarships or military-service-connected educational benefits. In addition, the academic course work must lead to a degree in a field applicable to Kent County government work.
- D. The Human Resources Director shall develop appropriate application forms and guidelines and shall be responsible for the administration of the program within annual budget constraints. The Human Resources Director shall make an annual report to Levy Court regarding participation, retention, and completion rates.
- E. Eligible employees participating in the program and terminating employment within one year of completing any approved course(s) shall reimburse the County the full amount paid by the County for the course(s), lab fees, and/or registration fees. This amount shall be deducted from the terminating employee's final paycheck. If the amount of the final paycheck is not sufficient to cover the costs, the employee will be required to reimburse the County for the amount due at the time of termination. Employees will be required to sign a form acknowledging repayment requirements as a condition of receiving reimbursement.

§ 2-17.1. Professional license/certification fees. [Adopted 2-8-2005]

This Policy establishes guidelines for the payment or reimbursement of professional license or certification fees and expenses for employees in positions requiring such designation.

- A. Full-time, nonprobationary County employees are eligible for payment or reimbursement of professional license(s) or certification(s) renewal fees, provided the employee's position description requires such license or certification.
- B. Employees embarking on a course of study to achieve a job-related professional license or certification shall be eligible for payment or reimbursement of the examination expense, initial license or certification application fee, subsequent renewal fees, related preparation costs, and required continuing education or training courses. Said payment or reimbursement must be within annual budget constraints, and the course of study shall have been approved in advance by the department head and Human Resources Director. Employees should not enroll in or otherwise commit financial resources to a course unless they have received written approval that they have been approved for reimbursement. Examination expenses for a specific license or certification may be paid or reimbursed for the first and second attempts and the final passing exam only. Any costs for additional examination attempts shall be borne by the employee.
- C. Eligibility for payment or reimbursement is limited to those employees without other financial

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assistance, such as scholarships or military-service-connected educational benefits.

- D. If an employee receives payment or reimbursement under this Policy, they may not use the license or certification to perform related work or services for personal gain or profit during working time or using County resources.
- E. The Human Resources Director shall develop appropriate forms and procedures and shall be responsible for the administration of these provisions. The Human Resources Director shall make an annual report to Levy Court regarding professional licenses and certifications held by employees, renewal requirements, and any costs paid by the County.
- F. Eligible employees participating in the program and terminating employment within one year of payment(s) or reimbursement(s) shall reimburse the County the full amount paid by the County for the examination(s), license, certification, renewal fee, or associated training/continuing education costs. This amount shall be deducted from the terminating employee's final paycheck. If the amount of the final paycheck is not sufficient to cover the costs, the employee will be required to reimburse the County for the amount due at the time of termination. Employees will be required to sign a form acknowledging repayment requirements as a condition of receiving reimbursement.

PART VI
Awards and Recognition

§ 2-18. Government employees service recognition award program. [Adopted 4-8-1985, effective 7-1-1985 (P-10A); amended 7-21-1987]

- A. Progressive service awards will be given each December to qualified employees who have accrued full-time active service with the government of Kent County, Delaware. The County Administrator or designee shall request eligible employees to make a choice from a variety of pre-selected gifts appropriate for 5, 10, 15, 20, 25, 30, 35, or 40 years of service. If an employee should fail to make a selection within the allotted time frame, the County Administrator shall make a selection on the employee's behalf.
- B. Eligibility.
- (1) Eligible time: all accumulated time accrued as a regular full-time active employee of Kent County through the end of January of any year. Time during the probation period following hire is included. If a qualified employee terminates employment with Kent County for good cause and returns to employment with Kent County within two years, their previous eligible time will be counted as qualified service for the purposes of this program.
 - (2) Ineligible time: part-time, temporary time, time during unpaid leaves of absence and time during suspensions.
 - (3) Eligible employees: employees in the classified and unclassified service, elected County officials and County Attorneys.
 - (4) An employee who is otherwise eligible must be actively employed by the County at the time that the award is given.
- C. Selection. If a selection is offered in an award category, the recipient will be required to indicate their choice in writing on the form provided for this purpose.
- D. Presentation. Awards will be formally presented to eligible recipients by the President of the Levy Court or designee each year at the annual Kent County event for service completed through the end of the following January. Recipients are urged to attend the presentation but are not required to do so.

§ 2-19. Retirement gift. [Adopted 4-9-1985, effective 7-1-1985 (P-11A)]

Upon retirement, a suitable gift will be presented to any long-term employee who qualifies in accordance with the conditions listed below:

- A. To receive a retirement gift, the employee must have accrued at least 25 years of eligible time and be eligible to receive a pension immediately following the last day of employment.
- B. Eligible time: all accumulated time accrued as a regular full-time active employee of Kent County through the last day of employment immediately preceding retirement.
- C. Eligible employees: employees in the classified and unclassified service, elected County officials, appointed County Attorneys.

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§ 2-21. Employee-of-the-month/-year recognition. [Adopted 10-8-2002 (P-70A); amended 2-8-2005; 7-8-2008]

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This Policy establishes an Employee-of-the-Month and Employee-of-the-Year recognition award program for Kent County.

A. Employee of the month.

- (1) Regular full-time classified employees who positively promote Kent County to the public, demonstrate sustained good performance, contribute to the achievement of County objectives, distinguish themselves in other pursuits of County goals, and/or actively participate in community organizations, civic projects, etc. are eligible for nomination as "Employee of the Month." Department Heads, Directors, Assistant Directors, Appointed Deputies and Chief Deputies are not eligible for this recognition.
- (2) On a regular basis the department heads, the County Administrator, and one representative from the elected Row Officers shall meet as a quorum of no less than four to nominate and select an Employee of the Month. Employees may suggest the names of eligible co-workers by making such recommendation to their department head or Row Officer.
- (3) The individual selected as Employee of the Month shall be informed by their department head and recognized by the Levy Court at its last meeting each month for the following month.
- (4) During the month of recognition, the Employee of the Month shall be entitled to a reserved parking space at the County Administration Building; the employee's photograph shall be prominently displayed inside the major County buildings (unless the employee requests that this not be done); and the employee shall receive one day off with pay during the month of award, which may be used back-to-back with weekends, holidays, and vacation days, but not sick days. The time may not be divided into partial-day increments. The scheduling of this time off must be approved by the employee's supervisor.
- (5) The Employee of the Month shall also receive a \$100 stipend in recognition of their award.

B. Employee of the year.

- (1) The Employee of the Year shall be selected from among the 12 Employees of the Month by the Employee Council in late November or early December of each year in coordination with the Human Resources Director.
- (2) The name of the Employee of the Year shall be announced at the annual Employee Holiday Dinner/Dance or similar event, and the Employee of the Year shall receive a \$500 stipend and a Kent County lapel pin or similar appreciation gift. In addition, the employee's name shall be placed on a plaque displayed in the Kent County Administration Building, and their photograph shall be displayed for the following year, unless the employee requests that their photograph not be displayed.

C. Previous recipients of Employee-of-the-Month or Employee-of-the-Year recognition awards may be renominated, but may not be selected again until one calendar year elapses.

D. The Human Resources Office shall be responsible for facilitating the administration of this Policy.

§ 2-22. Appointed Deputies and Chief Deputies

This section applies to the deputies and chief deputies appointed by the elected Sheriff, Clerk of the Peace, Recorder of Deeds and Register of Wills and expected to support the day-to-day function of these offices.

A. Slotting of deputies and chief deputies. [Adopted 9-30-2003, effective 7-1-2003 (P-21E, Subsection 9)]

- (1) Deputies and chief deputies deemed to meet the minimum qualifications of a Levy Court approved position description, as determined by the Human Resources Director, may be slotted into the County's

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Personnel Classification System and Pay Plan and receive compensation and benefits equal to that provided to other exempt employees in the "unclassified" service. Deputies approved for slotting are required to meet all standards established for similarly categorized employees, including but not limited to annual performance appraisal, attendance, conduct, etc.

- (2) Slotted deputies failing to meet standards established for similarly categorized employees or failure on the part of the appointing official to hold a deputy accountable through appropriate discipline, as determined by the Human Resources Director, shall lose all slotting benefits, including the higher compensation rate, and return to non-slotted status at the beginning pay rate in the range established by this Policy.
- (3) Any existing deputy or chief deputy opting not to be slotted under this section cannot opt in at a later date, except at the beginning of a fiscal year, and shall be ineligible for these initially accrued benefits. Any slotted deputy or chief deputy opting out of the provisions of this section or terminating employment within one year of slotting shall receive no compensation for accrued vacation. New deputies or chief deputies eligible for slotting shall accrue vacation and other benefits like similarly classified employees.
- (4) Slotted deputies and chief deputies continue to serve at the pleasure of the appointing official and are ineligible for appeal rights reserved for classified or unclassified employees.

B. Longevity pay for appointed deputies and chief deputies. [Adopted 9-30-2003, effective 7-1-2003 (P-21E, Subsection 8)]

Deputies and chief deputies are entitled to the same longevity increases as employees in the classified service, except that prior employment time may not be used to determine eligibility for a longevity increase if more than two years have transpired between the date of termination in good standing and the date of rehiring.

C. Overtime for deputies and chief deputies. [Adopted 9-30-2003, effective 7-1-2003 (P-21E, Subsection 7)]

Deputies and chief deputies are not entitled to be paid for overtime work.

D. Salary and Time off for Unslotted Deputies and Chief Deputies.² [Adopted 9-30-2003, effective 7-1-2003 (P-21E, Subsection 1)]

Deputies appointed by an elected County row officer and court-appointed chief deputies may be included in the "elected" service of Kent County and shall be paid in accordance with the following salary rate schedules, unless slotted per § 2-22:

- (1) Salary rate for deputies. The beginning salary rate for deputies shall be \$18,000 per annum to a maximum rate of \$23,000. Upon the submission of a written favorable evaluation and recommendation by the appointing office holder to the Levy Court, no later than March 31 of each year, the deputy shall receive a salary increase up to, but not exceeding \$1,000 annually, to become effective July 1. Notwithstanding anything herein to the contrary, salary increases may be prorated as determined by and in the sole discretion of the Levy Court.
- (2) Salary rate for Sheriff's deputies. The beginning salary rate for the Sheriff's deputies shall be \$17,177 per annum. The Sheriff may increase the salary for the new deputy, after the deputy has been at the job for nine months. The beginning salary rate for a Sheriff's deputy with prior law enforcement experience may be up to the maximum of \$25,000 upon recommendation of the Sheriff and approval of the Levy Court. The maximum salary is \$25,000 per annum.
- (3) Salary rate for chief deputies. The beginning salary rate for chief deputies shall be \$23,000 per annum, to a maximum of \$29,000. Upon the submission of a written favorable evaluation and recommendation

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by the appointing official to the Levy Court, no later than March 31 of each year, the chief deputy shall
receive a salary increase up to, but not exceeding \$1,000 annually, to become effective July 1.

- (4) Except as contained herein, deputies and chief deputies shall receive all County benefits which are applicable to employees in the classified service.
- (5) Deputies and chief deputies shall serve at the pleasure of the appointing official and shall not accrue vacation or sick leave. The amount of any time off shall be determined by the appointing official.

E. Work hours for deputies and chief deputies. [Adopted 9-30-2003, effective 7-1-2003 (P-21E, Subsection 6)]

It shall be the responsibility of the appointing official, or designee, to determine the hours of work for deputies and chief deputies. Hours of work shall be coordinated between the appointing official and the deputy or chief deputy. Slotted deputies are expected to work the number of hours required to get their work done, consistent with the number of hours worked by other similarly responsible exempt employees.

Policy 3**CONDITIONS OF EMPLOYMENT****Kent County Code References****§ 68-11 — Attendance policy; hours of work.****§ 68-19 — General prohibitions.**

§ 3-1. Flex time. [Adopted 1-28-1997 (P-66); amended 1-17-2006]

This Policy establishes a flexible work schedule and flexible working hours program for County employees.

- A. County offices must be sufficiently staffed at all times during regular office hours.
- B. The use of a flexible schedule and/or flexing working hours during a particular workweek must be approved in advance by the respective department head.
- C. Like the normal work schedule, all work performed before or after regular office hours must be productive and beneficial to the mission of the department.
- D. Flexible or modified work schedules may be approved by department heads, if:
 - (1) The work schedule is established in writing and for a period no less than two consecutive workweeks;
 - (2) The work schedule eliminates the accrual of overtime by the participating employee; and
 - (3) The proposed work schedule is reviewed by the Human Resources Director.
- E. Flexible working hours may be approved or enforced by a department head or designee, if:
 - (1) An employee has worked additional hours earlier in the week or day and the total number of hours worked for the week is not less than 40 (or 35 for thirty-five-week employees); and
 - (2) The flexed hours do not require an employee to work more than seven consecutive hours without a lunch break. (Employees are required to take a lunch break unless flexed under this provision.)
- F. Flexible hours may not be used to offset full-day deductions from sick leave accruals.
- G. Flexible schedules are subject at all times to revocation or alteration by the department head to meet staffing needs, to achieve performance initiatives, or failure by the participating employee to accrue necessary hours for flexing.

§ 3-2. Performance evaluations. [Adopted 2-20-2007]

This Policy establishes provisions for the evaluation of employee performance: to provide introductory employment employees with timely reports of their progress and allow for correction of deficiencies; to provide all employees with positive recognition of strengths and special abilities and an opportunity to improve deficiencies; to provide an ongoing performance record which may become part of documentation used in taking personnel actions; to provide employees with an opportunity to discuss ways and means for improvement; and to cause current job descriptions to be formulated and/or maintained.

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- A. Format. Supervisors shall use a standard performance appraisal form issued by the Human Resources Office. Annual training shall be provided by the Human Resources Office for employees and supervisors on the performance evaluation process and forms.
- B. Probationary employees. Employees on introductory (probationary) employment status shall be evaluated at least at the midpoint of such status and two weeks prior to the end of the introductory employment period, at which time the employee shall be advised of their status (regular or terminated).
- C. All employees shall be evaluated at least once a year. All employees are evaluated on an annual basis prior to the new fiscal year with a due date determined by the Human Resources Director. Department heads may choose to evaluate employees more often. Those employees receiving an "Effective" evaluation shall be eligible for an annual step increase, unless the employee is at the top of the range.
- D. Procedures. Employees who regularly supervise one or more full-time employees are evaluated using a supervisory personnel form. All other employees are evaluated using the form designated for their type of work. Employees are encouraged to do a self-evaluation in order to facilitate the open discussion process. Once the supervisor and the employee have completed the evaluation form, both parties shall meet to discuss the contents, discuss training needs, and establish performance goals for the upcoming year, and the supervisor's performance rating of the employee. In order to achieve an "Effective" (3.00) or higher on the performance evaluation, all goals must have been substantially met. A score of "Highly Effective" (4.00) or "Exceptional" (5.00) would only be granted to the degree performance exceeded documented expectations and timelines.
- E. Performance improvement plan. Employees receiving a performance evaluation score less than "Effective" (3.00) overall will receive a performance improvement plan developed by their supervisor and reviewed with the employee. The supervisor shall establish specific tasks or behaviors required to improve performance with specified dates of accomplishment. Employees failing to meet the deadlines and receiving a subsequent less than effective evaluation may be terminated. If performance has improved and the employee achieves an "Effective" score, they shall receive a nonretroactive step increase.
- F. Adjustments to ratings. An employee is required to sign the performance evaluation form as an acknowledgement that it was completed and that they are aware of its contents. The supervisor likewise signs the form. Completed evaluations and recommended adjustments are subject to review and approval by the department head, where applicable, and then the Human Resources Director, whose determination shall be final. The department head and/or Human Resources Director may change the recommended adjustment or return it for reconsideration due to budget considerations, evidence of rating error, bias, or other relevant factors. The employee and supervisor should make a copy of the evaluation for use in future evaluations. The original shall be kept in the employee's confidential

personnel file.

G. Department heads. The performance of department heads shall be annually evaluated by the County Administrator using a format of their choosing. **[Adopted 4-2-1985 (P-7)]**

- (1) The County Administrator shall annually undertake a performance evaluation of each department head with certain exceptions. This evaluation shall be conducted for the purpose of providing the Levy Court with written information to be used by the Levy Court in determining, among other considerations, adjustments to the annual salary of the department head.
 - (2) The performance evaluation shall be conducted in a manner to be determined by the County Administrator and shall include but not be limited to an evaluation of overall job performance, supervisory and administrative skills, reliability, employee relations and responsibility.
 - (3) The department head will be asked to sign the written performance evaluation indicating that they have reviewed it with the County Administrator and understand it. The evaluation shall be considered confidential by the County Administrator and shall be given only to the Levy Court.
 - (4) After discussing the evaluation with the individual department heads, the completed evaluations shall be reviewed with the Commissioners, and any desired revisions made thereto. An annual evaluation of the County Administrator's performance shall be conducted by the individual Levy Court Commissioners using a form or format approved by them, and the contents thereof reviewed in confidence with the President.
 - (5) All evaluations are to be completed and presented annually to the Levy Court no later than June 1.
- H. Appeals of ratings. Ratings may not be appealed or grieved, but employees may attach written comments to the evaluation form identifying those areas of dispute and providing supporting statements.
- I. Employees with less than one year of service. Employees who will have more than three months but fewer than nine months of service by July 1 shall be evaluated and are eligible for a half-step (1%) pay increase. Employees with more than nine months of service shall be evaluated and eligible to receive the full step increase. Employees employed three months or less need not be evaluated and shall receive no step increase for the upcoming fiscal year.
- J. The Human Resources Director shall develop appropriate forms and any additional procedures necessary to effect the administration of this Policy.

§ 3-3. Customer service policy. [Adopted 12-13-2011 (P11-04)]

This Policy establishes expectations for a high quality of service and assistance provided by County employees when interacting with external customers, co-workers, constituents, business owners, governmental officials, and other members of the public. This Policy is intended to list in clear, concise language the goals and objectives of each County employee with respect to customer service.

- A. Excellence. County employees shall strive to go beyond the minimum required to provide the highest quality of customer service that regularly exceeds customer expectations. To monitor our progress, the County will actively seek feedback from our customers and will use this feedback as an aid in assessing our strengths and weaknesses, and for seeking continual improvement. Feedback will be

solicited in a number of ways, including but not limited to direct contact, customer comment cards, written correspondence, and website customer satisfaction postings.

- B. Accessibility. County employees shall be reasonably accessible for consultation and meetings with customers during working hours. Departments with regular public interaction shall have the front counter staffed at all times during normal business hours. Inquiries and requests for meetings with technical staff, division managers and department heads shall be arranged promptly and at the most immediate and mutually convenient time possible. It is expected that division managers and department heads shall make themselves available for consultation as soon as possible and in deference to the customer's preference.
- C. Clarity and responsiveness. It shall be the responsibility of each employee to operate within the limits of their County job description and area of responsibility to provide clear, concise, and courteous responses to inquiries for assistance and/or requests for information. When inquiries are received that would best be responded to by another County employee or County department, the employee receiving the inquiry shall bear the responsibility of assuring that every effort has been taken to confirm that a person-to-person relay of the inquiry has been made.

- (1) For inquiries, complaints and other requests that require research, analysis, site visits, inspections, or consultation, the employee handling the request shall be responsible for following up with the inquiring party to provide status reports and/or to communicate how that inquiry is being processed or resolved. There shall be no exception to this provision unless an inquiring party indicates that the party does not want to be contacted.
 - (2) In many situations, there may be alternative approaches to resolving an inquiry, problem, or complaint. In such situations it shall be the responsibility of the County employee to consider alternative approaches and to offer options and alternatives to the customer for his/her consideration. The goal of the County employee shall be to achieve and/or maintain compliance with all applicable laws, codes and ordinances while striving for the maximum level of satisfaction for all parties involved in the most expedient manner practicable.
- D. **Timeliness.** All requests for assistance and/or information shall be processed and responded to promptly, with most routine inquiries being satisfied immediately or within 24 hours. Requests for information pursuant to Delaware Code Title 29, Chapter 100 (Freedom of Information Act), shall be processed in accordance with County Policy P08-05.⁴
- E. **Commitment.** It is the expressed policy of Kent County Levy Court that every County employee shall engage each customer with respect, service and assistance in a manner equal to or exceeding what the employee would expect if they were the customer.
- F. County employees shall strive to maintain compliance with the provisions of this Policy at all times in their official capacities as County employees. Lapses in compliance with this Policy shall be considered deficiencies in performance and may be subject to disciplinary action as prescribed in Chapter 68, § 68-4, of the Kent County Code.

§ 3-4 Confidentiality

Protecting the confidential information of employees and members of the public is critical for the County to maintain its position of trust and integrity. All individuals who represent the County must ensure that any access they have to confidential information remains safeguarded. Misuse or negligence in handling confidential information and/or disclosing or accessing it for any purpose that is not authorized and job-related could subject the employee to discipline as well as civil or criminal penalties.

Any representative of the County who has access to confidential information is required:

- A. To follow County policies and procedures regarding both physical and electronic security
- B. Not to expose customer or employee confidential information (social security numbers, account information, driver's license numbers, credit card information, etc.)
- C. Not to expose health-related information or violate HIPPA regulations
- D. Not to engage in or permit unauthorized use of information in any County files or programs
- E. Not to seek to benefit personally or permit others to benefit personally through the release of confidential information
- F. Not to exhibit or divulge the contents of any County record except in the conduct of authorized work duties and then only to those who are authorized to have the information
- G. Not to disclose non-public County business to unauthorized individuals

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- H. Not to remove or cause to be removed any official record or report, including copies, from any file from the location where the information is stored except in the performance of authorized duties
- I. To password protect all devices and technology resources used in the performance of duties and to take all reasonable steps to protect the devices and resources themselves
- J. Not to aid, abet, or act in conspiracy with another to violate any portion of this policy
- K. To report any violation or potential violation to their supervisor and Department Head immediately

§ 3-5 Personal Appearance

Employees should use discretion in wearing attire that is presentable for the workplace, their position, and any professional contacts they may have that day (whether in person or via video conferencing). This includes grooming and hygiene habits.

- A. We trust employees to make appropriate choices; however, certain items are specifically prohibited:
 - (1) Anything sheer/revealing, excessively tight or short, or that exposes the back, midriff or undergarments;
 - (2) Garments containing offensive and inappropriate text, graphics, or other depictions and content, such as profanity, nudity, or symbols of hate or violence
 - (3) Garments that are torn, ripped, or have excessive holes or fading
- B. Any visible tattoos must also be presentable for the workplace. Tattoos containing offensive or inappropriate content, such as profanity, nudity, or symbols of hate or violence, must be covered regardless of location. Hair, fingernails, jewelry, and other accessories must not interfere with an employee's ability to safely perform their job duties.
- C. In addition to the above, certain employees and work areas have dress requirements that may include uniforms as well as specific types of shoes, and other types of personal protective equipment (PPE). Employees are to strictly adhere to these requirements.
- D. Should an employee make an inappropriate choice, they may be asked to return home to change without pay. Exceptions to accepted attire may be made on a case-by-case basis due to, for example, a medical condition or religious observance. Employees in need of an exception should speak to their supervisor or the Human Resources Director.

