

**DAWSON COUNTY BOARD OF COMMISSIONERS  
VOTING SESSION AGENDA - THURSDAY, MARCH 12, 2015  
DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM  
4:00 PM**

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**M. NEW BUSINESS**

1. Presentation of Application for Parade and Assembly - *4-H Rabies Clinic* - Planning & Development Director Rachel Burton/County Extension Agent Clark MacAllister
2. Presentation of the Illicit Discharge & Illegal Connection Ordinance - Stormwater/Plan Review Manager Robbie Irvin
3. Presentation and Ratification of the FY 2016 DOT 5311 Transit Grant Application - Senior Center Director Dawn Pruett
4. Presentation of the Agreement for Animal Care and Control - Director of Administration David McKee
5. Presentation of the resolution to amend the rules and regulations applicable to employees of the Dawson County Board of Commissioners known as the Dawson County Board of Commissioners Employee Handbook - County Attorney Joey Homans
6. County Manager Report
7. County Attorney Report

**Backup material for agenda item:**

1. Presentation of Application for Parade and Assembly - *4-H Rabies Clinic* - Planning & Development Director Rachel Burton/County Extension Agent Clark MacAllister



# DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA REQUEST

All items requiring action by the Commissioners must be presented first at a work session. The following information should be provided for each item.

No item will be considered for a work session until the Department has received authorization on the item by the County Manager.

Form must be submitted to the County Clerk 10 days prior to the meeting date.

Department: Planning & Development

Presenter: Rachel Burton & Clark MacAllister

Submitted By: Rachel Burton

Date Submitted: 2/24/2015

Item of Business/Agenda Title: Parade & Assembly Permit: 4-H Rabies Clinic on April 25, 2015 at Government Center Parking Lot

**Attach an Executive Summary fully describing all elements of the item of business.  (Attached)**

### THE ITEM IS FOR:

**Work Session presentation only**  
(no action needed)

OR  **Commission Action Needed.**

Is there a deadline on this item? If so, Explain: No

Purpose of Request: Approval of Parade & Assembly Permit for 4-H Rabies Clinic

Department Recommendation: Director Burton recommends approval of the permit.

If the action involves a Resolution, Ordinance, Contract, Agreement, etc. has it been reviewed by the County Attorney?

Yes Explanation/ Additional Information:

No

If funding is involved, are funds approved within the current budget? **If Yes, Finance Authorization is Required Below.**

Yes Explanation/ Additional Information:

No

Amount Requested:

Amount Budgeted:

Fund Name and Account Number:

#### Administration Staff Authorization

Dept. Head Authorization: Rachel Burton Date: 2/23/2015

Finance Dept. Authorization: N/A Date: \_\_\_\_\_

County Manager Authorization: Cindy Campbell Work Session Date: 3/12/2015

Comments: \_\_\_\_\_



**DAWSON COUNTY BOARD OF COMMISSIONERS**  
**EXECUTIVE SUMMARY**

**SUBJECT:** Parade & Assembly Permit - 4-H Rabies Clinic - April 25, 2015

**DATE:** 2/23/2015

**BUDGET INFORMATION:**  
ANNUAL- \_\_\_\_\_  
CAPITAL- \_\_\_\_\_

- RECOMMENDATION**
- POLICY DISCUSSION**
- STATUS REPORT**
- OTHER**

**COMMISSION ACTION REQUESTED ON:** March 19, 2015

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**PURPOSE:** Parade & Assembly Permit for 4-H Rabies Clinic to be held in Government Center parking lot on April 25th from 10:00 am to 1:00 pm.

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**HISTORY:** This event has been held here for the past two years.

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**FACTS AND ISSUES:** The applicant has provided the required insurance certificate since live animals will be involved.

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**OPTIONS:**

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**RECOMMENDED SAMPLE MOTION:**

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**DEPARTMENT:** Planning & Development

Prepared by: Rachel Burton

Director Rachel Burton

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Dawson County  
Planning & Development  
25 Justice Way, Suite 2322  
Dawsonville, GA 30534  
(706) 344-3500

Permit for  
Parades, Public Assemblies,  
Demonstrations, and Rallies  
In Public Places

Date Received: 2/9/15

**Applicant answers all questions on pages 1-4; attach separate sheet(s) if necessary.**

**Application must be received a minimum of 30 days prior to event and must be complete and legible.**

- PARADE
- RALLY
- PUBLIC DEMONSTRATION
- PUBLIC ASSEMBLY
- ROAD CLOSING
- OTHER

1. Name of Event: 4-H Rabies Clinic
2. Location of Event: Main Parking Lot - Courthouse TMP# 201-003
3. Date(s) of Event: 4/25/15  
Time of Event: Start: 10 a.m. / p.m. End: 1 a.m. / p.m.
4. Provide information listed below for the **main contact person** responsible for the organization of this event:

Name: <u>Clark MacAllister</u>	Title: <u>County Extension Coordinator</u>
Organization: <u>Extension Service</u>	Telephone #: <u>706-265-2442</u>
Email Address: <u>clarkmac@uga.edu</u>	Cell Phone #: <u>706-429-7673</u>
Address: <u>298 Academy Ave.</u> City: <u>Dawsonville</u> State: <u>GA</u> Zip Code: <u>30534</u>	

5. Provide information listed below for any **key personnel** involved in coordinating this event. Also, provide information listed below on each officer of the club, organization, corporation or partnership requesting this event. Attach a separate sheet if necessary.

