MINUTES OF REGULAR MEETING
COBB COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 14, 2021
9:00 AM

The Regular Meeting of the Cobb County Board of Commissioners was held on Tuesday, September 14, 2021 at 9:00 a.m. in the second-floor public meeting room at 100 Cherokee Street, Cobb County Building, Marietta, Georgia. Present and comprising a quorum of the Board were:

Chairwoman Lisa Cupid
Commissioner JoAnn Birrell
Commissioner Keli Gambrill
Commissioner Jerica Richardson
Commissioner Monique Sheffield

CALL TO ORDER

Chairwoman Cupid called the meeting to order at 9:02 a.m. and recognized the 20th anniversary of September 11th.

COVID UPDATE

1. **To receive an update regarding COVID 19 (Coronavirus) from Cobb/Douglas Public Health.**

   Dr. Janet Memark, Cobb/Douglas Public Health Director, presented an update regarding COVID 19 (Coronavirus) from Cobb/Douglas Public Health.

PRESENTATIONS

2. **To present a proclamation designating September 20-24, 2021 as Minority Business Opportunity Week.**

   Chairwoman Cupid presented a proclamation to the Georgia Minority Supplier Development Council (GMSDC) designating September 20-24, 2021 as *Minority Business Opportunity Week.*

3. **To present a proclamation recognizing the 65th anniversary of Special Needs Cobb.**

   Chairwoman Cupid presented a proclamation to Special Needs Cobb in recognition of their 65th anniversary.

4. **To present proclamations to the Senior Citizen Council of Cobb County 2021 Life Achievement honorees.**

The Board presented proclamations to the Senior Citizen Council of Cobb County 2021 Life Achievement honorees.

5. **To present a proclamation designating September 17, 2021, as Constitution Day in Cobb County.**

Commissioner Birrell presented a proclamation to the Barbara Hickey Children's Fund designating September 17, 2021 as *Constitution Day in* Cobb County.

6. **To present a proclamation declaring September 17-23, 2021 as Constitution Week in Cobb County.**

Commissioner Birrell presented a proclamation to the Daughters of the American Revolution designating September 17 - 23. 2021 as *Constitution Week* in Cobb County.

PUBLIC COMMENT

1. Quantina Scott addressed the Board regarding evictions.
2. Mickie McDaniel addressed the Board regarding support of Escape Room and PARKS.
3. Christine Rozman addressed the Board regarding Covid and the joint meeting with the Board of Health.
4. John McLean addressed the Board regarding Zoning, Covid and the Board of Health.
5. Pam Rearden addressed the Board regarding the vaccination, Emergency Paid Administrative Leave Policy and the freedom to choose.
6. Monica Delancy addressed the Board regarding the Riverside Community and housing.

CONSENT AGENDA

MOTION: Motion by Cupid, second by Richardson, to **approve** the following items on the Consent Agenda, *as revised*; with the exception to Item 31, *which was withdrawn from the agenda* and **authorize** execution of the necessary documents by the appropriate County personnel.

Water System

7. To approve funding for Cobb County Water System utility improvements and relocation work associated with the City of Acworth Dallas Street Rehabilitation Water Main Replacement, Program No. W2414.

To **approve** funding for Cobb County Water System utility improvements and relocation work, in the amount of $157,536.00, associated with the City of Acworth Dallas Street Rehabilitation Water Main Replacement, Program No. W2414; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the Water System's CIP Budget as follows:

Transfer from:			
Unidentified New/Replacement Water Mains			
Preliminary Estimates	510-500-5754-8005	W1503-Z	$165,686.00
Transfer to:			
City of Acworth Dallas Street Rehabilitation Water Main Replacement			
Construction	510-500-5754-8260	W2414-C	$157,536.00
Materials & Supplies	510-500-5754-8265	W2414-M	$ 5,000.00
Contingency	510-500-5754-8810	W2414-T	$ 3,150.00
Total			$165,686.00

8. To approve a construction contract with D & H Construction Company for Lamplighter Water Main Replacement, Program No. W2393.

To **approve** a construction contract with D & H Construction Company, in the amount of $2,047,579.50, for Lamplighter Water Main Replacement, Program No. W2393; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the Water System's CIP Budget as follows:

Transfer from:			
Unidentified New/Replacement Water Mains			
Preliminary Estimates	510-500-5754-8005	W1503-Z	$2,103,659.50
Transfer to:			
Lamplighter Water Main Replacement			
Construction	510-500-5754-8260	W2393-C	$2,047,579.50
Interest Expense on Retainage	510-500-5754-6613	W2393-A	$ 5,120.00
Materials & Supplies	510-500-5754-8265	W2393-M	$ 10,000.00
Contingency	510-500-5754-8810	W2393-T	$ 40,960.00
Total			$2,103,659.50

9. **To approve Supplemental Agreement No. 1 with Jacobs Project Management Company to extend funding through FY22 for Construction Management Services, Program No. C0160.**

To **approve** Supplemental Agreement No. 1 with Jacobs Project Management Company, in an amount not to exceed $7,984,042.03, to extend funding through FY22 for Construction Management Services, Program No. C0160; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the Water System's Construction Services Program FY22 Adopted CIP Budget as follows:

Increase Encumbrances			
GAE 510081120081	510-500-5752-8230	C0160-E	$6,088,006.19
GAE 510081120082	510-500-5752-6326	C0160-E	$1,896,035.84
Transfer from:			
Construction Management Services			
Preliminary Estimates	510-500-5752-8005	C0160-Z	$7,984,042.03
Transfer to:			
Construction Management Services			
Inspection & Supervision –			
Line & Plant Facilities	510-500-5752-8230	C0160-E	$6,088,006.19
Professional Services –		C0160-E	
Utility Locating	510-500-5752-6326		$1,896,035.84
Total			$7,984,042.03

10. **To approve a work order under the FY21-FY22 Stormwater Management Unit Price Contract with Butch Thompson Enterprises, Inc. for 3273 Willa Way, Program No. SW2176.**

To **approve** a work order under the FY21-FY22 Stormwater Management Unit Price Contract with Butch Thompson Enterprises, Inc., in the amount of $84,927.00, for 3273 Willa Way, Program No. SW2176; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the Water System's CIP Budget as follows:

Transfer from:			
Stormwater Multi-Year Budget			
Drainage Contract R&M Service	510-500-5758-6496	SW9999-Z	$84,927.00
Transfer to:			
3273 Willa Way			
Drainage Contract R&M Service	510-500-5758-6496	SW2176-C	$84,927.00

11. **To approve a Joint Funding Agreement with the United States Department of the Interior Geological Survey for continued operation and maintenance of sixteen streamflow monitoring gauges and two temperature monitoring stations, Program No. SW809.**

To **approve** a Joint Funding Agreement with the United States Department of the Interior Geological Survey, in an amount not to exceed $251,400.00, for continued operation and maintenance of sixteen streamflow monitoring gauges and two temperature monitoring stations, Program No. SW809; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the Water System's CIP Budget along with the following increase in Revenue and Expense Appropriations:

Transfer from:			
Stormwater Multi-Year Budget			
Drainage Contract R&M Service	510-500-5758-6496	SW9999-Z	$236,000.00
Transfer to:			
USGS Stream Gauges			
Professional Services			
Land Improvements	510-500-5758-8032	SW809-E	$236,000.00
Increase Revenue Appropriations			
Developer Contributions	510-500-5750-4918	A5750-A	$ 15,400.00
Increase Expense Appropriations			
Professional Services			
Land Improvements	510-500-5758-8032	SW809-E	$ 15,400.00
Total to be Encumbered			$251,400.00

Transportation

12. **To approve the 2021 annual update to the Cobb County Department of Transportation Title VI Plan.**

To **approve** the 2021 annual update to the Cobb County Department of Transportation Title VI Plan.

13. **To authorize reallocation of pavement marking project savings for procurement of a striping truck and associated equipment for the Traffic Operations Division, Project No. TR524.**

To **authorize** reallocation of pavement marking project savings, in an amount not to exceed $187,657.00, for procurement of a striping truck and associated equipment for the Traffic Operations Division, Project No. TR524; **authorize** the corresponding budget transactions; and **further authorize** the Purchasing Director to execute the necessary documents.

Funding is available with reallocation of pavement marking project savings in the Capital Projects Fund, with the following budget transfers:

Transfer from:	380-050-4612-8005-TR514-O	Preliminary Estimate	$175,255.00
	380-050-4612-6512-TR514-O	Contracted Services	$ 12,402.00
Transfer to:	380-050-4612-8610-TR524-P	Spec. Equip. Vehicles	$187,657.00

14. **To approve the recommended ranking of the three most qualified firms for Cumberland Multimodal Segment C, State P.I. No. 0017806, Cobb County Project No. TR519.**

To **approve** the recommended ranking of the three most qualified firms for Cumberland Multimodal Segment C, State P.I. No. 0017806, Cobb County Project No. TR519; and **authorize** negotiations for final scope of services and fees beginning with the top-ranked firm, Kimley-Horn and Associates, Inc., utilizing Selection Process 1 (Competitive Negotiations).

15. **To approve a Restatement of Task Order Agreement and Change Order No. 1 (final) for Project No. G079/T079-TO#03 to the 2016 Master Task Order Contract with WSP/Parsons Brinckerhoff, Inc., for planning services to update the Cobb County Transit Asset Management Plan, CCDOT Contract No. 001008.**

To **approve** a Restatement of Task Order Agreement and Change Order No. 1 (final) for Project No. G079/T079-TO#03 to the 2016 Master Task Order Contract with WSP/Parsons Brinckerhoff, Inc., a savings to the project in the amount of $105,403.07, for planning services to update the Cobb County Transit Asset Management Plan, CCDOT Contract No. 001008; **approve** a Task Order time extension through September 30, 2021, retroactive to June 29, 2018; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

A savings to the Transit Grant Fund, with the following budget transfer:

Decrease GAE 2030213180410:	203-050-T079-8676	Professional Services	$105,403.07
Transfer from:	203-050-T079-8676	Professional Services	$105,403.07
Transfer to:	203-050-T079-8005	Preliminary Estimate	$105,403.07

16. **To approve a Restatement of Task Order Agreement and Change Order No. 1 (final) for Project No. 4802/G067/T079-TO#01 to the 2016 Master Task Order Contract with Kimley-Horn and Associates, Inc., for development of route maps and operating schedules for the CobbLinc Cumberland Circulator service and Route 10X service, CCDOT Contract No. 001007.**

To **approve** a Restatement of Task Order Agreement and Change Order No. 1 (final) for Project No. 4802/G067/T079-TO#01 to the 2016 Master Task Order Contract with Kimley-Horn and Associates, Inc., a savings to the project in the amount of $1,068.75, for development of route maps and operating schedules for the CobbLinc Cumberland Circulator service and Route 10X service, CCDOT Contract No. 001007; **approve** a Task Order time extension through September 30, 2021, retroactive to August 1, 2017; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

A savings to the Transit Grant Fund, with the following budget transfers:

Decrease GAE 203031417509:	203-050-T067-6326	Professional Services	$1,065.00
Transfer from:	203-050-T067-6326	Professional Services	$1,065.00
Transfer to:	203-050-T067-8005	Preliminary Estimate	$1,065.00
Decrease GAE 203080817611:	203-050-T079-6326	Professional Services	$ 3.75
Transfer from:	203-050-T079-6326	Professional Services	$ 3.75
Transfer to:	203-050-T079-8005	Preliminary Estimate	$ 3.75

17. **To approve Project No. T065-TO#3 to the 2020 Master Task Order Contract with WSP USA, Inc., for CobbLinc Facility Condition Assessment, CCDOT Contract No. 001741.**

To **approve** Project No. T065-TO#3 to the 2020 Master Task Order Contract with WSP USA, Inc., in an amount not to exceed $173,465.00, for CobbLinc Facility Condition Assessment, CCDOT Contract No. 001741; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the Transit Grant Fund, with the following budget transfer:

Transfer from:	203-050-T065-8005	Preliminary Estimate	$173,465.00
Transfer to:	203-050-T065-6326	Professional Services	$173,465.00

Public Services Agency

PARKS

18. **To approve the purchase and installation of four irrigation pumps at Cobblestone Golf Course.**

To **approve** the purchase and installation of four irrigation pumps in an amount not to exceed $240,549.00 at Cobblestone Golf Course; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding will be available with the following transactions:

Increase Revenue:	650-105-0027-4664	Driving Range Fees	$120,000.00
Increase Revenue:	650-105-0027-4665	Green Fees	$120,549.00
Increase Expenditure	650-105-0027-6326	Professional Services	$240,549.00

Support Services Agency

Support Services Administration

19. **To authorize a contract for the sale of .5125+/- acres of county surplus property located at 3137 Austell Road, Austell, Georgia, to Pfotzer Properties, LLC., through the brokerage firm of McWhirter Realty Partners, LLC.**

To **declare** as surplus .5125+/- acres of county surplus property located at 3137 Austell Road, Austell, Cobb County, Georgia as no longer required for county purposes and authorize a contract for the sale of the property to Pfotzer Properties, LLC., for the price of $130,000.00 and upon the terms and conditions set forth in the attached Agreement for Purchase and Sale, through the brokerage firm of McWhirter Realty Partners, LLC; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to take such action and execute the necessary documents to implement the foregoing purposes.

Increase Revenue:	010-015-0145-4944	Sale of Salvage Property	$130,000.00
Increase Expenditure:	010-015-0145-8820	Contingency	$130,000.00

20. **To approve an amendment to the agreement for Purchase and Sale of county surplus property located adjacent to 404 Virginia Place, Marietta, GA, in Land Lot 649, 17th District, 2nd Section to Scott Hickman.**

To **approve** an amendment to the agreement for Purchase and Sale of county surplus property located adjacent to 404 Virginia Place, Marietta, GA, in Land Lot 649, 17th District, 2nd Section to Scott Hickman to extend the closing date to November 12, 2021 and **authorize** the Chairwoman to execute the necessary documents.

Information Services

21. **To approve a lease with Dell Financial Services LLC (DFS) from an existing Master Lease Agreement (MLA), to replace up to 339 personal computers in the fourth quarter of FY 21 for Phase 4 Lease 052 of the PC Replacement Project.**

To **approve** a lease with Dell Financial Services LLC from an existing Master Lease Agreement, in an amount not to exceed $523,200.00 (48 months of lease payments in FY 21 - FY 25) to finance the replacement of up to 339 personal computers in the fourth quarter of FY 21; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding for the FY 21 lease payments is available in the Capital Replacement Fund 380, PC Replacements Project, Unit 4580, as follows:

380-035-4580-6532	(Equipment Lease)	$10,900.00

22. **To authorize the Purchasing Director to purchase switches and phones greater than $100,000.00, under provisions of Georgia Department of Administrative Services Contract #99999-SPD-T20120501-0006 GA Networking Equipment and IT Infrastructure Products, with Prosys Information Systems and to ratify previous action of the department authorizing purchase of Cisco phones and deployment services in the amount of $115,555.47.**

To **authorize** the Purchasing Director to purchase replacement switches and phones in an amount not to exceed $133,887.00, under provisions of Georgia Department of Administrative Services Contract #99999-SPD-T20120501-0006 with Prosys Information Systems; **ratify** previous action of the department authorizing purchase of Cisco phones and deployment services in the amount of $115,555.47; and **authorize** the corresponding budget transactions.

Funding is available in the Information Services operating budget with the following budget transfers:

Transfer from:	010-035-0400-8410	(Radio, TV, Comm Equipment)	$133,887.00
Transfer to:	010-035-0400-6383	(Telephone Equipment)	$133,887.00

23. **To approve a sole source agreement with Woolpert, Inc. d/b/a Data Cloud Solutions (Woolpert) for the Mobile Assessor software.**

To **approve** a sole source Agreement with Woolpert, Inc. d/b/a Data Cloud Solutions, in an amount not to exceed $450,830.38, for the Mobile Assessor software; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Available in the Capital Projects Fund 380, Tax System Upgrade, Unit 4590, as follows:

380-035-4590-6262	$167,142.88

24. **To approve a sole source contract, Enterprise Agreement No. 00297023.0, with Environmental System Research Institute, Inc. (ESRI) for the County's GIS Enterprise System.**

To **approve** a sole source contract, Enterprise Agreement No. 00297023.0, with Environmental System Research Institute, Inc., in an amount not to exceed $3,261,300.00, for the County's GIS Enterprise System; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the Capital Projects Fund 380, GIS, Unit 4639, as follows:

380-035-4369-6262	$605,700.00

Property Management

25. To authorize use of capital maintenance contingency funds for exterior work at Powder Springs Station.

To **authorize** use of capital maintenance contingency funds for exterior work at Powder Springs Station, located at 1150 Powder Springs Rd, Marietta; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the Property Management FY21 budget as follows:

Decrease Expenditure:	010-110-3640-8810 (Designated Contingency)	$214,597.00
Increase Expenditure:	010-110-3640-8111 (Roofs)	$214,597.00

Create GAE in the amount of $214,957.00.

26. To authorize the use of capital maintenance contingency funds for facility upgrades and equipment replacement at the Fleet Truck Shop, approve Supplemental Agreement No. 4 with Catamount Constructors, Inc., and authorize owner's contingency for furniture, fixtures and equipment.

To **authorize** the use of capital contingency funds for facility upgrades and equipment replacement at the Fleet Truck Shop located at 1940 County Services Parkway; approve Supplemental Agreement No. 4 with Catamount Constructors, Inc., in the amount of $909,589.00; **authorize** owner's contingency, in the amount of $85,000.00, for furniture, fixtures and equipment, authorize the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available with the following transactions:

Decrease Expenditure:	010-110-3640-8810 (Designated Contingency)	$909,589.00
Increase Expenditure:	010-110-3640-8110 (Renovation of Bldgs)	$909,589.00
Decrease Expenditure:	010-110-3640-8810 (Designated Contingency)	$ 85,000.00
Increase Expenditure:	010-110-3640-6594 (Interfund Expense)	$ 85,000.00
Increase Revenue:	380-110-4728-4960 (Interfund Revenue)	$ 85,000.00
Increase Expenditure:	380-110-4728-8130 (Materials & Supplies)	$ 85,000.00

Add line 2 to GAE 34705141951 in the amount of **$909,589.00**

Public Safety Agency

Police Department

27. To approve the purchase of a video wall for the Real-Time Crime Center under provisions of a Georgia State Contract.

To **approve** the purchase of a video wall for the Real-Time Crime Center, in an amount not to exceed $266,074.70 under provisions of Georgia State Contract #99999-SPD-SPD0000161-0003 with CDW-G, **authorize** the Purchasing Director to execute a Purchase Order and any other necessary documents, and **further authorize** the Chairwoman to execute all necessary documents.

Funding is available for this project in the amount of $275,000.00 in the Police Department FY21 Capital Outlay Budget. The department has obtained a quote in the amount of $266,074.70 for the video wall under a State of Georgia contract.

28. To authorize the purchase of a Real-Time Crime Center and approve a service agreement with Flock Group, Inc.

To **authorize** the purchase in an amount not to exceed $300,000.00 for a Real-Time Crime Center, and approve a five-year service agreement with Flock Group, Inc.; and **further authorize** the Chairwoman to execute all necessary documents.

Decrease expenditure:	010-130-2100-8110	(Renovation of Bldg.)	$300,000.00
Increase expenditure:	010-130-2100-8410	(Radio, TV, Comm. Equip.)	$300,000.00

Fire Department

29. To approve an agreement with the City of Acworth Police Department and authorize the acceptance of a donation for an electric vehicle.

To **approve** an agreement with the City of Acworth Police Department; **authorize** the acceptance of a donation for an electric vehicle; and **further authorize** the Chairwoman to execute the necessary documents.