4. Editor's Note: See Ch. 29, Community and Media Relations, § 29-3, Freedom of Information (FOIA) requests.

COUNTY FACILITIES AND EQUIPMENT

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Kent County Code References

§ 68-11 — Attendance policy; hours of work.

§ 68-19 — General prohibitions.

PART I

Use and Designation of County Buildings

§ 4-1. Public use of County Administrative Complex Building. [Adopted 10-23-1990 (P-1B); amended 2-20-2007]

- A. The Kent County Administrative Complex Building is open for public use during the following times and conditions:
- (1) Monday through Friday:
 - (a) 8:00 a.m. to 5:00 p.m.: open; full public access.
 - (b) 5:00 p.m. to 10:00 p.m.: limited access for badge holders and meeting attendees. The public must proceed directly to the designated meeting room and leave promptly upon conclusion of the meeting.
 - (c) 10:00 p.m. to 8:00 a.m.: closed; no access except for badge holders.
 - (d) These hours may be automatically extended to accommodate the schedule of County government or advisory committee meetings, or as designated by Levy Court.
 - (2) Friday 10:00 p.m. to Monday 8:00 a.m.: Limited access for specific purposes and badge holders.
 - (3) Legal County holidays and special holidays: closed; no access except for badge holders.
 - (a) Kent County government buildings close in observance of legal holidays listed in Title 1, Chapter 5, § 501, of the Delaware Code and specific special holidays authorized by Levy Court, including emergency closings..
 - (b) The Kent County Administrative Complex remains closed on all legal holidays, weekends, special holidays, or in the event of weather or legally-mandated closings.
 - (c) If any legal holiday falls on a Saturday, the preceding Friday will be observed as the holiday. If any legal holiday falls on a Sunday, the following Monday will be observed as the holiday. Any change in the hours specified in this policy will be posted at the main entrance of the Kent County Administrative Complex.
 - (4) The use of the Levy Court Chamber and conference rooms in the Kent County Administrative Complex is subject to the fees set forth by ordinance.
 - (5) Upon the recommendation of the Recorder of Deeds, after-hours building access/entry badges for certain nonemployees shall be authorized by the County Administrator. The Recorder of Deeds will collect a nonrefundable fee as set by ordinance in Kent County code §128-44. The Human Resources Office will issue badges to such approved persons, including attorneys, surveyors, title searchers, realtors, paralegals, and others who can demonstrate a need for access to the Kent County Administrative Complex after normal business hours. [Amended 3-12-2013 (P13-01)]
- B. The Levy Court may establish fees for the use of conference rooms or other spaces within the Kent County Administrative Complex or other County facilities. These fees shall be set by ordinance and may be adjusted periodically as necessary.
- C. The Levy Court may establish policies for the use of spaces within the Administrative Complex and

other County facilities.

§ 4-2. Closing of County government offices. [Adopted 7-10-1990 (P-24A); amended 12-14-2010 (P10-07); 4-14-2020 by P20-02; 3-9-2021 by P21-01; 1-17-2023 by P23-01; 1-30-2024 by P24-02]

This Policy establishes procedures for the closing of County offices.

- A. Closure, late opening, and/or early dismissal due to inclement weather. The Kent County Levy Court administrative complex will close when offices of the State of Delaware (in Kent County) are closed by the Governor due to inclement weather. This includes modifying operating schedules such as opening late and dismissing early. While the intent of the Levy Court is to follow closing, late opening, and early dismissal decisions made by the state, employees are advised to rely on notices issued by the Department of Public Safety through the employee notification system for official information and status.
- B. Closure, late opening, and/or early dismissal due to exigent circumstances. The County Administrator may modify, delay, or terminate the normal schedule of operations of County government whenever circumstances dictate that it is in the best interest of the government and/or the citizens of the County to do so and if applicable, shall determine the time period for such closing for payroll purposes. Exigent circumstances include but are not limited to fire, flooding, loss of electrical power, and/or hazardous conditions.
- C. Special holidays. The President of the Levy Court, or the Vice President, or a majority of the Levy Court shall have the authority to modify or terminate the normal schedule of operations of County government by declaring a special holiday(s) and close County buildings if it is determined to be in the best interest of the government and/or citizens to do so.
- D. Extended closures. Whenever the normal schedule of operations is terminated/suspended for one or more major buildings with County offices for five consecutive working days or more, a special meeting shall be called by the President of the Levy Court, or any two members of the Levy Court, as permitted by law and pursuant to the adopted rules of procedures, to review the circumstances and consider such procedures or processes required to resume normal operations as quickly and safely as possible.
- E. Notice. The County will use its website, email, and/or text message service to notify employees of late openings, early dismissals, and closure. The Department of Public Safety will be responsible for maintaining and operating the notification system with the support of Human Resources. Employees are responsible for providing up-to-date contact information to Human Resources to ensure notifications are received. Notices about closures or late openings generally will be sent as soon as possible.
- F. Designation of employees. For the purpose of this policy, Levy Court employees are divided into two broad categories: essential and non-essential. If an employee's job is one of the mission critical services provided by the Levy Court, the employee's position may be designated as essential. Designations shall be based on the recommendation of the department head in consultation with the Director of Public Safety.

G. Essential employees.

- (1) Essential employees are not eligible for liberal leave and are required to report for work for any scheduled shift unless they are specifically excused by their supervisor. Essential employees usually are:
 - (a) All personnel of the Department of Public Safety.
 - (b) All operational personnel of the Kent County Wastewater Treatment Facility.
 - (c) Any other County personnel determined to have mission critical responsibilities. This may vary based on the nature of the closure and what resources are required. The County Administrator, Human Resources Director and Department Head will determine who is considered essential based on the nature of the event.
- (2) All County personnel are subject to essential designation and must promptly report to work to perform necessary duties at such location as directed. If essential personnel are unable to report for work because of transportation issues related to inclement weather, those employees should contact their supervisor and/or the Emergency Operations Center to request transportation. Human Resources will issue labels for the ID badges of essential employees.

H. Non-essential employees. Non-essential employees are eligible for liberal leave in accordance with the terms and conditions of this policy.

I. Liberal leave, definition. "Liberal leave" is a liberalization of existing leave policies. Employees who are unable to transport themselves to work due to inclement weather or who must remain at home, arrive late, or leave early due to circumstances such as caring for children due to a school delay or closing may use leave (annual or personal) without prior authorization from a supervisor. When liberal leave is authorized, liberal leave requests shall be granted to the extent possible.

J. Liberal leave is applicable to designated events when an employee's work location/building is open. During periods when an employee's work location/building is closed, the employee will be paid regular wages during the closure (excluding any overtime). Depending on the nature of a closure, employees may be required to work in an alternative location.

K. Liberal leave, policy. Non-essential employees are allowed to be absent for a portion of a workday or the entire workday and are charged paid leave (i.e., annual or personal) or leave without pay, as appropriate, for the period of the absence. Employees must notify their supervisors in advance if they intend to take liberal leave. Employees may not use sick leave for a liberal leave absence unless the absence meets the criteria for sick leave.

L. Liberal leave, authorization.

- (1) In response to inclement weather severe enough to warrant the delayed opening, early dismissal, or closure of local schools but not of local, state or federal offices in the area, a department head may authorize liberal leave for employees as defined by this Policy.
- (2) In response to inclement weather severe enough to warrant the delayed opening, early dismissal, or closure of state or federal offices in the area, the County Administrator may authorize liberal leave for non-essential employees. Department heads also may call in or hold over essential employees depending on the needs of the Levy Court. Department heads may call in non-essential employees to serve as temporary essential employees.
- (3) When liberal leave is chosen by the employee, exempt employees will be charged liberal leave for the entire day, even if their work location/building is closed for a portion of the day. Non-exempt employees will be charged liberal leave only for the hours their work location/building

was open that the employee was not at work as scheduled.

- M. Liberal leave, other emergencies. Liberal leave is most often associated with weather events, although it is possible Kent County employees will be forced to deal with other situations, including natural disasters, mass casualty events, or other circumstances where curtailing routine operations is in the best interest of the public, the Levy Court and its employees. Any time a state of emergency is declared by the Levy Court Commissioners, a liberal leave policy may be implemented.
- N. Late to work. If inclement weather or another emergency causes an employee to be late for work, the employee shall inform their supervisor or department head of the impending lateness and state the expected time of arrival for work. A reasonable delay in arriving at work due to poor travel conditions will not be a basis for charging vacation leave or docking the employee's pay.
- O. Compensation for time worked during closure.
 - (1) Essential employees who are required to report to work when the normal schedule of operations of County government has been terminated shall be compensated at their regular rate of pay, plus, at the employee's option, either equal time off for those hours actually worked as hour-for-hour compensatory time during the designated time period of closing or half pay for those hours actually worked during the designated time period of closing. No additional compensation shall be due for delayed opening or emergent situations confined to some but not all buildings.
 - (2) Essential employees who work additional hours in addition to their normal shift or work schedule due to the emergency are entitled to compensation for those additional hours worked at their regular hourly rate plus, at the employee's option, either equal time off for those additional hours worked beyond their normal work schedule period as hour-for-hour compensatory time or half pay for those additional hours worked beyond their normal work schedule period.
 - (3) Unless the emergency or closing covers a day that is a legal holiday of the County, the emergency day shall not be considered a holiday for pay purposes. If any essential employee is required to work but is specifically prevented by the police or other emergency personnel from traveling to their work site due to a natural or man-made emergency, and after notifying such emergency personnel of their essential status, the essential employee shall immediately notify their supervisor of the obstruction.
 - (4) If the essential employee's attendance at work is critical to County operations, the department head shall contact the Emergency Operations Center for pickup or if safe to do so, dispatch a coworker to do so. If the employee's service is not critical or pickup is not possible, the absence shall be excused and not charged. Before approving sick leave during a declared emergency/offices closing, the department head shall require either a physician's certificate or a written statement by the employee setting forth the reason for the absence. Any employee, essential or non-essential, who already is on annual leave or sick leave during a declared emergency/offices closing, is not affected by this Policy, and their annual or sick leave will be charged as if no emergency occurred.
 - (5) Compensatory time accrued during an emergency/building closing may be taken with the approval of the department head or paid out at the discretion of the Human Resources Director.
 - (6) Compensation for essential employees under this section shall not exceed a maximum of 80 hours of equal time off or half pay for the duration of the emergency/closure (or 84 hours for employees normally scheduled for forty-two-hour workweeks).

§ 4-3. Use of Levy Court Chambers and conference rooms. [Adopted 2-14-1989 (P-25)]

- A. This policy is applicable to the use of the Levy Court Chamber and conference rooms in the Kent County Administrative Complex by non-profit corporations, government agencies, and civic

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organizations as defined by Delaware code.

- B. Any organization or agency wishing to use the Levy Court Chamber and conference rooms in the Kent County Administrative Complex must schedule in advance with the Levy Court administrative staff and comply with the following conditions:**

- (1) **Conference rooms are available on a first-come, first-served basis.**
 - (2) **The Levy Court Chamber is available on a first-come, first-served basis for use by State or other government-affiliated entities.**
 - (3) **All organizations or agencies must leave the room(s) in the same condition as they found it (them) upon arrival. Furniture and equipment must be returned to the seating arrangement as found upon arrival after each use. If using the room for multiple days, the room must be restored to the upon arrival condition at the end of each day.**
 - (4) **Food and drinks are allowed only with prior approval from Levy Court administrative staff. Organizations or agencies are responsible for disposing of trash in receptacles. Food and drink will not be allowed in the Levy Court Chamber.**
 - (5) **Cancellations must be reported to the Levy Court administrative staff in a timely manner.**
 - (6) **Any organization or agency using the Levy Court Chamber accepts full responsibility for any damage to or loss of County or personal property during its use of County facilities.**
 - (7) **Organizations or agencies using the Levy Court Chamber and conference rooms must comply with the fees established by the Levy Court in Kent County code Chapter 128 (Fees) and submit payment according to Kent County procedures. Detailed use guidelines, including scheduling and facility responsibilities, are provided in the subject ordinance.**
- C. **The Levy Court reserves the right to deny the use of the Levy Court Chamber or any other County facility to any organization or agency if it serves the best interest of the County.**
- D. **When deemed appropriate, the fees may be waived by the County Administrator or a majority vote of the Levy Court.**

§ 4-3.1. Designation of names and naming honors. [Adopted 6-13-2006, effective 6-13-2006]

This Policy establishes guidelines for the designation of names for County buildings and rooms therein, parks, natural areas, structures, etc. and the procedures to be used to honor an individual with the attachment of their name to such facilities.

- A. Whenever a tangible County-owned asset such a park or building or part thereof is to be given a formal descriptive name, the Levy Court shall do so by formal motion. Generally, the name(s) selected should easily identify the use or purpose of the facility or its location.
- B. If a County-owned asset is proposed to be named for an individual or group, a special committee composed of three citizens and two Levy Court Commissioners appointed by the Levy Court President shall review suggested and other potential honorees and make a recommendation to the Levy Court for consideration. The County Administrator or designee shall provide administrative support to the committee. The committee shall serve without compensation.
- C. The Levy Court shall consider recommendations forwarded to it and formally adopt a resolution bestowing the honor upon the individual or group and arrange for ceremonious presentation of the signed resolution.
- D. A plaque, sign or other media recognizing the honor shall be appropriately displayed at or in the facility. Where possible, the honoree and family members shall be invited to any formal dedication ceremonies, but the County does not pay for travel-related expenses.

- E. The County Administrator shall develop appropriate forms and any additional procedures necessary to effect the administration of this Policy.

§ 4-3.2. Kent County Recreation Center, 1683 New Burton Road, Dover, DE. [Adopted 3-22-2016 (P16-01)]**A. Smoking and tobacco usage prohibited.**

- (1) This Policy establishes a prohibition on the act of smoking, vaping, the usage of electronic cigarettes, and the usage of tobacco and/or tobacco products at the Kent County Recreation Center building and associated parkland property located at 1683 New Burton Road, Dover, Kent County, Delaware. It is the expressed intention of this Policy to designate the property located at 1683 New Burton Road as a "Smoke- and Tobacco-Free Property." The County government may post signage at the referenced property as it deems appropriate and necessary to publicly proclaim this designation.
- (2) The Kent County Recreation Center and associated lands are intended to be utilized by people of all ages in the pursuit and enjoyment of wellness, recreation and healthy lifestyles. Smoking, vaping, the usage of electronic cigarettes and similar devices, and the usage of tobacco and/or other related products at this property is and shall be expressly prohibited.

PART II
Vehicles

§ 4-4. Use of vehicles for County business. [Adopted 9-16-2003 (P-14E)]

This Policy establishes procedures for the use of County-owned and personal vehicles for the conduct of County business.

A. Operating vehicles while on County business.

- (1) Employees shall have a valid motor vehicle operator's license, including any required endorsements for the type of vehicle being driven.
- (2) Employees shall be of sound mind and body when operating any vehicle. Vehicles are not to be operated if the employee has an impairment or is under the influence of alcohol or any controlled substances which could impair the individual's ability to safely operate the vehicle. The restrictions also apply to individuals taking medications which impair the safe operation of a motor vehicle and/or medications that the manufacturer has provided specific warnings about operating a motor vehicle while using the product.
- (3) Employees shall operate vehicles in a safe manner within the posted speed limits or at lesser speed, depending on existing road and weather conditions. Any moving or standing motor vehicle violation incurred by a Kent County employee while operating a vehicle on County business will be the sole responsibility of the employee operating the vehicle and promptly reported to the employee's supervisor.
- (4) Seat belts shall be worn at all times in vehicles so equipped. Employees will operate vehicles in compliance with all the provisions of Title 21 of the Delaware Code.
- (5) Smoking is prohibited in all County vehicles.

B. Private vehicles used for County business.

- (1) All requirements set forth in Subsection A of this Policy apply, with the exception of Subsection A(5).
- (2) Any motor vehicle used for County business must have and maintain valid automobile insurance with at least the minimum liability coverages required by law.
- (3) When an employee's personal vehicle is used during the execution of authorized County business, the employee is eligible for mileage reimbursement at a rate that is determined by the Levy Court. Appropriate request forms must be submitted to receive reimbursement. "Authorized County business" refers to any activities that are consistent with an employee's assigned duties. These duties include, but are not limited to, office-related errands, off-site meetings, seminars and conferences.
- (4) Employees traveling out-of-state and/or overnight are required to document all mileage and additional expenses incurred during their excursion on a "Kent County Travel Expense Report" form.

C. County vehicles.

- (1) County-owned vehicles are to be used for the sole purpose of conducting Kent County business, except as provided herein. Non-employee passengers are not permitted in County vehicles

except those persons with a legitimate government business purpose, those persons participating in department head approved ride-along programs (provided a waiver of liability is properly executed), or as authorized by the County Administrator.

- (2) County vehicles are only to be operated by Kent County employees, with the exception of employees from federal, state and local governments, employees of firms supplying materials, equipment or services required to conduct County business and Volunteer Fire Company members, who shall operate any County vehicle in a safe manner consistent with this Policy. When necessary, the Kent County Sheriff and their deputies may use their vehicles to transport persons and/or documents relating to business affiliated with the state courts or County.
 - (3) Departments in possession of County vehicles are to maintain a daily log that will detail each time the vehicle is used, who is operating the vehicle, destination, mileage, gasoline purchases and any part replacement and/or repairs. These daily reports shall be retained for a period of 24 months. Copies of the daily logs will be forwarded to the Finance Director by the 5th of each month for the maintenance of a scanned record. That information will be used to compile a comprehensive report that will accompany the department's annual budget submission.
 - (4) No County employee is to use a County vehicle to transport any material or equipment that is not the property of Kent County, rented by Kent County or legally in the possession of Kent County. No employee is to use a County vehicle to transport employees on personal errands, to transport family or other persons to places outside the normal travel work hours and route between home and work, or for travel of a personal nature outside Kent County.
 - (5) Any County employee assigned a County vehicle for on-call use will only use it to travel to and from work and during situations where work-related travel is required after hours. Employees assigned a County vehicle will be allowed to make personal stops of short duration while traveling to and from work (i.e., pharmacy, dry cleaners, etc.). Employees must remember that they represent the County when in a County vehicle, even if the employee is not on working time. As such, no personal stop, no matter how brief, is permitted that could impact the County's reputation or could be perceived as a violation of County policy. Examples of prohibited stops include, but are not limited to, liquor stores, vape stores, marijuana dispensaries, and bars/clubs. Employees on vacation or extended sick leave shall leave assigned vehicles at the work site to be available for use by others.
- D. Vehicle incidents, accidents and insurance claims (applies to County-owned vehicles and any vehicle(s) used to conduct County business).
- (1) All accidents that occur involving an employee who is conducting County business, regardless of the severity, will be immediately reported to the department head of the involved party. This applies to both County-owned and employee-owned vehicles. The department head will determine whether immediate notification of the County Administrator is required. All serious accidents involving personal injury or damage to another party's vehicle or property will be reported to the County Administrator as soon as possible. The County Administrator will determine the urgency and evaluate the need to provide information to the Levy Court.
 - (2) County employees authorized to operate County vehicles shall report any defects in the vehicles that would impair their safe operation to their supervisor and/or department head immediately. Such defects noticed during non-work hours will be reported to the supervisor and/or department head at the beginning of the following working day.
 - (3) Accident and incident reports will be filed no later than the beginning of the following workday. All reports must be submitted to the Insurance Claim Officer in the Human Resources Office, with a copy forwarded to the County Administrator. In incidents involving an employee- or

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other- owned vehicle used for County business, the County will reimburse the owner for the amount of their insurance deductible up to the limit allowed on the County's own auto policy.

E. Gasoline purchases.

- (1) The Kent County Finance Department shall oversee all bulk gasoline purchases necessary for Kent County, in addition to the procurement and administration of gasoline credit cards.
- (2) Gasoline cards shall be issued by the Finance Department to departments with vehicles. Each department will maintain list of authorized users, with a copy forwarded to the Finance Department.
- (3) Gasoline is to be purchased by authorized County employees for use in County-owned vehicles only.

F. Disciplinary measures.

- (1) Employees violating this Policy shall be subject to disciplinary action up to and including termination and/or the suspension of use privileges.
- (2) Elected officials or deputies violating this Policy shall be subject to suspension of use of County-owned vehicles and/or no mileage reimbursement for such period(s) of time as determined by Levy Court.

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§ 4-6. Defensive driving. [Adopted 12-8-1998 (P-75)]

This Policy establishes a requirement that employees regularly operating County-owned vehicles achieve and maintain defensive driving certification.

- A. The County will coordinate, sponsor, and/or offer defensive driving training classes on a regular basis to its employees.
- B. All County employees will be eligible to participate in County-sponsored defensive driving training up to the maximum number permitted in the class. Priority will be given to those employees who regularly operate County-owned vehicles, as determined by the Human Resources Director.
- C. Employees who regularly operate County-owned vehicles shall attend a defensive driving course within one year of the start of County employment. Said employees shall maintain defensive driving skills through recertification every three years during their employment with Kent County.
- D. Costs associated with the required defensive driving classes and recertification shall be paid by the County for those employees regularly operating a County-owned vehicle. Other interested employees must pay for normal course costs.
- E. Employees failing to achieve or maintain required defensive driving certification shall be subject to disciplinary action up to and including termination.

§ 4-7. Vehicle safety.⁶ [Adopted 9-10-2002 (P-87)]

This Policy establishes requirements for the safe operation of motor vehicles by County employees who drive a vehicle in the performance of County duties.

- A. Employees shall possess and maintain a valid motor vehicle operator's license that is appropriate for the type of vehicle being driven.
- B. Employees shall report to their respective supervisor all motor vehicle violations in any jurisdiction,

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including those received operating non-County-owned vehicles.