Name: <u>Samantha Graves</u>	Title: <u>4-H Program Assistant</u>
Organization: <u>Dawson County 4-H</u>	Telephone #: <u>706-265-2442</u>
Address: <u>298 Academy Ave.</u> City: <u>Dawsonville</u> State: <u>GA</u> Zip Code: <u>30534</u>	

Name:	Title:
Organization:	Telephone #:
Address: City: State: Zip Code:	

Name:	Title:
Organization:	Telephone #:
Address: City: State: Zip Code:	

Name:	Title:
Organization:	Telephone #:
Address: City: State: Zip Code:	

- 6. Expected number of participants: 200
- 7. Physical description of materials to be distributed: Rabies vaccinations
- 8. How do participants expect to interact with public? Sign-up forms, registration
- 9. Route of event: (attach a detailed map of the route) Main parking lot of Courthouse

9.a. Number and type of units in parade: \_\_\_\_\_  
 9.b. Size of the parade: \_\_\_\_\_

10. Will any part of this Event take place **within** the City Limits of Dawsonville? Yes  
 If YES, do you have a permit for the event from the City? No Date Issued: \_\_\_\_\_ \* Attach Copy

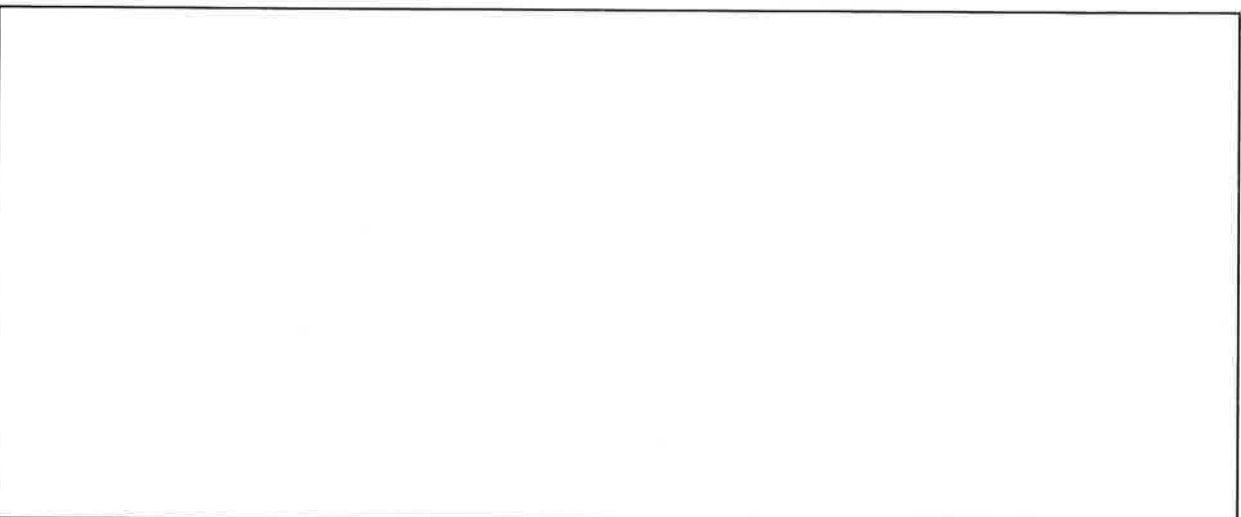
11. Do you anticipate any unusual problems concerning either police protection or traffic congestion as a consequence of the event? \_\_\_\_\_ Yes  No  If YES, please explain in detail: \_\_\_\_\_

12. List all prior parades or public assemblies, demonstrations or rallies in a public place within Dawson County for which you obtained a permit: (Also include dates – attach separate sheet, if necessary). \_\_\_\_\_  
2014 - PAR 8059

**Details:** Please outline what your event will involve: (number of people / life safety issues / vendors / cooking / tents / rides / handicap parking / egress) – *attach separate sheet if necessary.*

Participants will enter main parking lot. After registration, they will return to their cars and get in line for the veterinarian. The vet will administer rabies shots to pets as they remain in owners' vehicles. Participants will then exit parking lot.

**Route or Lay Out:** (attach a detailed site plan)



What participation, if any, do you expect from Dawson County Emergency Services? None

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What participation, if any, do you expect from the Dawson County Sheriff Department? None

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Insurance Requirements:**

In compliance with Ordinance Section VII (C), an applicant for a permit shall obtain liability insurance from an insurer licensed in the State of Georgia for the parade, public assembly, demonstration or rally in a public place, if one or more of the following criteria exists:

1. The use, participation, exhibition, or showing of live animals;
2. The use, participation, exhibition, or showing of automobiles of any size or description, motorcycles, tractors, bicycles, or similar conveyances;
3. The use of a stage, platform, bleachers, or grandstands that will be erected for the event;
4. The use of inflatable apparatus used for jumping, bouncing, or similar activities;
5. The use of roller coasters, bungee jumping, or similar activities; or
6. Vendors or concessions.