Community Development

30. **To review a summary of the appeal hearing conducted by the License Review Board on August 19, 2021 for Euphoria Café, LLC d/b/a Euphoria Café.**

To **affirm** the decision of the License Review Board, following the review of the summary of the appeal hearing of August 19, 2021 to approve the application for a liquor, beer, wine and Sunday sales pouring license for of Euphoria Café, LLC d/b/a Euphoria Café, 3372 Canton Rd., Suite 120, Marietta, GA 30066, Cassandra Hwang, licensee.

31. **Withdrawal of request to approve annexation notice of Intent to Object and Basis of Objection per HB 489 Intergovernmental Agreement and HB 2 regarding a petition for annexation of a 10.01-acre tract located at 1326 Old Bells Ferry Road into the City of Marietta.**

This item was withdrawn from this agenda.

Clerk's Note: *The County Clerk's Office was not in receipt of the letter from the City of Marietta via Certified Mail; therefore Community Development requested the item be withdrawn from this agenda.*

Human Resources

32. **To approve the revision and/or initial draft of the following policies: Conduct and Performance (last revised 1/2020), Drug-Free Workplace (last revised 12/2011), Family Medical Leave (FMLA) (newly drafted policy), Leave of Absence (LOA) (last revised 3/2010), Military Leave (last revised 8/1995), Performance Appraisal Policy (last revised 11/2013), and Reduction in Force (RIF) (last revised 12/1991).**

To **approve** the revision to the following policies: Conduct and Performance, Drug-Free Workplace, Leave of Absence, Military Leave, Performance Appraisal, and Reduction in Force Policy and **approve** the adoption of the Family Medical Leave Policy. A copy of the approved policies are attached and made a part of these minutes.

33. **To approve the workers' compensation excess insurance policy for the period of October 1, 2021 through September 30, 2022 with Safety National Casualty Corporation.**

To **approve** the workers' compensation excess insurance policy for workers compensation excess coverage for the period of October 1, 2021 through September 30, 2022; and **authorize** the Chairwoman to execute any documents required to secure an insurance binder with Safety National Casualty Corporation.

Funding is available in the workers' compensation fund. No additional funding is necessary.

Finance

34. To adopt a resolution adopting all budget amendments set forth in agenda items on this date.

To **adopt** a resolution adopting all budget amendments set forth in agenda items on this date. A copy of said resolution is attached and made a part of these minutes.

35. To authorize all budget transactions necessary for the final close-out of the FY2021 budgets of the General Fund and other Operating Funds.

To **authorize** all budget transactions necessary for the final close-out of the FY2021 budgets of the General Fund and other operating funds, and direct the County Manager to review and bring these transactions before the Board of Commissioners for final approval at a later date.

As necessary for the FY2021 year-end close-out of the General Fund and other operating funds:

Increase/Decrease Revenue Appropriations to match actual receipts
Increase/Decrease Expenditure Appropriations to match actual expenditures
Increase Fund Balance/Retained Earnings Appropriations to prevent deficits

36. To approve all interfund transfers for claims and safety equipment purchases to allow Risk Management to reimburse the appropriate department.

To **approve** all interfund transfers for claims and safety equipment purchases; and **authorize** Risk Management to reimburse the appropriate department. A copy of Attachment A is attached and made a part of these minutes.

CobbWorks

37. **To accept a Workforce Innovation and Opportunity Act (WIOA) grant award from the Technical College System of Georgia for CobbWorks, Inc., to provide education, training, and employment services for adults.**

To **accept** a grant award from the Technical College System of Georgia for CobbWorks, Inc., the local Workforce Development Board, in the amount of $115,640.00 to provide training and employment services for adult workers; **authorize** corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding for this Workforce Innovation and Opportunity Act grant will be appropriated in the WIOA Fund as follows:

Increase Revenue:	
276-120-WP21-WP21AD-4430	$115,640.00
Increase Expenditures:	
276-120-WP21-WP21AD-A-Varies/4430 (Admin)	$ 11,564.00
276-120-WP21-WP21AD-P-Varies/4430 (Program)	$104,076.00
Total Grant:	$115,640.00

38. **To accept a Workforce Innovation and Opportunity Act (WIOA) grant award from the Technical College System of Georgia for CobbWorks, Inc., to provide education, training, and employment services for dislocated workers.**

To **accept** a grant award from the Technical College System of Georgia for CobbWorks, Inc., the local Workforce Development Board, in the amount of $263,387.00 to provide training and employment services for dislocated workers; **authorize** corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding for this Workforce Innovation and Opportunity Act grant will be appropriated in the WIOA Fund as follows:

Increase Revenue:	
276-120-WP21-WP21DW-4430	$263,387.00
Increase Expenditures:	
276-120-WP21-WP21DW-A-Varies/4430 (Admin)	$ 26,339.00
276-120-WP21-WP21DW-P-Varies/4430 (Program)	$237,048.00
Total Grant:	$263,387.00

County Attorney

39. **To authorize settlement of Felicia Long v. Cobb County, Civil Action File No.: 19104081, in the Superior Court of Cobb County, Georgia, pursuant to the direction and within the terms as discussed in Executive Session on March 22, 2021, and authorize counsel to prepare and execute any necessary documents for the purposes of settling ongoing litigation.**

To **authorize** settlement of Felicia Long v. Cobb County, Civil Action File No.: 19104081, in the Superior Court of Cobb County, Georgia, pursuant to the direction and within the terms as discussed in Executive Session on March 22, 2021, and **authorize** counsel to prepare and execute any necessary documents for the purposes of settling ongoing litigation.

Funding is available in account 710-055-8011-6608.

County Clerk

40. **To approve minutes.**

To **approve** the minutes of the following meetings:

- August 23, 2021 - Agenda Work Session
- August 24, 2021 - BOC Work Session
- August 24, 2021 - BOC Regular

CONSENT VOTE: **ADOPTED 5-0**

REGULAR AGENDA

County Manager

41. To approve a contract with Deloitte Consulting LLP for 2021 American Rescue Plan Act Consulting Services.

Motion by Cupid, second by Richardson, to **approve** a one-year contract with Deloitte Consulting LLP in an amount not to exceed $2,788,000 for 2021 American Rescue Plan Act Consulting Services; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Decrease Expenditure:	279-055-ARCT-8820	ARPA Contingency	$2,788,000.00
Increase Expenditure:	279-020-ar13-6312	Consulting Services	$2,788,000.00

VOTE: **ADOPTED 4-1,** Commissioner Gambrill opposed

Human Resources

42. To authorize the approval of the Emergency Paid Administrative Leave Policy.

Motion by Cupid, second by Sheffield, to **authorize** the Emergency Paid Administrative Leave Policy, at a total potential cost of $750,000; and **further authorize** the corresponding budget transactions.

Funding will be available for reimbursement from the ARP Fund, in an amount not to exceed $750,000.00, to the appropriate County Fund from which the eligible Emergency Paid Administrative Leave was paid.

Decrease Expenditure	279-055-ARCT-8820	ARP Contingency	$750,000.00
Increase Expenditure	279-055-AR11-6594	Transfer Out	$750,000.00
Increase Revenue	4960	Transfer In	$TBD
Increase Expenditure	6012	Salaries	$TBD

Actual transaction amounts will be determined based on eligible expenses, as incurred. County personnel may be budgeted in any County Fund and will be eligible for such reimbursement within those respective funds. For that reason, the Fund, Department, and Unit numbers as well as the reimbursement amounts are not known at this time. Eligibility will be confirmed prior to any reimbursements being processed from the ARP Fund.

VOTE: **ADOPTED 4-1,** Commissioner Gambrill opposed

Water System

43. To approve the Cobb County Water System's "Schedule of Rates, Charges, and Fees" to become effective January 1, 2022.

Motion by Cupid, second by Richardson, to **approve** the Cobb County Water System's "Schedule of Rates, Charges, and Fees", as attached, to become effective January 1, 2022. The approved Schedule of Rates, Charges, and Fees is attached and made a part of these minutes.

VOTE: **ADOPTED 4-1,** Commissioner Birrell opposed

Transportation

44. To approve final close-out of various contracts for completed projects in the 2005 and 2016 SPLOST Transportation Improvements Program Funds, and the Capital Projects Fund.

Motion by Cupid, second by Richardson, to **approve** final close-out of various contracts, a total savings to various projects in the amount of $330,227.07, for completed projects in the 2005 and 2016 SPLOST Transportation Improvements Program Funds, and the Capital Projects Fund; and **authorize** the corresponding budget and accounting transactions.

A savings to the 2005 and 2016 SPLOST Transportation Improvements Program Funds, and the Capital Projects Funds, as follows, and as detailed on the attached list of budget and accounting transactions required:

Decrease GAEs:	340-050-7506-D604-8722-D6040-E	2005 SPLOST TIP Fund	$ 1,340.00
	347-050-Various Units/Subunits/Projects	2016 SPLOST TIP Fund	$328,886.93
	380-050-4594-4594-8722-TR472-E	Capital Projects Fund	$ 0.14
		Total:	$330,227.07

VOTE: **ADOPTED 5-0**

45. To approve Change Order No. 1 (final) to the contract with Chatfield Contracting, Inc., for drainage system repairs on Hilltop Drive, Project No. X2277, CCDOT Contract No. 001598.

Motion by Gambrill, second by Birrell, to **approve** Change Order No. 1 (final) to the contract with Chatfield Contracting, Inc., a savings to the project in the amount of $23,073.90, for drainage system repairs on Hilltop Drive, Project No. X2277, CCDOT Contract No. 001598; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

A savings to the 2016 SPLOST Transportation Improvements Program Fund, with the following budget transfer:
Decrease GAE 34712152051:

	347-050-X220-X220-8762-X2277-C	Turnkey Construction	$11,443.90
Transfer from:	347-050-X220-X220-8762-X2277-C	Turnkey Construction	$11,443.90
Transfer to:	347-050-X220-X220-8761-X2277-C	Preliminary Estimate	$11,443.90

The 2016 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 22, 2014, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Drainage System Improvements.

Hilltop Drive is an eligible project/program under the Infrastructure Preservation - Drainage System Improvements Component of the 2016 SPLOST Transportation Improvements (Cobb County 2016 SPLOST, pp. 7, 9). Drainage System Improvements include repair and replacement of roadway drainage systems throughout the County.

SPLOST Project Summary as of September 1, 2021: Hilltop Drive Drainage

Budget:	$168,527.50	Expended:	$157,083.60

A savings to the Water System DOT Projects - Relocate Lines Adopted CIP Budget, with the following budget transfers:
Decrease GAE 51012152051:

	510-500-5756-8260-W4430-C	Construction	$11,630.00
Transfer from:	Hilltop Drive - Drainage Improvements		
	510-500-5756-8260-W4430-C	Construction	$11,630.00
	510-500-5756-8265-W4430-M	Materials & Supplies	$ 1,000.00
	510-500-5756-8810-W4430-T	Contingency	$ 660.00
		Total:	$13,290.00
Transfer to:	DOT Projects - Relocate Lines		
	510-500-5756-8005-W4069-Z	Preliminary Estimate	$13,290.00

VOTE: **ADOPTED 5-0**

46. To approve Change Order No. 1 (final) to the contract with Chatfield Contracting, Inc., for drainage system repairs on Heritage Trace Drive, Project No. X2280, CCDOT Contract No. 001629.

Motion by Richardson, second by Birrell, to **approve** Change Order No. 1 (final) to the contract with Chatfield Contracting, Inc., a savings to the project in the amount of $11,758.01, for drainage system repairs on Heritage Trace Drive, Project No. X2280, CCDOT Contract No. 001629; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

A savings to the 2016 SPLOST Transportation Improvements Program Fund, with the following budget transfer:
Decrease GAE 34703092131:

	347-050-X220-X220-8762-X2280-C	Turnkey Construction	$966.01
Transfer from:	347-050-X220-X220-8762-X2280-C	Turnkey Construction	$966.01
Transfer to:	347-050-X220-X220-8761-X2280-C	Preliminary Estimate	$966.01

The 2016 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 22, 2014, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Drainage System Improvements.

Heritage Trace Drive is an eligible project/program under the Infrastructure Preservation - Drainage System Improvements Component of the 2016 SPLOST Transportation Improvements (Cobb County 2016 SPLOST, pp. 7, 9). Drainage System Improvements include repair and replacement of roadway drainage systems throughout the County.

SPLOST Project Summary as of September 1, 2021: Heritage Trace Drive Drainage (2181)

Budget:	$103,584.00	Expended:	$102,617.99

A savings to the Water System DOT Projects - Relocate Lines Adopted CIP Budget, with the following budget transfers:
Decrease GAE 51003092131:

	510-500-5756-8260-W4431-C	Construction	$10,792.00
Transfer from:	Heritage Trace Drive - Drainage Imprvs.		
	510-500-5756-8260-W4331-C	Construction	$10,792.00
	510-500-5756-8265-W4431-M	Materials & Supplies	$ 1,000.00
	510-500-5756-8810-W4431-T	Contingency	$ 460.00
		Total:	$12,252.00
Transfer to:	DOT Projects - Relocate Lines		
	510-500-5756-8005-W4069-Z	Preliminary Estimate	$12,252.00

VOTE: **ADOPTED 5-0**

47. **To approve Change Order No. 1 to the contract with D & H Construction Company, Inc., for drainage system repairs on Birds Mill, Project No. X22107, CCDOT Contract No. 001707.**

Motion by Richardson, second by Birrell, to **approve** Change Order No. 1 to the contract with D & H Construction Company, Inc., a no-cost time extension through September 19, 2021, for drainage system repairs on Birds Mill, Project No. X22107, CCDOT Contract No. 001707; and **authorize** the Chairwoman to execute the necessary documents.

SPLOST Project Summary as of September 1, 2021: Birds Mill Drainage

Budget:	$281,060.50	Expended:	$107,931.41

VOTE: **ADOPTED 5-0**

48. **To approve Change Order No. 1 to Resurfacing Contract 2021-1 Countywide Major Thoroughfares (Local Maintenance Improvement Grant) with C.W. Matthews Contracting Company, Inc., for resurfacing of Cardell Road, South Gordon Road, and Factory Shoals Road, Project No. X2915, CCDOT Contract No. 001505.**

Motion by Sheffield, second by Birrell, to **approve** Change Order No. 1 to Resurfacing Contract 2021-1 Countywide Major Thoroughfares (Local Maintenance and Improvement Grant) with C.W. Matthews Contracting Company, Inc., in an amount not to exceed $897,769.12, for resurfacing of Cardell Road, South Gordon Road, and Factory Shoals Road, Project No. X2915, CCDOT Contract No. 001505; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Available in the 2016 SPLOST Transportation Improvements Program Fund, with the following budget transfers:

Transfer from:	347-050-X290-X290-8761-X2900-C	Preliminary Estimate	$718,215.30
	347-050-X290-X290-8005-X2900-C	RAP Allocation-Prelim. Est.	$179,553.82
Transfer to:	347-050-X290-X290-8762-X2915-C	Turnkey Construction	$897,769.12
Increase GAE 34704132144:	347-050-X290-X290-8762-X2915-C	Turnkey Construction	$897,769.12

The 2016 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 22, 2014, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Resurfacing.

Resurfacing 2021-1 Countywide Major Thoroughfares (LMIG) is an eligible project/program under the Infrastructure Preservation – Resurfacing Component of the 2016 SPLOST Transportation Improvements (Cobb County 2016 SPLOST, pp. 7, 8). Resurfacing includes milling, patching, leveling, and resurfacing of various roadways throughout the County.

SPLOST Project Summary as of September 1, 2021: Resurfacing Contract 2021-1 Thoroughfares (LMIG)

Budget:	$8,401,291.90	Expended:	$273,452.49

VOTE: **ADOPTED 5-0**

49. **To authorize the addition of drainage projects to the Drainage System Improvements Component in the 2005 SPLOST Transportation Improvements Program.**

Motion by Cupid, second by Birrell, to **authorize** the addition of drainage projects to the Drainage System Improvements Component in the 2005 SPLOST Transportation Improvements Program.

VOTE: **ADOPTED 5-0**

Support Services Agency

Information Services

50. **To approve contract Amendment Number 1 (Amendment) to Statement of Work Number 8 (SOW 8) with CGI Technologies and Solutions, Inc. (CGI) for additional configurations, enhancements and support to upgrade Cobb County's Financial Services, Human Resources and Purchasing applications (CGI Advantage). This Amendment is partially funded by 2016 SPLOST, Support Services Technology Improvements Program X0020, with a previously approved project contingency allocation.**

Motion by Cupid, second by Richardson, to **approve** contract Amendment Number 1 to Statement of Work Number 8 with CGI Technologies and Solutions, Inc., in an amount not to exceed $992,440.00, for additional configurations, enhancements and support to upgrade the CGI Advantage system; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding will be available with the following budget transactions:

Fund 380

Decrease Expenditure:	380-035-4583-8005	Preliminary Estimates	$250,536.52
Increase Expenditure:	380-035-4583-8676	Professional Services	$250,536.52

Fund 347

Decrease Expenditure:	347-035-X002-X002-8005-X0020-A	Preliminary Estimates	$504,880.02
Decrease Expenditure:	347-035-X002-X002-8005-X0020-M	Contingency	$237,023.46
Increase Expenditure:	347-035-X002-X002-8676-X0020-M	Professional Svs.	$741,903.48

To approve contract Amendment Number 1 (Amendment) to Statement of Work Number 8 (SOW 8) with CGI Technologies and Solutions, Inc. (CGI) for additional configurations, enhancements and support to upgrade Cobb County's Financial Services, Human Resources and Purchasing applications (CGI Advantage). This Amendment is partially funded by 2016 SPLOST, Support Services Technology Improvements Program X0020, with a previously approved project contingency allocation. (CONT.)

Increase GAE 34709222038 by $741,903.48.
Create GAE for professional services for Public Facility Capital Projects Fund in the amount of $250,536.52.

The 2016 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 22, 2014, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Technology Improvements.

The CGI Advantage Upgrade Project is an eligible project/program under the 2016 SPLOST. "Business Technology Transformation" is an approved project of the Support Services Technology Improvements Work Program (Cobb County 2016 SPLOST, p. 38) which includes upgrades of existing software applications.

SPLOST Project Summary as of September 1, 2021

Business Technology Transformation X0020
Budget: $23,358,000.00 Expended: $ 8,790,494.95

VOTE: **ADOPTED 5-0**

Property Management

51. To approve a Fund Balance Appropriation to complete the renovation of 995 Roswell Street for use by the Elections and Registration Department.

Motion by Cupid, second by Sheffield, to **approve** a General Fund, Balance appropriation, in the amount of $3,882,717.50, to complete renovation of 995 Roswell Street, Marietta, for use by the Elections and Registration Department; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available with the following budget transactions:

General Fund			
Increase Revenue:	010-235-8750-4980	Fund Balance Appr.	$3,882,717.50
Increase Expenditure:	010-235-8750-6594	Transfers Out	$3,882,717.50
Public Facility Projects Fund			
Increase Revenue:	380-110-4722-4960	Transfers In	$3,882,717.50
Increase Expenditure:	380-110-4722-8110	Renovation of Bldgs.	$3,882,717.50

VOTE: **ADOPTED 3-2,** Commissioner Gambrill and Commissioner Birrell opposed

Public Safety Agency

Fire Department

52. To approve a proposal with Piper O'Brien Herr Architects for programming and bridging services of the new Indefinite Delivery Agreement related to the renovation of the Fire Training facility, 2016 Special Purpose Local Options Sales Tax project X1050-U.