- C. Employees with special motor vehicle operator's licenses and/or endorsements (i.e., CDL) shall maintain compliance with provisions of the state and federal statutes for such designations.
- D. Seat belts shall be worn by the driver and all passengers in vehicles so equipped.
- E. Employees not wearing a seat belt while driving a County-owned vehicle or driving any vehicle in the performance of County duties, while said vehicle is in motion, shall be subject to disciplinary action.
- F. At least once per calendar year, the motor vehicle record of employees regularly operating County-owned vehicles or driving any vehicle in the performance of County duties shall be reviewed by the Human Resources Director. Employees and their respective department heads will be advised of any unreported or serious violations. For the purpose of determining whether County employees will be permitted to drive County vehicles, or drive vehicles in the performance of their County duties, the Human Resources Director will evaluate the points assigned to an operator's license for a County employee

5. Editor's Note: See also § 4-4, Use of vehicles for County business.

based on when points are accumulated. Points assigned to an operator's license for motor vehicle violations over one year old shall be reduced by one-half; points assigned for violations over two years old shall be reduced by one-half again; and points for violations over three years old shall not be counted.

- G. Employees with motor vehicle records which indicate revocation or suspension shall not be permitted to drive a County-owned vehicle or drive any vehicle in the performance of County duties. Employees whose position description requires the retention of a valid motor vehicle operator's license shall be subject to termination if their driver's license status prevents them from performing their duties with the County.
- H. Employees who drive a County owned vehicle in the performance of County duties and accumulate motor vehicle operator violation points, by their state of residence, shall be subject to the following:

Number of Points Accumulated	Consequence
4 — 5	Loss of commuting privileges for one week
6 — 7	Loss of commuting privileges for one month
8 — 9	Loss of commuting privileges for six months
10 or more	Prohibited from driving any County vehicle and possible termination

- I. In addition, employees who drive a County-owned vehicle in the performance of County duties and who are charged or accumulate motor vehicle operator violation points while operating a County-owned vehicle shall be subject to the following additional disciplinary action:

Number of Points Accumulated	Disciplinary Action
2 — 3	Oral reprimand
4 — 5	Written reprimand
6 — 7	Suspension without pay
8 or more	Possible termination

- J. Employees incurring a motor vehicle violation which imposes five points or more on their motor vehicle record (i.e., reckless driving, aggressive driving, 15 miles over the speed limit, etc.) shall not be permitted to drive a County-owned vehicle or drive any vehicle in the performance of County duties, and shall be subject to termination if their position description requires the retention of a valid motor vehicle operator's license in order to perform their duties. Employees enrolling and successfully completing the DUI first offender's program may retain their positions, provided the individual agrees to random alcohol and/ or drug testing at their expense as directed by the Human Resources Director and sufficient staff is available to drive the employee's assigned County-owned vehicle(s) during the program period and any related motor vehicle operator's license restrictions.

PART III
Equipment

§ 4-8. Purchase of electronic data processing equipment, software and supplies.⁷ [Adopted 5-27-1986 (P-17)]

- A. The Information Technology Office is designated as the "clearinghouse" for the purchase of all electronic data processing equipment, software and related supplies used by Kent County government. All requests for computers and related equipment, software and supplies shall be submitted to the Information Technology Manager or designee for approval before a purchase order is issued.
- B. The Information Technology Manager or designee shall determine the appropriateness of all requests in a timely manner based upon their impact on at least the following:
 - (1) Compatibility with existing computer systems.
 - (2) Cost effectiveness.
 - (3) Potential for shared use.
 - (4) On-hand supplies.
 - (5) Existing maintenance contracts/agreements.
 - (6) Training requirements.
 - (7) Ease and probable cost of maintenance.

§ 4-9. Posting of non-government public notices on County bulletin boards. [Adopted 5-26-1987 (P-20)]

- A. This Policy is applicable to the posting of all non-governmental public notices on all County bulletin boards in the Kent County Administration Building, Kent County Emergency Services Building, Wastewater Treatment Facility, and other County buildings.
- B. Anyone wishing to post information of potential interest to the general public on County bulletin boards shall first receive permission from the County Administrator or designee, except that no posting of any public notice shall be permitted which:
 - (1) Discriminates against any individual or group of individuals on the basis of race, religion, color, national origin, sex, age, handicap, or any other legally protected status.
 - (2) Promotes any political party or candidate for office.
 - (3) Could be construed to offend public morals.
 - (4) Promotes any illegal purpose or is potentially libelous or defamatory to any individual or group.
- C. When not prohibited by Subsection B above, all notices must meet the following criteria:
 - (1) No notice shall be larger than 11 inches by 17 inches.

6. Editor's Note: For additional information regarding purchases for County purposes, see Policy 22, Part IV, Procurements.

- (2) All notices shall include the date of posting, "take down" date and the name and phone number of the person or group responsible for the posting.
 - (3) Due to limited space, no notice shall be posted except in areas designated for non-governmental public notices.
- D. The posting of any non-governmental notice which is in violation of the above shall be subject to removal without prior notification.

§ 4-10. Restrictions and fees for access to County computerized databases. [Adopted 4-11-1989 (P-32)]

- A. Scope. This Policy restricts access to all computer-readable data collected and maintained by the County on its central computing equipment or on any computing equipment owned by the County and situated away from the Information Technology Office. The Policy applies regardless of the size or capacity of the computing equipment and regardless of the magnetic media on which the data is stored.
- B. Background. In the course of carrying out their statutory responsibilities, the operating agencies of Kent County collect, convert, store and maintain significant quantities of data in a form that is readily available for computer processing. This data represents a substantial investment which the County has made over the years and continues to make in order to support modern, cost-effective computer processing. The current direction of the County indicates that the range of machine-readable data will increase dramatically over the next decade. The data collected by the County has great value to the operating agencies and is essential to the performance of their duties. This same base of data also has value to organizations and individuals outside County government. It is the growing interest for data by these outside agents that recommends the establishment of this Policy.
- C. Policy statement. It is the policy of the Levy Court that access to the computerized information bases of the various County agencies be available to organizations and individuals outside its agencies in consideration of the following restrictions:
 - (1) All data made available to outside agents must be public in nature and may not be governed by confidential information restrictions imposed by federal or state agencies.
 - (2) The intended use of any data acquired from the County must be clearly within moral, ethical and legal standards as determined by the Levy Court or its representative.
 - (3) Data requested by a political subdivision of Kent County will be provided at no cost where there is a statutory basis for supplying data.
 - (4) Data requested by state and federal agencies, other counties and their political subdivisions for the performance of their work, and data requested by legally tax exempt, not-for-profit organizations which are involved in charitable or civic activities within the County will be provided at the County's cost of production as defined in this section.
 - (5) Data requested by individuals, agents or organizations outside of the categories defined in Subsection C(4) and (5) will be provided at the estimated market value of production as defined in this section.
 - (6) No provisions in this policy are intended to conflict with the provisions of any applicable "Freedom of Information" statutes or the legitimate orders of any court in the state.

- D. Cost of production fees are set by ordinance and subject to change.
- E. Authorization. The County Administrator shall authorize all requests for access to the County's databases. The Information Technology Office will schedule the production of labels, lists and other requested media only upon receipt of an authorization signed by the County Administrator. The work shall be scheduled at the convenience of the County.

§ 4-11. Disposal of surplus equipment and supplies. [Adopted 6-11-1991 (P-45)]

This Policy provides for the disposal of any and all surplus equipment and supplies, being the property of Kent County, in a manner which will be in the best interest of Kent County.

- A. Department heads and row officials will determine when equipment and/or supplies become surplus to their department.
 - (1) Listing of items shall be forwarded to the County Administrator for review and concurrence.
 - (2) Listing of items will be forwarded to all Kent County departments to determine whether or not the items could be utilized elsewhere.
- B. After the steps outlined in Subsection A(1) and (2) are complete, the surplus equipment and/or supplies shall be transferred to a designated area in Kent County.
- C. Items with a value of \$50 or more will be publicly advertised and sold to the highest bidder who presents a sealed bid with acceptable surety.
- D. If no bid is received, the department head, designated by the County Administrator, shall dispose of the surplus items in one of the following ways:
 - (1) Sell to a scrap/salvage company willing to remove them for the best price or least cost to Kent County.
 - (2) Transfer to a public auction such as Spence's Bazaar but not limited to Spence's Bazaar.
 - (3) If unsold, dispose of as normal trash.
- E. The Finance Department shall be notified of all surplus items with fixed asset inventory numbers after transfer or disposal is completed.

§ 4-12. Telephone use. [Adopted 11-9-1999 (P-79)]

This Policy establishes a procedure for the proper use of County-owned or -provided telephones, including cellular phones.

- A. For the purposes of this Policy, the following terms shall have the meanings indicated:
 - OCCASIONAL — No more than two telephone calls per day.
 - OFFICIAL — A person elected to public office.
 - PERSONAL — Any telephone call not related to the exercise of one's duties, job, or position.
 - SHORT DURATION — Any telephone call lasting five minutes or less.
- B. Telephone use is essential to the delivery of County services in a timely and convenient manner and

as such should be reasonably available to permit access to County offices or officials.

- C. Voice mail and other communications requesting a response from an employee shall be regularly reviewed during the work day and telephone calls returned promptly.
- D. The occasional use of a County-owned or -provided telephone for making or receiving local area personal calls of short duration is permitted. Whenever possible, such personal calls should be made or received during normal breaks or rest periods and outside of customer service areas. Emergency use of telephones is always permitted.
- E. Employees shall complete and retain a report on such form as designated by the Finance Department of all long-distance telephone, facsimile, or toll calls for auditing purposes. Monthly telephone invoices shall be reviewed and all personal long-distance or toll calls identified for reimbursement to the County.
- F. Personal long-distance or international telephone, facsimile, or toll calls should not be made on County-owned or -provided telephones, but whenever such a call cannot be avoided, the responsible employee or official shall reimburse the County the cost indicated on the bill for the specific call(s). A receipt indicating reimbursement for such calls shall be submitted with the individual office's monthly long-distance telephone toll call invoice. A receipt indicating payment for such calls by an official shall be submitted monthly to the Finance Department. For cellular telephone users, all personal calls made after exhausting allowable charges (free minutes), if any, shall be presumed to be toll calls and reimbursement made to the County. Allowable charges shall first be applied to County business-related calls and only after covering all business calls shall such be applied to personal calls.
- G. The use of a County-owned or -provided telephone for inappropriate or illegal purposes, such as but not limited to harassing telephone calls or contacting a "900" number or similar type services, is prohibited.
- H. Enforcement of this Policy relating to employees shall be the responsibility of each department head. Any employee complaints, disputes or objections arising from this Policy shall be directed to the affected department head or the Human Resources Office.
- I. Enforcement of this Policy as to officials shall be the responsibility of the Kent County Levy Court.
- J. Portable County-owned or -provided telephones are the responsibility of the employee or official having possession of same, and as such, the employee or official must exercise due care to prevent the loss or damage of the equipment. If such telephones are lost or damaged due to carelessness, the employee or official shall be responsible for paying for the replacement of the equipment to the extent permitted by applicable law.
- K. Employees violating this Policy shall be subject to disciplinary action up to and including termination and/or the suspension of use privileges.
- L. Elected officials and deputies violating this Policy shall be subject to suspension of use of County owned or provided telephone(s) for such period(s) of time as determined by the Levy Court.

§ 4-13. Computer network usage. [Adopted 9-12-2000 (P-81)]

This Policy establishes the guidelines for usage of all Kent County computer networks and computer network applications and includes Internet usage guidelines.

- A. Policy compliance.

- (1) Computer network and Internet systems, just as with other County resources, are for official use only. Use of Kent County networks and the Internet must be consistent with the goals of facilitating and disseminating knowledge, encouraging collaborative projects and resource sharing, aiding technical transfer to Kent County businesses, fostering innovation and competitiveness within Kent County, and building a broader infrastructure to support professional, work-related activities.
- (2) Each department is responsible for the activities of its employees and for ensuring that its employees are familiar with this Policy.

B. Data processing standards.

- (1) Use of County computers, e-mail, networks and the Internet subjects each user to monitoring. Transmitting inappropriate material over County networks or the Internet, including pornography, gambling material, documents containing sexual, religious or racially disparaging content, and illegally obtained copyrighted material, is a violation of this policy.
- (2) The County e-mail system will be monitored and audited for inappropriate usage. Information shared using the e-mail system is not to be regarded as private or confidential. Mailing software files and chain mail is not authorized. Mass broadcast mailings should be limited to those needed for business purposes and may be made only with written approval from the sender's supervisor.
- (3) Use of the Internet to further professional knowledge is authorized; however, accessing sites for entertainment, to further personal or commercial financial gain, or to participate in "chat rooms" is in violation of this Policy.
- (4) Only licensed copies of software programs that are supported by the County Information Technology Office will be loaded and supported on County PC's and networks.
- (5) Employees should not copy programs, zipped (compressed) files or other executable files into user or shared directories on the network.
- (6) Users should monitor their own directories, ensuring that only current data is stored on the network. Old data (data that has not been accessed in six months) should be archived (by copying it to a floppy disk or CD) and deleted from the network, to enable efficient use of network storage space.
- (7) Network backups will be performed nightly. Since any file open when the backups occur will not be copied to the backup, users should close all programs and log out of the network each night prior to leaving their workstation. This will enable the information stored on the networks to be successfully backed up in the nightly process. (Any data stored on the user's C drive will not be included in the nightly backup, as this information resides on the PC's hard drive only.)
- (8) The networks will automatically prompt users to change their passwords each 30 days. Easily guessed passwords (such as initials, a child's name, birthdays) should not be used. Passwords should never be written or displayed on a workstation.

C. Privacy rights.

- (1) Computer network systems (including e-mail) and Internet systems are the property of Kent County and are to be used for official County business only. Usage of these systems, and information shared using these systems, is not to be considered private or confidential in any

manner or at any time. Employees have no expectation of privacy in the use of the systems the County provides and should expect that any of their activities, including the content of emails, files, documents, etc., will be disclosed to the County.

- (2) Computer network and Internet systems will be monitored and audited for inappropriate usage. If a user accidentally accesses questionable information using County-provided computer networks or the Internet, that user must immediately notify their supervisor of such access. Accidental access will be noted and will not be considered as a violation of this Policy, provided the proper notification is made immediately and does not continue.
 - (3) Kent County reserves the right to remove unauthorized software and data from all County computer equipment without notice.
- D. Acceptable uses. The following acceptable uses list includes ways that information on the County networks and the Internet may be used. This is not an inclusive list; each user should use their own discretion as to how to use the networks and the Internet for County business purposes, realizing that usage is monitored.
- (1) To provide and facilitate communication with other County, state and federal agencies and business partners of Kent County agencies.
 - (2) To communicate and exchange professional development; to maintain or debate issues in a field of knowledge.
 - (3) To use for professional society, university association, government advisory, or standards activities related to the user's professional/vocational discipline.
 - (4) To use in applying for or administering grants or contracts for work-related applications.
 - (5) To use as a means of administrative communication or with activities in direct support of work-related functions.
 - (6) To announce products or services for use within the scope of work-related applications, but not for commercial advertising of any kind.
- E. Principles of ethics. The following principles of ethics will apply to County computer networks and Internet usage:
- (1) Users will not seek information on, obtain copies of, or modify files, data, or passwords belonging to other users.
 - (2) Users will not intentionally represent themselves as another user unless explicitly authorized to do so by that other user.
 - (3) Users will not violate copyright laws when using County computer networks and the Internet. Users will not load or use unlicensed software or software not specifically approved by the County.
 - (4) Users will not intentionally develop or use programs that harass other users.
 - (5) Users will not invade a computer or computing system and/or damage or alter its software components.
- F. Unacceptable uses. The following list identifies unacceptable uses of County computers, networks and the Internet. This list is intended as a guideline and is not inclusive.
- (1) Transmitting or receiving inappropriate material. This includes sending or receiving

pornographic or sexually provocative material, gambling material, documents containing religious or racially disparaging content, and illegally obtained copyrighted material.

- (2) Illegal or malicious use. Use should be consistent with guiding ethical statements and accepted community standards. The County networks and the Internet may not be used in ways that violate applicable laws or regulations, such as transmitting or soliciting threatening, obscene, or harassing materials. The County computer networks or the Internet may not be used to solicit information with the intent of using such information to cause personal harm or injury.
 - (3) Changing the manner in which the networks communicate with each other or share information between users.
 - (4) Unsolicited commercial advertising.
 - (5) Use for recreational games, except in conjunction with a Kent County sponsored activity.
 - (6) Use for revenue-generating activities, unless related to Kent County business.
 - (7) Use for private or personal business activities.
 - (8) Displaying religious or political themes, comments or images.
 - (9) Distributing unsolicited advertising.
 - (10) Distributing computer worms or viruses.
 - (11) Gaining unauthorized entry to another machine.
 - (12) Attempting to circumvent County user authentication or security.
 - (13) Attempting to interfere with or deny service to any user or network.
 - (14) Forging e-mail header information.
 - (15) Sending unsolicited mail messages (spam or junk mail).
 - (16) Forwarding or posting "chain letters" of any type.
 - (17) Participating in Internet "chat rooms."
- G. Remedial action. When the Information Technology Office (IT) learns of a possible inappropriate use, IT staff will immediately notify the Human Resources Director and director of the department in which the inappropriate use occurred. In order to prevent further possible unauthorized activity, IT may temporarily disconnect a user from the County network. Any determination of unacceptable usage serious enough to require disconnection will be promptly reported to the department director.
- H. Violation of this Policy will be subject to disciplinary action up to and including termination of employment and/or the suspension of use privileges (or access).

§ 4-13.1. Social media use. [Adopted 6-14-2011 (P11-01)]

A.

Kent County is committed to the responsible use of social media by County officers, employees and appointed officials —ensuring communications are accurate, responsive, and transparent. Every post and interaction should reflect our values, honor our legal obligations, and strengthen public trust.

A. Definitions and Account Types

(1) Social Media

Digital platforms that allow users to create, share, and engage with content and communities. Examples include Facebook, X (formerly Twitter), Instagram, LinkedIn, YouTube, Threads, Nextdoor, etc.

(2) Feed

An updated list of all the new content posted by the accounts a user follows on social media. It's the main screen users scroll through to see what's new—from official updates to community conversations.

(3) Account Types

Kent County recognizes three categories of social media accounts:

Account Type	Definition	Ownership	Purpose
Official Account	Created and managed by the County to represent departments, programs, or elected offices	County government	Share public information, services, alerts, and community updates
Personal Account	Created by an individual for private use, not affiliated with County branding or duties	Individual	Express personal views, interests, and activities
Hybrid Account	Personal account that references County role or shares work-related content	Individual	Blend of personal and professional content; subject to additional scrutiny

B. Acceptable Use Guideline**(1) Official Accounts**

- (a) Must follow branding and voice standards, including consistent tone, logo use, and messaging. Kent County's official voice is professional, transparent, and responsive. All communications must use clear, accurate language that reflects respect for the public and reinforces trust in County government. Tone should remain consistent across platforms, avoiding jargon, bias, or informal slang, while ensuring accessibility for all audiences.
- (b) Content must be accurate, responsive, transparent, and compliant with County policies and legal obligations.
- (c) Only authorized staff may post or manage content.
- (d) Posts must avoid political endorsements, confidential information, or personal opinions.

(2) Personal Accounts

- (a) Employees and officials may use personal accounts freely, but must not:
 - Misrepresent County positions or policies
 - Share confidential or privileged information
 - Use County logos or branding without permission

(b) If referencing County employment, users should clarify that views are their own.

(3) Hybrid Accounts

- (a) Must clearly distinguish personal views from official County positions.
- (b) Should avoid frequent use of County branding unless authorized.
- (c) May not be used to conduct official business unless explicitly approved.

(4) Personal Business and Monetization

- (a) Official county social media accounts must never be used to promote, link to, or support personal business ventures, including efforts to increase followers, drive traffic, or monetize content. This includes:
 - Tagging or cross-promoting personal business accounts from County platforms
 - Sharing County content on personal business pages to boost visibility or engagement
 - Using County branding, logos, or messaging to lend credibility to personal business activities
 - Embedding County links, hashtags, or media in monetized content (e.g., sponsored posts, affiliate marketing)
- (b) Such entanglement blurs the line between public service and private gain, undermines public trust, and may violate ethics rules or procurement policies. Violations may result in disciplinary action and removal of posting privileges.

C. Conduct and Compliance

- (1) All users must adhere to Delaware FOIA laws, Kent County Code, and applicable HR policies.
- (2) Harassment, discrimination, or defamatory content is strictly prohibited.
- (3) Violations may result in disciplinary action, including revocation of posting privileges or employment consequences.

D. Oversight and Support

- (1) The PIO oversees official accounts and provides guidance, and content support.
- (2) Questions about account classification, branding, or appropriate use should be directed to the PIO/County Administrator's Office.

§ 4-14. Uniform acquisition and use.⁸ [Adopted 3-26-2002 (P-85)]

This Policy establishes provisions for the acquisition, rental, design, allocation, and proper use of County uniforms.

- A. The County will provide a uniform(s), in whole or in part, to the following positions: Department of Public Safety employees, Division of Facilities Management employees, except administrative staff; Division of Wastewater Facilities employees, except administrative and clerical staff; building inspectors, property assessors, and other positions regularly working out-of-doors and needing to be easily recognized by the public as determined by the County Administrator.
- B. All uniforms worn by County employees, including shirts, pants, jackets, patches, shoes, etc., featuring the County seal, logo, or identifying a County department, division or office shall be ordered

or reimbursed, with prior approval, through the Department of Finance from the individual "uniform" line items in the approved annual budget.

- C. As much as possible, all uniforms will be similar in design so as to present an appropriate and consistent appearance for County employees, depending on the type of job performed. The particular uniform style or features, as well as all proposed changes to the appearance of the County uniforms, must be approved in advance by the County Administrator.
- D. The allotment of uniforms (number of shirts, pants, shoes) shall be annually reviewed and funds included in the annual budget line item(s) to meet the need per eligible employee, to replace uniforms as needed, and to purchase uniforms for any new employees. The specific articles of clothing to be provided by the County and the specific type of clothing to be provided by the employee shall be determined by the County Administrator as funds allow.
- E. Employees provided uniforms shall wear the assigned uniform each workday. Uniforms shall be maintained in a clean, neat, properly sized condition and worn only when performing job duties or en route to or from the workplace. Employees shall avoid locations or activities while wearing a uniform, which might reflect negatively upon the County government. Employees shall be responsible for laundering uniforms and providing sufficient advance notice when replacement is needed. Due to the nature of the work performed by some employees, their uniforms will be professionally laundered

7. **Editor's Note:** For additional information on the use of County insignia, see Policy 10, Insignia, Emblems and Badges.

without cost to the employee. Department heads may exempt specific positions from this requirement as deemed necessary.