Does your parade, non-spontaneous private assembly, demonstration, or rally in a public place meet any of the criteria above?  Yes  No If yes, which one(s)? live animals

Any applicant required to provide insurance shall provide Dawson County with a copy of the Certificate of Insurance from an insurer authorized and licensed by the State of Georgia. Dawson County shall be added as an additional named insured for the event on the Certificate of Insurance by the carrier. The minimum policy limits shall be \$1,000,000.00 per incident and \$2,000,000.00 aggregate for the entire event. All costs for insurance and naming Dawson County as an additional named insured shall be borne solely by the applicant. Such insurance shall protect Dawson County from any and all claims for damages to property and/or bodily injury or death.

Is the Certificate of Liability Insurance attached?  Yes  No  Not applicable to this event

Additional information/comments about liability insurance: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Additional information/comments about this application: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**APPLICANT'S SIGNATURE FOR THE PERMIT APPLICATION; RELEASE & WAIVER OF LIABILITY; AND AGREEMENT FOR FINANCIAL RESPONSIBILITY.**

**APPLICATION:**

OATH: I hereby swear and affirm that the information provided with this application for parade, public assembly, demonstration, or rally is true and correct to the best of my knowledge. In addition, I agree to abide by all regulations of the ordinance and to advise all participants of the conditions of the permit.

**RELEASE & WAIVER OF LIABILITY:**

The permit holder shall indemnify and hold Dawson County harmless from any claim, demand, or cause of action that may arise from activities associated with the event. I acknowledge that I understand this Release, and I hereby agree for myself and on behalf of the Applicant to indemnify and hold harmless Dawson County, Georgia and its agents, officers, and employees, individually and jointly, from and against any claim for injury (including, but not limited to, personal injury and property damage), loss, inconvenience, or damage suffered or sustained by any individual, including but not limited to, business owners, patrons, participants of the parade, public assembly, demonstration, or rally, and spectators participating in and/or occurring during the event, unless the claim for injury is caused by intentional misconduct of an individual, agent, officer, or employee of Dawson County.

**AGREEMENT FOR FINANCIAL RESPONSIBILITY:**

The undersigned agrees to be solely responsible for cleaning affected areas littered during the activity, providing sufficient parking and storage areas for motor vehicles, providing temporary toilet facilities, and providing other similar special and extraordinary items deemed necessary for the permitted activity by Dawson County to keep the area of the event safe and sanitary. However, Dawson County shall not require individuals, organizations, or groups of persons to provide personnel for normal governmental functions such as traffic control, police protection, or other activities or expenses associated with the maintenance of public order. If additional requirements are placed upon an applicant and if such requirements are not met, then Dawson County may revoke the issued permit and/or deny any subsequent permit requested by the applicant. Dawson County shall be entitled to recover from the applicant any sum expended by Dawson County for extraordinary expenses not provided by the applicant. The additional expense may include, but not be limited to, Dawson County utilizing off-duty personnel or providing equipment or resources from other areas of the county to supplement equipment or resources already present.

Clark MacAllister  
Applicant's Printed Name

Sworn to and subscribed before me  
this 9th day of February 2015.

[Signature]  
Applicant's Signature

Diane Callahan  
Notary Public, State of Georgia

My Commission Expires:



**Note to Applicant: Once your permit is processed, Planning & Development will notify you of the meeting dates for the Board of Commissioner's work session and voting session. You are required to attend both meetings.**





Dawson County  
Planning & Development  
25 Justice Way, Suite 2322  
(706) 344-3500

Permit for  
Parades, Public Assemblies,  
Demonstrations, and Rallies  
In Public Places  
**(EMERGENCY SERVICES)**

**EMERGENCY SERVICES:** Please complete this sheet and return it to Dawson County Planning and Development. *(Please attach additional sheet, if necessary.)*

Name of Event: Rabies Clinic Date(s) of Event: \_\_\_\_\_

Any anticipated problems with proposed route? NO

Any anticipated problems with the designated location for participants to assemble? NO

How many personnel will be required for this event? 0

Estimated cost for personnel: 0

Number and type of vehicles required: 0

Type of procedures or equipment needed for the health and safety needs of the participants and the viewing public: N/A

Estimated cost for equipment: 0

Additional comments/concerns: great health benefit to the county.

Emergency Services: APPROVED:  YES  NO *(Please also sign off on page 8 of application.)*

By: [Signature] Date: 02-04-2015



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 Planning & Development  
 25 Justice Way, Suite 2322  
 Dawsonville, GA 30534  
 (706) 344-3500

Permit for  
 Parades, Public Assemblies,  
 Demonstrations, and Rallies  
 In Public Places  
 (SHERIFF DEPARTMENT)

SHERIFF DEPARTMENT: Please complete this sheet and return it to Dawson County Planning and Development. (Please attach additional sheet, if necessary.)

Name of Event: Rabies Clinic Date(s) of Event: \_\_\_\_\_

Any anticipated problems with proposed route? None

Any anticipated problems with the designated location for participants to assemble? none

How many officers will be required for this event? 0

Estimated cost for officers: 0

Number of vehicles required: 0

Type of procedures and equipment needed for the health and safety needs of the participants and the viewing public: none

Estimated cost for equipment: 0

Additional comments/concerns/recommendations: none

Sheriff Department: APPROVED:  YES  NO (Please also sign off on page 8 of application.)