Motion by Gambrill, second by Richardson, to **approve** a proposal with Piper O'Brien Herr Architects, in the amount of $78,500.00, for programming and bridging services related to the Fire Training facility, located on Valor Drive, Marietta, a 2016 SPLOST project; **authorize** the corresponding budget transactions; and **further authorize** the Purchasing Director to execute the necessary documents.

Funding is available in the 2016 SPLOST Public Safety Improvement budget as follows:

347-130-X105-8120-X1050-U	(Public Safety Training Center)	$78,500.00

The 2016 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 22, 2014, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Public Safety improvements.

The Fire Training facility is an eligible capital improvement project/program under the 2016 SPLOST and is an approved project for the Public Safety Improvements (Cobb County 2016 SPLOST, p.28) which provides for improvements to facilities and equipment.

SPLOST Project Summary as of August 04, 2021:

Department of Public Safety Training Center

Budget: $24,000,000.00 Expended: $21,573,608.05

VOTE: **ADOPTED 5-0**

APPOINTMENTS

53. To approve the appointment of Leilani Plendl to the Ethics Board.

Motion by Cupid, second by Richardson, to **approve** the appointment of Leilani Plendl to the Ethics Board for a four-year term to expire on 12/31/2024.

VOTE: **ADOPTED 5-0**

54. To announce the appointment of Brett Brubaker to the Neighborhood Safety Commission.

Commissioner Sheffield **announced** the appointment of Brett Brubaker to the Neighborhood Safety Commission for a term balance to expire on September 30, 2023. This appointment replaces Scott Tucker.

ADJOURNMENT

The meeting was adjourned at 11:36 a.m.

Angela Cunningham
Deputy County Clerk
Cobb County Board of Commissioners

Conduct and Performance Policy

Applies to Board of Commissioners Employees Only

Effective Date: September 2021

Policy Owner	Board of Commissioners
Policy Approver(s)	Human Resources Director
Related Policies	Drug-Free Workplace Policy ~~(BOC Only) Adopted 5/89; Revised 6/89, 6/92, 12/94, 9/98, 12/99, 06/04, 2/07, 12/11~~ Gifts & Gratuities Policy ~~(BOC Only) Adopted 12/88; Revised: 12/96~~ (IS) Information Technology Policy ~~Adopted 1/20~~ No Harassment & No Discrimination Policy ~~(BOC Only) Adopted 6/92; Revised 4/00, 4/06, 12/11~~ Sick Leave Policy ~~Adopted 8/65; Revised 2/74, 11/81, 10/82, 6/92, 11/93, 8/95, 1/96, 4/00, 4/06, 12/11, 10/15, 06/17~~
Related Standards	(IS) Technology Acceptable Use Standards (IS) Technology User Account Standards (IS) Technology Infrastructure Security Standards (IS) Network Security Standards
Storage Location	iCobb
Last Review Date	~~December 2019~~ **September 2021**
Next Review Date	~~December 2021~~ **September 2023**
Review Cycle	Every 2 years

1. PURPOSE

To provide employees with a statement of requirements related to their responsibilities and the performance of their duties and requirements relative to employees managing their personal conduct and actions in accordance with County expectations.

2. SCOPE

Board of Commissioners' Employees

3. GOVERNING LAWS, REGULATIONS & STANDARDS

Guidance	Section
Georgia Computer Systems Protection Act	O.C.G.A. 16-9-90, et seq.
Georgia Open Records Act	O.C.G.A. 50-18-70, et seq.
And all other applicable laws and regulations	

4. PROCEDURES

Employees are required to perform their duties in compliance with specified expectations set forth in County policies, rules, and regulations and consistent with the official operation of their agencies and departments and the public interest.

Employees are accountable for the proper performance of their assigned duties and for compliance with the policies, rules, and regulations of the County in managing their conduct. Guidelines and policies fostering respectful and civil conduct also apply to online and electronic interactions. Failure to adhere to the applicable standards will be cause for intervention and/or disciplinary action, up to and including termination.

Reference No. 32

Conduct and Performance Policy

Applies to Board of Commissioners Employees Only

The following conduct and performance requirements are provided to ensure that employees have clear guidelines as to acceptable and unacceptable behavior.

A. General Conduct

Employees are required to conduct themselves at all times, both on and off duty, in a manner that reflects most favorably on the County. In this regard, employees must:

1. Perform their assigned duties at or above satisfactory levels;

2. Maintain a satisfactory record of attendance;

3. Be aware of and comply with requirements for workplace behavior and appearance, whether set forth in this policy or elsewhere;

4. Refrain from engaging in any action or becoming involved in any matters that interfere with or detract from the performance of their duties; and

5. Accept responsibility for their actions. Employees shall not shift the burden or responsibility for any action or omission related to the performance of their duties.

B. Compliance with Rules

Employees are required to comply with all County policies, rules and directives, whether stated ~~in the Employee Handbook,~~ in departmental policy statements, and/or conveyed orally, in writing, or electronically, or any other form of communication by a supervisor or member of management. Employees are also required to comply with all applicable County Code provisions and state and federal laws while engaged in the performance of their duties.

An employee will be considered to have engaged in unbecoming conduct for actions that violate laws, or that tend to bring the County into disrepute, that reflect discredit upon the person as a member of the County staff, or that tend to impair the operation or efficiency of the County or its employees. Such conduct or actions are prohibited whether presented in writing, verbally, physically, or electronically, such as defined in the *Information Technology Policy* and the related suite of IS security and technology standards. An employee's ignorance of applicable laws, policies, regulations, or rules will not justify any violations.

Since it is impossible to specify every instance that might result in a violation of policy or procedure, a standard of reasonableness will apply to determine whether specific conduct is unacceptable if such conduct is not specifically addressed in this policy or in other applicable rules, policies, or laws.

C. Conflict of Interest

All employees are required to conduct County business in an ethical manner and to avoid any real or apparent conflicts of interest. In this regard, employees must:

1. Avoid any direct or indirect interest, financial or otherwise, that is in conflict with the proper discharge of the employee's duties;

2. Adhere to the *Gifts & Gratuities Policy*; and

3. Adhere to the following standards of conduct:

   (a) No employee shall use and/or attempt to use his/her official position or any resource within his/her

trust or perform his/her official duties to secure a special privilege, benefit or exemption for him/herself or others;

(b) No employee shall disclose or use privileged information or information not available to members of the general public and gained by reason of the employee's official position for personal gain or advantage or to provide any other person or entity with an actual or potential advantage. If the employee discovers that s/he has an outside financial interest that could be affected by County plans and/or activities, the employee must immediately report the situation to his/her supervisor;

(c) No employee shall have or hold any employment or contractual relationship with any business entity or agency which is subject to the regulation of, or doing business with, the County and which creates an actual or apparent conflict of interest between the employee's private interests and the performance of his/her public duties or which might impede the full and faithful discharge of the employee's public duties.

D. Secondary Employment

Prior to engaging in outside employment, including consulting or other self-employment, employees must obtain prior written approval each year **from his/her supervisor and division manager** to engage in and/or to continue such employment. It is not the intent of this section to prevent any employee from accepting other employment or from following any pursuit which does not create an actual or potential conflict of interest and/or which does not interfere with the employee's ability to fully and faithfully discharge his/her duties. **Secondary Employment request forms can be located on iCobb.**

E. Performance of Duties

Employees are required to properly perform their duties and fulfill the responsibilities of their positions. As such, employees are required to:

~~1. Demonstrate knowledge of their assigned duties;~~

~~2. Possess competency to perform their assigned duties;~~

~~3.~~ **1.** Report for duty as assigned;

~~4.~~ **2.** Remain alert and capable of performing their assigned duties;

~~5.~~ **3.** Remain at their assigned work or duty locations, unless otherwise authorized;

~~6.~~ **4.** Perform their assigned duties so as to satisfy the work standards established for the employee's position; and

~~3. Perform their assigned duties efficiently and effectively.~~

An employee's performance will be considered unsatisfactory if the employee does not satisfy the objectives and expectations for his/her position (e.g., for excessive or unexcused absences/tardies; for being unable or unwilling to perform assigned tasks; for failing to take appropriate action; for refusing to adhere to County or departmental codes of conduct; for failing to meet requirements established for a position).

F. Accurate, Truthful, Timely Reporting

Employees are required to submit all necessary reports on time and in accordance with established

standard operating procedures. Reports submitted are to be truthful and complete, and no employee shall knowingly enter or cause to be entered on any record any inaccurate, false, or improper information.

G. Reports of Sickness or Injury

Employees are expected to report to their supervisor any accident, injury, or illness to themselves or others that would, in the employee's judgment, affect the performance of duty.

Employees shall not feign illness or injury, falsely report themselves or anyone else to be ill or injured, deceive or attempt to deceive any official of the County about the condition of their health, or otherwise abuse sick leave as defined in the *Sick Leave Policy*.

H. Use of County Property

Employees shall use County property only for its intended purpose, in an appropriate and safe manner, and in the furtherance of official activities. Electronic communication equipment such as computers, telephones, and cell phones should be used pursuant to the County's *Information Technology Policy* and the related suite of IS security and technology standards.

Employees must demonstrate proper care for County property and equipment, maintain it in proper working order and ensure that it is not damaged, abused, wasted, lost, or misappropriated.

Employees may not, directly or indirectly, possess, use or allow County property to be used for any purpose other than official activities.

In operating official County vehicles, employees are expected to exercise care and to comply with all laws of the State of Georgia and the Safety **Handbook** ~~Manual~~.

I. On-the-Job Business Activities & Distribution of Materials

Employees are expected to dedicate their efforts during working hours to their employment duties for the County. As such, employees may not engage in any business for profit other than their regular duties during working time. Distribution of advertising or other business-related material, as well as business solicitations by employees, are prohibited actions.

J. Employee Relations

Employees are expected to be courteous to the public and employees. In demonstrating courtesy, employees are expected to be tactful, to control their tempers, and to exercise patience and discretion. In performing their duties, employees are expected to refrain from abusive, threatening, harassing, violent, intimidating, crude, vulgar, profane, or insolent language, gestures, or actions. As well, employees are expected to refrain from expressing prejudice toward any person(s) or any group(s) based upon sex **(to include gender identity and sexual orientation)**, race, national origin, age, religion, politics, lifestyle, or any personal characteristics.

K. Supervisory Responsibilities

Supervisors must ensure that the performance and conduct of employees under their authority complies with the County's *Conduct and Performance Policy*. In managing employee performance and conduct, supervisors have a responsibility to address conduct and activity that violates the County's requirements and expectations in a fair and consistent manner.

L. Compliance with Supervisory Directives

Employees are expected to comply with directions and/or any lawful order of a supervisor or member of

management. Such directions or lawful orders may be relayed from a supervisor through an employee of the same or lesser position.

Employees are not expected to follow any direction or order which would require them to commit an illegal act. If an employee is in doubt as to the legality of an order, the employee should request that his/her supervisor clarify the order or confer with higher authority.

If an employee receives direction which s/he believes conflicts with a prior rule or directive, the employee should respectfully inform the issuing supervisor of the perceived conflict. In general, if the supervisor does not alter or retract the direction given, then the employee should obey the direction and will not be held responsible for failure to obey the rule or directive. Under such circumstances, the supervisor shall be responsible for the appropriateness of the employee's actions.

M. Customer Service

When individuals apply for assistance or seek advice, whether by telephone or in person, employees are expected to obtain pertinent information in an official and courteous manner and to properly act upon requests in a timely and fair manner.

Employees are expected to courteously and promptly accept any complaint made against any employee or about County policy, procedure, or actions. Employees may attempt to resolve complaints, but should not attempt to dissuade any individual from making a complaint.

N. Privileged or Confidential Information

Employees who deal with plans, programs, and other information of significant interest may only release information that they have authority and responsibility to release to persons authorized to receive such information.

Department/Agency Heads, Division Managers, other supervisors, and department representatives who are entrusted with confidential employee information must hold that information in the strictest confidence. Unless the information needs to be conveyed for a business purpose, the information should not be discussed or shared with other employees.

O. External Communications

Employees must refrain from publicly criticizing or ridiculing the County, its policies, or other employees by speech, writing, any form of social media (including but not limited to all forms of electronic communication) or other expression, where such speech, writing, electronic posting, or other expression is defamatory, obscene, unlawful, undermines the effectiveness of the County, interferes with the maintenance of discipline, or is made with reckless disregard to its truth or falsity.

Unless employees have received advance permission from an appropriate level supervisor, they are expected to refrain from addressing public gatherings, appearing on radio or television, preparing articles for publication, acting as correspondents for newspapers or periodicals, or releasing or divulging County information while holding themselves out as having an official capacity in such matters.

P. Use of Medication

In accordance with the County's *Drug-Free Workplace Policy,* employees who are taking prescribed medication should not misuse or abuse such medication.

Employees must notify their supervisors if they report for work while taking prescribed medication that

could affect their ability to safely and efficiently perform their jobs. **[Please refer to the Drug-Free Workplace Policy for more information.]**

Q. Complaints & Grievances

Employees should bring forward complaints and/or grievances regarding working conditions, employee relations, and policy concerns (other than those related to the *No Harassment & No Discrimination Policy*) to the attention of their management.

Employees should bring grievances related to harassment and discrimination to the attention of management as described in the *No Harassment and No Discrimination Policy*. **Management must then report such complaints to Human Resources for review and investigation.**

R. Cooperation in Investigations

Employees must cooperate fully and answer truthfully all questions related to the scope of employment and operations of the County in any investigation.

In connection with investigations, employees must disclose pertinent information, including medical or financial information, upon request.

S. Non-Interference

Employees must refrain from interfering with any issue being handled by another County employee unless: (a) the employee is first contacted, and (b) the intervening person can show a reason that led him/her to believe beyond a reasonable doubt that a manifest injustice would result from inaction, or (c) the employee was directed to do so by a supervisor.

T. Other Specific Requirements

Employees are required to adhere to the following standards of conduct:

1. Employees may not fight, engage in disorderly conduct, and/or engage in "horseplay" while on duty, on County property, in County vehicles, or in or around vehicles used for County purposes.

2. Employees may not gamble or conduct gambling activities while on duty, on County property, in County vehicles, or in or around other vehicles used for County purposes.

3. Employees may not commit any acts of theft, fraud, or embezzlement from the County, other employees, or any other individual, firm, business, organization, or governmental entity.

4. In accordance with the *Drug-Free Workplace Policy*, employees may not possess, distribute, purchase, or sell alcohol or illegal drugs while on duty or on County property, in County vehicles, or in or around other vehicles used for County purposes.

5. Employees must adhere to all safety standards, rules, instructions, and programs specific to the performance of their duties, including those that apply to the proper use of equipment, safety gear, and safety attire.

6. Employees must conduct themselves in accordance with requirements established in the *Cobb County Employee Safety Handbook*.

7. Employees may not possess firearms or illegal weapons of any kind while on duty, on County property,

in County vehicles, or in or around other vehicles used for County purposes, unless they are required to do so by the nature of their positions.

8. Employees must remain awake while on duty. If unable to do so, an employee must report to his/her supervisor, who shall determine the appropriate course of action.

9. Employees may not post unauthorized notices, deface walls or other work surfaces, or tamper with bulletin boards without prior authorization.

10. Employees may not distribute advertising materials, handbills, or other literature during work time or in work areas without prior authorization.

U. Alleged Criminal Misconduct: Arrest Disclosure and Incarceration

1. **Employees who are arrested for charge(s) at any level (felony, misdemeanor, etc.) are subject to this policy.**

   (a) Employees must report the arrest to their supervisor as soon as practical, but no later than three (3) calendar days/72 hours of arrest.

   (b) Employees must submit a police report and all other documentation pertaining to the arrest and charges immediately upon receipt.

   (c) Supervisors must notify their Agency Head, who will then notify the Human Resources Director, and must provide all applicable documentation pertaining to the arrest and/or incarceration for review.

   (d) Employees in noncompliance with the above-stated requirements constitutes grounds for termination.

   (e) Employees who misrepresent the circumstances of the arrest constitutes grounds for termination.

   (f) Employees who are unavailable for work due to incarceration for any length of time will be subject to termination. Employees are prohibited from utilizing any accrued leave for the purpose of covering time away from work while incarcerated.

2. **Employees who are being investigated, arrested, or indicted for a crime classified as a misdemeanor, may be placed on paid or unpaid administrative leave if the Department Head, in coordination with the Human Resources Director, finds that administrative leave is warranted.**

3. **In determining whether or not to place an employee accused of a misdemeanor on a paid administrative leave, the following criteria must be considered by the Department Head, in conjunction with the Human Resources Director:**

   (a) Nature of the alleged crime;
   (b) Nature of the position held by the employee;
   (c) Effect of the allegations on the public trust and confidence in County Government; and,
   (d) All other relevant circumstances.

5. NON-COMPLIANCE

Violations of this policy may be addressed by:

1. Disciplinary action up to and including termination of employment and or;
2. Criminal or other legal action based on applicable laws and contractual agreements.

REVISION HISTORY

Version ID	Date of Change	Author	Rationale
	1-2020		Adopted
	6-1992		Revision
	12-1996		Revision
	4-2006		Revision
	10-2015		Revision
	1-2020		Revision
v.1.0-2020	1-2020	Human Resources	Reformat
v.1.1-2021	9-2021	Human Resources	Revision

Drug-Free Workplace Policy

Effective Date: September 2021

Owner	Board of Commissioners
Reviewer(s)	Human Resources Department
Approver(s)	Human Resources Director
Related Policies	Employment Policy ~~(BOC and Civil Service Employees) Adopted 12/96; Revised 9/98; 5/01; 2/07; 3/10; 11/17; 8/18~~ Motor Vehicle Reports Policy ~~(All Employees) Adopted 8/16~~ Conduct and Performance Policy ~~(BOC Only) Adopted 11/89; Revised 6/92, 12/96, 4/06, 10/15, 1/20~~ **Family Medical Leave Policy**
Related Standards	Civil Service Rules and Standards
Storage Location	iCobb
HR Last Review Date	**09/2021**
HR Next Review Date	**09/2023**
HR Review Cycle	2 years

1. PURPOSE

To provide regulations concerning misuse of drugs and alcohol by County employees.

2. SCOPE

Board of Commissioners' Employees.

3. GOVERNING LAWS, REGULATIONS & STANDARDS

Guidance	Section
Georgia Code Title 16. Crimes and Offenses	Schedules I-V of O.C.G.A. §§16-13-25 through 16-13-29 Schedules I-V of 21 C.F.R. Part 1308
Georgia Code Title 24 – Labor and Industrial Relations	Chapter 9, Article 11 – Drug-Free Workplace Programs (§34-9-414)
Drug Free Workplace Act of 1988	41 U.S.C. 81
Omnibus Transportation Employee Testing Act of 1991	
Federal Motor Carrier Safety Administration (FMCSA) – Controlled Substances and Alcohol Use and Testing	CFR, Title 49, Subtitle B, Chapter 3(B), Part 382
And all other applicable laws and regulations	

4. DEFINITIONS

A. **Controlled Substances – refers to substances covered in Schedules I-V of O.C.G.A. §§16-13-25 through 16-13-29 and Schedules I-V of 21 C.F.R. Part 1308, as either may be amended. Included are marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).**

B. **Habitual Violator (HV) – In Georgia, a habitual violator is any person(s) who has been arrested and convicted within the US three (3) or more times within a five-year period of time, as measured from the dates of previous arrests for which convictions were obtained to the date of the most recent arrest for which a conviction was obtain.**

C. **Medical Review Officer (MRO) – A person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluation medical explanations for certain drug test results.**

D. **Reasonable Suspicion – The belief than an employee is using or has used alcohol or drugs in violation of the policy drawn from specific objective and articulable facts and reasonable inferences.**

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

5. POLICY

Cobb County seeks to provide a safe and productive work environment for County employees, free from alcohol and misuse of drugs. The County is committed to complying with federal laws and regulations related to the Drug Free Workplace Act of 1988, as amended, and the Omnibus Transportation Employee Testing Act of 1991, as well as to ensuring safe operations where individuals are engaged in safety-sensitive job classifications. ~~The policy~~ **Cobb County** seeks to maximize productivity without experiencing the costs, delays and tragedies associated with work-related accidents as a result of alcohol and substance-abuse.