- F. Damaged uniforms caused by carelessness of the employee or unusual wear and tear outside the norm for the expected work activity shall be replaced at cost by the employee to the extent permitted by law. A terminating employee returning damaged uniforms shall be held liable for the cost of replacing the damaged clothing or equipment. The County will pursue legal action as necessary to recover replacement of lost/damaged clothing and all legal costs.
- G. All uniforms and any associated equipment provided by the County shall be returned in clean condition upon termination of employment.
- H. Employees violating this Policy shall be subject to disciplinary action up to and including termination.

Policy 5

DRUGS AND ALCOHOL

§ 5-1. Substance abuse policy. [Adopted 2-13-1990 (P-35)]

A. Purpose.

- (1) The pervasive presence of alcohol and substance abuse in our society and the adverse effect on employee health, safety, and productivity in the workplace requires the establishment of an effective, fair, and lawful policy governing the Kent County Levy Court.
- (2) The Kent County Levy Court, in a positive effort to provide a healthy and safe working environment for all of its employees, has developed a substance abuse policy.
- (3) It is therefore expected that all employees will maintain an appropriate level of fitness for duty. All persons covered by this Policy should be aware that violations of the Policy may result in discipline, up to and including termination, or in not being hired. The guidelines and procedures for this Policy are defined as follows, and shall cover all Kent County employees.

B. Policy.

(1) Preemployment substance screening.

- (a) Consistent with applicable law, a substance screening for excessive alcohol and/or marijuana use, misused prescription drugs, or illicit drugs, will be required as a condition of employment for all new hires in public safety and other sensitive positions.
- (b) A positive confirming second test, on the original screening sample, for alcohol use, misused prescription drugs, or illicit drugs will be the basis for disqualification of the applicant.
- (c) If either of the tests is negative, the applicant satisfies the substance level requirements.
- (d) An applicant whose test shows a positive result will have 24 hours after receiving notification of the positive result to provide bona fide verification of a current valid prescription to the medical review officer used by the testing site.

(2) Policy statement.

- (a) It is the policy of the Kent County Levy Court that employees shall not:
 - [1] Report to work under the influence of alcohol or drugs, including marijuana, even if used for medical purposes.
 - [2] Have the odor of alcohol or drugs on their breath, or have alcohol or drugs in their possession, while on duty or "on-call." This includes marijuana, even if used for medical purposes.
 - [3] Sell or provide alcohol or drugs, including marijuana, to any other employee or to any person.
 - [4] Have their ability to work impaired as a result of alcohol or drugs, including marijuana.
- (b) Such actions will constitute violation of this policy, and are cause for disciplinary action up to and including termination.

- (3) The appropriate law enforcement agency will be notified of any sale, distribution, possession, and/or use of illegal substances by an employee while on duty, during lunch and other breaks, or at any time while the employee is on a County work site or County working time.
- (4) Confirmation of drug or alcohol use or abuse will result in disciplinary action.
- (5) While the appropriate use of medically prescribed or some otherwise legal medications is not a violation of this Policy, when such drug use adversely affects job performance, the employee may be required to use sick leave, and then a personal leave of absence, if necessary.
- (6) When taking medications that may interfere with the safe and effective performance of duties by a County employee, failure by the employee to notify their supervisor before beginning work may result in a disciplinary action up to and including termination.
- (7) Discipline for being under the influence of alcohol or nonprescribed controlled substances during non-job-related activities will be based on the employee's job duties, work history, previous disciplinary actions, and previous identification of substance use problems.
- (8) When an employee's driver's license is suspended due to alcohol or drug use or abuse, and driving is required by the employee's job description, said employee is subject to disciplinary action or termination.
- (9) Substance screening for current employees:
 - (a) Alcohol and/or drug tests of existing employees will be conducted when there is reasonable suspicion that alcohol or substance abuse is involved in the workplace, or as otherwise required by law.
 - [1] "Reasonable suspicion" shall be based on objective and definitive facts sufficient to lead a reasonable, prudent supervisor to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of their job is impaired or so that the employee's ability to perform their job safely is reduced. Reasonable suspicion of an employee being under the influence of drugs or alcohol during working time or on work property shall be documented on the attached Impairment Observation Checklist. A completed Checklist must be signed by the observing supervisor and a representative of Human Resources before an employee will be taken for testing.
 - [2] All charges of reasonable suspicion must be confirmed by a second higher ranking supervisor and/or Department Head.
 - (b) The circumstances in which drug and/or alcohol testing may be required due to a reasonable suspicion of alcohol or drug use or abuse may include the following:
 - [1] Observed alcohol or drug possession or use during work hours, on County property, or in County vehicles (i.e., drug paraphernalia, remains of marijuana cigarettes, plastic sandwich bags with non-food residue inside, etc.)
 - [2] Apparent physical state of intoxication or drug-induced impairment of motor functions (i.e., red and watery eyes, dilated pupils, drowsiness or sleeping, slurred speech, hand tremors, inability to walk in a straight path, alcohol on breath, etc.)
 - [3] Incoherent or irrational mental state (i.e., irrational physical altercation, irrational verbal altercation, unusual memory gaps, etc.).
 - [4] Marked changes in personal behavior, or attitude not attributable to other factors (i.e., sudden unexplained changes in mood and personality, changes in disposition,

changes in appearance, including inattention to personal hygiene, frequently borrowing money, etc.)

- [5] Deteriorating work performance or attendance problems not attributable to other factors (i.e., persistent tardiness, persistent absenteeism, an unusual illness or injury rate, etc.)
 - [6] Employee involvement in an accident during work hours in which a review of the circumstances of the accident or other relevant facts lead to a reasonable suspicion that the employee may be under the influence of alcohol or drugs.
 - [7] Incriminating information from a reliable source or other employee actions or conduct that leads to a suspicion that the employee is under the influence of alcohol or drugs, suffers from substance abuse, or is in violation of existing County rules concerning the use of substances (i.e., reports by family members or friends about employee's alcohol or drug abuse, unexplained secret meetings with other employees or others).
- (c) An employee whose test shows a positive result will have 24 hours after receiving notification of the positive result to provide bona fide verification of a current valid prescription which may have caused the positive result. The prescription must be in the employee's name and have been filled prior to the date the testing occurred. The prescription shall be provided to the medical review officer employed by the testing site, only, and not to any County employee.
- (10) Drug and alcohol use during off-hours will also violate this Policy when such usage appears to impair job performance, at which time an employee is subject to disciplinary action and the rules regarding reasonable suspicion.
- (11) When there is reasonable suspicion of alcohol and/or drug use by an employee involved in serious accidents causing death or personal injury to self or others, and/or significant property damage, of repetitive accidents, alcohol and drug tests shall be administered to the employee immediately following such work-related incident(s). Confirmation of such drug or alcohol use through documented reasonable suspicion and a positive drug/alcohol screen test shall be cause for termination.
- (a) When reasonable suspicion has been adequately established, an employee shall be placed in unpaid administrative leave immediately. If the subsequent drug test is negative, the employee shall be paid for all time missed while on administrative leave.
 - (b) When reasonable suspicion has been adequately established, refusal to submit immediately to an alcohol and/or drug analysis when requested by management will be considered a positive test, and disciplinary action up to and including termination will be implemented pursuant to this policy.
- (12) It is the policy of the County to provide a just procedure for the presentation, consideration, and disposition of employee grievances. Such will be done in accordance with the County's Human Resources rules and regulations.

C. Testing procedure.

- (1) To ensure accuracy, employee specimens must be given as soon as possible after concerns of drug or alcohol use or abuse have been made. These concerns must follow the guidelines for establishing reasonable suspicion.
- (2) In establishing reasonable suspicion, the supervisor of an employee suspected of being impaired by alcohol or drugs (or another supervisor, if applicable) shall document their observations and

confirm those observations with a higher-ranking supervisor and/or Department Head. Following such time, the supervisor and/or department head shall drive the employee to a designated physician, clinic, or hospital on the County's time and at the County's expense for drug and alcohol testing.

- (3) Any employee who refuses to submit to said testing will be found in violation of this Policy. In such case, the determination of impairment made by the supervisor and/or department head will be binding and the employee will be removed from the work site and subject to disciplinary action.

- (a) Testing will be done for at least the following substances:

Amphetamines (uppers)
Barbiturates (downers)
Benzodiazepines (Valium)
Cocaine
Marijuana
Opiates (opium)
Phencyclidine (PCP)
Methaqualone (quaaludes)
Alcohol

- (b) The analysis shall be conducted in accordance with legally established clinical procedures of privacy, which include a defined chain of custody and mandatory consent.
 - (c) The urinalysis or screening method used is the EMIT method. Gas chromatography is used as a confirming second test if the screening is positive. If either of the tests is negative, the employee has passed.

D. Employee assistance.

- (1) The Kent County Levy Court recognizes alcohol and/or drug dependency as a treatable condition. An employee who believes that alcohol or drug use may be a problem for them may use the employee referral program and health coverage insurance as appropriate. Employees should contact the Human Resources Office for additional information. Employees who voluntarily seek treatment before their substance use or dependence impacts work will not be subject to disciplinary action.
- (2) The County maintains a policy of nondiscrimination of employees who are recovering from substance abuse (not currently using) or have a history of substance abuse treatment. Voluntary efforts to seek and use such help will not jeopardize an employee's employment status. Such efforts will not appear on personnel records if the employee volunteers prior to documented reasonable suspicion. However, said employees must follow suspension guidelines before returning to work.
- (3) Employees receiving treatment for drug or alcohol abuse may use sick leave, vacation leave, and then may be granted a limited leave without pay, or an extended leave without pay in accordance with established County policies. Employees may also be eligible for leave under the Family & Medical Leave Act (FMLA) or Delaware Paid Family Leave, consistent with applicable law. The Human Resources Office will evaluate eligibility when an employee seeks leave.
- (4) Involvement of an employee in an alcohol and drug program does not suspend disciplinary measures which an employee may be subject to as a result of conduct or behavior which violates work rules or regulation or is contrary to County policy. While the County supports employees seeking help, expectations for attendance, conduct and performance remain the same.

E. Suspension guidelines.

- (1) The County Administrator, Department Head and Human Resources Director will determine the appropriate course of action for an employee who tests positive on a drug/alcohol screen or otherwise violates this policy. Depending on the circumstances, an employee may be terminated for a first offense. Employees who are not terminated for a first offense may be offered one opportunity to retain their employment, as detailed below.
- (2) Employees placed on suspension from employment due to confirmed abuse of alcohol or drugs may only be reinstatement to any position with the County government upon execution of a last-chance agreement governing the terms of reinstatement.
- (3) Any employee who has a positive substance screening must be given a return-to-duty substance screening before resuming duties. Additional unannounced screenings may be required by the Levy Court for up to 12 months after duties have been resumed. All costs of such return-to-duty screenings and treatment shall be the responsibility of the employee.

F. Termination

- (1) Any violation of this policy, including refusal to take a required screen or tampering with or falsifying a screening sample or submitting an adulterated sample, will result in disciplinary action, up to and including termination. Employees who test positive on a drug/alcohol screen face disciplinary action, up to and including termination of employment. The disciplinary action taken will be determined solely by the County Administrator, Department Head and Human Resources Director based on a variety of factors. Employees who are not terminated for a first offense will be expected to immediately terminate the inappropriate and prohibited use of drugs and/or alcohol, will be suspended, and will be required to seek assistance as a condition of continued employment, as outlined above. If the employee has another positive screen at any time, the employee will be terminated.

G. Confidentiality.

- (1) It is the policy of the Levy Court not to conduct random testing of existing employees. However, the County shall require unannounced retesting of employees who have agreed to such testing as part of a last-chance agreement as a condition of reinstatement.
- (2) Laboratory reports or test results shall be maintained in an employee's confidential medical file. The reports or test results may be disclosed to a designated person in County management on a strictly need-to-know basis and to the tested employee upon request.

§ 5-2. Smoking. [Adopted 2-9-1999 (P-76)]

This Policy prohibits smoking in all County-owned or -controlled buildings and vehicles, regulates smoking breaks by County employees, and establishes the provisions of the Delaware Clean Indoor Air Act regulations.

- A. Smoking by employees or the public is prohibited in all public areas and offices within County-owned or -controlled buildings and in County-owned vehicles.
- B. Smoking shall only be permitted in specific areas outside County-owned and -controlled buildings. The specific areas shall be located at the rear of a building outside of public view, away from public or employee entrances, and at least 20 feet from any exterior entryway (except that smoking shall be permitted on the second floor of the Administrative Complex rooftop mezzanine). The County will not incur any expense to make structural or physical modifications to accommodate those who smoke. **[Amended 3-27-2018 (P18-02)]**

- C. Smoking by employees shall be limited to permitted breaks and rest periods of short duration or during the scheduled meal period. Lengthy or an excessive number of smoking breaks is prohibited.
- D. Enforcement of this Policy shall be the responsibility of each department head. Complaints, disputes or objections arising from this Policy shall be directed to the affected department head or the Human Resources Office.
- E. Employees violating this Policy shall be subject to disciplinary action up to and including termination, but employees exercising their rights under the Delaware Clean Indoor Air Act shall not be subject to retaliation or any adverse personnel action.
- F. This Policy shall be displayed in all normal employee posting areas and "no smoking" signs shall be installed where appropriate.
- G. This Policy applies to all tobacco and tobacco-related products, including chewing tobacco, smokeless tobacco and devices, and vapor cigarettes (e-cigarettes).

Policy 6**EXPENSES AND REIMBURSEMENT****§ 6-1. Travel and meal reimbursement. [Adopted 8-4-1998 (P-13C); amended 8-22-2006]**

A. Authorization to travel (more than one day). Authority to incur costs in connection with travel while on official County business must be granted first by the department head or row officer followed with approval by the County Administrator. Authorization may only be granted when travel funds are in the department's approved budget.

(1) Authorized expenditures.

- (a) Per-diem. Employees authorized to travel out of state for a full day (time period covering three meals) or more are eligible for per-diem equal to the amount established by the federal General Services Administration (GSA) for the applicable destination city to cover all meals and gratuities for each full day of the business-related trip. No receipts will be required for the per-diem amount, which would typically be paid to the employee in advance of departure. Any meal and gratuity expense exceeding the GSA figure shall be the responsibility of the traveling employee. Any meal included as part of a conference fee shall be deducted from the per-diem according to the value assigned by GSA for the included meal. **[Amended 11-24-2009 (P09-06)]**
- (b) Miscellaneous expenses (Minor Code 230). Includes local travel expenses from the time of departure for destination until return, such as cab fares and tips, bus fares, parking meter fees and other authorized miscellaneous daily expenses. Receipts will be required to the extent possible for reimbursement. When receipts aren't available, an itemized list, to include the description of the miscellaneous expenses along with the amounts paid, must be submitted, and reimbursement may be limited to \$10 per day.
- (c) Conference fees (Minor Code 200). In most cases these fees are to be paid in advance when registration is arranged. Otherwise, the conference fee will be reimbursed and a receipt will be required.
- (d) Lodging (Minor Code 220). Inquiries regarding reservations should be made in advance and the single room rate, including taxes, determined. An advance in this amount times the exact number of days of the business trip will be made. The County will pay only the rate for a single room unless double occupancy is intended to accommodate two authorized County employees. Receipts will be required.
- (e) Travel costs (Minor Code 230). A determination must be made of the costs for alternative travel modes from Dover to the destination and return. The County will only advance or pay the amount for the most feasible method of travel as determined by the Department Director and County Administrator or the Levy Court.

[1] Included in travel costs are:

[a] Mileage in connection with the conference or business trip, tolls, parking and auto storage fees (if an employee uses their personal vehicle). Mileage will be reimbursed at a rate to be determined by the Kent County Levy Court.

[b] Air, bus or train fare.

- [c] Transportation services to and from the transportation terminal.
- [2] If any of these costs are not paid in advance, the estimated cost will be advanced or reimbursement will be made. Receipts will be required.
- (f) Annual dinners. Annual dinner expenses for Kent County affiliated boards and commissions shall be as specified in the requesting department's annual budget submission. These expenses will be handled as follows:
 - [1] Annual dinner expenses invoiced to Kent County for Kent County affiliated boards and commissions are not to exceed \$40 per eligible participant attending the meeting. Eligible participants are to include board/commission members, Levy Court Commissioners, the County Administrator, the supporting staff of the board/commission, and the board/commission appointed legal counsel.
 - [2] Annual dinner expenses not invoiced to Kent County for Kent County affiliated boards and commissions will be reimbursed to the eligible participants at the meal reimbursement maximum amounts as stated in this policy. (Refer to Subsection B, Meal/Mileage reimbursement for day trips.)
- (2) Unauthorized expenditures. The County will not reimburse nor are County funds to be used for any of the following:
 - Lodging within the State of Delaware
 - Laundry service
 - Pay TV
 - Babysitting service
 - Traffic citations
 - Alcoholic beverages
 - Entertainment costs
 - Gratuities in excess of 20%
 - Toll phone calls unless otherwise unavoidable and only when related to County business
 - Spouse or guest expenses
 - Any non-County-related expenses
- (3) Accountability for expenditures. Upon return, employees are required to complete a Travel Expense Report and/or Mileage Reimbursement Request form which documents the employee's trip expenditures. These reports should be submitted within five working days of the employee's return in accordance with the instructions on the forms.⁹
- B. Meal/Mileage reimbursement for same day trips. When on official County business, an employee shall be entitled to reimbursement for meal expenses in accordance with the following:

8. Editor's Note: The Travel Expense Report and Mileage Reimbursement Request forms are on file in the County offices.

- (1) The employee must be on authorized County business and away from their normal work routine and schedule during the following times:

	Must Leave Prior To	Must Return After
Breakfast	7:00 a.m.	8:30 a.m.
Lunch	11:00 a.m.	2:00 p.m.
Dinner	5:30 p.m.	7:00 p.m.

- (2) Meal reimbursement.

- (a) The maximum amount that will be paid/reimbursed for individual meals (including gratuity) shall be equal to the amount established by the federal General Services Administration for the applicable destination city to cover such individual meal(s) and gratuity. **[Amended 11-24-2009 (P09-06)]**
 - (b) Any individual meal(s) and gratuity expense exceeding the established GSA figure for the destination city shall be the responsibility of the employee. **[Amended 11-24-2009 (P09-06)]**
 - (c) No reimbursement will be authorized for a meal if said meal is included as part of the fee for a conference, symposium, meeting, etc., or if a meal is provided during such meeting at no cost.
 - (d) This provision shall not apply to meals or special events hosted by the County for intergovernmental or public relations purposes. Such expenses will be paid from the community events line item (Minor Code 677).
- (3) All requests for travel reimbursement must be made on a Travel Expense Report form and must be submitted within 15 working days after the expenditure occurs.¹⁰
- (4) All requests for mileage reimbursement must be made on a Daily Mileage Reimbursement Request form. Mileage reimbursements requests shall be submitted to Finance on a monthly basis. The requests should be submitted to Finance no later than 15 working days following the end of the month in which the expenses were incurred. Mileage will be paid at a rate to be determined by the Kent County Levy Court.¹¹

C. General.

- (1) Employees are encouraged to use County funds to prepay conference and travel costs when possible.
- (2) Some hotels require prepayment before confirming room reservations.
- (3) Whenever possible, employees should plan trips far enough in advance to take advantage of any discounts for early registration and to allow sufficient time to process advances.
- (4) Employees should remember that while traveling on County business, the employee represents Kent County government. Therefore, employees should conduct themselves in a professional

9. Editor's Note: The Travel Expense Report is on file in the County offices.

10. Editor's Note: The Daily Mileage Reimbursement Request form is on file in the County offices.

and responsible manner that reflects well on the County.

- (5) Employees should also remember that the taxpayer funds employee trips. Employees, therefore, have the obligation to spend County funds in the most cost-effective way and only for authorized expenses.

Policy 7**GRIEVANCES AND FEEDBACK****§ 7-1. Employee grievances. [Adopted 8-14-1990 (P-40)]****A. General.**

- (1) In the interest of harmonious and cooperative working relationships, employees and their immediate supervisors are encouraged to informally discuss and resolve all employee inquiries, requests, and suggestions. It must be recognized that authority exists for resolving problems at various levels of an organization and that all problems are not subject to immediate resolution. However, the emphasis on interpersonal relationship problem-solving is to be focused on informal solutions developed at the lowest organizational level possible.
- (2) When problems arise regarding employment, an employee shall discuss the problem first with their immediate supervisor. It is the responsibility of each supervisor to conduct such discussions objectively, and to initiate action to resolve problems. If, after such informal action, the problem is not resolved to the employee's satisfaction and the employee wishes to take formal action, they may present a grievance in accordance with the procedure outlined below.

B. Definition of grievance. "Grievance" means any employee complaint arising out of the application of the County's rules and policies, which remains unresolved after informal efforts at resolution have been attempted. A grievance may not deal with the substantive policies embodied in the Kent County Code, Kent County Policy Manual, or the rules or decisions arising from the normal managerial relationship between an employee and supervisor.**C. Grievance procedure.**

- (1) Step 1. The employee shall, within three working days of the date of the occurrence of events leading to the grievance or within five working days of the date an employee could reasonably be expected to have knowledge of the circumstances leading to the grievance, present the grievance in writing to their immediate supervisor, setting forth the details of the grievance and relief sought. The supervisor shall, within five working days, meet and discuss the grievance with the employee and reply to the employee within three working days of said meeting.
- (2) Step 2. In the event the decision of the immediate supervisor is not satisfactory to the employee, the employee may, within three working days, request in writing a review of their grievance by the department head. The department head shall, within five working days, meet and discuss the grievance with the employee and with the immediate supervisor of the employee. The department head will reach a decision and reply in writing to the employee within three working days of said meeting.
- (3) Step 3. In the event that an acceptable solution is not reached at Step 2, the employee may request a meeting with the Human Resources Director (or designee), except in such cases of grievance of employee performance appraisal, where the decision of the department head is final. This request, in writing and accompanied by copies of all relevant written materials from the previous steps in the grievance procedure, must be made within three working days of the rendering of the decision at Step 2 by the department head or the expiration of the time limit for the rendering of such decision.
 - (a) The Human Resources Director shall notify the employee and other interested parties of the scheduled meeting date within five working days of receipt of the grievance and of all relevant written materials from the previous steps in the grievance procedures.

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- (b) Within five working days following the meeting, the Human Resources Director (or designee) shall issue a written decision to both parties.
- (c) If the employee does not accept the findings of the Human Resources Director (or designee), the employee may appeal, within five working days of receipt of the decision, to the Personnel Administration Boards, by submitting 10 copies of a written statement requesting a review and the reasons therefor along with copies of all relevant written materials from the previous steps in the grievance procedure to the Human Resources Director. The Personnel Administration Board has 15 working days to review all written materials and respond to both parties. The Personnel Administration Board has the authority to agree with the decision of the Human Resources Director and may authorize the decision as final and binding. In the event that the Personnel Administration Board schedules a hearing, the hearing shall be scheduled within 10 working days of its prior meeting. The Personnel Administration Board will render a final and binding decision in writing to both parties within 10 working days of the hearing.