By: Bill Carls Date: 1/28/15



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Permit for  
Parades, Public Assemblies,  
Demonstrations, and Rallies  
In Public Places  
*(Marshal / Public Works / Environmental  
Health / Parks & Recreation)*

**PLEASE PROVIDE COMMENTS AND APPROVALS BELOW (Attach additional sheet if necessary)  
(Please also sign off on page 8 of the application.)**

MARSHAL: N/A

APPROVED:  YES  NO By: \_\_\_\_\_ Date: \_\_\_\_\_

PUBLIC WORKS: N/A

APPROVED:  YES  NO By: \_\_\_\_\_ Date: \_\_\_\_\_

ENVIRONMENTAL HEALTH: N/A

APPROVED:  YES  NO By: \_\_\_\_\_ Date: \_\_\_\_\_

PARKS & RECREATION: N/A

APPROVED:  YES  NO By: \_\_\_\_\_ Date: \_\_\_\_\_



**Dawson County  
Planning & Development**  
25 Justice Way, Suite 2322  
Dawsonville, GA 30534  
(706) 344-3500

**Permit for  
Parades, Public Assemblies,  
Demonstrations, and Rallies  
In Public Places**  
**(APPROVALS)**

**Office Use Only:**

If applicable to the event, the following departments have reviewed and approved this event:

Department	Printed Name	Signature for Approval	Date
Sheriff Dept.			
Emergency Services			
Marshal's Office			
Public Works Dept.			
Environmental Health			
Parks and Recreation			
State Park Office			
Georgia Dept. of Transportation			

Dawson County Board of Commissioners:

Work Session Date: 3/12/15

Voting Session Date: 3/19/15

Approved:

Attest:

\_\_\_\_\_  
Mike Berg, Chairman  
Dawson County Board of Commissioners

\_\_\_\_\_  
Danielle Yarbrough, County Clerk

cc: (as applicable)

Applicant  
County Attorney  
Sheriff Dept.  
Emergency Services

Marshal Dept.  
Environmental Health  
Public Works  
Parks and Recreation

GA DOT (Brent Cook)  
GA State Parks

PERMIT # PAR 8680

DATE ISSUED: \_\_\_\_\_

STATE OF GEORGIA  
DEPARTMENT OF ADMINISTRATIVE SERVICES  
CERTIFICATE OF INSURANCE

<b>Name and Address of Agency</b> Department of Administrative Services Risk Management Services P.O. Box 38198, Capitol Hill Station Atlanta, Georgia 30334	<b>Coverages Afforded By:</b> Company Letter A State of Ga. Risk Management Services <hr/> Company Letter B Great American Insurance Company <hr/> Company Letter C <hr/> Company Letter D <hr/> Company Letter E
<b>Name and Address of Insured</b> <b>Board of Regents</b> <b>University of Georgia</b> <b>4435 Atlanta Highway</b> <b>Bogart, Georgia 30622</b>	

This certificate is given as a matter of information only and confers no rights upon the certificate holder. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policy(ies) described herein is subject to all the terms, exclusions and conditions of such policy(ies). This certificate does not amend, extend or otherwise alter the coverages afforded by the policy(ies) described herein.

COMPANY LETTER	TYPES OF INSURANCE	POLICY NUMBER	POLICY EXPIRES	LIMITS APPLY SEPARATELY PER POLICY
A	COV. LIABILITY (GL, MEDICAL MALPRACTICE) A TORT CLAIMS LIABILITY POLICY. State agency or Authority is insured when sued in state courts.	TCP 401-15-15	6/30/2015	BODILY INJURY & PROPERTY DAMAGE & PERSONAL INJURY COMBINED  PER PERSON \$1,000,000  AGGREGATE \$3,000,000  OCCURRENCE POLICIES (X)
A	B EMPLOYEE LIABILITY POLICY. Employee is insured when sued individually.	CGL 401-15-15	6/30/2015	
	C STATE AUTHORITY POLICY. Coverage applies when Authority is sued in federal court			
Contractual and/or Additional Insured Coverage applies to Certificate Holder if policy A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> is checked.				
A	COV. AUTOMOBILE LIABILITY COVERAGE D Owned, rented, and non-owned automobiles when Agency or Authority is sued in state court or employee is sued in federal court	TCP 401-15-15	6/30/2015	C.S.L.  PER PERSON \$1,000,000  AGGREGATE \$3,000,000
	E Physical Damage Coverage			Other than Coll. 500 Ded. Coll. 500 Ded.
	F Excess Authority Coverage when Authority is sued in federal court G Excess Contractual and /or additional insured coverage when certificate holder is sued in federal or state court yes <input type="checkbox"/> no <input type="checkbox"/>			LIMITS SHOWN INCLUDE THE LIMITS OF LIABILITY SHOWN UNDER COVERAGES C-D FOR AUTHORITIES ONLY SINGLE LIMIT LIABILITY:
A	H WORKER'S COMP. COVERAGE	SELF-INSURED	NONE	STATUTE
B	COV. MISC. COVERAGE I Property J Other (Fidelity Bond)	GVT 554-39-95-14	6/30/2015	\$50,000,000

**DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES**

**Contractual Liability is NOT provided and the Certificate Holder is NOT an additional insured. Coverage applies to state employees while performing state assigned duties.**

**CANCELLATION:**

In the event of cancellation of the policy(ies) described herein, Risk Management Services will endeavor to provide 30 days written notice to the certificate holder, however Risk Management Services assumes no legal responsibility for failure to do so.