A. Background

The County recognizes alcohol and drug abuse as ~~a~~ potential health, safety and security problem**s**. The use of alcohol and/or drugs in the workplace and otherwise can seriously injure the health of employees, adversely impair the performance of their duties and endanger the safety and well-being of fellow employees, citizens and others. Health risks generally associated with alcohol and drug abuse can result in, but are not limited to: a lowered immune system, damage to critical nerve cells, physical dependency, lung damage, heart problems, liver disease, physical and mental depression, increased infection, irreversible memory loss, personality changes, and thought disorders.

B. Condition of Employment

Employees must, as a condition of employment, abide by the terms of this Policy.

Any employee for whom driving is an essential function who has been issued a citation for, been convicted of, and/or **has** had his/her license suspended, restricted, or revoked for driving under the influence (DUI) of drugs or alcohol and/or convicted as a habitual violator (HV), whether for conduct occurring on personal time or during work hours, must immediately report the matter to the employee's Department/Agency Head. (Further reporting requirements related to driving offenses are set forth in the Employment Policy and MVR Policy.)

C. General Prohibitions

It is against policy ~~to~~:

- To manufacture, distribute, dispense, possess, purchase, consume, or sell controlled substances and/or alcohol on County property, at any County activity, or in a County-owned or leased vehicle, unless otherwise authorized by action of the Board of Commissioners or assigned as a work responsibility of the employee.

- To utilize prescription drugs or over the counter medications in a manner other than as prescribed or recommended on County property, at any County activity, or in a County owned or leased vehicle, including use by anyone other than the person for whom the drugs were prescribed.

- To provide direction or otherwise represent the County when under the detrimental influence of alcohol, prescription drugs, or over the counter medication, whether or not on County property, during regular business hours, at any County function, or in a County leased or owned vehicle.

D. Controlled Substances

Controlled substances as used in this policy refers to those covered in Schedules I-V of O.C.G.A. §§16-13-25 through 16-13-29 and Schedules I-V of 21 C.F.R. Part 1308, as either may be amended. Included are marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).

E. Discipline

Violations of this policy will result in disciplinary action, up to and including termination, and may have resulting criminal consequences. Disciplinary action may include a requirement for successful completion of an approved treatment plan. Employees must, as a condition of employment, abide by the terms of this policy.

F. Addressing Concerns

Any employee who has a concern about the manufacture, distribution, dispensing, possession, purchase, use, abuse or sale of alcohol, controlled substances and/or prescription**s** and over-the-counter medications should immediately contact one of the following resources for assistance:

1. The Employee Assistance Program (EAP) regarding intervention and/or for referrals on treatment and related issues;

2. Human Resources and the appropriate Law Enforcement Agency to report incidents of illegal activity; and/or

3. The Human Resources Department or County Attorney's Office for assistance on the disciplinary process or policy-related issues.

G. Duty to Report Criminal Conviction

Employees must report any **arrest and/or** criminal conviction related to drug activity ~~in the workplace (including any location where one has performed work)~~ to the Human Resources Director within **three (3)** ~~five (5)~~ **calendar** days/**72 hours** after the **arrest and/or** conviction. Such notification of a conviction may result in disciplinary action, up to and including termination. ~~Within ten (10) days after notice of such conviction, the County will notify the appropriate federal agency. Disciplinary action (including termination) must be taken within thirty (30) days after notification of conviction.~~

H. Drug-Free Awareness Program

The County has established a drug-free awareness program to educate employees about the dangers of alcohol and drug abuse in the workplace. As part of this program, the County provides all employees with a copy of this policy, which includes information concerning penalties that may be imposed for violations of the policy. Information regarding alcohol and drug abuse, drug counseling, treatment and rehabilitation, and employee assistance programs periodically will be supplied to employees. Furthermore, the County provides ongoing training for managers and supervisors responsible for the administration and enforcement of this policy, including training to determine whether reasonable suspicion exists to require testing and the availability of assistance for employees.

I. Employee Assistance

The County strongly encourages employees with drug or alcohol problems to seek professional advice and assistance before the problem leads to an incident requiring disciplinary action. Confidential assistance will be offered to employees who voluntarily identify themselves to an immediate supervisor, department, the County Employee Relations Specialist, or the County Human Resources Director as needing assistance

with an alcohol or drug problem. Help is available through referrals to the Employee Assistance Program (EAP) or through other appropriate resources.

The County will use its best efforts to work with individuals who identify themselves as needing assistance and will seek to accommodate such persons for a reasonable time to permit evaluation, treatment and rehabilitation. However, participation in a treatment or rehabilitation program does not preclude normal disciplinary action for violations of this policy or relieve an employee of responsibility for satisfactorily performing assigned duties.

The self-identification program may not be utilized to interfere with required testing. (For example, an employee may not identify him/herself as unfit to perform work after having been notified of a random or reasonable suspicion test and expect to avoid the consequences for a positive test or a refusal to test.)

Time away from work for treatment and rehabilitation may qualify for Family Medical Leave (FMLA). Contact the Human Resources Department for more information.

J. Records

The County, testing laboratories, Medical Review Officer(s) and Substance Abuse Professional(s) shall maintain in strict confidence all records developed and/or acquired in pursuing this policy. Such records may be released only as provided for by law or in accordance with federal regulations. **Employees who wish to obtain copies of their testing results should contact the County's drug testing vendor.**

K. Inquiries

Employee questions concerning this policy should be addressed to the Human Resources Director, who has been designated as the program coordinator to implement and maintain the alcohol and drug-testing program of the County within the guidelines of this policy and federal regulations.

L. Confidentiality

Employees should treat testing information and results as confidential and hold it in the strictest confidence. Unless the information needs to be conveyed for a business purpose, the information should not be discussed or shared with other employees.

6. ~~5~~. PROHIBITIONS FOR ALL EMPLOYEES

A. Applicants

No applicant for a job or position requiring a pre-employment screening, ~~test~~ including an employee seeking a transfer or promotion into that position, with a result showing an alcohol concentration of **0.02 or greater** or a positive controlled substances test will be ~~employed in~~ **selected for** that job or position. Applicants who are denied employment for this reason may re-apply **after six (6) months** from the date of the test.

B. Employees

Any employees in violation of using alcohol or controlled substances will be subject to severe disciplinary action, up to and including termination.

For the purposes of this policy, "on duty" means all time from the time an employee begins to work or is required to be in readiness to work **(e.g. on call)**, until the time he/she is relieved from work and of all responsibility for performing work. An employee is considered to be "on duty" during all time spent providing a breath sample or urine specimen, including travel time to and from the collection site, in order to comply with any required testing procedure under this policy.

Any supervisor with actual knowledge that an employee is in violation of any of the prohibitions of this section shall not permit the employee to perform or continue to perform job-related duties.

1. Alcohol Prohibitions

(a) Alcohol Possession
It is against policy to manufacture, distribute, dispense, possess, purchase, consume, or sell alcohol on County property, at any County activity, or in a County-owned or leased vehicle, unless otherwise authorized by action of the Board of Commissioners or assigned as a work responsibility of the employee.

(b) Alcohol Concentration
No employee shall report for duty or remain on duty while having an alcohol concentration of **0.02 or greater**.

No employee tested pursuant to this policy with an alcohol concentration of **0.02 or greater** shall remain on duty.

Regardless of disciplinary action, no employee tested pursuant to this policy with an alcohol concentration of **0.02 or greater** may perform any duties until the start of the employee's next regularly scheduled work period, which **shall be not less than 24 hours** following administration of the test.

(c) Pre-Duty Use
No Cobb County employee, including those whose jobs are classified as safety sensitive, shall perform safety-sensitive functions or engage in the duties of a safety-sensitive job classification **within four (4) hours after** using alcohol.

(d) On-Duty Use
No employee shall use alcohol while on duty or while performing duties of his/her position.

(e) Use Following Accident
No employee required to take a post-accident alcohol test shall use alcohol for **eight (8) hours** following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

(f) Positive Test Results
An employee ~~that~~ **who** is waiting **on** confirmation of a reasonable suspicion test or an employee that has tested positive on the instant test will be placed on administrative leave until an investigation of the circumstances is completed and/or lab tests have been confirmed. In no event shall an employee report for duty, remain on duty or perform the functions of his/her position **within 24 hours** of the time the employee tested positive for alcohol in violation of this policy. Positive results will subject an employee to disciplinary action, up to and including termination. **For Category II employees, those who have an alcohol concentration of 0.04 or greater, or those who refuse to submit to a test, in addition to discipline will also be referred to the EAP, even if the employee will be terminated.**

(g) Refusal to Submit to Required Test
No employee shall refuse to submit to a required alcohol test under this policy. **Behavior that also constitutes a refusal to submit to a required test includes inability to provide sufficient quantities of breath, saliva, or urine to be tested without a valid medical explanation.** A refusal to submit to testing will result in the same consequences as if the employee had submitted to the test and the result was positive.

(h) Tampering
No employee shall tamper with the specimen or testing equipment. A determination as to whether the tampering has occurred will be made by the testing personnel, physician or responsible lab personnel. If it is determined that the specimen or equipment was tampered with by or on the behalf of the tested employee, the consequences shall be the same as a positive test.

2. Drug Prohibitions

(a) General Prohibition
No employee shall manufacture, distribute, dispense, possess, purchase, use, consume, and/or sell controlled substances (including prescription drugs used illegally) while on duty, on County property, at any County activity, and/or in County owned or leased vehicle.

No employee shall use or abuse controlled substances, prescription medications or over-the-counter medications while on duty, on County property and/or in a County-owned or leased vehicle such that the employee's ability to perform the duties of his/her position and conduct himself/herself appropriately is negatively affected.

(b) Pre-Duty Use
No employee shall report for duty when the employee has used any controlled substance, prescription medication or over-the-counter medication, except when the use is in strict accordance with the recommended dosage instructions and/or instructions of a licensed medical practitioner who has advised the employee that the substance will not adversely affect his/her ability to safely perform the duties of his/her position and/or according to the required dosage instructions.

(c) On-Duty Use
No employee shall use any controlled substance while on duty, or remain on duty when he/she has used any controlled substance, except when the use is in strict accordance with the instructions of a licensed medical practitioner who has advised the employee that the substance will not adversely affect his/her ability to safely perform the duties of his/her position and/or according to the recommended dosage instructions. The abuse and/or inappropriate use of legally prescribed drugs or over-the-counter medication **is** ~~are~~ prohibited while on duty.

(d) Employee Duties When Using Prescription or Over-the-Counter Medications
It is the employee's responsibility to notify his/her prescribing medical practitioner of his/her duties and to understand whether the physician approves the use of the medication that carries a warning label that mental functioning, motor skills, **or** judgment may be adversely affected; or using caution when operating machinery or motor vehicles; or over-the-counter medication that exceeds the recommended dosage instructions while the employee is performing his/her duties. An employee shall not perform duties when (a) he/she knows or should know that he or she is potentially impaired due to a prescription or other drug use, or (b) has been advised by a physician that the substance will adversely affect his/her ability to safely perform his/her job functions.

When the use of a drug is pursuant to the instruction of a physician who has advised the employee that the substance will not adversely affect his/her ability to safely perform the functions of his/her position, the employee must notify the County of such approved therapeutic drug use in advance of conducting safety-sensitive functions (for Category II employees), engaging in the duties required under a safety-sensitive job classification (for Category III employees) or when regularly driving a County vehicle. Employees who fall into the above categories are required to complete the Drug Notification Form **(located under Forms on iCobb), providing a copy to the Department**. Failure to obtain physician approval to use a substance that can impair an employee's ability to safely perform their job functions may result in disciplinary action up to and including termination.

(e) Positive Test Results
An employee who is waiting on confirmation of a reasonable suspicion test or an employee that has tested positive on the instant test will be placed on administrative leave until an investigation of the circumstances is completed and/or lab tests have been confirmed. No employee shall report for duty, remain on duty or perform the functions of his/her position if the employee has tested positive for

controlled substances. Positive results will subject an employee to disciplinary action, up to and including termination.

(f) Refusal to Submit to Required Test
No employee shall refuse to submit to a required controlled substances test under this policy. **Behavior that also constitutes a refusal to submit to a required test includes inability to provide sufficient quantities of breath, saliva, or urine to be tested without a valid medical explanation.** A refusal to submit to testing will result in the same consequences as if the employee had submitted to the test and the result was positive.

(g) Tampering
No employee shall tamper with the specimen. A determination as to whether the tampering has occurred will be made by the physician or responsible lab personnel. If it is determined that the specimen was tampered with by or on the behalf of the tested employee, the consequences are the same as a positive test.

7. ~~6.~~ CATEGORIES OF EMPLOYEES (IDENTIFIED FOR TESTING)

To maintain a safe and drug-free environment, the County has established procedures to perform screenings for alcohol and controlled substances. For the purposes of describing prescribed tests and their applicability to segments of the County's employment population, employees are divided into three categories:

A. **Category I** employees include all employees of Cobb County. Category I employees may be required to submit to alcohol and/or drug testing as provided by County policy.

B. **Category II** employees include only those employees who perform safety-sensitive functions (CDL). Category II employees may be required to submit to alcohol and/or drug testing in accordance with federally established guidelines.

C. **Category III** employees include only those employees employed in designated safety-sensitive job classifications (see iCobb for list). Category III employees may be required to submit to alcohol and/or drug testing in accordance with County policy.

8. ~~7.~~ MANDATORY SUBMISSION

Submission to required screenings is a condition of employment. Any employee who fails to submit to the required testing under this policy is considered to have tested positive and is subject to the same discipline as if the employee had submitted to the test and the result was positive.

9. ~~8.~~ TYPES OF TESTS

Required alcohol and/or controlled substances screenings under this policy arise in six (6) circumstances. The types of tests to be administered are as follows:

A. Pre-Employment Testing
Because substance abuse is not easily detectible in an applicant without testing for controlled substances, and because the health and safety of employees and citizens depend on a workforce free of substance abuse, **Category II** and **Category III** employees must undergo pre-employment, controlled substances testing. Applicants for these positions will be required to submit to urinalysis testing at the medical provider chosen by the County and shall be required to sign an agreement releasing the medical provider and the County from liability. Prior to the employee being allowed to perform functions on behalf of the County, verification that the controlled substance screening was negative must be received. Any applicant with a confirmed positive test will be denied employment. Tampering with specimens is prohibited. A determination as to whether tampering has occurred will be made by the physician or responsible lab personnel. Where a determination of tampering is made, the applicant will not be considered for employment.

B. Random Testing
Employees who perform safety-sensitive functions (Category II employees) and those in safety-sensitive job classifications (Category III employees) may be subjected to random screenings.

C. Post-Accident Testing
Any employee may be required to submit to an alcohol and/or substance abuse test following a work-related accident. Such testing is mandatory for a **Category II** and **Category III** employee when the accident involves a loss of human life, bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident and/or the employee receives a citation for a moving traffic violation arising from the accident.

For all employees, testing should be conducted if they ~~receive~~ **sustained** a serious injury or causes another individual to have a serious injury or causes substantial property damage. Such testing shall be performed as soon after the accident as practicable. However, an employee who is subject to post-accident testing shall remain readily available for such testing or may be deemed to have refused to submit to the testing. No employee required to take a post-accident alcohol test shall use alcohol for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

Failure of the employee or his/her supervisor who has knowledge of the accident to report the accident in a timely manner may result in disciplinary action. In addition to disciplinary action, positive post-accident testing may, in conformance with the law, result in criminal penalties and/or the denial of workers' compensation benefits.

D. Reasonable Suspicion Testing
Any employee may be required to submit to an alcohol and/or controlled substances test procedure when there is a reasonable suspicion of drug or alcohol abuse. Reasonable suspicion testing will be used to determine fitness for duty and may include appropriate urine and/or breathalyzer testing.

1. Reasonable Suspicion Defined
Reasonable suspicion is based on the belief that an employee is using or has used alcohol or drugs in violation of the policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon, but not limited to, the following:

- Observable phenomena while at work such as direct observation of substance abuse or of the physical symptoms or manifestations of being impaired due to substance abuse;
- Observations related to appearance, speech or body odors;
- Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;
- A report of substance abuse provided by a reliable and credible source;
- Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the County premises or while operating a vehicle, machinery or equipment;
- Evidence of visible impairment.

2. Reasonable Suspicion Procedures
Where there is reasonable suspicion of drug or alcohol abuse or impairment, an employee will be deemed unable to properly perform his or her required duties and will not be permitted to return to work. The following steps should be taken:

- Whenever possible, two supervisors should confirm and document the existence of reasonable suspicion.

- Senior management should determine whether the employee should be tested. In reaching the decision, management is encouraged when possible, to consult with Human Resources or the County Attorney's Office to the existence of reasonable suspicion.
- If a decision is reached that testing should occur, the employee should not be allowed to drive, but should be transported by a supervisor to and from the designated medical testing facility or the supervisor should arrange to have on-site testing conducted. **Contact Human Resources for the County's drug testing vendor contact information.**
- Employees may be placed on administrative leave while awaiting results.
- Employees who have been determined to be impaired or whose test results are pending should not be permitted to drive home. Rather, such individuals should be released to a competent adult or driven home by a supervisor.
- Senior management should notify the Human Resources Director, or his ~~representative at 770-528-2538~~ **designee at 770-528-1188**, that the employee was taken to the facility.

3. Duty to Report Belief of Reasonable Suspicion

All employees have an obligation to report reasonable suspicion based on the belief that an employee(s) is using or has used alcohol or drugs, based on **Section (D)(1) above**, ~~Section 4a of this policy~~ through their chain of command or directly to Human Resources. Employees will not be penalized for reporting conduct when they believe in good faith that there may be a violation of this policy.

E. ~~5.~~ Return-to-Duty Testing

Any employee found to have engaged in prohibited conduct under this policy (or who identifies him/herself as needing assistance) shall, if eligible to return to work, submit to testing. Prior to returning to his/her duties, the employee's test results should show a breath alcohol concentration of **less than 0.02** and a verified negative controlled substance test.

Return-to-duty testing may arise under the following circumstances:

a. Where the employee identified him/herself as needing assistance, was absent from the workplace for the purposes of evaluation and/or treatment, has been released to return to work, and is eligible to return to work.

b. Where the employee was found to be in violation of this policy following a reasonable suspicion alcohol and/or drug screening, was not terminated, and is eligible to return to work.

c. Where the employee was found to be in violation of this policy, was not terminated, participated in a rehabilitation program, and is eligible to return to work.

F. ~~6.~~ Follow-Up Testing

When an employee has been found to have violated this policy and a determination has been reached that the employee will be permitted to return to work, the employee will be subjected to unannounced follow-up testing. The number and frequency of such follow-up testing will consist of **at least six (6) tests** in the first 12 months following the employee's return-to-duty. The actual requirements of the follow-up testing should be determined after consultations with a Substance Abuse Professional (SAP), the Human Resources Department, and/or the County Attorney's Office.

10. ~~9.~~ TESTING PROCEDURES

Required testing procedures use an evidential breath testing (EBT) device for alcohol testing. For controlled substances testing, urine specimen collection and testing by a laboratory certified by the U.S. Department of Health and Human Services are required. At the discretion of the physician or employer, alternative types of testing (e.g. blood or hair) may be required. Random alcohol testing and controlled substances testing shall be limited to the time period surrounding the performance of safety-related functions which includes immediately

prior to or following the employee's performance of a safety-related function. Controlled substances testing may be performed at any time the employee is at work.