D. Discussion.

- (1) It is within the spirit of this procedure that all parties will make every effort to expedite the processing of grievances. It is expected that all parties will observe the time limits specified above; however, when a grievance can be processed in less time than provided in the various steps, this should be done. It is recognized that meetings cannot always be arranged within the time limits, in which event the time limits may be extended by mutual agreement in writing, and such extension is not to exceed 10 days in any event. Failure of those in authority to make a timely response or request a delay will permit an employee to process the grievance to the next step of the procedure. Failure of an employee to observe the time limits will nullify the grievance.
- (2) If a step in the grievance process would not facilitate resolution of a complaint, it may be waived upon written agreement of all interested parties. Such agreement shall include a brief explanation of the reasons for the waiver.

E. Violation of grievance procedure.

- (1) Any employee who takes their employment problems outside of this administrative process, such as to the Levy Court Commissioners, without first attempting to resolve said problems in accordance with the procedures outlined above shall be subject to disciplinary action up to and including termination.
- (2) No action will be taken that will threaten, intimidate, or retaliate against an employee for initiating or processing a grievance. Any employee who believes they have been retaliated against for utilizing this procedure should contact the Human Resources Director.

Policy 8**HEALTH AND SAFETY****§ 8-1. Safety program. [Adopted 5-13-2003 (P-74A)]**

This Policy establishes a safety program for Kent County operations and assigns responsibility for administering the program to the Division of Emergency Management.

A. Goals and purpose.

- (1) The goals of the safety program are to:
 - (a) Create an awareness that County government activities are subject to risks of loss and that these risks can be controlled;
 - (b) Teach department heads the five steps of risk management (risk identification, risk evaluation, risk treatment, selection and implementation, and monitoring); and
 - (c) Motivate department heads to identify and control risks in their respective departments.
- (2) The safety program shall have three specific purposes:
 - (a) Increase safety awareness among employees;
 - (b) Minimize the County government's exposure to liability and financial losses; and
 - (c) Develop accountability of all employees for safety.

B. Administration.

- (1) The Division of Emergency Management in the Department of Public Safety shall be responsible for the administration of a County-wide safety program and the County's risk management effort. At least two employees designated by the department head shall be the County's Safety Officers and responsible for developing and directing a workplace health and safety program by assisting operating personnel in achieving compliance with OSHA based guidelines.
- (2) At a minimum, the duties of the Safety Officers shall include:
 - (a) Investigating every workplace accident and documenting steps taken to remove or reasonably reduce hazards;
 - (b) Writing and distributing risk management policies and rules;
 - (c) Creating a risk management policy statement;
 - (d) Establishing inspection procedures to identify, monitor, and remedy key risks in each department;
 - (e) Reviewing all major purchases, proposals of new services or designs for new buildings to identify loss exposures;
 - (f) Developing and conducting safety training programs for employees;

- (g) Establishing procedures for reporting and investigating all claims, incidents, and safety violations;
 - (h) Preparing a financial impact analysis of potential risks;
 - (i) Developing and updating a safety procedure handbook; and
 - (j) Monitoring and publicizing safety efforts.
- (3) The Safety Officers shall each be vested with the authority to order the work of any County employee or Department stopped if judged by either of them to be unsafe or posing the risk of injury or significant financial loss. Work may not resume until a Safety Officer has determined that it is safe to do so. In addition, a Safety Officer may close, block off, or otherwise prevent the entry or use of any County facility or equipment judged to be unsafe or posing a risk of injury or significant financial loss.
- C. The Emergency Management Division Manager shall coordinate safety and risk management program efforts with the Human Resources Office as the office responsible for County insurance administration; the Department of Finance as the office responsible for determining safety improvement costs; the Division of Facilities Management as the office charged with making building alternations; the Division of Wastewater Facilities, which has the largest employee base in a high risk environment; the Division of Emergency Medical Services, which is exposed to hazards unique to the field of work; the County Administrator to provide direction and leadership in assessing risk; and other departments in identifying and managing specific hazards.
- D. Employees violating this Policy or disregarding the safety handbook shall be subject to disciplinary action up to and including termination.
- E. An annual report shall be provided to the Levy Court detailing identified hazards, remediation efforts, compensable and noncompensable injuries, and related costs.

§ 8-2. Workplace violence prevention. [Adopted 9-10-2002 (P-88)]

This Policy defines and prohibits acts or behavior which might contribute to workplace violence and establishes reporting requirements for the protection of County employees. Even “casual” remarks, joking, horseplay, and unintentional conduct may violate this policy and will be taken seriously

- A. "Violence" shall mean an act or behavior that:
 - (1) Is physically assaultive (including but not limited to fist fighting, punching or slapping);
 - (2) A reasonable person would perceive as obsessively directed (grudge, etc.);
 - (3) Consists of a communicated or reasonably perceived threat to harm another individual or in any way endanger the safety of an individual;
 - (4) Would be interpreted by a reasonable person as carrying potential for physical harm to the individual or to another;
 - (5) Is a behavior or action that a reasonable person would perceive as menacing;
 - (6) Involves the carrying or displaying of weapons, destroying property, or throwing objects in a manner reasonably perceived to be threatening; or
 - (7) Consists of a communicated or reasonably perceived threat to destroy property.

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~~Even “casual” remarks, joking, horseplay, and unintentional conduct may violate this policy and will be taken seriously.~~

- B. Violence or violent actions on County property or facilities, or while on County business, are prohibited and will not be tolerated. Any unlawful violent action committed by employees or members of the public while on County property or while using County facilities will be prosecuted as appropriate. Off duty conduct of an employee may also violate this policy if such conduct could be interpreted as a potential threat to workplace safety.
- C. In the interest of maintaining a workplace that is safe and free of violence, except as hereinafter provided, possession or use of a firearm or dangerous weapons/instruments is prohibited on County property, in County vehicles, or in any personal vehicle which is used for County business or parked on County property. A dangerous weapon or dangerous instrument at a minimum is defined as any instrument capable of producing bodily harm, in a manner, under circumstances, and at a time and place that manifests an intent to harm or intimidate another person or that warrants alarm for the safety of another person. A dangerous weapon or dangerous instrument, as defined above, shall include, but not be limited to, all handguns, rifles, shotguns, knives or any instrument, device or object capable of causing physical harm or mental intimidation to another person.
- D. Employees and members of the public may only possess a firearm on County property or in County vehicles if engaged in military or law enforcement activities; or legally in possession of a firearm for which the person holds a valid permit to carry a concealed deadly weapon. Small knives or similar instruments used in the performance of duties shall be permitted, if possessed for their intended lawful purpose.
- E. Employees are responsible for refraining from acts of violence and for seeking assistance to resolve personal issues that may lead to acts of violence in the workplace; and reporting to their department head and/or supervisor any dangerous or threatening situations that occur or are observed in the workplace. Employees are also encouraged to report any situations that occur outside of the workplace which may affect workplace safety.
- F. Department heads and/or supervisors are responsible for taking immediate action to prevent the occurrence or reoccurrence of any act of violence and reporting said act or complaints of acts or possible acts of violence to the Human Resources Director and Safety Officer for investigation and recommendation for appropriate resolution.
- G. Employees who are a victim of a crime, domestic violence, or other circumstances where a protective order is in place that may impact the workplace should notify the Human Resources Director so that appropriate steps can be taken.
- H. Employees violating this Policy shall be subject to disciplinary action up to and including termination and criminal prosecution, where appropriate, to the fullest extent of the law.

§ 8-3. Epidemic/contagious disease response. [Adopted 9-22-2009 (P09-04)]

This Policy establishes provisions for the maintenance of County business operations during an epidemic, such as an especially virulent influenza or similar contagious disease/virus, and prevention of transmission of such diseases between employees and/or the public.

- A. In order to protect the health of employees and the public, the County may offer annual seasonal influenza vaccinations to employees, when a vaccine is available. Priority for such vaccinations shall be given to employees working in public safety, wastewater processing, facilities management, and directly with the public. Any remaining vaccine will be offered to other employees on a first-come-first-served basis and then to County retirees and employee family members. If a vaccine for virulent influenzas or other communicable diseases is available, the County may offer vaccinations to eligible

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and interested employees/retirees in the priority order referenced above. Such vaccinations shall be provided to employees at no cost or reduced cost.

- B. Employees exhibiting symptoms of influenza or similarly contagious diseases/viruses are encouraged to remain at home and, if necessary, to seek medical attention. Supervisors, after consultation with their respective department head, are authorized to direct sick employees to leave the workplace in order to avoid the transmission of a communicable disease to coworkers and/or the public. Employees are responsible for treating or seeking treatment for the illness and keeping their supervisor informed about the seriousness of their health condition and their anticipated return-to-work date.
- C. Whenever a serious influenza or contagious disease outbreak occurs, the County Administrator, in consultation with the President of Levy Court and affected department heads, may initiate a Business Continuity Response, which affords the County Administrator maximum flexibility to maintain County government operations with limited available staff. At a minimum, the response plan authorizes building closures or reduced operating hours, suspension of absence verification provisions, reassignment of work duties and personnel, authorization for overtime, establishment of alternative work environments, cancellation of nonessential business travel, implementation of employee health assessments, extension of compassionate leave provisions, waiver of limitations for care of sick family members, acquisition of supplies necessary to reduce contamination, mandated use of protective devices, etc.
- D. The Human Resources Director shall be responsible for coordination of the staffing components of this Policy and development of implementation guidelines.

8-4 Workplace Searches

- A. To the extent permitted by law, as all offices, desks, files, lockers, equipment, etc., are the property of Kent County and are provided solely for use during one's employment, the County reserves the right to search any office, desk, files, locker, equipment or any other area or item on the premises. In light of this policy, employees who bring personal property onto County premises have no reasonable expectation of privacy in such property.
- B. Employees who refuse to cooperate in an inspection, as well as employees who, after an inspection, are believed to be in possession of stolen property or illegal or unauthorized substances or have otherwise violated any County policy, will be subject to disciplinary action.
- C. There may also be surveillance cameras at County facilities, excluding restrooms and changing areas. These cameras are monitored for a number of reasons to promote the safety and security of the property and all individuals on the property, and employees should expect that any of their activities may be captured on these cameras and viewed by County management without notice.
- D. This policy will be administered based on reasonable and justifiable County needs and in accordance with all applicable laws and regulations. Law enforcement may also be contacted when appropriate.

8-5 Fit for Duty Policy

The County endeavors to provide a safe and effective workplace. This policy covers those situations in which an employee is having documented difficulty performing their work duties in a safe or effective manner. This policy outlines the circumstances under which an employee may be referred for a fitness for duty evaluation. The purposes of this fitness for duty policy are:

- A. To help ensure the safety and health of employees or others with whom they have contact.
- B. To establish procedures by which the County can evaluate an employee's ability to safely and competently perform their duties when performance issues arise.

Guidelines

- A. Employees are responsible for managing their mental and physical health in such a way that they can safely and effectively perform their essential job functions, with or without reasonable accommodation.
- B. Employees who have the responsibility for on-call shifts must remain in a fit condition for the entire on-call period.
- C. Department Heads may refer employees to Human Resources to determine whether a fitness for duty evaluation is appropriate under the following the adopted procedures. This may include a physical and/or mental fitness assessment.
- D. xApplication of this policy is not intended as a substitute for other County policies or procedures related to performance. In addition, application of this policy is not a substitute for discipline. In any situation involving misconduct, disciplinary action may occur.
- E. The County will pay the cost of fitness for duty evaluations.
- F. An impartial, independent health care evaluator with appropriate expertise (which will include one or more of the following: medical, psychological, alcohol, or other drug conditions) will conduct a fitness for duty evaluation.
- G. The County will make the final determination of an employee's fitness for duty status.
- H. An employee referred for a fitness for duty evaluation will be relieved of duties pending completion of the fitness for duty evaluation.
- I. When an employee is found to be unfit for duty, their employment status will be determined on a case-by-case basis, in accordance with County policy and practice.
- J. An employee's pay status while fitness for duty is being determined will be dependent on their employment status and the facts of the case.
- K. In all cases, the County must receive a "return to work/fitness for duty form" saying the employee is fit to perform the essential functions of the job, with or without a reasonable accommodation, from the independent evaluator before an employee may return to work.
- L. In most cases, a re-entry conference with the department head and Human Resources Director will occur prior to the employee's return to work.
- M. Non-compliance with a request for a fitness for duty evaluation may constitute insubordination and be grounds for disciplinary action, up to and including termination.

If an employee appears severely impaired, is violent, or is threatening harm to self or others, 911 should be contacted. The need for a fitness for duty evaluation will be addressed based on the circumstances after the

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employee has been treated and before they are permitted to return to work.

Records of fitness for duty evaluations will be treated as confidential medical records and be kept separate from existing department and personnel files; this information can be shared only on a strict “need to know” basis.

HIRING AND PROMOTION

Policy 9

TERMS OF EMPLOYMENT

Kent County Code References

§ 68-7 — Vacancies, recruitments and appointments.

§ 68-14 — Disciplinary action.

§ 68-8 — Eligibility lists.

§ 68-15 — Tenure of service.

§ 68-9 — Probation.

§ 68-16 — Procedure of appeals.

§ 68-10 — Transfers, promotions and demotions.

§ 68-17 — Resignation and reemployment.

PART I

Hiring**§ 9-1. Reclassifications; new positions. [Adopted 3-29-1989 (P-31)]**

- A. Requests from department heads or elected officials to reclassify existing positions or to approve new positions in the classified or unclassified service may be submitted for review and recommendation by the Levy Court at any time, but will only be considered for funding during the preparation of the County's operating budget for the forthcoming fiscal year.
- B. Exception. A majority of the Levy Court meeting in committee may recommend and, upon receiving said recommendation, the Levy Court may vote to waive this Policy if an emergency arises or unusual circumstances develop during the fiscal year which clearly indicate that the strict implementation of this Policy is not in the best interest of the County.

§ 9-2. Preemployment physicals. [Adopted 2-27-1990 (P-36)]

- A. Due to the physical requirements of paramedics, the Human Resources Director will require persons offered paramedic positions to submit to a preemployment physical examination. If the results of the physical examination indicate the individual is or will be unable to perform the required duties of the position, with or without accommodation, the potential employee will be notified and not hired for the vacant position.
- B. The following will be the procedure:
 - (1) The prospective employee shall be provided a medical history form from the Human Resources Office, together with a letter from the Human Resources Director stating the duties the person will be performing for Kent County, to present to the Kent Medical Center when reporting for the physical.¹²
 - (2) After the completion of all tests, the results (medical history form) and a release form (signed by the prospective employee) are returned to the Human Resources Office by the physician performing the examination.
- C. All required preemployment physicals will be administered by a licensed practicing physician selected by Kent County. At a minimum, the examination shall include the following:

Description of Exam

Office visit, including medical history review

Chest x-ray

Professional over-read of chest x-ray

Urine dip

CDC (complete blood count)

Venipuncture (drawing of specimen)

Drug and alcohol screen

11. Editor's Note: Samples of the medical history form and statement of duties are available in the County offices.

Lumbar spine x-ray (limited or extensive)

Physical agility exam

- D. If a prospective employee disagrees with the initial diagnosis of the physical examination, they may seek a second opinion at their own expense. This second opinion must be obtained within 30 calendar days. If, after review, the second opinion contradicts the diagnosis of the first physician, a third medical review may be undertaken at the County's expense and the diagnosis of the third review shall be final. If the third diagnosis confirms that of the second opinion, the County shall reimburse the employee the cost for the second opinion. If no third medical review is sought, the County can accept the second and reimburse the employee the cost.

§ 9-3. Applicant background review. [Adopted 1-27-1998 (P-71)]

This Policy establishes the procedure for the conduct of criminal background investigations for successful applicants for Kent County positions.

- A. As part of the post-offer, preemployment process, all successful applicants for full-time or part-time County positions shall undergo a criminal background investigation in order to establish qualification for public trust and protect fellow employees from potential harm.
- B. Volunteers, interns, paid seasonal or unpaid County positions, including but not limited to athletic coaches, playground attendants, lifeguards, human services interns, etc., that offer an opportunity to privately counsel, advise, coach or instruct children, the handicapped or older adults shall also undergo a criminal background investigation.
- C. Those applicants found to have a criminal record must undergo an additional review process conducted by the Human Resources Director and County Administrator before any final offer of employment may be extended. The relevance of the criminal record shall be examined to determine if it will have an adverse impact on performance or place the County or its citizens at potential risk. The County complies with all laws and guidance from applicable agencies to ensure it conducts an objective, nondiscriminatory assessment of any criminal record that considers a variety of factors measured against job-related criteria.
- D. If an applicant refuses to cooperate in the background investigation or is determined to be unqualified for a position due to their criminal record, the employment offer will be rescinded or, if hired in an emergency, temporary, or probationary position, shall be terminated. The applicant shall be advised of the determination and may request reconsideration and a personal interview with the Human Resources Director and County Administrator.
- E. The criminal background investigation shall be in addition to reasonable and routine personal and professional reference checks, education and professional certification/license verification, driving record search, etc.
- F. The Human Resources Office shall be responsible for ensuring that the criminal background investigation is completed and that evidence of same is retained within the employee's confidential file.

PART II
Departure

§ 9-4. Employee departure procedure. [Adopted 2-24-1998 (P-69)]

This Policy establishes the procedure to conduct exit interviews with persons terminating employment with Kent County. Exit interviews are necessary to ensure the return of County property and determine reasons for departure.

- A. On or near the last day of active employment with Kent County, regular full-time and regular part-time employees may participate in an exit interview conducted by the Human Resources Office.
- B. Employees terminating County employment shall return all County property during the exit interview, including but not limited to keys, communication devices, computers, vehicles, identification badges, charge cards, etc. The employee shall sign a statement including a list of returned County property certifying that all such property has been returned.
- C. Employees terminating County employment who fail to return all County property in their possession or assigned to them will reimburse the County the full value of the missing County property or be subject to prosecution to the fullest extent of the law.
- D. The Human Resources Office shall acknowledge receipt of all returned County property and return the property to the appropriate County department.
- E. Employees voluntarily terminating County employment will be asked to complete a questionnaire or answer questions which could assist the County in determining the reasons for turnover. The Human Resources Office shall annually report the turnover rates for the County to the Levy Court, including the reasons given during the exit interview process and may do so more frequently if concerning trends are identified.

§ 9-5. Employee references. [Adopted 9-24-1996 (P-62)]

This Policy provides guidance to supervisors and employees when requests for personal or professional references or information are received by mail, telephone or in person.

- A. It is the policy of Kent County Levy Court not to give references, whether favorable or unfavorable in nature, for former employees, unless the former employee has submitted a duly signed Kent County Reference Waiver Form or a consent form supplied by the prospective employer.¹³
- B. Unless a signed Reference Waiver Form or consent form has been submitted, the Kent County Human Resources Office will verify only dates of employment, final rate of pay and job title.
- C. Supervisors or employees who receive requests for verification of employment or general information regarding former employees must refer such requests to the Human Resources Office and may not respond to these requests themselves.
- D. Reference Waiver Forms are available at the Human Resources Office or may be completed at the time of termination of employment and maintained in the former employee's file.
- E.

12. Editor's Note: The Reference Waiver Form is available in the County offices.

Policy 10**INSIGNIA, EMBLEMS AND BADGES****§ 10-1. Use of insignia, emblems and badges.¹⁴ [Adopted 12-17-1996 (P-65)]**

This Policy establishes guidelines for the use of insignia, emblems and badges which identify employees, representatives, officials, and other agents of the Kent County government.

A. Applicability. This Policy shall apply to all employees, representatives, officials, and other agents of the Kent County government, except the duly-elected members of the Kent County Levy Court.

B. Definitions.

(1) For purposes of this Policy, the following words and phrases shall have the meanings prescribed below:

INSIGNIA, EMBLEM, AND BADGE — Any insignia, sign, emblem, patch, pin, symbol, badge, medal, or other item utilized to identify any person as an employee, representative, official, or other agent of the Kent County government.

(2) To the extent not inconsistent herewith, all others words and phrases not defined herein shall have the meanings ordinarily accorded to such words and phrases in common usage.

C. Issuance of insignia, emblems, and badges.

(1) The following departments of the Kent County government are hereby authorized to issue insignia, emblems, or badges as may be reasonably necessary and appropriate to identify employees, representatives, officials, and other agents of said departments:

(a) The Kent County Sheriff, for themselves and for appointed deputies;

(b) The Kent County Department of Community Services;

(c) The Kent County Department of Planning Services, for its code enforcement field personnel only;

(d) The Kent County Department of Public Safety;

(e) The Kent County Department of Public Works; and

(f) The Kent County Board of Assessment, for its tax assessment officers and appraisers only.

(2) Insignia, emblems, and badges for any of the aforesaid departments may be issued only by the heads of the respective departments, at their discretion, provided that the respective department heads shall issue no more insignia, emblems, or badges than are reasonably and minimally necessary to carry out the purpose for which such insignia, emblems, and badges are issued. Insignia, emblems, and badges issued for any of the aforesaid departments shall at all times remain the property of the Kent County government, and may be revoked by the issuing

13. Editor's Note: For additional information regarding uniforms, see Policy 4, Part III, § 4-14, Uniform acquisition and use.

department head at any time, without notice and without any cause whatsoever.

- D. Use of insignia, emblems, and badges. No insignia, emblem, or badge issued by the Kent County government to any employee, representative, official, or other agent of the Kent County government shall be worn, displayed, or otherwise utilized by said employee, representative, official, or other agent in any manner or for any purpose other than the manner and specific purpose for which the insignia, emblem, or badge was issued, and they shall be worn, displayed or otherwise utilized by said employee, representative, official or other agent only when the employee, representative, official, or other agent is on duty and acting in their official capacity. Any violation of this Policy by any employee, representative, official, or other agent of the Kent County government shall be subject to disciplinary action as prescribed by the Kent County Code.
- E. Exceptions. This Policy shall not prohibit the design, production, sale, or distribution of promotional items (such as sweatshirts, T-shirts, baseball caps, lapel pins, posters, etc.) which are designed, produced, sold, or distributed solely for the purpose of promoting the name and goodwill of the Kent County government; provided that the design, production, sale, and distribution of all such promotional items shall be subject to the review, consent, and approval of the County Administrator.
- F. Authority. This Policy is adopted pursuant to the powers conferred upon the Levy Court of Kent County, Delaware by 9 Del. C. § 4110.