NAME AND ADDRESS OF CERTIFICATE HOLDER

TO WHOM IT MAY CONCERN

DATE ISSUED: 1/8/2015

*Wade D.*  
\_\_\_\_\_  
AUTHORIZED REPRESENTATIVE

**Backup material for agenda item:**

2. Presentation of the Illicit Discharge & Illegal Connection Ordinance - Stormwater/Plan  
Review Manager Robbie Irvin



# DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA REQUEST

All items requiring action by the Commissioners must be presented first at a work session. The following information should be provided for each item.

No item will be considered for a work session until the Department has received authorization on the item by the County Manager.

Form must be submitted to the County Clerk 10 days prior to the meeting date.

Department: Planning & Development

Presenter: Robbie Irvin

Submitted By: Rachel Burton

Date Submitted: 3/2/2015

Item of Business/Agenda Title: Dawson County Illicit Discharge & Illegal Connection Ordinance

**Attach an Executive Summary fully describing all elements of the item of business.  (Attached)**

### THE ITEM IS FOR:

**Work Session presentation only**  
(no action needed)

OR  **Commission Action Needed.**

Is there a deadline on this item? If so, Explain: No

Purpose of Request: Approval of public hearings for Illicit Discharge & Illegal Connection Ordinance

Department Recommendation: Director Burton recommends approval to send to public hearing on 4/2/15 and 4/14/15

If the action involves a Resolution, Ordinance, Contract, Agreement, etc. has it been reviewed by the County Attorney?

Yes Explanation/ Additional Information:

No

If funding is involved, are funds approved within the current budget? **If Yes, Finance Authorization is Required Below.**

Yes Explanation/ Additional Information:

No

Amount Requested:

Amount Budgeted:

Fund Name and Account Number:

### Administration Staff Authorization

Dept. Head Authorization: Rachel Burton Date: 3/2/2015

Finance Dept. Authorization: N/A

Date: \_\_\_\_\_

County Manager Authorization: Cindy Campbell Work Session Date: 3/12/2015

Comments: \_\_\_\_\_



**DAWSON COUNTY BOARD OF COMMISSIONERS**  
**EXECUTIVE SUMMARY**

**SUBJECT:** Dawson County Illicit Discharge & Illegal Connection Ordinance

**DATE:** 3/2/2015

- RECOMMENDATION
- POLICY DISCUSSION
- STATUS REPORT
- OTHER

**BUDGET INFORMATION:**  
 ANNUAL- \_\_\_\_\_  
 CAPITAL- \_\_\_\_\_

**COMMISSION ACTION REQUESTED ON:** March 19, 2015

**PURPOSE:** Approval of public hearings for Illicit Discharge & Illegal Connection Ordinance to be held on 4/2/15 and 4/14/15.

**HISTORY:** Dawson County was required to obtain coverage under the NPDES General Permit GAG6100 since we were designated as a small MS4.

**FACTS AND ISSUES:** This is a mandatory ordinance per the Stormwater MS4 Program to develop, implement, and enforce a program to detect and eliminate illicit discharges into our small municipal separate storm sewer system.

**OPTIONS:**

**RECOMMENDED SAMPLE MOTION:** Make a motion to send the Dawson County Illicit Discharge & Illegal Connection Ordinance to public hearing on 4/2/15 and 4/14/15.

**DEPARTMENT:** Planning & Development

Prepared by: Rachel Burton

Director Rachel Burton



# DAWSON COUNTY ILLICIT DISCHARGE AND ILLEGAL CONNECTION ORDINANCE

Presented By: Robbie Irvin  
Dawson County Stormwater Manager

# A Little Background First...

Dawson County was designated a small MS4 by the EPA. In March 2014 a letter addressed to Chairman Berg was received detailing our requirement to obtain coverage under the NPDES General Permit GAG61000

**Part of that is:**

Regulatory Requirement, 40 CFR Part 122.34(b)(3):

*CFR means: Code of Federal Regulations*

You must develop, implement and enforce a program to detect and eliminate illicit discharges into your small Municipal Separate Storm Sewer System.

# What is an Illicit Discharge?



# The Definition...

An illicit discharge is defined as any discharge to the municipal separate storm sewer system that is not composed entirely of storm water, except for discharges allowed under a NPDES permit or waters used for firefighting operations. These non-stormwater discharges occur due to illegal connections to the storm drain system from business or commercial establishments. As a result of these illicit connections, contaminated wastewater enter into storm drains or directly into local waters before receiving treatment from a wastewater treatment plant. Illicit connections may be intentional or may be unknown to the business owner and often are due to the connection of floor drains to the storm sewer system. Additional sources of illicit discharges can be failing septic systems, illegal dumping practices, and the improper disposal of sewage from recreational practices such as boating or camping.