11. ~~10.~~ CONSEQUENCES OF POSITIVE TESTS

When testing confirms prohibited alcohol concentration levels or the presence of a controlled substance, the employee will be removed immediately from work-related activity and may be subjected to severe disciplinary action, up to and including termination. (Employees who undergo assessments from a substance abuse professional following a positive test result are not protected from disciplinary action. The County is not required to provide rehabilitation, to pay for substance abuse treatment, or to reinstate an employee on the basis of an assessment occurring after a positive test result.)

An employee may request a split specimen on DOT-regulated drug testing **(Category II employees)**, but the employee must pay for the cost of testing.

~~11. PROCEDURES MANUAL~~

~~A complete set of drug and alcohol screening procedures for employees is contained in the *Drug Free Workplace Policy Procedures Manual* and is available from the Human Resources Department for affected employees and their supervisors. The procedures discuss in detail the types of screenings, when and how they are to be conducted, and the actions that will be taken should the employee receive a confirmed positive alcohol or drug test.~~

12. ~~12.~~ COSTS & ADMINISTRATION

The costs of all required screenings are to be borne by the County, which will contract with appropriately certified testing laboratories and/or other providers to conduct required testing, analysis, review, and reporting with the exception of a split specimen test. The employee must pay the cost of the split specimen test. If the employee is unable to pay for the test at the time of request, the County will pay for the test, but will seek reimbursement from the employee by deducting the cost of the test from his/her next paycheck.

Contractors must provide, maintain and actively enforce a drug and alcohol testing program that meets the requirements of federal regulations and this policy.

13. ~~13.~~ TESTING CATEGORIES

A. **CATEGORY I:** Alcohol & Controlled Substances Testing for All Employees

1. Who is covered?
Category I employees include all employees of Cobb County.

2. Tests Required
All County employees are required to submit to reasonable suspicion testing and may be required to submit to random or post-accident testing depending on the circumstances. When appropriate, County employees must also submit to return-to-duty testing and follow-up testing and an evaluation by an SAP if a rehabilitation plan is permitted.

B. **CATEGORY II:** Alcohol & Substance Abuse Testing for Employees Engaged in Safety-Sensitive Functions (CDL Drivers)

1. Who is covered?
Category II employees are deemed to be those performing safety-sensitive functions (e.g., employees required to hold a CDL as a condition of employment) as defined by federal law. The Act is intended to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by employees performing safety-sensitive functions.

2. Tests Required
Category II employees are required to pass urine and/or breath testing prior to employment, to submit to random testing, to submit to reasonable suspicion testing, to submit to post-accident testing, to submit to return-to-duty testing, and to submit to follow-up testing if a rehabilitation plan is permitted.

3. Random Testing Provisions
The County shall randomly select and test **ten percent (10%) of the average** number of Category II positions for alcohol and fifty **percent (50%) of the average** number of Category II positions for controlled substances, as provided under federal regulations. Category II employees will be randomly selected **on a monthly basis** for testing. (*The random selection of Category II employees will be separate from the selection of Category III employees.*)

C. CATEGORY III: Substance Abuse Testing for Employees in Designated Safety-Sensitive Job Classes

1. Purpose
The County has a compelling and substantial interest in ensuring that employees who occupy safety-sensitive positions are unimpaired by controlled substances when performing their duties. This policy is instituted to deter the use of controlled substances by persons occupying or applying to occupy safety-sensitive job classifications.

2. Who is Covered?
Category III employees include all persons who hire into, are transferred into, or are promoted into safety-sensitive job classifications. The job classifications identified as safety-sensitive positions are approved by the Board of Commissioners. A current listing of positions called "Safety Sensitive Job Classes" is regularly updated and maintained on iCobb.

3. Background
In 1998, the County independently identified safety-sensitive job classifications to be subjected to pre-employment and random testing for substance abuse only. While recognizing a significant need to expand its drug-testing policies to include employees in safety-sensitive job classifications, the County limited the reach of the policy based on historical alcohol and substance abuse testing observations. In January 1995, the County implemented a federally-mandated drug and alcohol testing program for Category II employees, whose positions primarily required them to have Commercial Drivers' Licenses. The random testing portion of that program resulted in a number of positive tests and a number of refusals to test, specifically related to controlled substances. Effective in 2011, based on a number of positive alcohol tests through reasonable suspicion reports, testing was expanded to include safety-sensitive job classifications.

4. Tests Required
Employees occupying safety-sensitive job classifications are required to pass controlled substances testing prior to employment and to submit to random testing for controlled substances. Requirements for reasonable suspicion testing, post-accident testing, return-to-work testing, and follow-up testing (whether for drugs or alcohol) remain applicable to individuals employed in safety-sensitive job classifications.

5. Random Testing Provisions
The County shall randomly select and test ten percent (10%) of the workforce identified as being employed in safety-sensitive job classifications each year for controlled substances. Category III employees will be randomly selected on a monthly basis for testing. (*The random selection of Category II employees will be separate from selection of Category III employees.*)

6. Safety-Sensitive Job Classifications Identified
The County identified the following job classes as safety-sensitive, reasonably warranting pre-employment and random drug testing:

a. Positions involving public safety wherein employees possess police powers and/or are authorized to carry weapons: Employees who have authority to carry weapons pose a danger to themselves, their fellow employees and/or the citizenry when their performance or judgment is impaired by controlled substances or alcohol. The use of controlled substances by employees with police powers can impair judgment and/or undermine the governmental interest in enforcing drug and other laws.

b. Positions that require employees to be prepared to react quickly and make decisions affecting the public health, welfare and safety. Employees so employed may endanger themselves, their fellow employees, and/or the public if controlled substances or alcohol impair their performance.

c. Positions involving the supervision of correctional and/or detention center inmates: Positions where employees work with and/or have access to correctional/ detention centers and inmates require that personnel be of uncompromised integrity and judgment. Because of the inmate supervisory issues, allowing detention and/or correctional employees to use or possess controlled substances while in the workplace poses significant risks to security and good order.

d. Positions involving handling of hazardous chemicals and/or medication: A concrete danger of substantial harm to the employee, co-employees, and the public exists if employees involved in handling hazardous chemicals and/or medications are impaired by controlled substances or alcohol. Because such individuals are not subject to day-to-day scrutiny as in a traditional office environment, great harm may occur before supervisors notice signs of impairment.

e. Positions involving the repair and/or operation of equipment, machinery and vehicles that are oversized or potentially dangerous: A concrete danger of substantial harm to the employee, co-employees, and the public exists if employees involved in repairing and/or operating equipment and machinery that is oversized or dangerous if not used correctly. Because such individuals are not subject to day-to-day scrutiny as in a traditional office environment, great harm may occur before supervisors notice signs of impairment.

7. COBB COUNTY SAFETY SENSITIVE JOB CLASSES CATEGORY III CRITERIA:

Job Classes (or the part-time equivalent) that:

1. Are involved with public safety and/or authorize employees to carry weapons

2. Require employees to be prepared to react and make decisions regarding life-threatening situations

3. Has been certified to supervise correctional and/or detention center inmates

4. Involve the handling of chemicals and/or medications

5. Involve the repair and/or operation of equipment, machinery and/or vehicles that are oversized or potentially dangerous.

NOTE: Other positions may be considered safety sensitive if they meet **ANY** of the five criteria listed above.

A current listing of positions called "Safety Sensitive Job Classes" shall be regularly updated and maintained on iCobb.

REVISION HISTORY

Drug-Free Workplace Policy

Version ID	Date of Change	Author	Rationale
	05-1989		Adoption
	06-1989		
	06-1992		
	12-1994		
	09-1998		
	12-1999		
	06-2004		
	02-2007		
	12-2011		
v.1.0-2020	09-2020	Human Resources	Reformat
v.1.1-2021	09-2021	Human Resources	Revision

Family Medical Leave (FMLA) Policy

Effective Date: September 2021

Owner	Board of Commissioners
Reviewer(s)	Human Resources
Approver(s)	Human Resources Director
Related Policies	Annual Leave Sick Leave Parental Leave
Related Standards	n/a
Storage Location	iCobb
IS Last Review Date	n/a
IS Next Review Date	September 2023
IS Review Cycle	Every two years

1. PURPOSE

To outline the use of the Family Medical Leave Act (FMLA) for employees to care for themselves and their immediate family members.

2. SCOPE

This policy applies to All Employees who have worked at least 12 months **and** at least 1250 hours. If you have questions regarding this policy, contact Human Resources.

3. GOVERNING LAWS, REGULATIONS & STANDARDS

Guidance	Section
Family and Medical Leave Act (FMLA)	All Regulations
Uniformed Services Employment and Reemployment Rights Act (USERRA)	All Regulations
And all other applicable laws and regulations	

4. DEFINITIONS

Child: A biological, adopted, or foster child, stepchild, legal ward, or a child of an employee standing *in loco parentis*, who is either under age 18, or age 18 or older and incapable of self-care because of mental or physical disability. This age limit does not apply for purposes of military FMLA (i.e., leave for a qualifying exigency or to care for a covered service member.)

Covered Active Duty: Deployment to a foreign country as a member of the regular Armed Forces or as a result of a federal call to active National Guard or Reservist military duty in support of a contingency operation (typically during a war or declared national emergency.)

Healthcare Provider: A doctor of medicine or osteopathy, podiatrist, dentist, clinical psychologist, optometrist, chiropractor (limited to manual manipulation of the spine to correct a subluxation shown on X-ray), nurse practitioner, nurse midwife, clinical social worker, physician assistant, Christian Science Practitioner listed with the First Church of Christ, Scientist, in Boston Massachusetts, and other provider to whom the County's Benefit Plan will pay benefits.

Immediate Family Member: An employee's spouse, child (son or daughter), and parent [The term "parent" does not include a parent "in-law."]

In loco parentis: Having day-to-day responsibilities to care for and financially support a child. A biological or legal relationship is not necessary.

Intermittent Leave: Leave taken in separate blocks of time, rather than continuous time off.

Leave of Absence (LOA): Absence from work for an extended period of time.

Parent: A biological, adoptive, step, or foster father or mother or any other individual who stands or stood *in loco parentis* to an employee when the employee was a child. "Parent" does not include a parent-in-law.

Qualifying Exigency: An activity that requires leave because the employee's spouse, child, or parent is a military member on covered active duty or on notice of upcoming covered active duty.

Reduced Schedule Leave: Using leave to reduce the number of hours worked each workday or each workweek.

Rolling 12-month Period or "Rolling Year": The 12-month period measured backward from the date an employee uses any Family Medical Leave. Under the "rolling year," each time an employee takes FMLA, the remaining leave entitlement would be the balance of the 12 weeks which has not been used during the immediately preceding 12 months.

Spouse: A husband or wife in a lawful marriage.

Workweek: The number of hours an employee typically works during a seven-day period. Most full-time employees have a 40-hour workweek. Appropriate pro rata adjustment is made for part-time employees. Employees required to work overtime, may have a workweek of more than 40 hours.

5. POLICY

Family and Medical Leave (FMLA) is a benefit and entitlement intended to assist eligible employees with balancing work/life demands by providing job-protected time off from work for qualifying reasons. The County shall administer FMLA in accordance with the federal Family and Medical Leave Act (FMLA) and related regulations. Any updates to applicable federal law or regulation take precedence over provisions within this policy that are found to be in conflict.

Employers will not interfere with, restrain, or deny the rights provided to an employee by the FMLA, but shall be entitled to require appropriate medical certification and/or validation of family member status to determine eligibility for FMLA.

The County will not discriminate or retaliate against an individual for exercising any FMLA right.

Nothing in this policy or the FMLA shall be construed as limiting the County's right to discipline, terminate, or otherwise manage its employees as it deems appropriate. However, the use of FMLA cannot be considered as a negative factor in any employment decision.

6. PROCEDURES

A. Employee Eligibility

To be eligible for FMLA leave, an employee must:

- Have worked at least 12 months for Cobb County (need not be consecutive);
- Have worked at least 1,250 hours for Cobb County over the preceding 12 months

(these hours must be actual hours worked, not to include holidays, sick leave and vacation leave);
- Work at a location where there are at least 50 Cobb County employees within 75 miles;
- Have a qualifying reason for the absence; and,
- Have not already exhausted the available Family and Medical Leave entitlement for the 12-month period.

NOTE: Absences covered by the Uniformed Services Employment and Reemployment Rights Act (USERRA) will count toward meeting the eligibility requirements.

B. FMLA Qualifying Reasons & Leave Entitlement

FMLA leave may be taken for the following reasons:

- Birth of the employee's child, or to care for the employee's newborn child;
- Placement of a child with the employee for adoption or foster care;
- To care for an immediate family member (employee's spouse, child, or parent) with a serious health condition; or
- Because of the employee's serious health condition which makes the employee unable to perform the functions of the employee's job.
- To care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent or next of kin (i.e., nearest blood relative; generally applies to sibling, uncle, aunt, first cousin) of the service member who has a serious injury or illness incurred in the line of duty on active duty or has a pre- existing injury or illness aggravated by active duty for which he/she is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list or is a veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness and who was a member of the Armed Forces, including the National Guard and Reserves, at any time during the five-year period preceding the date on which the veteran undergoes medical treatment, recuperation or therapy.
- A qualifying need arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) to a foreign county for one or more of the following situations:
    - (i) short-notice deployment; (ii) military events and related activities; (iii) financial and legal arrangements; (iv) counseling; (v) rest and recuperation; (vi) attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member's active duty status, and addressing issues arising from the death of a covered military member; and (vii) additional activities (including the timing and duration thereof) as agreed upon by the County and the employee.

NOTE: If the employee is on FMLA leave to care for a family member with a serious health condition and the family member dies during the FMLA leave, the FMLA leave ends at that time. Under such circumstances, additional leave may be requested.

C. Spousal Limitations:

- If an employee's spouse is also a County employee, the couple is limited to a combined total of 12 workweeks of FMLA during the rolling 12-month period for any one of the following qualifying reasons:

    - For the birth of the employee's child, including care for the child after birth; and,
    - For the placement of a child with the employee for adoption or foster care, including care for the child after placement.

- If an employee's spouse is also a County employee, the couple is limited to a combined total of 26 workweeks of Military Caregiver FMLA during a 12-month period.

- Each spouse is entitled to use the remainder of his/her individual FMLA entitlement for other qualifying reasons.

D. Serious Health Conditions

An illness, injury, impairment, or physical or mental condition that involves either:

1. An overnight stay in a hospital, hospice, or residential medical facility and any period of incapacity or treatment related to the reason for impatient care; or,

2. Continuing treatment by a health care provider that involves at least one of the following:

- Incapacity of more than three (3) consecutive days, plus treatment that includes at least two (2) medical examinations or one examination followed by treatment under the healthcare provider's supervision;
- Prenatal care or incapacity because of pregnancy;
- Periodic treatment or incapacity for a chronic serious health condition that:
  - Requires periodic visits (at least twice per year) to a health care provider for treatment,
  - Continues over an extended period of time, and
  - May cause episodic rather than continuing periods of incapacity;
- Permanent or long-term condition for which treatment may not be effective; or,
- Absence to receive multiple treatments for:
  - Restorative surgery following an accident or other injury, or
  - For a condition that, if left untreated, would likely result in incapacity of more than three (3) consecutive days (i.e., chemotherapy, dialysis, etc.)

E. Duration of Leave

Eligible employees may receive up to 12 workweeks of unpaid leave or paid leave depending upon the employee's leave balance, during any "rolling" 12- month period, measured backward from the date that any FMLA leave is to be used. FMLA leave for the birth or placement of a child for adoption or foster care must be concluded within 12 months of the birth or placement.

When leave is to care for an injured or ill service member, an eligible employee may take up to 26 work weeks of leave during a single 12-month period to care for that service member. Leave to care for an injured or ill service member when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12-month period during which the 26 weeks of military caregiver leave is available begins on the first day that an employee takes military caregiver leave and ends twelve months after that date, regardless of the rolling 12-month period that Cobb County utilizes for determining available leave for other FMLA-qualifying reasons.

F. Intermittent/Reduced Schedule Leave

- Eligible employees may take FMLA leave intermittently (in blocks of time), or by reducing their normal weekly or daily work schedule, when medically necessary for their own or an immediate family member's serious health condition.

- Intermittent or reduced schedule leave is not permitted for birth of a child, to care for a newborn child, or for placement of a child for adoption or foster care (unless Parental Leave has also been requested and approved to run concurrent with the FMLA entitlement – see Parental Leave Policy for more information).

- Employees who require intermittent leave or reduced-schedule leave must try to schedule their leave so that it will not disrupt the department's operations. However, if this is not possible, the employee may be temporarily reassigned to a different position for which the employee is qualified and that better accommodates the recurring absences while the employee uses FMLA on an intermittent or reduced schedule basis for any of the following reasons:
  - Planned medical treatment, including recovery;
  - Birth of the employee's child, including care of the newborn child (if running concurrently with Parental Leave); and,
  - Adoption or foster care, including care of the newly placed child.

- While in the temporary position, the employee will receive pay and benefits equivalent to the original position; however, the duties need not be equivalent. An employee will not be assigned to a temporary position that represents a hardship for the employee. The Department will return the employee to the original position or an equivalent position at the end of the temporary assignment. The employee will not be required to continue in the temporary assignment beyond the date on which the employee is able to resume the regular work schedule.

G. Notice and Certification Requirements

1. When seeking FMLA, employees may be required to provide:

- Thirty (30) days advance notice of the need to take FMLA leave, if the need is foreseeable, or notice as soon as practicable in the case of leave that is not foreseeable 30 days in advance;
- Medical, military circumstance or other certification supporting the need for leave must be returned before the employee's leave begins, or if not possible, **within 15 days** of the department's request to provide the certification. If the employee fails to do so, Cobb County may delay the commencement of the employee's leave or withdraw any designation of FMLA leave, in which case the employee's leave of absence would be unauthorized and would subject the employee to discipline up to and including dismissal;
- Second or third medical opinions and periodic re-certifications;
- Periodic reports as deemed appropriate during the leave regarding the employee's status and intent to return to work;
- Additional medical documentation to support extensions of leave beyond the original certification period; and;
- Medical documentation of fitness for duty before returning to work, if the leave was due to the employee's serious health condition.

Failure to comply with the foregoing requirements may result in delay or denial of leave or reinstatement from leave.

2. Supporting Documentation

- Cobb County requires its employees to submit appropriate supporting documentation for the use of FMLA. Examples of supporting documentation include:
  - The attending healthcare provider's certification of a serious health condition serving as the basis for FMLA;
  - The attending healthcare provider's certification of a covered service member's serious injury or illness;

- Certification of a qualify family relationship; and,
- Copy of the spouse's, child's, or parent's orders for covered active duty that supports the qualifying exigency.

- If an employee does not submit supporting documentation when giving notice of the need for FMLA, the Department may request such documentation. The Department must allow the employee at least 15 calendar days from the date of the Department's request to provide the requested documentation.
- Failure to submit timely, complete, and sufficient supporting documentation may result in delay or denial of FMLA.
- If clarification is needed based on the documentation provided [i.e. incomplete healthcare certification form], you should:
  - Give the employee an additional seven (7) days to obtain the needed information.
  - If the employee still does not provide sufficient information, or additional clarification is needed, the Department can request that HR contact the healthcare provider to obtain only the necessary information in order to make a decision on whether the documentation supports the need to utilize FMLA. HR will obtain the employee's written authorization prior to contacting the healthcare provider.
  - Direct supervisors are not permitted to contact the healthcare provider.
- If there is reason to doubt the validity of a medical certification, contact Human Resources for guidance.