Policy 11

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Kent County Code References

§ 68-20 — Holidays.

§ 68-24 — Military leave.

§ 68-21 — Sick leave.

§ 68-25 — Compassionate leave.

§ 68-22 — Vacation leave.

§ 68-26 — Special leaves of absence.

§ 68-23 — Family and medical leave.

§ 11-1. Family and medical leave. [Adopted 8-26-1997, effective 7-1-1997 (P-54B)]

This Policy has been developed to ensure compliance with the Family and Medical Leave Act of 1993 (FMLA) and to promote a positive balance between family and work lives for all Kent County employees.

- A. **Eligibility.** All employees who have at least 12 months of service with Kent County within the previous 7 years (need not be consecutive) and have worked for the County at least 1,250 hours during the 12 months immediately preceding a qualifying leave are eligible for family and medical leave.
- B. **Entitlement.** Kent County employees meeting the eligibility requirements indicated above are entitled to a maximum of 12 weeks of unpaid leave per twelve-month period under FMLA when taken:
 - (1) For the birth of the employee's child or placement of a child with the employee for adoption or foster care, and care of the child upon birth or placement in the employee's home (must be taken within 12 months following birth or placement); or
 - (2) To care for the employee's spouse, son or daughter, or direct parent who has a serious health condition;
 - (3) For the serious health condition of the employee that makes the employee unable to perform the functions of the employee's position; or
 - (4) A qualifying exigency of a spouse, child, or parent who is a military member on covered active duty or called to covered active duty status (or has been notified of an impending call or order to covered active duty).

Employees may take up to 26 weeks of unpaid FMLA leave in a single 12-month period, beginning on the first day that they take FMLA leave to care for a spouse, child, or next of kin who is a covered service member and who has a serious injury or illness related to active duty service.

- C. **Spouses employed.** Spouses employed by Kent County are jointly entitled to a combined total of 12 weeks of family leave during any twelve-month period for the birth or placement of a child for adoption or foster care, and to care for a child or parent (but not a parent "in-law") who has a serious health condition. Similarly, spouses employed by the County will be limited to a combined total of 26 weeks of leave to care for a military service member. This 26-week leave period will be reduced, however, by the amount of leave taken for other qualifying FMLA events. This type of leave aggregation does not apply to leave needed for an employee's own serious health condition, to care for a spouse or child with a serious health condition, or because of a qualifying exigency.
- D. **Definitions.** As used in this policy:
 - 1. ***Spouse*** means a husband or wife as recognized under state law for the purposes of marriage in the state or other territory or country where the marriage took place.
 - 2. ***Child*** means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18 or age 18 or older and incapable of self-care because of a mental or physical disability at the time FMLA leave is to commence. A child for the purposes of military exigency or military care leave can be of any age.
 - 3. ***Parent*** means a biological, adoptive, step, or foster parent or any other individual who stood in loco parentis to the employee when they were a child.

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4. **Next of kin** for the purposes of military care leave is a blood relative other than a spouse, parent, or child in the following order: brothers and sisters, grandparents, aunts and uncles, and first cousins. If a military service member designates in writing another blood relative as their caregiver, that individual will be the only next of kin. In appropriate circumstances, the employee may be required to provide documentation of next of kin status.
5. **Serious health condition** means an illness, injury, impairment, or physical or mental condition that involves either inpatient care or continuing treatment by a health care provider. Ordinarily, unless complications arise, cosmetic treatments and minor conditions such as the cold, flu, ear aches, upset stomach, minor ulcers, headaches (other than migraines), and routine dental problems are examples of conditions that are not serious health conditions under this policy. Contact Human Resources with any questions about the types of conditions that may qualify.
6. **Health care provider** means a medical doctor or doctor of osteopathy, physician assistant, podiatrist, dentist, clinical psychologist, optometrist, nurse practitioner, nurse-midwife, clinical social worker, or Christian Science practitioner licensed by the First Church of Christ. Under limited circumstances, a chiropractor or other provider recognized by the Company's group health plan for the purposes of certifying a claim for benefits may also be considered a health care provider.
7. **Qualifying exigencies** for military exigency leave include:
 - a. Short-notice call-ups/deployments of seven days or less (**Note:** leave for this exigency is available for up to seven days beginning the date of call-up notice);
 - b. Attending official ceremonies, programs, or military events;
 - c. Special childcare needs created by a military call-up including making alternative childcare arrangements, handling urgent and non-routine childcare situations, arranging for school transfers, or attending school or daycare meetings;
 - d. Making financial and legal arrangements;
 - e. Attending counseling sessions for the employee, the military service member, or the military service members' son or daughter who is under 18 years of age or is 18 or older but incapable of self-care because of a mental or physical disability;
 - f. Rest and recuperation (**Note:** 15 days of leave is available for this exigency per event);
 - g. Post-deployment activities such as arrival ceremonies, re-integration briefings, and other official ceremonies sponsored by the military (**Note:** leave for these events are available for 90 days following the termination of active duty status). This type of leave may also be taken to address circumstances arising from the death of a covered military member while on active duty;
 - h. Parental care when the military family member is needed to care for a parent who is incapable of self-care (such as arranging for alternative care or transfer to a care facility); and
 - i. Other exigencies that arise that are agreed to by both the Company and the employee.
8. A **serious injury/illness** incurred by a service member in the line of active duty or that is exacerbated by active duty is any injury or illness that renders the service member unfit to perform the duties of his or her office, grade, rank, or rating.

E. Advance notice and medical certification.

- (1) The employee will provide 30 days' advance notice to the department head when the need for leave is foreseeable. If, because of extenuating circumstances, the employee is unable to provide 30 days' notice, the employee will provide notice as soon as practicable. Notice will immediately be forwarded to the Human Resources Director via the department head.
- (2) The employee will provide timely medical certification to the department head to support a request for leave because of a serious health condition of the employee's or the employee's

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spouse, son or daughter, or parent. Certification will be forwarded to the Human Resources Director for approval. Medical recertification will be required in accordance with the law and the individual circumstances. In certain cases, the County may require a second or third opinion at County expense. The necessary forms are available in the Human Resources Department.

- (3) If leave is taken due to a serious health condition of the employee, a fitness-for-duty certification must be provided to the employee's department head and the Human Resources Director prior to the employee's return to work.
- F. Administration. The Kent County Levy Court's policy is to integrate the provisions of the FMLA with existing County leave policies, as defined in the Kent County Personnel Ordinance, wherever possible. Therefore, an employee requesting FMLA leave for a reason which would be allowable under another County leave policy must first exhaust all applicable accrued vacation and, if applicable, sick leave during the initial portion of the FMLA leave period. (At employee's option, they may retain one week of sick leave.) The substitution of paid leave does not extend the FMLA period. FMLA will run concurrently with any other applicable leave for which the employee is eligible.
- (1) The 12-month period when calculating how much FMLA an employee has available is a rolling twelve-month period measured backwards from when any FMLA leave is taken. "Workweek" is defined as seven consecutive twenty-four-hour periods designated as a workweek by the department in which an employee works. As an alternative to 12 consecutive weeks of unpaid leave, an employee may request an intermittent leave or a reduced leave schedule. **[Amended 11-13-2012 (P12-03(a))]**
 - (2) If medically necessary, FMLA leave for a serious health condition may be taken intermittently (in separate blocks of time due to a serious health condition) or on a reduced leave schedule (reducing the usual number of hours worked per week or workday). FMLA leave may also be taken intermittently or on a reduced leave schedule for a qualifying exigency relating to covered military service.
 - (3) Employees requesting intermittent or reduced leave schedules may be required to transfer temporarily to an available alternative position with equivalent pay and benefits. The employee must be fully qualified to perform the duties of the alternative position. All alternative assignments must be approved by the Human Resources Director.
 - (4) The amount of leave used on an intermittent or reduced leave schedule will be determined by counting only the amount of leave time actually taken.
 - (5) Leave without pay of less than one full day for documented FMLA-qualifying purposes will not affect an employee's Fair Labor Standards Act exempt status.
 - (6) When an employee requests leave of any kind or is absent for more than three days, the Human Resources Director will, upon notification, determine if the leave is FMLA-qualifying. The employee will be promptly notified of the determination, and the employee shall promptly submit all FMLA forms as requested. An employee may not refuse the FMLA designation.
 - (7) If a request for leave qualifies under the tenets of FMLA, the employee will be provided with a copy of the Kent County Levy Court Family and Medical Leave Policy, along with an Employee Request for Medical/Leave Form. The Human Resources Department staff will be available if an employee requests assistance completing the form. The completed Employee Request for Medical/Leave Form must be returned to the Personnel Department within five days of issuance.
 - (8) All leave (paid or unpaid) taken for FMLA reasons will count against the employee's FMLA leave entitlement.
 - (9) While on FMLA leave, an employee must contact their supervisor at least once per month and

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indicate their intention to return to work as scheduled.

G. Health insurance and employee benefits.

- (1) Kent County will maintain the employee's health and dental insurance, life insurance, and long-term disability insurance coverage for the duration of the FMLA leave period. The County will continue to pay the full cost of the County's share of the employee's insurance coverage; additional eligible dependent coverage must continue to be paid by the employee. Normal payroll deductions will be made for the eligible dependent and other coverage during any period of paid leave. The employee is responsible for paying the premiums for eligible dependent and other coverage during periods of unpaid leave. Employee payments are due in the Human Resources Department by the 20th of each month. There is a 30-day grace period, which will be administered in accordance with FMLA regulations.
- (2) Upon the employee's return from FMLA leave, any unpaid employee insurance premiums will be deducted from the employee's pay.
- (3) If an employee does not return to work at the end of the FMLA leave period, the employee will reimburse the County for all insurance premiums paid by the County on the employee's behalf during the unpaid portion of the FMLA leave. As mandated in the Family and Medical Leave Act of 1993, the employee will not be liable to reimburse the County if the reason the employee does not return to work is due to the continuation, recurrence or onset of a serious health condition (either affecting the employee or an immediate family member) that would entitle the employee to FMLA leave or does not return to work due to other circumstances beyond the employee's control.
- (4) FMLA leave will not be treated as a break in service for purposes of pension vesting and participation eligibility. However, the County will not make pension contributions during FMLA leave.
- (5) An employee will continue to accrue vacation and sick leave time at the appropriate rates while on unpaid FMLA leave.
- (6) No part of FMLA leave will be considered a break in employment.

H. Job restoration.

- (1) Upon return from FMLA leave, the employee will be restored to their original position or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment.
- (2) Kent County may deny restoration of employment to a key employee if restoration of the employee to employment will cause substantial and grievous economic injury to the operations of Kent County. A "key employee" is defined as a salaried FMLA-eligible employee who is among the highest paid 10% of all employees employed by Kent County.
 - (a) Written notice will be given to any key employee at the time FMLA leave is requested or when FMLA leave commences, if earlier, if the County intends to deny restoration to employment on completion of the FMLA leave. The notice will be served either in person or by certified mail and will explain the basis for the finding that substantial and grievous economic injury will result. The notice will provide the employee a reasonable time in which to return to work, taking into account the circumstances, such as length of leave and the urgency of the need for the employee to return.
 - (b) If a key employee does not return to work in response to the notification of intent to deny restoration, the employee is still entitled to all rights under FMLA. These rights will cease when the employee gives notice of intent not to return to work or at the conclusion of the

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leave period.

- I. Outside Employment. While on leave of absence, employees may not work or be gainfully employed either for themselves or others unless express, written permission to perform such outside work has been granted by the Human Resources Director. An employee on a leave of absence found to be working elsewhere without permission will be subject to disciplinary action up to and including termination.
- J. General. A copy of the Family and Medical Leave Act of 1993 is available to all employees through the Personnel Department.
- K. Retaliation. The County will not retaliate against employees who request or take leave in accordance with this policy. If you believe your rights under the FMLA have been violated, you may file a complaint with the Wage and Hour Division of the Department of Labor or file a private lawsuit in court.

Call 1-866-487-9243 or visit dol.gov/fmla to learn more.

§ 11-2. Donated leave. [Adopted 12-11-2001 (P-68C); 10-31-2023 by P23-02]

This Policy establishes a donated leave program for County employees, whereby employees may donate vacation leave, limited sick leave or both to other specified employees eligible for leave under the Family and Medical Leave Act Policy.

- A. Any employee of Kent County government may donate equal amounts of accrued sick and vacation leave (one vacation day for each sick day donated), vacation leave only, or up to three days of sick leave per calendar year (up to a total annual maximum value of \$35,000) to other donor-designated employees eligible for leave under the Family and Medical Leave Act (FMLA) policy. The donated leave will be converted into cash value at the donor's rate of pay and reconverted to equivalent hours of leave at the recipient's rate of pay and credited to the recipient's sick leave account. Sick leave may not be donated within three months of retirement.
- B. Donated leave may be used by a recipient only for a FMLA-qualifying event, which is diagnosed and certified by a physician as rendering the employee unable to work or an eligible family member requiring the employee's personal care for a period greater than five calendar weeks. Separate periods of need resulting from the same or a related FMLA-qualifying event occurring within any 12 consecutive months shall be considered the same period of eligibility. No employee may receive more than seven months of donated leave during any twelve-month period.
- C. Before receiving donated leave time, an employee shall have:
 - (1) Been a County employee for at least six months prior to the need;
 - (2) Used all of their sick leave and accrued vacation time (except that one week may be retained, if the employee chooses); and
 - (3) Established FMLA-qualifying justification for such receipt, which must be reviewed every 30 days.
- D. The donated leave program shall be administered by the Human Resources Director, and any disputes regarding eligibility shall be resolved by the Personnel Administration Board.

§ 11-3. National crisis/national disaster leave. [Adopted 11-8-2005, effective 11-8-2005]

This Policy establishes guidelines for the granting of special or extended leave to County employees with special skills responding to a crisis at the request of a government or a national professional organization.

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- A. Whenever a national crisis or natural disaster occurs outside this jurisdiction, the specific skills of certain County employees may be needed by local, state and/or the federal government(s) or professional organizations to help respond to the event or its aftermath. Employees possessing such skills are encouraged to respond when called upon by governments in need or affiliated professional associations.
- B. Nonprobationary employees possessing a special talent or skill(s) needed to respond to such an emergency and desiring to provide extended or long-term assistance to the response effort must submit a written request and supporting documentation to their department head for consideration. The department head may approve the request if the employee's absence will not adversely impact the operations of the department/division/office, if the employee's previous job performance has been exemplary, if the employee has not taken any unpaid leave during the prior 12 months, and if the employee has not been the subject of disciplinary action for the preceding year. Such approval for special leave shall be for no more than 60 working days.
- C. Any employee on such approved leave shall be eligible for continued employee benefit coverage, but no other County compensation unless on vacation or similar type leave. If sufficient leave time is unavailable and the department head approves, the Human Resources Director at their sole discretion may advance up to, but not more than, 160 hours of vacation time to be paid back by the requesting employee as accrued upon return or upon notice that the employee does not intend to return.
- D. The County assumes and accepts no responsibility for the professional credentials or abilities of employees responding to requests for assistance under this Policy.
- E. It is the responsibility of the employee on national crisis/natural disaster leave to keep their department head informed of their intended date of return.

11-4 Volunteer Emergency Response Leave

- A. Any employee who is a volunteer emergency responder will be provided up to seven consecutive days off from work, without pay, while responding to a governor-declared state of emergency, or up to 14 consecutive days off from work, without pay, while responding to a President-declared national emergency.
- B. Any employee who is a volunteer emergency responder will also be allowed unpaid days off from work when the absence is due to an injury sustained by the employee when acting as a voluntary emergency responder.
- C. Where applicable, time taken under this policy due to an injury will run concurrently with leave taken under the federal Family and Medical Leave Act (FMLA).
- D. For purposes of this policy, "volunteer emergency responder" means a person who is a volunteer firefighter, member of a ladies' auxiliary of a volunteer fire County, volunteer emergency medical technician, and/or a volunteer fire police officer. Members of the armed forces or National Guard are not included under this policy.
- E. Employees must make every effort to notify their supervisor each time they will be late or absent from work to respond to an emergency or disaster. The County may require employees to provide a written statement verifying that they responded to an emergency, including the date and time of the emergency and the date and time when they completed their volunteer services. Such verification should be signed either by the person in charge of the volunteer department or by an individual authorized to act on that person's behalf

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and should be provided within seven days of the County's request for verification.

- F. In the case of employees taking leave for an injury sustained during a volunteer emergency response, the County may request a signed statement from the responsible medical professional indicating that the employee was seen by the medical professional, the date when the employee was seen and the estimated period of partial or total incapacity to perform the employee's job. This statement should be provided within five days of the County's request.

11-5 Crime Victim Leave

- A. Employees who are the victim of a crime may take time off from work to participate in preparing for a criminal justice proceeding at the prosecutor's request; attend any proceeding relating to the crime if the attendance is reasonably necessary to protect the interests of the victim provided the employee has the right to appear; or attend a criminal justice proceeding in response to a subpoena.
- B. Employees will be eligible for leave under this policy if the employee is:
 - (1) The victim of the crime at issue in the proceedings;
 - (2) The parent, guardian, or custodian of a victim who is unable to meaningfully understand or participate in the legal process due to physical, psychological, or mental impairment;
 - (3) The spouse, adult child or stepchild, parent, or sibling of the victim if the victim is deceased; or
 - (4) The legal representative of the victim (i.e., a member of the victim's family or an individual designated by the victim or by the court).
- C. Any employee who is a defendant, codefendant, or co-conspirator with respect to the crime is not eligible for time off under this policy.
- D. Time off under this policy will be without pay except that exempt employees may receive pay, as required by applicable law. Employees may elect to use accrued vacation while attending such proceedings or meetings.
- E. Before employees may take time off from work under this policy, the employee must provide their supervisor with a copy of the notice of proceeding. If advance notice is not feasible, the employee must provide appropriate documentation within a reasonable time after the absence.
- F. The County will not discriminate, or tolerate discrimination, against any employee because the employee takes time off in accordance with this policy.

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Policy 12

HARASSMENT AND DISCRIMINATION

PART I

**Sexual and Other Prohibited Harassment
[Adopted 10-27-1992 (P-51)]****§ 12-1. Purpose.**

- A. Both state and federal law prohibit discrimination in the workplace. The Kent County Levy Court is firmly committed to compliance with these laws. It is essential that all employees be aware of and comply with the law and this Sexual and Other Prohibited Harassment Policy.
- B. The Levy Court strongly disapproves of sexual or other harassment of employees, and will appropriately discipline any employee whose conduct violates this policy.

§ 12-2. Definitions.

- A. In general, discrimination and harassment can be defined as conduct that disparages or shows hostility or aversion toward a protected status as well as treating someone differently, in whole or in part, because of a protected characteristic. Protected characteristics include:
 - (1) Race
 - (2) Religion
 - (3) Color
 - (4) Sex/gender (including pregnancy, childbirth, breastfeeding, or related medical conditions); gender identity or expression; and sexual orientation
 - (5) National origin
 - (6) Ancestry
 - (7) Physical or mental disability
 - (8) Genetic information/characteristics
 - (9) Age
 - (10) Military or veteran status
 - (11) Any other basis protected by applicable federal, state, or local law or ordinance or regulation
- B. The County also prohibits harassment based on the perception that anyone has any of these characteristics or is associated with a person who has or is perceived as having any of these characteristics.
- C. The conduct prohibited by this policy includes conduct in any form, whether verbal, non-verbal, visual, written, or physical. This includes, but is not limited to, e-mail, voice mail, internet activity, text messages, pictures, images, objects, writings, words, gestures, or physical contact.
- D. Harassment can take many forms, including: epithets or slurs; threats; derogatory names, comments, objects or visual depictions; jokes or teasing; and other verbal, nonverbal, written, visual

or physical conduct that is based on a protected status.

- E. Sexual harassment in particular can include a range of subtle or blatant behaviors and may involve individuals of the same or different gender. It is defined as unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature, including but not limited to sexually-related images, jokes, teasing, uninvited touching or other sexually-related conduct when:
 - (1) The employee reasonably feels that submission or putting up with such conduct is an expressed or implied term or condition of employment;
 - (2) The employee reasonably feels that submission to or rejection of such conduct becomes the basis for employment decisions affecting that individual; or
 - (3) The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.
- F. Additionally, sexual harassment includes sexual misconduct, which is behavior of a sexual nature that also involves coercion, abuse of authority, or misuse of an individual's employment position.
- G. Sexual harassment does not need to be motivated by sexual desire to be unlawful or to violate this policy. For example, hostile acts toward someone because of that person's gender, gender identity or expression, or sexual orientation can amount to sexual harassment, regardless of whether the treatment is motivated by sexual desire.
- H. Harassment, whether sexual or based on another protected characteristic, is not limited to the physical workplace itself. It can occur while employees are traveling for business or at County sponsored events. Calls, texts, emails, and social media usage by employees can also constitute workplace harassment, even if such activities occur away from the workplace, on personal devices, or during non-working hours.
- I. Individuals must remain mindful that when conduct that may violate this policy occurs, it is not the intent of the person(s) engaging in the conduct that matters. Rather, it is the nature of the conduct and the impact that conduct has on others that matters.

§ 12-3. Harassment prohibited; reporting harassment.

- A. The Kent County Levy Court prohibits its employees from any conduct that may constitute harassment. Violation of this Policy will not be tolerated by Kent County and may result in discipline up to and including immediate termination. If employees have witnessed or feel they have been subject to any harassment of this nature, they must immediately report the harassment to their immediate supervisor, the Human Resources Director or department head. Anyone receiving a complaint must report it to the Human Resources Director.
- B. It is important to remember that a potential harasser may not be a County employee. It could be anyone an employee comes into contact with while carrying out their duties with the County. All incidents must be reported, even if they do not involve another County employee.

§ 12-4. Investigation of complaints; confidentiality of complaints.

The Human Resources Director or designee with assistance from the department head or immediate supervisor will immediately investigate complaints and take the appropriate action that may be necessary. Confidentiality will be maintained to the extent possible; however, complete confidentiality cannot be

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guaranteed, as the County's duty to investigate and take appropriate action may require the disclosure of information to individuals with a need to know.

§ 12-5. Internal complaint procedure.

- A. The employee should directly report the behavior (preferably in writing¹⁵) to the Human Resources, department head or immediate supervisor within three working days of the offense. If not directly reported to the Human Resources Director, the Human Resources Director must be immediately advised a complaint has been received. No one is permitted to conduct their own investigation without the involvement of the Human Resources Director.