# How Do We Detect...

Through regulations which:

1. Allow for Inspections of premises which discharge into the MS4.
2. Require the county to be notified of accidental discharges and or spills.

And through Citizen complaints and observations.

# How Do We Eliminate...

By requiring:

Cleanup of spills and discharges and  
preventative maintenance with BMP's

And if necessary:

Suspension of access to the system

# Who Enforces...

The Dawson County Stormwater Management Office will inspect and enforce this ordinance.

Citations will be issued by the Dawson County Marshal's Office when necessary.



Let's Help Keep Our  
Water Clean!

# Questions?

Proposed Public Hearing Dates:  
April 2, 2015 & April 14, 2015



# **DAWSON COUNTY ILLICIT DISCHARGE AND ILLEGAL CONNECTION ORDINANCE**

## **Introduction**

It is hereby determined that:

Discharges to the Dawson County Separate Storm Sewer System that are not composed entirely of stormwater runoff contribute to increased nonpoint source pollution and degradation of receiving waters;

These non-stormwater discharges occur due to spills, dumping and improper connections to the Dawson County Separate Storm Sewer System from residential, industrial, commercial or institutional establishments.

These non-stormwater discharges not only impact waterways individually, but geographically dispersed, small volume non-stormwater discharges can have cumulative impacts on receiving waters.

The impacts of these discharges adversely affect public health and safety, drinking water supplies, recreation, fish and other aquatic life, property values and other uses of lands and waters;

These impacts can be minimized through the regulation of spills, dumping and discharges into the Dawson County Separate Storm Sewer System;

Localities in the State of Georgia are required to comply with a number of State and Federal laws, regulations and permits which require a locality to address the impacts of stormwater runoff quality and nonpoint source pollution due to improper non-stormwater discharges into the their Municipal Separate Storm Sewer Systems;

Therefore, Dawson County adopts this ordinance to prohibit such non-stormwater discharges to the Dawson County Separate Storm Sewer System. It is determined that the regulation of spills, improper dumping and discharges to the Dawson County Separate Storm Sewer System is in the public interest and will prevent threats to public health and safety, and the environment.

## **Section 1. General Provisions**

### **1.1. Purpose and Intent**

The purpose of this ordinance is to protect the public health, safety, environment and general welfare through the regulation of non-stormwater discharges to the Dawson County Separate Storm Sewer System to the maximum extent practicable as required by Federal law. This ordinance establishes methods for controlling the introduction of

pollutants into the Dawson County Separate Storm Sewer System in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are to:

- (1) Regulate the contribution of pollutants to the Dawson County Separate Storm Sewer System by any person;
- (2) Prohibit illicit discharges and illegal connections to the Dawson County Separate Storm Sewer System;
- (3) Prevent non-stormwater discharges, generated as a result of spills, inappropriate dumping or disposal, to the Dawson County Separate Storm Sewer System; and,
- (4) To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this ordinance

### **1.2. Applicability**

The provisions of this ordinance shall apply throughout the **unincorporated** area of Dawson County.

### **1.3. Compatibility with Other Regulations**

This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

### **1.4. Responsibility for Administration**

The Dawson County Stormwater Management Office shall administer, implement, and enforce the provisions of this ordinance unless otherwise noted herein.

## **Section 2. Definitions**

**Accidental Discharge:** means a discharge prohibited by this ordinance which occurs by chance and without planning or thought prior to occurrence.

**Clean Water Act:** means the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

**Construction Activity:** means activities subject to the Georgia Erosion and Sedimentation Control Act or NPDES General Construction Permits. These include construction projects resulting in land disturbance. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

**Illicit Discharge:** means any direct or indirect non-stormwater discharge to the Dawson County Separate Storm Sewer System, except as exempted in Section 3 of this ordinance.

**Illegal Connection:** means either of the following:

- a) Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system, regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency; or
- b) Any pipe, open channel, drain or conveyance connected to the Dawson County Separate Storm Sewer System which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

**Industrial Activity:** means activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

**National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit:** means a permit issued by the Georgia EPD under authority delegated pursuant to 33 U.S. Code § 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

**Dawson County Separate Storm Sewer System:** means any facility designed or used for collecting and/or conveying stormwater, including but not limited to any roads with drainage systems, highways, **Dawson County** streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, ditches, swales, natural and man-made or altered drainage channels, reservoirs, and other drainage structures, and which is:

- a) Owned or maintained by Dawson County;
- b) Not a combined sewer; and
- c) Not part of a publicly-owned treatment works.

**Non-Stormwater Discharge:** means any discharge to the storm drain system that is not composed entirely of stormwater.

**Person:** means, except to the extent exempted from this ordinance, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the State, any interstate body or any other legal entity.

**Pollutant:** means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers;

cleaning chemicals; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; and noxious or offensive matter of any kind.

**Pollution:** means the contamination or other alteration of any water's physical, chemical or biological properties by the addition of any constituent and includes but is not limited to, a change in temperature, taste, color, turbidity, or odor of such waters, or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

**Premises:** mean any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

**State Waters:** means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface and subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State of Georgia which are not entirely confined and retained completely upon the property of a single person.