3. Recertification

- Recertification may be required no more often than every 30 calendar days or after the minimum duration of the condition identified on the previous certification expires, whichever occurs later. The Department may require an earlier recertification for the following reasons:
  - The employee requests an extension of leave;
  - The circumstances (e.g., duration or frequency of absences) described within the previous certification change significantly; or,
  - The employer receives information that casts doubt on the continuing validity of the previous certification.
- Cobb County requires recertification at least every ninety (90) days to maintain medical insurance.

4. Notice Requirements

Departments are responsible for meeting all employer notice requirements for Family Medical Leave. Requirements include: a posted notice in the workplace, a general notice to employees, an Eligibility, Rights & Responsibilities notice to each employee who requests FMLA or whose leave may qualify for FMLA protection, and a Designation notice for each employee whose absence is being considered for FMLA protection.

- Posted & General Notices:
  - Posted Notice – Each Department will post and keep posted in conspicuous places where notices to employees and applicants are typically posted, notice explaining the provisions of the FMLA and how to file a complaint.
  - General Notice – In addition to the posted notice, each Department must include the information from the FMLA poster in its handbook (if applicable) or other written material on leave and benefits, or distribute such information to new employees upon hire.
  - Both the posted and general notices may be posted or distributed electronically to meet these requirements.

- Eligibility, Rights and Responsibilities Notice – Once an employee requests FMLA, or once the Department becomes aware that an employee's leave may qualify for FMLA, the Department must notify the employee, within five (5) workdays (unless there are extenuating circumstances, such as an emergency office closure, delay notice) of the following:

- Whether the employee meets the employment eligibility criteria for FMLA;
- Whether the employee has any remaining FMLA available; and,
- The employee's rights and responsibilities for taking FMLA.
- If the employee did not submit supporting documentation with a request for FMLA, the Department should include in this notice any requirement to provide such documentation and give a deadline for submission that is 15 calendar days after the notice is provided to the employee.

- Designation Notice – Once the Department has sufficient information to determine whether the leave qualifies for FMLA protection (i.e., after receiving supporting documentation), the Department must notify the employee within five (5) workdays (unless there are extenuating circumstances, such as an emergency office closure, delay notice) whether the leave will be designated as FMLA and count against the employee's entitlement.

- The Designation Notice can be combined with the Eligibility, Rights & Responsibilities Notice if the Department has sufficient information to designate the leave as FMLA at the time it becomes aware of the employee's need for leave.

- A Family and Medical Leave denial must include at least one reason for denial. Prior to denying any FMLA leave, contact Human Resources for guidance.

H. Conditions of Leave/ Use of Accrued Leave

Employees who are granted FMLA leave must use any accrued paid leave beginning with the effective date of the leave. Upon exhaustion of any paid leave, the remainder of any FMLA leave will be unpaid. For FMLA leaves other than those taken to care for a service member with a serious injury or illness, the combination of paid and unpaid FMLA leave will not exceed 12 workweeks in any 12-month period. If the employee is taking FMLA leave because of his or her own serious health condition and continues to be medically unable to work beyond the 12 weeks allowed by FMLA, the employee may request and may be approved for medical leave and allowed to continue using accrued leave. However, this extension will not be counted as FMLA leave. Employees do not accrue leave while in an unpaid status.

I. Benefits Coverage

Employees taking unpaid FMLA are responsible for contacting the Human Resources Department to arrange for the payment of benefit plans.

During an employee's FMLA, benefits will be administered in accordance with the benefits procedures. Eligibility for continued benefits is not dependent on the employee's pay status. To ensure there is no disruption or discontinuance of benefits, an employee who is out of the workplace on an approved leave of absence should contact the Human Resources Benefits Division for information about protecting and maintaining his/her benefits.

IMPORTANT NOTICE

EMPLOYEES TAKING UNPAID FMLA MUST CONTACT THE HUMAN RESOURCES DEPARTMENT TO ARRANGE FOR THE PAYMENT OF BENEFIT PLANS DURING THEIR LEAVE. FAILURE TO MAKE THE REQUIRED PAYMENTS WILL RESULT IN THE TERMINATION OF PLAN COVERAGE.

J. Job Restoration

Upon returning from FMLA leave, eligible employees normally will be restored to their original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions.

Exceptions are permitted when the original position is abolished during the FMLA leave due to reduction in force, reorganization, or if the employee would not otherwise have been employed even if leave had not been taken.

K. Failure to Return after FMLA Leave

Any employee who fails to return to work as scheduled after FMLA leave may be subject to dismissal from employment. Employees who exceed their FMLA entitlement without extension(s) of their leave approved under other appropriate leave provisions may be subject to dismissal from employment.

L. Tracking/Charging FMLA Leave

1. Each Department is responsible for charging all leave that qualifies for FMLA protection against an employee's entitlement.

2. Only the amount of leave actually taken may be counted toward the employee's FMLA entitlement.

3. Holidays:

- If a holiday falls within a full week of FMLA, then it counts toward the FMLA entitlement as if it were a workday.
- If a holiday falls within a week during which an employee used FMLA for only part of the week, then the holiday does not count toward the FMLA entitlement.

M. Record Maintenance

All documentation pertaining to FMLA requests must be submitted to Human Resources for placement in the employee's electronic confidential medical file, which is separate from the electronic personnel file.

7. EXCEPTIONS

Exceptions to this policy must be justified and approved in advance by the County Manager and/or the Board of Commissioners.

8. NON-COMPLIANCE

Violations of this policy may include disciplinary action according to applicable County policies.

REVISION HISTORY

Version ID	Date of Change	Author	Rationale
v. 1.0-2021	9/2021	Human Resources	Adoption

Leave of Absence (LOA) Policy

Effective Date: September 2021

Owner	Board of Commissioners
Reviewer(s)	Human Resources
Approver(s)	Human Resources Director
Related Policies	Annual Leave Sick Leave Military Leave Parental Leave **Family Medical Leave**
Related Standards	n/a
Storage Location	iCobb
HR Last Review Date	~~November 2020~~ **September 2021**
HR Next Review Date	~~November 2020~~ **September 2023**
IS Review Cycle	Every two years

1. PURPOSE

To outline the availability of leaves of absence for health-related situations, childbirth and care, military service needs, personal reasons, and other good cause.

2. SCOPE

This policy applies to All Employees ~~who have worked at least 12 months **and** at least 1250 hours~~. ~~If~~ you have questions regarding this policy, contact Human Resources.

3. GOVERNING LAWS, REGULATIONS & STANDARDS

Guidance	Section
Family and Medical Leave Act (FMLA)	All Regulations
Uniformed Services Employment and Reemployment Rights Act (USERRA)	All Regulations
And all other applicable laws and regulations	

4. DEFINITIONS

Family and Medical Leave Act (FMLA): An entitlement of up to 12 workweeks of leave in a 12-month rolling calendar year (26 workweeks of leave during a single 12-month rolling calendar year to care for a covered service member) for eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of benefits as if the employee had not taken leave. **Please see FMLA Policy for more information**.

~~**Immediate Family Member**: An employee's spouse, children (son or daughter), and parents [The term "parent" does not include a parent "in-law."]~~

Leave of Absence (LOA): Absence from work for an extended period of time.

5. POLICY

An employee may be granted a leave of absence to help alleviate personal/family situations **that are not covered by FMLA,** that may arise during the course of his/her employment or to allow the employee to pursue educational opportunities for an initial period of up to six (6) months.

All requests for leave of absence must be submitted to and approved by the employee's Department Head/Agency Head/Elected Official. Requests for leave of absence beyond FMLA requirements **[see FMLA Policy for information pertaining to this type of leave]** must be approved by the County Manager.

Leaves of absence, for reasons other than those covered under the FMLA, **as outlined within the FMLA policy**, will not be granted automatically, but authorization will be based upon the employee's showing of "good cause" for the request. Such leave is only granted with the recommendation of the Human Resources Director, and the approval of the County Manager. In determining whether to grant a request, the County Manager may consider not only the merits of the request, but the needs of the County, the employee's record and other relevant factors.

Employees will be required to provide timely and appropriate verification to initiate or continue a leave of absence.

After an approved leave of absence, if the employee is able to perform the essential functions of his/her position, the employee generally will be reinstated to the original position or a comparable position with equivalent pay.

After the initial six (6) months of leave, an employee may be granted an extension of leave, up to an additional six (6) months, only for his/her "serious health condition."

An employee who is granted leave beyond the initial period of six (6) months may be eligible for reinstatement at the discretion of the Department Head/Agency Head/Elected Official.

If an employee is granted leave for 12 months and has an accrued leave balance (sick and/or annual leave) at the expiration of that period, then the employee may request additional leave, which can be approved only by the County Manager. The additional leave cannot exceed the amount of the employee's accrued leave balance. **Generally, employees who do not have any accrued leave at the end of a 12-month leave of absence will not be approved for an additional extension.**

6. PROCEDURES

A. Leave Requests & Certification

An employee seeking a Leave of Absence for any reason should complete a Leave of Absence Request Form, stating the reasons for the absence and providing documentation supporting the request. The form should be submitted to the employee's supervisor. Written authorization from the Department Head/Agency Head/Elected Official is required for final approval.

Employees who are self-employed or who hold any other secondary employment position prior to or at the time of requesting leave, must obtain written permission to continue such employment during a leave of absence.

An employee should submit the request for leave at least 30 days in advance of the anticipated leave where the leave is foreseeable. When the leave is not foreseeable, an employee should submit the request form within two (2) days of the time the need for leave becomes known to the employee.

When leave is requested for a serious health condition of the employee or an immediate family member which requires the employee's attention, the employee must submit a health provider's certification of the need for leave. The employee may also be required to submit recertification of the need for continuing leave every 30 days. **If the leave qualifies for FML, please see the FMLA policy for more information.**

The County may require that the employee undergo an examination by a physician of the County's choice prior to determining whether leave or an extension of leave will be granted.

B. Requests for Extension of Leave Beyond Six (6) Months

An employee who has been on leave for six (6) months may request an extension of a leave of absence not to exceed an additional six (6) months (12 months total) for the employee's own serious health condition. Such request should be submitted on the Leave of Absence Request Form, stating the reasons for the absence and furnishing a health care provider's certification of the necessity of leave. The form should be submitted to the employee's supervisor. Written authorization from the Department Head/Agency Head/Elected Official is required for final approval.

C. Conditions of Leave

Employees may not take a leave of absence to pursue, accept or work another job.

Employees may not take a leave of absence to cover time away from the job due to being incarcerated.

A leave of absence may be paid or unpaid, depending on the employee's leave accrual. While on an approved leave of absence, an employee must use annual or sick leave, in accordance with the Annual Leave Policy and/or the Sick Leave Policy.

D. Benefits Coverage

Employees taking an unpaid leave of absence are responsible for contacting the Human Resources Department to arrange for the payment of benefit plans.

During an employee's leave of absence, benefits will be administered in accordance with the benefits procedures. Eligibility for continued benefits is not dependent on the employee's pay status. To ensure there is no disruption or discontinuance of benefits, an employee who is out of the workplace on an approved leave of absence should contact the Human Resources Benefits Division for information about protecting and maintaining his/her benefits.

IMPORTANT NOTICE

EMPLOYEES TAKING AN UNPAID LEAVE OF ABSENCE MUST CONTACT THE HUMAN RESOURCES DEPARTMENT TO ARRANGE FOR THE PAYMENT OF BENEFIT PLANS DURING THEIR LEAVE. FAILURE TO MAKE THE REQUIRED PAYMENTS WILL RESULT IN THE TERMINATION OF PLAN COVERAGE.

E. Reinstatement Procedures

An employee who has been on a leave of absence for a period of **30 calendar days or longer** shall notify the Department Head/Agency Head/Elected Official of his/her intention of returning **at least 10 calendar days** prior to returning from leave. Failure to file such notice, or failure on the part of the employee to report promptly at the expiration of the leave of absence, except for satisfactory reasons submitted in advance, shall be a cause for dismissal.

For leaves of absence of six (6) months or less, upon the expiration of the leave of absence, if an employee reports to work and is able to perform the essential functions of his/her original position, then the employee shall be reinstated to the original position or a comparable position with equivalent pay.

When an employee has been on leave of absence for more than six (6) months, upon the expiration of the leave of absence, if the employee is able to perform the essential functions of his/her original position, the employee may be reinstated at the discretion of the Department Head/Agency Head/Elected Official. If the employee has accrued leave available when the leave of absence is ended, the employee shall be entitled to utilize such leave.

For leaves of absence involving a health condition, the Department Head/Agency Head/Elected Official may require health care certification of the employee's fitness to return to work and/or may require a fitness for duty evaluation by the County physician before permitting the employee to return to work.

TYPES OF LEAVE AVAILABLE

A. Leave Under the Family & Medical Leave Act (FMLA Leave)

1. Eligible employees may take up to 12 workweeks of unpaid, job-protected leave under the Family and Medical Leave Act ("FMLA") in a rolling 12-month period for specified family and medical reasons. In addition, eligible employees may qualify for up to 26 workweeks of unpaid job-protected leave under the FMLA in certain situations related to a covered family member's service in the Armed Forces. **Please see the FMLA policy for more information.**

2. Any leave designated as FMLA will count towards the allotted six (6) months of leave of absence, as outlined in this policy.

~~**1. Eligibility**~~

~~To be eligible for FMLA leave, an employee must:~~

- ~~Have worked at least 12 months for Cobb County (need not be consecutive);~~
- ~~Have worked at least 1,250 hours for Cobb County over the preceding 12 months (these hours must be actual hours worked, not to include holidays, sick leave and vacation leave); and~~
- ~~Work at a location where there are at least 50 Cobb County employees within 75 miles.~~

~~**2. Reasons for Leave**~~

~~FMLA leave may be taken for the following reasons:~~

- ~~Birth of the employee's child, or to care for the employee's newborn child;~~
- ~~Placement of a child with the employee for adoption or foster care;~~
- ~~To care for an immediate family member (employee's spouse, child, or parent) with a serious health condition; or~~
- ~~Because of the employee's serious health condition which makes the employee unable to perform the functions of the employee's job.~~
- ~~To care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent or next of kin (i.e., nearest blood relative; generally applies to sibling, uncle, aunt, first cousin) of the service member who has a serious injury or illness incurred in the line of duty on active duty or has a pre- existing injury or illness aggravated by active duty for which he/she is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list or is a veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness and who was a member of the Armed Forces, including the National Guard and Reserves, at any time during the five-year period preceding the date on which the veteran undergoes medical treatment, recuperation or therapy.~~
- ~~A qualifying need arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) to a foreign county for one or more of the following situations:~~
  - ~~(i) short-notice deployment; (ii) military events and related activities; (iii) financial and legal arrangements; (iv) counseling; (v) rest and recuperation; (vi) attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination~~

of the covered military member's active duty status, and addressing issues arising from the death of a covered military member; and (vii) additional activities (including the timing and duration thereof) as agreed upon by the County and the employee.

NOTE: If the employee is on FMLA leave to care for a family member with a serious health condition and the family member dies during the FMLA leave, the FMLA leave ends at that time. Under such circumstances, additional leave may be requested under this policy.

3. Duration of Leave

Eligible employees may receive up to 12 workweeks of unpaid leave or paid leave depending upon the employee's leave balance, during any "rolling" 12- month period, measured backward from the date that any FMLA leave is to be used. FMLA leave for the birth or placement of a child for adoption or foster care must be concluded within 12 months of the birth or placement.

When leave is to care for an injured or ill service member, an eligible employee may take up to 26 work weeks of leave during a single 12-month period to care for that service member. Leave to care for an injured or ill service member when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12-month period during which the 26 weeks of military caregiver leave is available begins on the first day that an employee takes military caregiver leave and ends twelve months after that date, regardless of the rolling 12-month period that Cobb County utilizes for determining available leave for other FMLA-qualifying reasons.

4. Intermittent Leave

Eligible employees may take FMLA leave intermittently (in blocks of time), or by reducing their normal weekly or daily work schedule, when medically necessary for their own or an immediate family member's serious health condition. Intermittent or reduced schedule leave is not permitted for birth of a child, to care for a newborn child, or for placement of a child for adoption or foster care. Employees who require intermittent leave or reduced-schedule leave must try to schedule their leave so that it will not disrupt the department's operations.

5. Use of Accrued Leave

Employees who are granted FMLA leave must use any accrued paid leave beginning with the effective date of the leave. Upon exhaustion of any paid leave, the remainder of any FMLA leave will be unpaid. For FMLA leaves other than those taken to care for a service member with a serious injury or illness, the combination of paid and unpaid FMLA leave will not exceed 12 workweeks in any 12-month period. If the employee is taking FMLA leave because of his or her own serious health condition and continues to be medically unable to work beyond the 12 weeks allowed by FMLA, the employee may request and may be approved for medical leave and allowed to continue using accrued leave. However, this extension will not be counted as FMLA leave. Employees do not accrue leave while in an unpaid status.

6. Job Restoration

Upon returning from FMLA leave, eligible employees normally will be restored to their original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions.

Exceptions are permitted when the original position is abolished during the FMLA leave due to reduction in force, reorganization, or if the employee would not otherwise have been employed even if leave had not been taken.

7. Notice & Medical Certification

When seeking FMLA leave, employees may be required to provide:

- Thirty (30) days advance notice of the need to take FMLA leave, if the need is foreseeable, or notice as soon as practicable in the case of leave that is not foreseeable 30 days in advance;
- Medical, military circumstance or other certification supporting the need for leave must be returned before the employee's leave begins, or if not possible, **within 15 days** of the department's request to provide the certification. If the employee fails to do so, Cobb County may delay the commencement of the employee's leave or withdraw any designation of FMLA leave, in which case the employee's leave of absence would be unauthorized and would subject the employee to discipline up to and including dismissal;
- Second or third medical opinions and periodic re-certifications;
- Periodic reports as deemed appropriate during the leave regarding the employee's status and intent to return to work;
- Additional medical documentation to support extensions of leave beyond the original certification period; and;
- Medical documentation of fitness for duty before returning to work, if the leave was due to the employee's serious health condition.

Failure to comply with the foregoing requirements may result in delay or denial of leave or reinstatement from leave.

8. Failure to Return After FMLA Leave

Any employee who fails to return to work as scheduled after FMLA leave may be subject to dismissal from employment. Employees who exceed their FMLA entitlement without extension(s) of their leave approved under other appropriate leave provisions may be subject to dismissal from employment.

9. FMLA Designation Notice

If an employee meets the FMLA eligibility requirements, they will be notified by their department whether or not the leave is designated as FMLA leave **within 5 business days** of receipt of the health care provider, exigency or other certification. Leaves will be designated as 'approved', 'not approved', or 'additional information needed.' Employees will be notified when additional information is needed and will have **7 calendar days** to remedy the deficiency.

B. Leave Other Than FMLA Leave

Employees may be granted leaves of absence for serious health or other conditions where FMLA leave is not applicable or has expired, for job-related educational or professional development, and for the employees demonstrated personal necessity (to handle personal or family crises or for bereavement).

7. EXCEPTIONS

Exceptions to this policy must be justified and approved in advance by the County Manager and/or the Board of Commissioners.

8. NON-COMPLIANCE

Violations of this policy may include disciplinary action according to applicable County policies.