14. Editor's Note: The Sexual Harassment Complaint Form is on file in the County offices.

- B. Upon request, the person making the report shall give all pertinent relative facts of names, places, times, words or actions that were found offensive.
- C. Within three working days of the complaint, the person against whom the complaint is made will be counseled privately to determine their perspective. Any potential witnesses will also be interviewed.
- D. Based upon the report, the investigator shall, within a reasonable time, determine whether the conduct of the person against whom the complaint has been made violates County policy. This determination will be made by examining the entire record and totality of circumstances on a case- by-case basis. If the investigator determines that the complaint is founded, they will take immediate and appropriate disciplinary action or make recommendation to the supervisor that has the authority to take immediate and appropriate disciplinary action. The discipline and appeal process according to the Kent County Code will be followed.
- E. Disciplinary action will include remedies up to and including termination. Employees who engage in conduct that is determined to be unlawful may also be held personally liable for the conduct.
- F. The Human Resources Director or designee with assistance from the department head or immediate supervisor will conduct follow-up interviews with the complainant and the accused to inform them of the results of the investigation and the corrective action to be taken.
- G. All information regarding each case shall be held in the strictest confidence, absent necessary to disclosures to those who need to know. Violation of this confidence will be subject to separate disciplinary action.
- H. Adverse action will not be taken against anyone who, in good faith, reports or participates in an investigation under this policy. Retaliation or adverse action occurs when someone experiences a negative consequence because they, in good faith, filed a complaint or participated in an investigation under this policy. Retaliation is illegal and will result in disciplinary action, up to and including termination.

PART II
Americans with Disabilities Act (ADA)
[Adopted 6-25-2013 (P13-03)]

§ 12-6. Discrimination prohibited.

This Policy affirms the County's commitment to follow state and federal laws that prohibit discrimination based on disability, to include people with disabilities in all aspects of employment, and to assure that disabled persons can fully participate in all programs, services, and activities offered by Kent County.

- A. People with disabilities who otherwise qualify shall not be discriminated against in any areas of employment, including, but not limited to, job application and compensation procedures, fringe benefits available by virtue of employment, and, to the extent possible, activities sponsored by the County.
- B. Persons with disabilities shall not be limited, segregated, or classified in a way that adversely affects their employment opportunities or status.
- C. The County shall not knowingly participate in a contractual or other arrangement or relationship that would subject qualified applicants or employees with disabilities to discrimination prohibited by the ADA.
- D. The County will make reasonable accommodations to the known physical or mental limitations of an otherwise qualified applicant or employee with a disability who can perform the essential functions of the job, unless the accommodation would impose an undue hardship on the County or a direct threat to the health or safety of the individual or others would result. After a qualified individual requests reasonable accommodation, the County will make every reasonable effort to determine and provide the appropriate accommodation, which may not be the specific accommodation the individual requested.
- E. The County will not coerce, intimidate, threaten, harass, or interfere with any individual exercising or enjoying their right under Title I of the ADA or because an individual aided or encouraged any other individual in the exercise of rights granted or protected by Title I of the ADA.
- F. Any person with a disability who believes they have been discriminated against by an employee and/or a program sponsored by Kent County should contact the Human Resources Director, who serves as the County's ADA Coordinator. Employees can file a complaint with the Human Resources Director, the State Human Relations Commission, the federal Equal Employment Opportunity Commission (EEOC), or file suit in federal court. Disabled persons or potential employees may report the complaint to the ADA Coordinator, the State Human Relations Commission, or the federal Equal Employment Opportunity Commission (EEOC). Current employees are encouraged to seek resolution of all perceived actions of discrimination by contacting the Human Resources Director, or, in their absence or implication, the County Administrator. All such complaints will be promptly investigated.
- G. All County employees are directed to comply with this policy regarding the ADA, and failure to do so can result in disciplinary action, up to and including termination.

Part III
Other Accommodations

§ 12-7. Accommodations for Pregnancy

- A. In accordance with the federal Pregnant Workers Fairness Act (“PWFA”) and applicable state law, the County will make reasonable accommodations for known physical or mental limitations related to the pregnancy, childbirth or related medical conditions of a qualified applicant or employee, unless the accommodation would impose an undue hardship on the operation of the County’s business.
- B. “Known physical or mental limitations” are those that the applicant, employee or their representative has communicated to the County. Those who wish to inform the County of such a limitation and/or request a reasonable accommodation under this policy should contact the Human Resources Director, preferably specifying in writing what barriers or limitations prompted the request.
- C. The following accommodations will typically be provided upon request:
 - (1) Allowing an employee to carry or keep water in or near their work area and to drink water as needed;
 - (2) Additional restroom breaks, as needed;
 - (3) Allowing an employee whose work requires standing to sit, as needed;
 - (4) Allowing an employee whose work requires sitting to stand, as needed; and
 - (5) Allowing an employee to take breaks, as needed, to eat and drink.
- D. For other accommodations, the Human Resources Director will evaluate information provided regarding any reported or apparent barriers or limitations and will engage in an interactive process to determine the nature of the limitation and what, if any, reasonable accommodation(s) may be appropriate. If, through this interactive process, the County and the individual arrive at a reasonable accommodation that does not impose an undue hardship on the operation of the County’s business, the County will make that accommodation.
- E. Employees who wish to request time away from work to accommodate a limitation related to pregnancy, childbirth or a related medical condition should contact the Human Resources Director. However, the County will not require a qualified employee to take leave if another reasonable accommodation can be provided.

§ 12-8. Religious Accommodations

- A. The County will provide reasonable accommodation for employees’ religious beliefs, observances, and practices when a need for such accommodation is identified, and reasonable accommodation is possible. A reasonable accommodation is one that eliminates the conflict between an employee’s religious beliefs, observances, or practices and the employee’s job requirements, without causing undue hardship to the conduct of the County’s business.
- B. The County has developed an accommodation process to assist employees, management, and Human Resources. Through this process, the County establishes a system of open communication between employees and the County to discuss conflicts between religious practices and work requirements and to take action to provide reasonable accommodation for employees’ needs. Any employee who perceives a

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conflict between job requirements and religious belief, observance, or practice should bring the conflict and request for accommodation to the attention of the Human Resources Director, preferably in writing.

Policy 13**SHERIFF'S OFFICE****§ 13-1. Firearm policy. [Adopted 9-12-2000 (S-1); amended 3-23-2010 (P10-01); 6-14-2016 (P16-01a); 9-29-2020 by P20-03]**

The Kent County Levy Court recognizes and respects the value and special integrity of each human life, but understands that the Sheriff of Kent County and Deputy Sheriffs may be required to exercise their lawful authority to use force to protect the public welfare. Therefore, it is the policy of Kent Count Levy Court that the Sheriff and regular Deputy Sheriffs shall receive annual training on the proper use of firearms and use firearms only as is reasonably necessary to effectively bring an incident under control, while protecting the life of self and/or others.

A. Purpose. The purpose of this Policy is to provide annual training and proper firearm use guidelines for the Sheriff and Deputy Sheriffs.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

DEPUTY — A duly sworn Deputy Sheriff serving in the Office of the Sheriff of Kent County who is authorized to use force and/or weapons for protection of self or others in the performance of their duties.

FIREARM — Any weapon authorized for purchase by the Kent County Levy Court and use by the Kent County Sheriff's Office in compliance with this Policy and state law.

OFF-DUTY — That period of time when the Sheriff and Deputies are not acting in an official capacity or performing official duties.

PERSONAL FIREARM — Any weapon(s) other than that authorized for purchase or use by the Kent County Levy Court.

RANGE MASTER — That individual approved by the Kent County Sheriff and qualified by the State of Delaware to supervise firearms training programs.

SHERIFF — A duly elected Row Officer in the County who is responsible for overseeing the Kent County Sheriff's Office and its personnel and is authorized to use force and/or weapons for protection of self or others in the performance of their duties.

C. Annual firearm training.

(1) The Sheriff and Deputy Sheriffs will receive annual training on the Use of Force Policy and related policies and qualify with their authorized firearm(s) consistent with the Police Officers Standard and Training Requirements.

(2) The Sheriff and Deputy Sheriffs are required to participate in scheduled firearm training programs which are required by POST. Training and proficiency training must be consistent with POST requirements. .

(3) Training and proficiency training must be documented.

(4) The Sheriff and Deputy Sheriffs who do not qualify with an authorized firearm will be given remedial training in the proper use of that firearm prior to resuming their official duties.

- (5) The Sheriff and Deputy Sheriffs demonstrating proficiency in the use of authorized firearms will be approved to carry such firearms.
 - (6) The Sheriff and Deputy Sheriffs failing to achieve and maintain proficiency, as defined above, shall promptly return all County-owned firearms and accessories to the Sheriff or designee for proper storage until further notice.
- D. Ammunition and handgrips.
 - (1) Only unadulterated ammunition issued by the Sheriff's Office will be carried in any authorized firearm(s).
 - (2) The use of handgrips, other than those issued with the service weapons, must be approved by the assigned Range Master.
 - (3) No one, other than an armorer approved by the Sheriff, will perform service on a firearm beyond routine maintenance and cleaning.
- E. Copy of Policy. The Sheriff and Deputy Sheriffs, prior to being issued a weapon(s), shall receive a copy and be instructed in all firearm-related policies. The Sheriff or designee shall retain records of the issuance of such policies and the instruction pertinent to such policies.
- F. Warning shots. Any warning shots are prohibited under this Policy.
- G. Personal firearms. No personally owned firearms or ammunition shall be carried by any Sheriff and Deputy Sheriffs when in the performance of their official duties.
- H. Authorized firearms.
 - (1) The Sheriff and Deputy Sheriffs, while in the performance of their duties and/or in performance of other official duties, shall be required to be armed with the officially issued weapon(s) and ammunition.
 - (2) The Sheriff and Deputy Sheriffs are required to be armed and shall carry their weapon in a County-issued holster readily retrievable, along with their official County identification and official badge. Officers shall never display firearms in any public place except for official use. Discretion shall be used at all times.
 - (3) The Sheriff and Deputy Sheriffs shall store all firearms by fully engaging a gun lock or by securing the firearm in a gun or compatible safe during off-duty hours. Firearms shall not be stored in vehicles during off-duty hours.
- I. Off-duty firearms.
 - (1) The Sheriff and Deputy Sheriffs shall not carry their officially issued firearm(s) during off-duty hours.
 - (2) If the Sheriff or Deputy carries their officially issued firearm out of state in their official capacity, it is their responsibility to determine if they can legally carry the firearm in that state.
- J. Intoxication/prescriptions. The Sheriff and Deputy Sheriffs shall not carry a firearm while consuming, or under the influence of, any intoxicants.
 - (1) The Sheriff and Deputy Sheriffs should use good judgment in carrying a firearm while taking

any medication or prescription drugs authorized by a physician.

- K. Mechanical soundness of firearm. All authorized firearms will be checked by the Range Master for mechanical soundness and efficiency prior to their certification for department use. Final decisions as to the suitability and soundness of an authorized firearm will rest with the Range Master, with consultation and approval of the Sheriff. The Sheriff's Office utilizes the Bridgeville Rifle and Pistol Club; our office does not have membership status at Bridgeville Club; we are guests of our range instructor who is a retired police firearms master instructor. Our instructor reminds the Sheriff and Deputies of the range rules before we enter the property.
- L. Ammunition. The Sheriff and Deputy Sheriffs must qualify with the approval of the Range Master utilizing the following ammunition requirements:
 - (1) All ammunition carried will be of a commercial nature, factory-fresh (no reloads allowed) and will be unadulterated.
 - (2) The following bullet types are prohibited for on-duty carry: full metal jacket, armor piercing, explosive fused or loose shot pellets.
 - (3) Firearms qualification ammunition will generate those amounts of energy and recoil that are comparable to the ammunition to be carried.
 - (4) All ammunition to be carried shall be approved by the Range Master. If the authorized firearm is carried off-duty, only approved ammunition will be carried in same.
- M. Notification report.
 - (1) It is the Sheriff and Deputy Sheriff's responsibility to immediately report any accidental or intentional discharge of their official firearm(s), except on the range, or failure to qualify for use to the Sheriff or designee. A full report shall be submitted by the Sheriff or designee who has discharged their weapon detailing the incident, and copies shall be forwarded to the County Attorney and County Human Resources Director within 24 hours of the incident. NOTE: If it is the Sheriff who is involved with an accidental or intentional discharge of an issued firearm, a report will be submitted to the County Attorney and County Human Resources Director.
 - (2) At a minimum, the incident report shall fully explain the circumstances surrounding the incident, including, but not limited to, the following:
 - (a) The name and address of any injured person or persons at whom deadly force was directed.
 - (b) Names and addresses of any witnesses.
 - (c) Date and time of occurrence.
 - (d) Location of occurrence.
 - (e) Results of shots fired (extent of wounds, other objects struck, etc.).
 - (f) Other pertinent information concerning the incident written in narrative form, to include justification for the use of force, etc.
 - (3) In the case of an accidental discharge that does not involve personal injury or property damage, the Sheriff shall complete a full investigation, and a written report detailing the incident shall be

forwarded to the Human Resources Director within 48 hours.

- (4) Incidents wherein a firearm is intentionally discharged on vicious or aggressive animals when those animals interfere with the safety of the Sheriff or Deputy to dispatch an injured animal for humane reasons, so long as other ordinances are not violated, need to be documented by a written report and submitted to the Sheriff for review with copy to the County Attorney.

- N. Violations. Any violation of this Policy shall be fully investigated, and appropriate action will be taken by the Sheriff to prevent future incidents. In addition, the Kent County Levy Court may, for any reason, require the immediate return of any and all County-owned firearms and equipment and/ or prohibit the use of same for such duration as it determines is necessary. The Levy Court may restore the use of any County-owned firearm or equipment upon written request and reasoned justification by the Sheriff.

§ 13-2. Use of force. [Adopted 9-12-2000 (S-2); amended 6-14-2016 (P16-01a); 9-29-2020 by P20-04]

The Kent County Levy Court recognizes and respects the value and special integrity of each human life, but understands that the Sheriff of Kent County and sworn Deputy Sheriffs may be required to exercise their lawful authority to use force to protect the public welfare. Therefore, it is the policy of Kent County Levy Court that the Sheriff and his Deputies shall use only that force that is reasonably necessary to effectively bring an incident under control, while protecting the lives of self or another.

- A. Purpose. The purpose of this Policy is to provide guidelines for the Sheriff and Deputy Sheriffs to follow in the use of force, either deadly or non-deadly, to bring an incident under control.

- B. Definitions. As used in this section, the following terms shall have the meanings indicated:

DEADLY FORCE — Any use of force likely to cause death or serious bodily injury.

DEADLY OR LETHAL WEAPON — Any weapon which is designed to cause death or serious bodily injury.

DEPUTY — A duly sworn Deputy Sheriff serving in the Office of the Sheriff of Kent County who is authorized to use force and/or weapons for protection of self or others in the performance of their duties.

NON-DEADLY FORCE — Any force other than deadly force.

NON-LETHAL WEAPON — Any weapon, other than a firearm, which is used to control persons or defend someone from harm (e.g., baton, pepper spray) or any weapon of opportunity used to subdue a combative individual (e.g., handcuffs or other restraint devices).

REASONABLE BELIEF — Belief based on facts or circumstances which the Sheriff or Deputy knows or should know, and are such to cause a reasonable and prudent person to act or think in a similar way under similar circumstances.

SERIOUS PHYSICAL INJURY — That which causes or appears to cause a substantial risk of:

- (1) Death;
- (2) Serious and prolonged disfigurement;
- (3) Prolonged impairment of health; or
- (4) Prolonged loss or impairment of the function of any bodily organ.

SHERIFF — A duly elected Row Officer in the County who is responsible for overseeing the Kent County Sheriff's Office and its personnel and authorized to use force and/or weapons for protection of self or others in the performance of their duties.

WEAPON — Any item or piece of equipment, other than empty hands, which is used to inflict pain or injury.

C. Use of force.

- (1) The Sheriff and/or Deputies of the Kent County Sheriff's Office shall use only the force necessary to affect lawful objectives. An officer obtains the right to use force, including deadly force, in certain situations as defined by 11 Del. C. § 467. The Sheriff and Deputy Sheriffs shall completely familiarize themselves with this section of the state law.
- (2) Whenever the Sheriff and Deputy Sheriffs employ deadly force, there should be no question as to what person the deadly force is being directed against or that the Sheriff and Deputy Sheriffs have a legal right to employ such force. In all cases, the Sheriff and Deputy Sheriffs should believe the force employed creates no substantial risk of injury to innocent persons. The Sheriff and Deputy Sheriffs must have a clear line of fire to discharge the firearm.
- (3) The use of deadly force is only justified in the following situations:
 - (a) The officer has a reasonable belief that the person to whom deadly force is being directed is about to inflict death or serious physical injury upon the officer.
 - (b) The officer believes the person to whom deadly force is being directed is causing or is about to cause death or serious physical injury to another individual.
 - (c) The officer is assisting another law enforcement officer upon which a person is about to inflict death or serious physical injury.
- (4) If, during the use of deadly force, or non-deadly force, any person(s) is(are) injured, they shall be taken to the appropriate medical facility for treatment, if necessary. The Sheriff and Deputy Sheriffs present shall render any necessary first aid, for which qualified, until the arrival of emergency medical personnel.

D. Reports of force or injury.

- (1) All Deputies shall submit a written report to the Sheriff within 24 hours of occurrence any time a Deputy:
 - (a) Discharges a firearm, for other than training purposes;
 - (b) Takes any action that results in, or is alleged to have resulted in, injury or death of another person; or
 - (c) Applies force through the use of lethal or non-lethal weapons.
- (2) All reports concerning force or injury shall be forwarded after review by the Sheriff, but no later than two working days, to the County Attorney, and the Human Resources Director for submission to the County's insurance carrier.

E. The Sheriff and Deputy Sheriffs are prohibited from discharging their firearms in the line of duty when in their judgment it appears the following circumstances exist:

- (1) When it appears likely a person other than the perpetrator will be hit.
- (2) When in a crowded area.
- (3) At a perpetrator(s) who is(are) holding an innocent person hostage when firing would endanger the hostage or any other innocent person.
- (4) At a motor vehicle and/or the occupants therein, unless as a last resort and only when the operator of the vehicle is directing the vehicle as deadly force against the Sheriff and Deputy Sheriffs or an innocent person(s) and the Sheriff and Deputy Sheriffs believe employing deadly force creates no substantial risk of injury to innocent persons.
- (5) When the Sheriff and Deputy Sheriffs do not have a clear line of fire.

F. Warning shots are prohibited.

G. Non-deadly force. The Sheriff and Deputy Sheriffs will be issued and/or receive instruction in the use of non-deadly force weapons. Only those non-deadly weapons authorized by the Sheriff may be carried. The Sheriff and Deputy Sheriffs must complete training and demonstrate proficiency in the use of such weapons prior to being authorized to carry them while in the performance of their official capacity.

Approved non-deadly weapons are: oleoresin capsicum spray.

- (1) The Sheriff and Deputy Sheriffs shall only use the force necessary to affect lawful objectives.
- (2) The Sheriff and Deputy Sheriffs shall only use the following items of equipment, or any other equipment, for the purpose of protecting themselves or a third party from bodily harm:
 - (a) Aerosol spray: Oleoresin capsicum spray is a less-than-lethal alternative to force for subduing threatening individuals and animals. It consists of liquid extract of the cayenne and/or chili pepper plants.
 - [1] The Sheriff and Deputy Sheriffs of the Kent County Sheriff's Office will be issued oleoresin capsicum (O.C.) aerosol spray, first defense sabre red magnum 120 pepper spray with flip-top lock, 4.4 oz. size, police strength formula, with holster.
 - [2] The Sheriff and Deputy Sheriffs are hereby authorized to use oleoresin capsicum (O.C.) aerosol spray in certain circumstances, after attending an authorized training session detailing its usage.
 - [3] The oleoresin capsicum (O.C.) aerosol spray is to provide protection from bodily harm when the Sheriff and/or his Deputy is put in immediate danger or in imminent peril of physical assault by a person or protection against a violent animal.
 - [4] Oleoresin capsicum (O.C.) aerosol spray will be used only after reasonable efforts to control a violent person have failed, or when such effort would clearly be futile. The amount used will be only that amount necessary to subdue the subject.
 - [5] Unauthorized use of oleoresin capsicum (O.C.) aerosol spray will subject the Deputies to the same disciplinary action as would the use of any unauthorized or unnecessary force.
 - (b) Handcuffs: a restraint device designed to secure an individual's wrists in proximity to each

other, for their safety or the protection of others.

[1] No one can predict each and every situation that will require the use of handcuffs. The final decision as to the need for the use of handcuffs is most frequently left up to the best judgment and discretion of the Sheriff and Deputy Sheriffs.

[2] Handcuffs may be used in the following situations:

[a] Unruly, hostile and extremely argumentative persons, for the purpose of protecting the Sheriff and Deputy Sheriffs or others.

[b] Persons whom the Sheriff and Deputies have reason to believe will attempt to cause harm to themselves and/or others, regardless of the present situation.

[c] Circumstances where state law or regulation requires use.

[3] When using handcuffs, the Sheriff and Deputy Sheriffs should not:

[a] Handcuff themselves to an individual.

[b] Forget to double-lock and check the handcuffs after they have been applied.

[c] Tighten the handcuffs in such a fashion they pinch the skin, restrict circulation, or intentionally cause the individual unreasonable discomfort.

(c) Flashlights: a small battery-operated portable electric light, to provide illumination when there is no stationary, permanent light source in the observing area, or there is inadequate light source and daylight.

[1] Mini-tactical flashlights may be issued by the Sheriff to Deputies.

[2] The primary application of the flashlight is as a source of illumination.

[3] Flashlights are not intended to be used as a weapon, but there may be exigent circumstances where it may be necessary to use it as a defensive instrument.

(d) The following defensive weapons are strictly prohibited:

[1] Sap glove;

[2] Brass knuckles;

[3] Slapjacks;

[4] Blackjacks;

[5] Stun devices; and

[6] All other defensive weapons not issued or specifically authorized by this Office.

H. Notification. In the event of an accidental discharge that causes personal injury, or any intentional firing of a weapon which causes personal injury, the following persons shall be notified:

(1) Sheriff.

(2) County Attorney.