**Stormwater Runoff or Stormwater:** means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

**Structural Stormwater Control:** means a structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow.

### **Section 3. Prohibitions**

#### **3.1 Prohibition of Illicit Discharges**

No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the Dawson County Separate Storm Sewer System any pollutants or waters containing any pollutants, other than stormwater.

The following discharges are exempt from the prohibition provision above:

- (1) Water line flushing performed by a government agency, other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising

ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, non-commercial washing of vehicles, swimming pools (if dechlorinated - typically less than one PPM chlorine), springs, natural riparian habitat or wetland flows, and any other water source not containing pollutants;

- (2) Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.
- (2) Discharges or flows from fire fighting, and other discharges specified in writing by Dawson County as being necessary to protect public health and safety;
- (3) The prohibition provision above shall not apply to any non-stormwater discharge permitted under an NPDES permit or order issued to the discharger and administered under the authority of the State and the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the Dawson County Separate Storm Sewer System.

### **3.2 Prohibition of Illegal Connections**

The construction, connection, use, maintenance or continued existence of any illegal connection to the Dawson County Separate Storm Sewer System is prohibited.

- (1) This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (2) A person violates this ordinance if the person connects a line conveying sewage to the Dawson County Separate Storm Sewer System, or allows such a connection to continue.
- (3) Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of Etowah Water and Sewer Authority or any future applicable authority.
- (4) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from Dawson County requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be completed, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of

connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to Dawson County.

#### **Section 4. Industrial or Construction Activity Discharges**

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to Dawson County prior to allowing discharges to the Dawson County Separate Storm Sewer System.

#### **Section 5. Access and Inspection of Properties and Facilities**

Dawson County shall be permitted to enter and inspect properties and facilities at reasonable times as often as may be necessary to determine compliance with this ordinance.

- (1) If a property or facility has security measures in force which require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to representatives of Dawson County.
- (2) The owner or operator shall allow Dawson County ready access to all parts of the premises for the purposes of inspection, sampling, photography, videotaping, examination and copying of any records that are required under the conditions of an NPDES permit to discharge stormwater.
- (3) Dawson County shall have the right to set up on any property or facility such devices as are necessary in the opinion of Dawson County to conduct monitoring and/or sampling of flow discharges.
- (4) Dawson County may require the owner or operator to install monitoring equipment and perform monitoring as necessary, and make the monitoring data available to Dawson County. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator at his/her own expense. All devices used to measure flow and quality shall be calibrated to ensure their accuracy.
- (5) Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of Dawson County and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.

- (6) Unreasonable delays in allowing Dawson County access to a facility is a violation of this ordinance.
- (7) If Dawson County has been refused access to any part of the premises from which stormwater is discharged, and Dawson County is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then Dawson County may seek issuance of a search warrant from any court of competent jurisdiction.

### **Section 6. Notification of Accidental Discharges and Spills**

- (1) Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or non-stormwater discharges from that facility or operation which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the Dawson County Separate Storm Sewer System, State Waters, or Waters of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release so as to minimize the effects of the discharge.
- (2) Said person shall notify the Dawson County Stormwater Management Office in person or by phone, facsimile or in person no later than 24 hours of the nature, quantity and time of occurrence of the discharge. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to Dawson County within three business days of the phone or in person notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill.
- (3) In the event of such a release of hazardous materials, emergency response agencies and/or other appropriate agencies shall be immediately notified.
- (4) Failure to provide notification of a release as provided above is a violation of this ordinance.

## **Section 7. Suspension of Access**

### **7.1 Suspension due to Illicit Discharges in Emergency Situations**

Dawson County may, without prior notice, suspend discharge access into the Dawson County Separate Storm Sewer System to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the Dawson County Separate Storm Sewer System, Waters of the State, or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, Dawson County may take such steps as deemed necessary to prevent or minimize damage to the Dawson County Separate Storm Sewer System, Waters of the State, Waters of the United States, or to minimize danger to persons.

### **7.2 Suspension due to the Detection of Illicit Discharge**

Any person discharging to the Dawson County Separate Storm Sewer System in violation of this ordinance may have their access terminated if such termination would abate or reduce an illicit discharge. The Dawson County Stormwater Manager will notify a violator of the proposed termination of its access. The violator may petition Dawson County for a reconsideration and hearing as outlined in Section 8 of this ordinance.

### **7.3 Illegal Reinstatement of Access**

A person commits an offense if the person reinstates Dawson County Separate Storm Sewer System access to premises terminated pursuant to this Section, without the prior approval of Dawson County.

## **Section 8. Requirement to Prevent, Control, and Reduce Stormwater Pollutants by the Use of BMP's**

Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the Dawson County Separate Storm Sewer System, or Waters of the State of Georgia and or Waters of the U.S. shall be observed by the owner of any property discharging into the Dawson County Separate Storm Sewer System. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the Dawson County Separate Storm Sewer System or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMP's to prevent the further discharge of pollutants to the Dawson County Separate Storm Sewer System. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMP's shall be part of a stormwater pollution



prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

## **Section 9. Watercourse Protection**

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

## **Section 10. Violations, Enforcement and Penalties**

### **10.1. Violations**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. Any person who has violated or continues to violate the provisions of this ordinance, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.

In the event the violation constitutes an immediate danger to public health or public safety, Dawson County is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. Dawson County is authorized to seek costs of the abatement as outlined in Section 10.5.