REVISION HISTORY

Leave of Absence (LOA) Policy

Version ID	Date of Change	Author	Rationale
	08-1965		Adoption
	04-1972		Revision
	06-1992		Revision
	12-1993		Revision
	08-1995		Revision
	04-2006		Revision
	03-2010		Revision
v.1.0-2020	09-2020	Human Resources	Reformat
v.1.1-2021	09-2021	Human Resources	Revision

Military Leave Policy

Effective Date: September 2021

Owner	Board of Commissioners (BOC)
Reviewer(s)	Human Resources
Approver(s)	Human Resources Director
Related Policies	Leave of Absence Policy
Related Standards	N/A
Storage Location	iCobb
HR Last Review Date	~~November 2020~~ **September 2021**
IS Next Review Date	~~November 2022~~ **September 2023**
IS Review Cycle	Every 2 years

1. PURPOSE

To provide regulations concerning military leave for county employees.

2. SCOPE

This policy affects All Employees. If you have questions regarding this policy, contact Human Resources.

3. GOVERNING LAWS, REGULATIONS & STANDARDS

Guidance	Section
Uniformed Services Employment and Reemployment Rights Act (USERRA)	All Regulations
Georgia Rights of Public Officers and Employees Absent on Military Duty	O.C.G.A. 38-2-279 (2010)
Family and Medical Leave Act (FMLA)	Military Family Leave Provisions (2008)
And all other applicable laws and regulations	

4. DEFINITIONS

A. Federal Fiscal Year – The Federal Fiscal Year is defined as October 1st through September 30th.

B. Notice: Any written or verbal notification (as in the event of a military emergency or declaration of war) or an obligation or intention to perform service in the uniformed services, provided by the employee who will perform such service, or by the uniformed service in which service is to be performed.

C. Ordered Military Duty: Any military duty performed in the service of the State or the United States pursuant to orders issued by a State or federal authority, including but not limited to attendance at any service school or schools conducted by the Armed Forces of the United States as a volunteer member of the National Guard, Georgia State Defense Force, or any reserve force or reserve component of the Armed Forces of the United States.

D. Service in the Uniformed Service: The performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority, including active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, and funeral honors duty performed by National Guard or reserve members.

Military Leave Policy

5. ~~4.~~ POLICY

Leaves of absences to perform military duty in the Armed Forces of the United States, the Military Reserves, or the National Guard will be granted in accordance with applicable state and federal laws ~~(18 days per fiscal year)~~. The County will also comply with applicable federal and state laws in regards to the reemployment of individuals returning from military leave.

6. ~~5.~~ PROCEDURES

A. An employee, other than a temporary employee, who enlists, is inducted, or is recalled to active duty in the Armed Forces of the United States for a period of not more than ~~four years (plus an involuntary extension for not more than one year)~~ **five (5) years over the course of employment, intermittently or consecutively,** will be granted a leave of absence. Such leave will protect the employee's service with the County.

B. Upon satisfactory completion of military service and timely notice of intent to return to work, an employee will be reinstated to their former position or to a position of like seniority, status and pay for which they are qualified.

C. Employees returning from active duty must apply for reinstatement, **as outlined below, based on length of absence.** ~~within 90 days after being released from active duty. Reservists and members of the National Guard returning from initial active duty for training must apply for reinstatement within 31 days after being released from military duty.~~ Reservists and members of the National Guard returning from all other active or inactive duty for training need not apply for reinstatement. They must, however, report for work on the first scheduled working day following completion of their military duty.

- **Less than 31 days of service: By the beginning of the first regularly-scheduled work period after the end of the calendar day of duty, plus time required to return home safely and an eight (8) hour rest period. If this is impossible or unreasonable, then as soon as possible.**
- **31 to 180 days: The employee must apply for reemployment no later than fourteen (14) days after completion of military service. If this is impossible or unreasonable through no fault of the employee, then as soon as possible.**
- **181 days or more: The employee must apply for reemployment no later than ninety (90) days after completion of military service.**
- **Service-connected injury or illness: Reporting or application deadlines are extended for up to two (2) years for persons who are hospitalized or convalescing.**

D. An employee returning from military service under the provisions of this policy shall be entitled to the privileges that would have been accorded them had they continued in their position such as: sick leave and annual leave accrued and unused by the employee at the time of entrance into the military service; salary adjustments resulting from changes in the Compensation Plan; salary advancements as provided in the Compensation Plan (in the absence of evidence to the contrary, it shall be considered that they would have earned and received every second salary advancement).

E. An employee returning from military service under Section A of this policy who has been disabled during their military service to the extent that they are incapacitated from performing their former duties, shall whenever possible, be reassigned or transferred to other duties for which they are qualified. Such reassignment shall be, if possible, within the same compensation grade as the employee's former position.

F. Requests of employees returning from military service who seek leave to avail themselves of veteran's benefits, such as attendance in educational institutions, shall be considered on the basis as other requests for leave of absence which takes into account the administrative necessities of the Departments.

G. To be entitled to reemployment rights, an employee must submit a certificate of separation from military service under honorable conditions, or a certificate evidencing satisfactory completion of military service.

H. Absence from work due to orders received to report for any preinduction examination for service in the armed forces of the United States will be designated as pre-military leave and will not be charged as annual leave.

I. Employees with military duty obligations are requested to provide as much advance notice as possible of upcoming military service. Submission of a copy of orders or a statement from the appropriate military officer will be sufficient evidence of military duty. Failure to request a leave of absence for military duty may result in loss of reemployment rights.

J. Any hours of military leave payable under this policy must be submitted on the employee's time card. **An employee who performs ordered military duty is entitled to their base pay and other compensation for up to a total of 144 hours (18 days) of military leave in any one federal fiscal year while they are on military leave.**

- **When an employee is absent from employment due to ordered military leave, the amount of military leave charged against the employee's military leave balance shall only be the hours and minutes necessary for the employee to reach their regularly scheduled hours per week.**
- **In the event the Governor declares an emergency and orders an employee to military duty as a member of the National Guard, while performing such duty, the employee will be paid their base pay and other compensation for an additional 96 hours of military leave (totaling 240 for the year) in any one federal fiscal year while they are on military leave.**
- **The employee shall be required to provide a copy of their military orders or annual training schedule in order to be paid any military leave.**
- **If the period of ordered military duty extends beyond the period covered by paid military leave as described in this section, the employee will be granted a leave of absence without pay as required by law. Departments may allow employees to use accrued annual or compensatory time for absences due to military duty after paid military leave has been exhausted. If the employee does not request the use of their own accrued leave, that employee will be placed on Leave Without Pay. An employee shall not be denied the use of accrued leave for Ordered Military Duty, nor shall the employee be required to use their accrued annual or compensatory leave balances.**
- **An employee who is scheduled to work for less than 40 hours per week is eligible for prorated paid military leave based on their regular work schedule.**
- **Any military leave balance not used during the federal fiscal year will be lost at the end of the federal fiscal year and shall not be converted to any other type of leave.**

K. **Entitlements/Limitations:**

- **Time served while on Ordered Military Leave will not be considered a break in service and will be credited for purposes of seniority, length of employment service, annual leave or holiday privileges, or for any other right or privilege of employment, reemployment, reinstatement transfer or promotion.**
- **Employees on military leave without pay must make monthly payments in order to maintain health insurance and other benefits coverages, if the employee chooses to maintain coverage, per the Leave of Absence Policy.**
- **When determining eligibility under the Family Medical Leave Act (FMLA) for an employee returning following a period of military service, the hours performed during this absence should be credited as service time.**
- **Protection from Discharge: An employee returning from military leave who served for more than 30 days but less than 181 days may not be discharged except for cause for 180 days after their reemployment. An employee returning from military leave and who served more than 180 days may not be discharged except for cause for a period of one year after their reemployment. The**

Human Resources Director will make the final determination to dismiss for cause any service member.

7. ~~6.~~ EXCEPTIONS

Exceptions to this policy must be justified and approved in advance by the Board of Commissioners.

8. ~~7.~~ NON-COMPLIANCE

Violations of this policy may include disciplinary action according to applicable County policies.

REVISION HISTORY

Version ID	Date of Change	Author	Rationale
	03-1983		Adoption
	07-1983		Revision
	06-1992		Revision
	08-1995		Revision
v. 1.0.2020	09-2020	Human Resources	Reformat
v. 1.2.2021	09-2021	Human Resources	Revision

Performance Appraisal Policy

Effective Date: September 2021

Owner	Board of Commissioners (BOC)
Reviewer(s)	Human Resources
Approver(s)	Human Resources Director
Related Policies	Compensation Policy
Related Standards	N/A
Storage Location	iCobb
IS Last Review Date	~~October 2020~~ **September 2021**
IS Next Review Date	~~October 2022~~ **September 2023**
IS Review Cycle	Every two years

1. PURPOSE

To provide regulations concerning performance appraisal procedures for County employees.

2. SCOPE

This policy affects all Board of Commissioners' Employees. If you have questions regarding this policy, contact Human Resources.

3. POLICY

It is the policy of the County that the job performance of each employee shall be evaluated periodically by the employee's immediate supervisor, **which should then be documented within the final annual performance appraisal form at the end of each evaluation period**.

4. PROCEDURES

A. The performance appraisal consists of a written evaluation of the employee's job performance, the supervisor's documentation and recommendations. It also includes performance goals for the next evaluation period. The appraisal may also be used to identify the employee's training needs.

B. Using the job performance documentation which has been written during the year, the supervisor will rate the employee's performance using the appropriate rating scale based on the appraisal method being used.

C. Performance appraisals shall be completed and submitted based on **the evaluation year outlined by the Department** ~~a timeline distributed by Human Resources~~**. However,** all appraisals **must be completed and submitted to Human Resources no later than January 31 of each evaluation year** ~~are completed near the end of each calendar year~~.

D. Supervisors are encouraged to keep informal written records of significant events and examples of job performance for the employees under their supervision.

E. Employees who disagree with their appraisal should submit in writing (**which includes emails**) to their supervisor the reason for disagreement, **within five (5) business days of receiving the appraisal**. If no change is made after supervisory consideration, the employee may take his/her concerns to the next management level. If the employee remains in disagreement, he/she may take his/her concerns to the Department/Agency Head who is responsible for the final disposition of the appraisal.

F. Progress discussions will be conducted with employees by their supervisors at least once during the rating period, **although at least two (2) are recommended**.

G. The Human Resources Department is responsible for:

1. Ensuring that all supervisors are trained on **the County's Performance Appraisal System, including** the use of the appraisal form process and providing refresher training as necessary;

2. Ensuring that all employees are trained on **the County's Performance Appraisal System** ~~the performance appraisal~~ **and** process, **within ninety (90) days of hire date**;

3. **Communicating and sending timely reminders to Departments regarding time-frames, due dates and general information pertaining to the County's Performance Appraisal System,** ~~Sending the appraisal forms and required paperwork to each department at the proper time, thus ensuring that the supervisors will have enough "lead" time to properly complete the appraisal forms;~~

4. Monitoring the overall system results and revising the system as necessary.

5. Following up with supervisors to ensure employees who receive an overall rating of "Needs Improvement" for the evaluation period are issued a Performance Improvement Plan (PIP), and that their ongoing performance is being regularly evaluated to ensure the plan is met. If plan is not met, further disciplinary action, up to and including termination, may be warranted. Please contact Employee Relations for guidance.

H. The Head of each department is responsible for:

1. Ensuring that all supervisors in the department have attended a training session on use of the appraisal forms prior to the supervisors completing the forms;

2. Ensuring that an employee's immediate supervisor is designated as the rater who completes the employee's performance appraisal form;

3. Ensuring that the review of completed appraisal forms is conducted appropriately within the department, before the forms are sent to the Human Resources Department.

4. Ensuring that supervisors who fail to adequately evaluate their staff, or maliciously include inaccurate information in the performance appraisal, are issued disciplinary action pursuant to applicable County policies.

5. EXCEPTIONS

Exceptions to this policy must be justified and approved in advance by the County Manager and/or the Board of Commissioners.

6. NON-COMPLIANCE

Violations of this policy may include disciplinary action according to applicable County policies.

REVISION HISTORY

Version ID	Date of Change	Author	Rationale
	09-1986		Adoption
	09-1991		Revision
	06-1992		Revision

	11-1994		Revision
	12-1996		Revision
	11-2013		Revision
V.1.0-2020	09-2020	Human Resources	Reformat
V.1.1-2021	09-2021	Human Resources	Revision

Reduction in Force (RIF) Policy

Effective Date: September 2021

Owner	Board of Commissioners (BOC)
Reviewer(s)	Human Resources
Approver(s)	Board of Commissioners (BOC)
Related Policies	Classification Policy Compensation Policy Job Share Policy Leave of Absence Policy **Conduct and Performance Policy**
Related Standards	N/A
Storage Location	iCobb
HR Last Review Date	~~November 2020~~ **September 2021**
HR Next Review Date	~~November 2023~~ **September 2024**
IS Review Cycle	Every 3 years

1. PURPOSE

To provide procedures for implementing a reduction in work force.

2. SCOPE

This policy applies only to Civil Service Employees and Board of Commissioners' Employees. If you have questions regarding this policy, contact Human Resources.

3. GOVERNING LAWS, REGULATIONS & STANDARDS

Guidance	Section
Official Code of Cobb County - Cobb County Civil Service System Act	Part II; Chapter 22; Article II – Civil Service (Division 1 and Division 2)
And all other applicable laws and regulations	

4. DEFINITIONS

~~A. **Performance Appraisal Average**: Average of the five (5) most recent performance appraisals issued in the past five (5) years immediately prior to the decision for a reduction in force.~~

A. ~~B.~~ **Class of Positions/Job Class**: A group of positions which are sufficiently similar as to (1) type of work; (2) level of difficulty and responsibility; and (3) qualifications requirements.

B. ~~C.~~ **Competitive Groups**: An organizational, budgetary, or geographic part of the Department to which a reduction in force is to apply, such as a particular worksite, budget unit, function or the entire Department. A reduction in force may include multiple competitive areas.

C. Demotion: With regards to this policy, a type of reduction in force where an employee is placed in a lower position in order to conserve funds.

C. Furlough: A type of reduction in force in which employees are placed in non-pay status for a period of time in order to conserve funds.

D. Layoff: A type of reduction in force where an employee is separated from employment due to no cause of their own, and is not deemed a disciplinary separation.

E. Salary Reduction: A type of reduction in force where an employee's salary is lowered to conserve funds. The salary reduction process is outlined in the Compensation Policy.

5. POLICY

A reduction in force (RIF) is the separation from a job, furlough, salary reduction and/or demotion of one (1) or more employees as the result of a shortage of work or funds, a change in organization or operations, or to otherwise support the financial health and viability of the County.

~~In accordance with the Rules of the Civil Service Board~~, The following procedures shall be controlling in any reduction in force involving the lay-off, **furlough** ~~or~~ **salary reduction**/demotion of ~~permanent~~ employees working in departments covered by Civil Service. **All RIF plans must be submitted to the Human Resources Director and approved prior to being implemented.** ~~All Board of Commissioners' employees will be governed by these procedures.~~

6. PROCEDURES

When it seems necessary by reason of shortage of work, funds or material change in duties or organization to reduce the overall staff of an organization, or to reduce the number of employees in one or more classes of positions, the Department Head should first give attention to the reassignment of duties to enable the organization to work on a reduced basis.

Prior to utilizing the RIF policy, employees who are not ~~giving satisfactory service~~ **meeting performance expectations** should be separated by the appropriate methods, **as outlined in the Progressive Discipline Policy**, or shifted to positions where they can **meet performance expectations** ~~give satisfactory service~~ before it is necessary **for a reduction** ~~to reduce~~ in force. Employees who are separated in a reduction in force should not be made to feel that their work has been unsatisfactory.

A. COMPETITIVE GROUPS

1. Competition shall be among all employees in the department holding positions of a particular class. If the reduction in force is to apply to more than one class, each class shall be treated separately, except that where reductions are to be made in a class of positions which is one of a series of related classes **(e.g. Admin I, Admin II, Admin III, etc.)**, ~~permanent~~ employees who are to be laid off from a higher class in the series, if they are available for positions of a lower class, shall be considered as competing with employees of the lower class; and, if they possess sufficient retention credits to entitle them to positions in that class, shall then be involuntarily demoted to such class of positions.

2. In determining a series of related classes, where a department has established a primary career path involving other classes as a part of the related series, it must include these classes or class series in its definition of a competitive group. Employees who have retained status in another class of positions (e.g., employees serving working test periods following promotions) shall be considered as employees of the class in which they have status if they are to be involved in the reduction in force.

B. TERMINATIONS AT ADMINISTRATIVE DISCRETION

Under the Rules and Standards of the Civil Service Board, because of the type of their appointments, certain employees may be separated at the discretion of the Department Head. All such non-status employees within a particular class, including employees serving a working test period, **or who are out on an extended unpaid leave of absence**, shall be the first to be separated, unless the ~~Director~~ **Department Head** finds that special or exceptional circumstances warrant the retention of particular employees, **in which case justification must be made in writing to Human Resources outlining the need to retain these individuals**. ~~Such employees who have retained status in another class of position (e.g., employees serving working test periods following promotions) shall be considered as employees of the class in which they have status if they are to be involved in the reduction in force.~~

~~C. RETENTION CREDITS~~

~~1. Retention credits for the purpose of this section shall be defined as the combination of the years and months of the most recent full-time service and points derived from an average of the five most recent Employee Performance Appraisals, if available. Years and months of service shall be stated as years and hundredths of year.~~

~~2. Retention credits derived from the Employee Performance Appraisal average shall be weighted to constitute 40% of the total retention credit allowed the employee. The remaining 60% of the total retention credit shall be derived from the combination of months and years of the most recent full time service.~~

C. ~~D.~~ SEQUENCE FOR REDUCTION IN FORCE ~~OF PERMANENT EMPLOYEES~~

~~1. Within a competitive area the order of reduction in force of permanent employees in each class shall be: in ascending order of retention credits with the lowest retention credit total being separated first. If two or more employees are tied for position in the order of reduction and one or more, but not all employees so tied for position are to be reached for action, a veteran as defined in the Rules and Standards of the Civil Service Board shall be retained in preference of a non-veteran. If veteran status is equal, the date of entrance on duty shall determine their order, the most recent appointee being laid off or demoted first. If the date of entrance on duty is the same, the order of reduction shall be determined by lot.~~

~~2. If an employee has no regular Employee Performance Appraisal covering service in the class in which they hold status, a special Employee Performance Appraisal governing such services shall immediately be prepared in accordance with the general procedure on such reports and shall be treated in the same manner as the regular report.~~

When it becomes necessary to reduce the work force in a given class, employees shall be separated from service in the following order:

1. Emergency, temporary, probationary, and part-time employees shall be separated before a status employee in such cases when the status employee is qualified and able to perform the essential duties of the job.

2. Employees will be separated on the basis of their total length of time with Cobb County, minimum acceptable performance on the job, and any other factor that is deemed appropriate. For separation purposes, length of service shall mean the total months of actual employment with Cobb County in any class or Department. In determining the order of separation for employees, the following will be considered:

A. Employees who in the current annual period are rated below satisfactory shall be separated before employees who have achieved a satisfactory or better performance rating.

B. An affected employee's length of service.

C. The extent to which an affected employee meets or exceeds the qualification requirement as stated in that position's class specification.