- (3) Human Resources Director.
 - (4) Attorney General's Office.
 - (5) Police jurisdiction of offense.
- I. Deadly force report. It is the Sheriff and Deputy Sheriff's responsibility to immediately report any accidental or intentional discharge of their official firearm(s), except on the range, or failure to qualify for use in their official capacity with the Kent County Sheriff's Office. A full report shall be submitted by the individual involved who has discharged the weapon detailing the incident to the Sheriff or designee, and copies shall be forwarded to the County Attorney and Human Resources Director within 24 hours. At a minimum, the incident report shall fully explain the circumstances surrounding the incident, including, but not limited to, the following:
- (1) The name and address of any injured person or persons at whom deadly force was directed.
 - (2) Names and address of any witnesses.
 - (3) Date and time of occurrence.
 - (4) Location of occurrence.
 - (5) Results of shots fired (extent of wounds, other objects struck, etc.).
 - (6) Other pertinent information concerning the incident written in narrative form, to include justification for the use of force, etc.
- J. Special reports.
- (1) The Sheriff and Deputy Sheriffs shall submit a complete and factual written special report in the following circumstances:
 - (a) When the Sheriff and Deputy Sheriffs use deadly force.
 - (b) When the Sheriff and Deputy Sheriffs discharge their firearm, whether deliberate or accidental, in accordance with the Firearms Policy, except during target practice.
 - (c) When an officer is required to strike or use considerable physical force against another person.
 - (d) When the Sheriff and Deputy Sheriffs are involved in any incident which results in injury to self or others.
 - (e) When the Sheriff and Deputy Sheriffs are involved in any incident which results in damage to state or County property or property of others.
 - (f) When the Sheriff and Deputy Sheriffs are in direct knowledge of any violation of County policies, state or federal laws, Sheriff's Office rules and regulations or general orders, by any other member of the office.
 - (2) A copy of the special report shall be submitted to the Sheriff, County Attorney and Human Resources Director within 24 hours of an incident. The report must be signed by the person(s) who participated in the incident or who knows of any misconduct or violation.
 - (3) At a minimum, the special report shall contain the following information:

- (a) Date, time and location of incident.
 - (b) Name(s) of person(s) involved.
 - (c) Detailed facts concerning the incident.
- (4) The report shall be completed and forwarded prior to the close of the next workday following the incident.

K. Use-of-force investigation.

- (1) In the event of an accidental discharge that causes personal injury or any intentional firing of a weapon at a suspect, whether or not the suspect is hit, an investigation shall be requested through the police agency with jurisdiction.
- (2) Upon discharge of a weapon, the Deputy involved may be relieved of duties by the Sheriff pending an inquiry. In all cases involving injury or death, upon request of the Sheriff, the Deputy will be placed on administrative leave of absence with pay pending the completion of the investigation.
- (3) Upon intentional discharge of a weapon, an investigation shall be conducted by the police agency with jurisdiction, the Attorney General's office and the Sheriff or designee.
- (4) Upon the completion of any investigation, appropriate action will be taken by the Sheriff to prevent future incidents.
- (5) The Kent County Levy Court may, for any reason, require the immediate return of any and all County-owned firearms and equipment and/or prohibit the use of same for such duration as it determines necessary. The Levy Court may restore the use of any County-owned firearm or equipment upon written request and reasoned justification by the Sheriff.

§ 13-3. (Reserved)¹⁶

§ 13-4. Use of Sheriff's office vehicles.¹⁷ [Adopted 9-10-2002 (S-4); amended 6-14-2016 (P16-01a); 9-29-2020 by P20-06]

This Policy establishes guidelines for the proper use, care and maintenance of all vehicles assigned to the Kent County Sheriff's Office.

- A. Vehicle operation. County-owned vehicles assigned to the Sheriff's Office shall be used for official business only. Such vehicles may be used for commuting purposes and incidental uses (i.e., pharmacy, dry cleaners, meal during on-duty hours, etc., on the way to or from work).
- (1) Vehicles shall be operated by Sheriff's Office employees only, except as necessary by service personnel performing maintenance or other work on the vehicle.
 - (2) Vehicles shall be operated in accordance with all state traffic laws, County ordinances and policies, and related procedures established by the Sheriff. Vehicle pursuit is strictly forbidden. Seat belts and shoulder straps shall be worn by all operators and passengers.

15. Editor's Note: Former § 13-3, Transporting detainees, adopted 9-10-2002 (S-3) and amended 6-14-2016 (P16-01a), was repealed 9-29-2020 by P20-05.

16. Editor's Note: See also § 4-4, Use of vehicles for County business.

- (3) Unattended vehicles shall be locked at all times.
 - (4) Whenever a Sheriff's Office employee is fully relieved of duties (e.g., on vacation out of town or on leave for an extended period of time), the assigned vehicle shall be made available for use by other Sheriff's Office employees and/or stored at the Levy Court County Building parking lot or a designated parking area.
- B. Vehicle maintenance. The vehicle operator shall examine the vehicle each workday for damage and report any observed damage to the Sheriff and the Human Resources Office. Operators shall be responsible for routinely checking all fluid levels, belts, hoses and tires for damage or evidence of severe wear; scheduling routine maintenance, unless done by a centralized fleet management system; regularly cleaning and washing the vehicle; and scheduling emergency or major repairs of the vehicle, following approval by the Sheriff.
- C. Vehicle accidents.
 - (1) Whenever a County-owned vehicle is involved in an accident, it shall be reported immediately to the local police of the jurisdiction where it occurred so a report can be taken. A copy of such report shall be submitted to the County Human Resources Director and Sheriff for review and submission to the County insurance carrier. Any collisions not involving another vehicle will be investigated by the Sheriff or his designee.
 - (2) Except as provided in Subsection D of this Policy, after two preventable accidents within a twelve-month period, as determined by the Sheriff or Human Resources Director, the responsible Sheriff's Office employee shall lose commuting privileges for a period of at least one month. A third preventable accident within a twelve-month period shall result in loss of commuting privileges for three months. A fourth preventable accident shall result in loss of use of any County-owned vehicle for a period of one year.
- D. Any violation of this Policy or any other vehicle-related policy shall be fully investigated and appropriate action taken by the Sheriff to prevent future incidents. In addition, the Kent County Levy Court may, by official action and at any time for any reason, prohibit the use of a County-owned vehicle by a Sheriff's Office employee. The Levy Court may, by official action, restore the use of a County-owned vehicle upon written request and reasoned justification by the Sheriff.

Policy 14**CHAIN OF COMMAND****§ 14-1. Procedures. [Adopted 11-19-2019 (P19-03)]**

This Policy addresses the governance of the County and supplements, but does not supplant, other laws and rules that prescribe the legal responsibilities of County officials and employees. County staff is organized in a hierarchical structure, and works under the direction and control of several layers of supervision and management culminating with the County Administrator who reports directly to the Levy Court.

- A. It is expected that all employees/officials will respond to and communicate their concerns and requests in a manner consistent with the chain of command. This shall be accomplished by adherence to the following rules:
- (1) Levy Court Commissioners are individually authorized to communicate and inquire about routine constituent and/or County-related issues with the County Administrator, any Row Officer, any Department Head/Director, any Levy Court-appointed official serving on a County committee, board, and/or commission, or County employee, but recognizing that the County Administrator and/or responsible Department Head/Director or office holder is best positioned to provide the most accurate, complete information on a topic.
 - (2) Officials appointed by Levy Court Commissioners to statutory or advisory committees, boards and/or commissions are individually authorized to communicate and inquire about routine advisory committee-related issues with the responsible Department Head/ Director or assigned staff member. Any official or formal inquiry should be made at a regular meeting as prescribed in the respective bylaws.
 - (3) The County Administrator or designee is individually authorized to investigate, communicate, or inquire about routine and/or specific County-related issues with any Row Officer, any Department/Office Director, any Levy Court-appointed official serving on a County committee, board, and /or commission, or County employee.
 - (4) The County Administrator, Department Head/Directors and Row Officers and in their absence Assistant Directors/Deputy Row Officers are ultimately responsible for compliance with County policies, rules, and procedures, and for directing, managing, and communicating with assigned staff. Each is expected to and responsible for carefully evaluating, prioritizing, and sharing important relevant information in a timely fashion with the County Administrator, Committee chair, and Levy Court Commissioners, and as necessary with assigned staff.
 - (5) If an employee/official has any concern regarding the job performance, inappropriate behavior, unethical conduct, or other personnel-related matter by another County employee or official, they are to report the concern directly to their immediate supervisor or that individual's supervisor. If there is no person in the chain of command to report to, the employee/official should report the concern to the Human Resources Director or County Administrator.
 - (6) An employee speaking before other public bodies or to community organizations should always be cognizant that they are representing the County and are expected to professionally communicate accurate information authorized by the County without interjecting their own personal opinion or beliefs regarding its content. Employees are expected to promptly report non-routine contacts from the media or news outlets to the County Administrator and/or Public Information Officer. The County Administrator will communicate with Levy Court Commissioners and appropriate Department Heads/Directors to determine an appropriate spokesperson/response.

§ 14-1

KENT COUNTY POLICY MANUAL

- B. Direct contact or inquiry with a Levy Court-appointed Attorney by any Row Officer, any Department Head/Director, any Levy Court-appointed official serving on a County committee, board, and/or commission, or County employee for legal advice or legal opinion incurring a fee shall first be authorized by the County Administrator, except that routine, procedural, minor legal expense, or emergent legal inquiries may be delegated to Department Heads/Directors and Row Officers, and specific responsible staff, including the Human Resources Director for confidential disciplinary matters, investigations, litigation, and labor relations. Credible threats of legal action or potential litigation shall be promptly reported to the County Administrator and Human Resources Director.
- C. Complaints alleging a violation of this policy shall be directed to the County Administrator or a Department Head/Director or Row Officer. Upon receipt of a complaint, the County Administrator or Department Head/Director or Row Officer shall determine the appropriate course of action to resolve the issue, and may initiate disciplinary action, if necessary or applicable, to prevent future incidents.

Policy 15**REMOTE WORK****§ 15-1. Remote work/telecommuting. [Adopted 5-11-2021 by P21-02]**

- A. This Policy provides a remote work/telecommuting program as an alternative to the traditional work location. The program is designed to achieve increased productivity and effective use of staff work time, promote efficient use of resources, and assist in reducing traffic and air quality hazards.
- B. Applicability.
- (1) It is essential that each department/office/worksites be staffed during normal business hours Monday through Friday.
 - (2) Telecommuting is not an employee right but a privilege and may be offered by a department/office based upon business needs. As such, telecommuting employees shall perform normal duties during building closings/emergencies without additional compensation. If at any time the department head or Human Resources Director determines the work schedules and/or workweek periods offered must be changed, affected employees will be notified of the change at least one week in advance of the change, except for urgent situations.
 - (3) Telework refers to a work flexibility arrangement under which an employee performs the duties and responsibilities of their position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work.
 - (4) There are three types of telework:
 - (a) Routine telework occurs as part of an ongoing, regular schedule with the employee required to report to the normal County worksite at least two days a week.
 - (b) Situational telework, as approved by the department head on a case-by-case basis, is where the hours worked were NOT part of a previously approved, ongoing and regular telework schedule. Situational telework may be used occasionally for the cases of doctors' appointments, road hazards, inclement weather, sick family members, or emergencies, or for off-site meetings, web-based training, or appointments where telework would increase staff efficiency. Situational telework is allowed at a maximum of five days a month unless an emergency situation arises.
 - (c) Management telework, as approved by the department head in advance, permits management employees to work off-site for approved reasons with notification to their staff how to reach them while working remotely.
 - (5) Designated field staff in possession of necessary equipment, supplies, and applicable work assignments have the ability to begin and/or end the workday from their residence and proceed directly to/from the field work location (i.e., launch from home) with approval by the department head. Like teleworkers, designated field staff must remain fully engaged in County-related duties the entire compensated work day (except approved leave) and comply with all telecommuting performance expectations and employee responsibility guidelines contained in County policies/procedures.
- C. Eligibility.

- (1) Eligibility to participate in the telecommuting program is subject at all times to the needs of the County department/office and may be modified at any time.
- (2) This Policy shall be applicable to selected employees who meet specific work standards and job duties appropriate for telecommuting. Certain positions may be ineligible for participation due to business necessities. Meeting one or more of the eligibility requirements does not guarantee approval of telecommuting. The County Administrator holds the final determination of an employee's position being appropriate for routine telecommuting and if the employee meets the telecommuting eligibility standards.
- (3) Minimum work standard eligibility requirements include, but are not limited to:
 - (a) Regular status full-time employees who have worked at the County department/office for at least one year;
 - (b) Prior annual job performance evaluation and/or job performance that meets or exceeds standards across all listed performance measures and demonstrates employee ability to work independently;
 - (c) Employee is self-motivated and demonstrates high dependability;
 - (d) Job duties and requirements allow the employee to be away from the County worksite for a period of time during the work week;
 - (e) Telecommuting does not impede other employees or work groups from performing their job duties, impact the County's business needs, or diminish the operations of the department or office;
 - (f) Telecommuting does not reduce service to internal or external customers; and
 - (g) The supervisor is able to manage the employee remotely.

D. Participation guidelines.

- (1) Employee responsibilities. The duties, obligations, responsibilities, and conditions of a County employee are not changed by telecommuting or remote work, including obligation to comply with all County rules, policies, ordinances, practices, instructions and federal and state laws. Violations may result in exclusion from telecommuting and/or disciplinary action, up to and including termination of employment.
- (2) Performance expectations.
 - (a) Expectations must be established in advance between telecommuters and supervisors regarding work assignment(s), productivity level, and productivity measurements to be used when the employee is telecommuting. Timeliness, quality, and quantity of work must be maintained.
 - (b) Attendance and punctuality that is observant of scheduled hours on a regular basis is an essential function of each position and must be maintained during telecommuting, unless otherwise approved in advance.
 - (c) Employees shall not engage in non-County work activities during telecommuting hours, including other employment, child care, etc.

(3) Equipment.

- (a) Telecommuters are not entitled to County-provided equipment or supplies, but specific items may be provided upon approval of the County Administrator. The County retains ownership of all equipment and/or licenses provided, and use is limited to authorized persons for purposes relating to County business.
- (b) The County will provide for maintenance and repairs to County equipment. However, when an employee uses their own equipment for telecommuting, the employee is responsible for maintenance and repair of equipment.
- (c) The County will not provide and is not responsible for the payment of utilities (heat, electricity, internet, telephone, cell phone, etc.) or home maintenance costs.
- (d) In the event of delay in repair or replacement of equipment, internet or telephone service interruption/outage, or any other circumstance under which it would be ineffective for the employee to telecommute, the employee will immediately report to the normal County workplace.

(4) Remote work location.

- (a) Employees must designate a work space at home or another location that is maintained in a safe condition, free from hazards. The telecommuter is responsible for completing a work space safety review. Any accident must be brought to the immediate attention of the supervisor and Human Resources Office.
- (b) The telecommuter must ensure that safety and ergonomic standards are met in the work space. Although the work space does not have to be a separate room, it must have adequate lighting, ventilation, and furniture that is ergonomically comfortable and safe to use.
- (c) Telecommuters must have a method for reliably and expediently receiving and responding to communications (phone calls, messages, mail, etc.) from other staff, supervisors, and, when applicable, the public.
- (d) Telecommuters remain solely liable for injuries to third persons and/or members of the employee's family on the employee's premises. The County is not liable for damage to the employee's real property.
- (e) Telecommuters will take all reasonable precautions necessary to secure County information and equipment in the designated work space and prevent unauthorized access to any system or information. Data and information used by telecommuters must be treated with the same caution and respect that confidential material is given in the office. In some cases, telecommuters will need to take a few added precautions.

(5) Security and data integrity.

- (a) Employees must comply with all procedures to assure that security measures are in place to protect equipment, data and documents from physical damage, theft, loss, modification, destruction, inappropriate release, or access by unauthorized individuals. Data containing employee-identifying information must be sent encrypted.
- (b) Employees must access the County network according to standards and policies via Virtual Private Network (VPN) or authorized connection from the alternate work location. Access

will be limited to the minimum necessary to fulfill defined mission requirements.

- (c) The County reserves the right to monitor and log, without notice, all telecommuting activity, including email. Employees that are telecommuting should have no expectation of privacy in the use of County-related resources or business.
- E. Request for a telecommuting schedule.
 - (1) Employees who would like routine and/or situational telework must submit telecommuting request forms to their immediate supervisor for consideration. The employee's department head and the County Administrator must approve a request for a telecommuting work schedule. This request form will be held in the employees personnel file and will cover any and all future telecommuting work.
 - (2) In the case of situational telecommuting, employees who anticipate using situational telecommuting, in addition to the (one-time) request form, must submit a request to their department head for every situational telecommuting occurrence. The request must be formally approved or denied by email or telephone call before staff can telecommute that day(s).
- F. Complaints/concerns. Complaints alleging a violation of this Policy must be directed to the department head. Upon receipt of a complaint, the department head and Human Resources Director shall determine the appropriate course of action to resolve the issue and will take steps such as verbal or written counseling or documentation to prevent future incidents, if applicable.

Disposition List

Chapter DL**DISPOSITION LIST**

The following is a chronological listing of Policy Manual updates adopted since the publication of the Manual.

§ DL-1. Disposition List.

Policy No.	Adoption Date	Subject	Disposition
	2-8-2005	Professional license/certification fees	§ 2-17.1
	2-8-2005	Employee-of-the-Month/-Year recognition amendment	§ 2-21
	3-8-2005	Procurement Policy amendment	§ 22-9
	10-25-2005	Procurement Policy amendment	§ 22-9
	10-25-2005	Audio/Video recordings of meetings in Levy Court chamber	§ 25-3
	11-8-2005	National crisis/national disaster leave	§ 11-4
	1-17-2006	Flex time amendment	§ 3-2
	6-13-2006	Designation of County property names and naming honors	§ 4-3.1
	8-22-2006	Travel and meal reimbursement amendment	§ 6-1
	8-22-2006	Paramedic trainee program	§ 26-1
	9-27-2006	Refund policy amendment	§ 22-10
	2-20-2007	Performance evaluations	§ 3-3
	2-20-2007	Public use of County Administrative Complex Building amendment	§ 4-1
	3-27-2007	County medal policy	§ 27-1
	8-14-2007	Refund policy amendment	§ 22-10
P08-01	1-15-2008	Media relations	§ 29-2
P08-02	1-15-2008	Public event/program coordination	§ 29-1
P08-03	1-15-2008	Partnership opportunities	§ 28-1
P08-04	7-8-2008	Employee-of-the-Month/-Year Recognition amendment	§ 2-21
P08-05	9-16-2008	Freedom of Information (FOIA) requests	§ 29-3
P08-06	10-28-2008	Green purchasing	§ 22-9.1
P09-01	2-10-2009	Military family leave	§ 11-4
	4-14-2009	Non-photo identification cards	§ 25-4

Policy No.	Adoption Date	Subject	Disposition
P09-03	8-25-2009	County investments amendment	§ 22-8
P09-04	9-22-2009	Epidemic/Contagious disease response	§ 8-3
P09-06	11-24-2009	Travel and meal reimbursement amendment	§ 6-1
P09-07	11-24-2009	Dual compensation amendment	§ 2-9
P10-01	3-23-2010	Firearm policy amendment	§ 13-1
P10-02	6-15-2010	Kent County Medal policy amendment	§ 27-1
P10-03	7-27-2010	Procurement policy amendment	§ 22-9
P10-04	7-27-2010	Request for proposal	§ 22-9.2
P10-06	11-23-2010	After-the-fact building permits	§ 20-5
P10-07	12-14-2010	Closing of County government offices amendment	§ 4-2
P11-01	6-14-2011	Social media use	§ 4-13.1
P11-02	4-26-2011	Refund policy amendment	§ 22-10
P11-03	9-27-2011	Employee health/medical and dental insurance amendment	§ 2-12
P11-04	12-13-2011	Customer service policy	§ 3-4
P12-01	6-12-2012	After-the-fact building permits amendment	§ 20-5
P12-02	6-12-2012	Designation and use of fund balances	§ 22-11
P12-03	9-25-2012	Recordation of easement documents with electronic signatures	§ 25-5
P12-03(a)	11-13-2012	Family and medical leave amendment	§ 11-1
P13-01	3-12-2013	Public use of County Administration Building amendment	§ 4-1
P13-02	4-23-2013	Employee health/medical and dental insurance amendment	§ 2-12
P13-03	6-25-2013	Americans with Disabilities Act	§ 12-6
P14-01	9-9-2014	Community Projects Contribution Fund	§ 30-1
P14-02	3-11-2014	Homeowner association billing program	§ 22-12
P16-01	3-22-2016	Kent County Recreation Center, 1683 New Burton Road, Dover, DE	§ 4-3.2

Policy No.	Adoption Date	Subject	Disposition
P16-01a	6-14-2016	Firearm policy amendment; use of force amendment; transporting detainees amendment (repealed by P20-05); use of Sheriff's Office vehicles amendment	§§ 13-1 – 13-4
P17-02	6-27-2017	Federal awards	§§ 22-13 – 22-19
P18-01	3-27-2018	Requests for proposal amendment	§ 22-9.2
P18-02	3-27-2018	Smoking amendment	§ 5-2
P18-03	10-23-2018	Kent County Medal amendment	§ 27-1
P18-04	10-23-2018	Kent County Lifesaving Award	§ 27-2
P18-05	12-18-2018	Dual compensation amendment	§ 2-9
P19-01	2-26-2019	Procurement Policy amendment	§ 22-9

Policy No.	Adoption Date	Subject	Disposition	Supp. No.
P19-02			Not Adopted	19
P19-03	11-19-2019	Chain of Command	§ 14-1	19
P20-01	2-18-2020	Compensation and Benefits Amendment	§ 2-15	19
P20-02	4-14-2020	Closing of County Government Offices Amendment	§ 4-2	20
P20-03	9-29-2020	Firearm Policy Amendment	§ 13-1	20
P20-04	9-29-2020	Use of Force Amendment	§ 13-2	20
P20-05	9-29-2020	Transporting Detainees Repealer	§ 13-3	20
P20-06	9-29-2020	Use of Sheriff's Office Vehicles Amendment	§ 13-4	20
P21-01	3-9-2021	Closing of County Government Offices Amendment	§ 4-2	20
P21-02	5-11-2021	Remote Work/ Telecommuting	§ 15-1	20
P21-03	6-8-2021	Paramedic Trainee Program	§ 26-1	21
P22-01	4-12-2022	Procurement Policy	§ 22-9	21
P22-02	8-9-2022	Kent County Medal	§ 27-1	22

Policy No.	Adoption Date	Subject	Disposition	Supp. No.
P23-01	1-17-2023	Closing of County Government Offices Amendment	§ 4-2	23
P23-02	10-31-2023	Donated Leave Amendment	§ 11-2	23
P24-02	1-30-2024	Closing of County Government Offices Amendment	§ 4-2	23