D. ~~E.~~ EXCEPTION IN SPECIAL CASES

No employee shall be retained in preference to another employee in the competitive group area and class who is higher in the order of reduction in force, except under the following conditions: ~~If the position of an~~

~~employee is to be abolished and its duties cannot be satisfactorily performed by an available employee higher in the order of selection after a reasonable training period they may be retained in preference to such employee. In such case, a brief statement of the facts must be made in the report of reduction in force for consideration in connection with post audits and appeals. This provision shall not, however, prevent the retention of such employee if the employees higher in the order are not available for the position for which he is retained.~~ **When a Department Head believes that a certain individual is essential to the efficient operation of the Department, because of special skills or abilities, and the Department Head wishes to retain this individual in preference to a person using the order prescribed above, the Department Head shall submit a written request to the Human Resources Director for permission to do so. This request shall set forth in detail the specific skills and abilities possessed by the individual and the reasons why such individual is essential to the effective operation of the Department. With the approval of the Human Resources Director, the individual may be retained.**

E. ~~F. REPORT OF REDUCTION IN FORCE~~ REDUCTION IN FORCE PLAN

~~The Department Head shall forward to the Board a report of procedures followed in any reduction in force. The report shall be completed enough to facilitate a post audit and shall be available for inspection by an employee demoted or laid off.~~

1. To implement a reduction in force, the Department Head creates a plan that must be submitted to the Human Resources Director, prior to implementation, when practical. The reduction in force plan shall include the following information:

a. The type of reduction in force (i.e., layoff, furlough, salary reduction, demotion, etc.);

b. The proposed effective date(s);

c. The reason for the RIF (i.e., reorganization, outsourcing, funding, etc.);

d. A definition of the competitive area(s) and list of competing jobs within each competitive area;

e. The total number of employees proposed to be impacted by reduction in force within each competitive job by competitive area;

f. The amount or percentage of reduction if the reduction in force involves salary reduction or demotion; and,

g. The basis used to determine the order of retention if competition is required.

2. The Human Resources Director will review the plan and provide consultation, as appropriate.

3. The Department Head will make available, upon request, a copy of the reduction in force plan for inspection by any employee or former employee who was directly affected by the reduction in force.

F. EMPLOYEE NOTICE

Employees shall be notified in writing by the Department Head at least fourteen (14) calendar days prior to the effective date of the reduction in force. The employee's prior notice of a reduction in force shall be the employee's receipt of a written memorandum from the employee's Department Head. A copy of such a memorandum shall be forwarded to the Human Resources Director at the time the original is given to the employee. No reduction in force shall be effective until reviewed and approved by the Human Resources Director.

G. PROVISIONS FOR EMPLOYEES AFFECTED BY REDUCTION IN FORCE

1. Employees should be completely informed about the entire reduction-in-force process. Persons who are separated due to a reduction in force shall be given primary consideration when conditions warrant rehiring.

2. Employees being separated shall be paid for all accrued annual leave per the procedures outlined in the Annual Leave Policy.

7. EXCEPTIONS

Exceptions to this policy must be justified and approved in advance by the Board of Commissioners.

8. NON-COMPLIANCE

Violations of this policy may include disciplinary action according to applicable County policies.

REVISION HISTORY

Version ID	Date of Change	Author	Rationale
	12/77		Adopted
	12/91		Revision
v.1.0-2020	11/20	Human Resources	Reformat
v.1.1-2021	9/21	Human Resources	Revision

Resolution

COBB COUNTY BOARD OF COMMISSIONERS

RESOLUTION

ADOPTING ALL BUDGET AMENDMENTS
SET FORTH IN AGENDA ITEMS ON THIS DATE

WHEREAS, Georgia Law, O.C.G.A. § 36-81-3 (b), requires each unit of government to operate under an annual balanced budget adopted by ordinance or resolution; and

WHEREAS, Cobb County Code 2-49 provides for revisions to the adopted budget during the year only by formal action of the commission in a regular meeting; and

WHEREAS, in official opinion date February 24, 1999, the Attorney General of the State of Georgia concluded that all amendments to the budgets of local government must be adopted by ordinance or resolution;

NOW, THEREFORE, BE IT RESOLVED the Cobb County Board of Commissioners does hereby adopt all such budget amendments as are set forth in agenda items which are adopted by the Board of Commissioners without change this date, as well as other such budget amendments as shall be specifically detailed in motions adopted by the Board of Commissions this date.

This 14th of September 2021

Reference No. 34

Risk Management Interfund Transfers

Lift	Police - Evidence	Decrease Expenditure	710-055-8011-6207	$9,000.00
		Increase Expenditure	710-055-8011-6594	$9,000.00
		Increase Revenue	010-130-2100-4960	$9,000.00
		Increase Expenditure	010-130-2100-8480	$9,000.00
Bus Step Stools	Senior Services	Decrease Expenditure	710-055-8011-6207	$443.66
		Increase Expenditure	710-055-8011-6594	$443.66
		Increase Revenue	010-300-070-0078-4960	$443.66
		Increase Expenditure	010-300-070-0078-6207	$393.66
		Increase Expenditure	010-300-070-0078-6577	$50.00
Safety Sign Tripods	DOT	Decrease Expenditure	710-055-8011-6207	$4,875.00
		Increase Expenditure	710-055-8011-6594	$4,875.00
		Increase Revenue	010-050-0781-4960	$4,875.00
		Increase Expenditure	010-050-0781-6182	$4,700.00
		Increase Expenditure	010-050-0781-6577	$175.00
Topside Creeper	Fleet	Decrease Expenditure	710-055-8011-6207	$1,722.84
		Increase Expenditure	710-055-8011-6594	$1,722.84
		Increase Revenue	010-060-0920-075-4960	$1,722.84
		Increase Expenditure	010-060-0920-075-6186	$1,722.84
Damaged Light Pole	DOT	Decrease Expenditure	710-055-8011-6605	$ 4,170.00
		Increase Expenditure	710-055-8011-6594	$ 4,170.00
		Increase Revenue	010-050-0750-4960	$ 4,170.00
		Increase Expenditure	010-050-0750-6162	$ 4,170.00
V-Watch Detector	Fire Department	Decrease Expenditure	710-055-8011-6207	$10,119.00
		Increase Expenditure	710-055-8011-6594	$10,119.00
		Increase Revenue	230-130-1000-4960	$10,119.00
		Increase Expenditure	230-130-1000-6207	$10,119.00

Reference No. 36

COBB COUNTY WATER SYSTEM
RATES, CHARGES, AND FEES
JANUARY 1, 2022

MONTHLY SERVICE CHARGE

The monthly service charge is assessed by meter size. This charge is to recover administrative, customer service, billing and meter-related costs, bond interest and some depreciation expenses. This fee is billed to all active accounts and does not include consumption.

METER SIZE	RESIDENTIAL	NON-RESIDENTIAL	IRRIGATION
5/8" & 3/4"	$7.00	$7.00	$19.00
1"	$15.00	$15.00	$22.00
1 1/2"	$26.00	$26.00	$41.00
2"	$45.00	$45.00	$63.00
3"		$66.00	$120.00
4"		$99.60	$185.00
6"		$206.40	$325.00
8"		$321.60	$450.00
10"		$463.20	$650.00
12"		$463.20	$800.00

FIRE PROTECTION SERVICE

This is a monthly fee for water availability on demand for fire protection. It is associated with DCDA, backflow devices, and other metering devices for fire protection.

LINE SIZE	DOUBLE CHECK DETECTOR ASSEMBLY	DOMESTIC OR FIRE METER (NO BACKFLOW)[1]	UNMETERED FIRE LINE (NO BACKFLOW)[1]
5/8" & 3/4"		$19.00	
1"		$19.00	
1 1/2"		$19.00	
2"	$20.00	$24.00	
3"	$20.00	$32.00	
4"	$20.00	$40.00	
6"	$50.00	$151.00	$200.00
8"	$60.00	$201.00	$250.00
10"	$80.00	$251.00	$300.00
12"	$110.00		$350.00

[1] These rates are no longer available; they only apply to accounts established before backflow regulations.

STREET LIGHT CHARGE

Customers who are in a designated Street Light District will be assessed a monthly fee, as approved by the Board of Commissioners, on their water bill. This is a fee that is passed through the Water System to the County's Special Revenue Fund for Street Lights for costs associated with the street light program.

Reference No. 43

COMMODITY CHARGES

The commodity charges are based upon metered water consumption. These charges are billed to the consumer on a per thousand gallon basis. Wastewater charges are billed equal to metered water use.

RETAIL RATES

	TIER	IN-CITY[2]	UNINCORPORATED COBB
RESIDENTIAL WATER	Tier 1 (1,000-3,000)	$3.38 per 1,000 gallons	$3.51 per 1,000 gallons
	Tier 2 (4,000-15,000)	$5.22 per 1,000 gallons	$5.41 per 1,000 gallons
	Tier 3 (16,000-29,000)	$6.49 per 1,000 gallons	$6.73 per 1,000 gallons
	Tier 4 (30,000-49,000)	$7.60 per 1,000 gallons	$7.88 per 1,000 gallons
	Tier 5 (50,000 and above)	$9.86 per 1,000 gallons	$10.22 per 1,000 gallons
NON-RESIDENTIAL WATER		$5.12 per 1,000 gallons	$5.31 per 1,000 gallons
IRRIGATION WATER		$9.86 per 1,000 gallons	$10.22 per 1,000 gallons
WASTEWATER		$6.46 per 1,000 gallons	$6.70 per 1,000 gallons

[2]Water and sewer rates for customers located inside city limits are slightly lower because the Water System does not provide stormwater services to these customers.

WATER AND SEWER ACCOUNT DEPOSIT CHARGES

RESIDENTIAL ACCOUNTS	Single Family	$50.00

	METER SIZE	DEPOSIT*
NON-RESIDENTIAL ACCOUNTS**	1"	$180.00
	1 1/2"	$400.00
	2"	$700.00
	3"	$1,600.00
	4"	$2,800.00
	Greater Than 4"	Calculated by CCWS

*Amount listed or equal to 2 months billing, whichever is greater.
**Deposits for Multi-Family and Permitted Industries are calculated by CCWS.

	METER SIZE	DEPOSIT
IRRIGATION METER DEPOSITS	1"	$200.00
	1 1/2"	$400.00
	2"	$600.00
	3"	$1,100.00
	4"	$1,600.00
	6"	$3,400.00
	8"	$5,300.00
	10"	$7,700.00

Customer deposits are refundable upon 24 months of continuous excellent payment history. If the account becomes delinquent, another deposit will be required to be reinstated.

OTHER CHARGES AND CREDITS

SENIOR CITIZEN DISCOUNT	($7.00) per month
To qualify the customer must be 65 years of age or older and have a gross annual income of less than $17,240 annually (2020). This figure will be updated annually with HHS Poverty Index.	

HIGH SERVICE AREA CHARGE	$7.00 per month
A service charge for the customers that have water service in one of the identified high service area districts. This is to recover costs associated with having water available for potable and fire protection uses in these districts.	

WATER RETENTION CREDIT	Commercial, industrial, or institutional users of wastewater system will only be billed for wastewater service equal to the pre-determined percentage of water which is returned to the wastewater system. This credit is typically used in situations of product manufacturing or loss through evaporation (chillers or boilers).

SEPTAGE DISPOSAL FEE	$10.00 per 100 gallons Maximum $100.00 Per Load
This is the amount billed for septage delivered to our wastewater plants for treatment and disposal.	

INDUSTRIAL SURCHARGE RATES	**BOD**	Above 250 mg/l	$0.0936
	TSS	Above 275 mg/l	$0.1752
	NH3 (AMMONIA)	Above 15 mg/l	$0.9934
	PHOS	Above 7.5 mg/l	$1.7482
	Computation: Measured Strength (mg/l) - High Strength Limit (mg/l) x Wastewater Volume (millions of gallons) x 8.34 (conversion factor) x High Strength surcharge ($ per pound).		

FIRE HYDRANT METER RENTAL	DEPOSIT	$1,000.00
	SERVICE FEE	$20.00/meter
	WATER	$9.21 /1,000 gallons
	DAILY RENTAL	$5.00
	LOST METER	Cost of Equipment plus estimated usage of 500 galllons per day

Reference No. 43

TOILET REBATE PROGRAM FOR PROPERTIES BUILT IN 1992 OR BEFORE.	Eligibility is subject to program requirements.		
	SINGLE-FAMILY RESIDENTIAL	($100.00)/Toilet	Maximum 3 toilets per property
	NON-SINGLE-FAMILY RESIDENTIAL	($50.00)/Toilet	Maximum 100 toilets per property

WATER CONNECTION AND TAP FEES

WATER METER CONNECTION FEES				
WATER METER SIZE	**DOMESTIC METER INSTALLATION ONLY (DROP IN METER)**	**SERVICE LINE & DOMESTIC METER INSTALLATION**	**IRRIGATION INSTALLED WITH DOMESTIC METER**	**IRRIGATION METER INSTALLATION ONLY[3]**
3/4"	$525.00	$1,650.00	$1,200.00	
1"	$830.00	$1,700.00	$1,300.00	$1,800.00
1 1/2"	$1,200.00	$1,800.00	$1,600.00	$1,950.00
2"		$1,950.00	$1,850.00	$2,250.00
3"		$4,000.00	$2,680.00	$4,250.00
4"		$4,500.00	$3,570.00	$4,700.00
6"		$10,000.00	$9,370.00	$11,000.00
8"		$14,000.00	$12,220.00	$12,220.00
10"		$19,500.00	$17,960.00	$17,960.00
12"		$24,000.00		
[3] If a new long-side service is required, then all of the costs associated with the service line will be charged in addition to the irrigation meter fee.				
RESIDENTIAL WATER LINE FEE (County Installed Water Mains Only)			$1,000.00	
COMMERCIAL WATER LINE FEE			$25.00 per foot (100 ft. minimum) Churches $1,000.00	

Typical Water Meter Installation Costs:

1. Developer installed water distribution system: water meter installation fee (by meter size) + Deposit
2. CCWS Installed distribution system: water meter installation fee (by meter size) + Water line fee (defined by type of installations) + Deposit

DOUBLE CHECK DETECTOR ASSEMBLY (DCDA) FEES		
DCDA SIZE	**DCDA INSTALLATION**	**DCDA DEPOSIT**
2"	$4,500.00	$50.00
3"	$4,750.00	$50.00
4"	$5,000.00	$50.00
6"	$7,500.00	$125.00
8"	$9,500.00	$150.00
10"	$14,500.00	$200.00
12"	$21,500.00	$250.00
Add deposit and applicable water line fee. This is a backflow prevention device.		

SPECIAL WATER ASSESSMENT AREAS	
Lost Mountain High Service Water Assessment	$3,000.00 per Equivalent Residential Unit
Sweat Mountain High Service Water Assessment	$3,000.00 per Equivalent Residential Unit
Brushy Mountain High Service Water Assessment	Within Contracted area (Shiloh Valley S/D, Phase I & II and the Columns at Shiloh Valley Apartments): $681.00 per single family residence. Outside Contracted area: $4,000.00 per acre.
Equivalent Residential Unit (ERU) = 400 gallons per day.	

WASTEWATER CONNECTION FEES

The System Development Fee (SDF) is based on Equivalent Residential Units (ERU) for single and multi-family residential units and for non-residential properties served by water meters greater than 4 inches in size. Fees are provided below.

FEE	RATE
Typical Single Family Residential SDF	$2,900.00
Multi-Family SDF	Calculated by CCWS
Commercial 1" Meter SDF	$5,220.00
Commercial 1 1/2" Meter SDF	$11,600.00
Commercial 2" Meter SDF	$20,300.00
Commercial 3" Meter SDF	$46,400.00
Commercial 4" Meter SDF	$81,200.00
Commercial Meter Greater than 4" SDF	Calculated by CCWS
Permitted Industry SDF	Calculated by CCWS
Willeo Basin SDF – Applies to All Residential and Non-Residential Properties Regardless of Meter Size	$2,900.00 per ERU
Cobb to Paulding Pumpkinvine Creek SDF– Applies to All Residential and Non-Residential Properties Regardless of Meter Size	$5,600.00 per ERU
Sewer Extension Fee	$2,300.00 per connection plus SDF
Special Sewer Assessment Area Fee	Fee as defined in table below plus SDF
Residential Sewer Tap Installation Fee	$1,100.00
Convenience Sewer Tap Installation Fee	Actual cost to CCWS

Reference No. 43

SPECIAL SEWER ASSESSMENT AREAS	
Brown Deer	$2,300.00 per lot
Clark Creek Area Sewer Assessment	$1,500.00 per acre/less flood plain
Due West Area Sewer Assessment	$2,200.00 per acre/less flood plain ($215.00 per acre for Area 1)
Elmwood Extension Sewer Assessment.	$1,500.00 per acre
Flint Hill Road Sewer Assessment Area	Area # 1 - $600.00 per acre Area # 2 - $2,900.00 per acre
Hartman Road	$2,400.00 per acre
Liberty Hill Sewer Assessment	$14,200.00 per acre
Northwest Cobb Commercial Sewer Assessment Area	$17,900.00 per acre
Old Highway 41 Sewer Assessment	$13,000.00 per acre
Vinings Library Outfall Sewer Assessment	$3,000.00 per acre
Winfred Drive Sewer Assessment	$9,000.00 per acre
Woodland Brook	$23,300.00 per lot

SERVICE CHARGES

Water Service ≤ 4" Service Establishment	$25.00 per trip
Water Service ≥ 6" Service Establishment	$50.00 per trip
Water Service Transfer to New Location	$25.00
Same Day Service Request Fee (Water turn-on)	$25.00
Service Termination Recheck	$25.00
Water Running Recheck	$25.00
Weekend Service Turn-on Fee	$75.00
Late Fee	$10.00
Processing Fee - Delinquent Accounts (Dispatched)	$50.00
Surcharge Same Day Restoration after 6 PM - Delinquent Accounts	$75.00
Returned Checks	$30.00
Broken Lock and Cap (Delinquent Accounts)	$30.00
Reinstall Pulled Water Meter (Delinquent Accounts)	$50.00
Lost / Stolen / Damaged Meter	$300.00
Meter Testing / Reading Verification[3]	$25.00
Meter Installation Additional Trip Fee	$25.00
[3] Fee may be assessed for excessive verifications of accurate readings.	

UNAUTHORIZED WATER USE
Customer is notified to apply for water service. Penalty for theft is $250.00 plus estimated usage at irrigation rate Citizen is also subject to prosecution of misdemeanor with penalty up to $500.00 or 6 months imprisonment.

UNAUTHORIZED WATER USE DURING CURTAILMENT BAN	
This is for the enforcement of customers violating the outdoor watering ban and conservation policies per code section 122-61 and 122-84(k).	
First Violation	Customer is provided or it will be posted on the property a written notice of violation.
Second Violation (same property)	$100.00
Third Violation (same property)	$250.00
Fourth Violation and all others (same property)	$500.00 Service Disconnect

UNAUTHORIZED DOMESTIC WASTEWATER USE
Customer is notified to apply for service and to pay connection fees. Penalty for theft of service is $250.00 plus estimated usage. Citizen is also subject to prosecution of misdemeanor with penalty up to $500.00 or 6 months imprisonment.

GOVERNMENT RATES

These rates apply only to local government customers with a wholesale wastewater contract with Cobb County Water System.

WATER GOVERNMENT RATES	
WATER METER SIZE	MONTHLY SERVICE CHARGE
5/8" & 3/4"	$7.00
1"	$15.00
1 1/2"	$26.00
2"	$45.00
3"	$66.00
4"	$99.60
6"	$206.40
8"	$321.60
10"	$463.20
12"	$463.20

WASTEWATER GOVERNMENT RATES	
Wastewater	$5.23 per 1,000 gallons
Fulton County <10.32 MGD	$2.82 per 1,000 gallons (Per Contractual Agreement)
Fulton County > 10.32 MGD	$5.23 per 1,000 gallons (Per Contractual Agreement)

Reference No. 43

LEAK CREDIT GUIDELINES

Customers may be eligible for a credit on wastewater charges on water lost through a system leak or a damaged pool, subject to certain conditions. Customers may receive a credit no more than once annually and are required to submit documentation of repairs. The credit, if awarded, is based on no more than two billing periods and calculated from the difference between the subject period and 150% of the use for the same period during the previous year. The Water System has established a committee to evaluate requests.