### **10.2. Notice of Violation**

Whenever Dawson County finds that a violation of this ordinance has occurred, Dawson County may order compliance by written notice of violation.

- A. The notice of violation shall contain:
- (1) The name and address of the alleged violator;
  - (2) The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
  - (3) A statement specifying the nature of the violation;
  - (4) A description of the remedial measures necessary to restore compliance with this ordinance and a time schedule for the completion of such remedial action;

- (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed.
- B. Such notice may require without limitation:
- (1) The performance of monitoring, analyses, and reporting;
  - (2) The elimination of illicit discharges and illegal connections;
  - (3) That violating discharges, practices, or operations shall cease and desist;
  - (4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
  - (5) Payment of costs to cover administrative and abatement costs; and,
  - (6) The implementation of pollution prevention practices.

### **10.3. Appeal of Notice of Violation**

Any person receiving a Notice of Violation may appeal such determination. The notice of appeal must be received by the Stormwater Manager within (10) days from the date of the Notice of Violation. Hearing on the appeal before the Dawson County Board of Commissioners shall take place on the next available hearing date following submission of the notice of appeal. The decision of the Board of Commissioners shall be final.

### **10.4. Enforcement Measures after Appeal**

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or in the event of an appeal, within (10) days of the decision of the appropriate authority upholding the decision of Dawson County, then representatives of Dawson County may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow Dawson County or its designated contractor to enter upon the premises for the purposes set forth above.

### **10.5 Costs of Abatement of the Violation**

Within (30) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the assessment or to the amount of the assessment within 30 days of such notice. If the amount due is not paid within thirty (30) days after receipt of the notice, or if an appeal is taken, within thirty (30) days after a decision on said appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to Dawson County by reason of such violation.

#### **10.6 Civil Penalties**

In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within (10) days, or such greater period as Dawson County shall deem appropriate, after Dawson County has taken one or more of the actions described above, Dawson County may impose a civil penalty not to exceed \$1,000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

#### **10.7 Criminal Penalties**

The Dawson County Stormwater Manager may request, at his discretion, the Dawson County Marshal's Office to issue a citation to the alleged violator requiring such person to appear in court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000 or imprisonment for (60) days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

#### **10.8 Violations Deemed a Public Nuisance**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is a threat to public health, safety, welfare, and environment and is declared and deemed a nuisance, and may be abated by injunctive or other equitable relief as provided by law.

#### **10.9 Remedies Not Exclusive**

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable Federal, State or local law and Dawson County may seek cumulative remedies.

#### **10.10 Recovery of Fees**

Dawson County may recover attorney's fees, court costs, and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

### **Section 11. Severability**

If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if a provision of any part of this ordinance is applied to any particular situation or set of circumstances in such a manner as to be declared invalid or unconstitutional, then any such invalidity shall not be construed to affect the portions of this ordinance not so held to be invalid and the application of this ordinance to other circumstances shall not be held to be invalid. The Dawson County Board of Commissioners hereby declares the intent of Dawson County Board of Commissioners is to provide for separable and divisible parts, and the Dawson County Board of

Commissioners hereby adopts any and all parts hereof as may not be held invalid for any reason.

**Section 12. Repealer**

All resolutions or ordinances or parts thereof in conflict with the terms of this ordinance are hereby repealed.

This \_\_\_\_ day of \_\_\_\_\_, 2015.

DAWSON COUNTY

ATTEST

By: \_\_\_\_\_  
Mike Berg, Chairman  
Board of Commissioners

By: \_\_\_\_\_  
Danielle Yarborough,  
County Clerk

VOTE:      Yes \_\_\_\_\_

              No \_\_\_\_\_

Dates of Public Hearings:

Dates of Advertising:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Backup material for agenda item:**

3. Presentation and Ratification of the FY 2016 DOT 5311 Transit Grant Application -  
Senior Center Director Dawn Pruett



# DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA REQUEST

All items requiring action by the Commissioners must be presented first at a work session. The following information should be provided for each item.

No item will be considered for a work session until the Department has received authorization on the item by the County Manager.

Form must be submitted to the County Clerk 10 days prior to the meeting date.

Department: Dawson County Transit

Presenter: Dawn Pruett

Submitted By: Dawn Pruett

Date Submitted: 2/19/2015

Item of Business/Agenda Title: FY 2016 DOT 5311 Transit Grant Application

**Attach an Executive Summary fully describing all elements of the item of business.**  (Attached)

### THE ITEM IS FOR:

**Work Session presentation only**  
(no action needed)

OR  **Commission Action Needed.**

Is there a deadline on this item? If so, Explain: Deadline for application submittal is March 15, 2015

Purpose of Request: Requesting BOC approval to apply for the FY 2016 DOT Transit grant and approval for Chairman to sign contract upon award receipt

Department Recommendation: Department recommends approval.

If the action involves a Resolution, Ordinance, Contract, Agreement, etc. has it been reviewed by the County Attorney?

Yes Explanation/ Additional Information:  
 No

If funding is involved, are funds approved within the current budget? **If Yes, Finance Authorization is Required Below.**

Yes Explanation/ Additional Information: See attached. Budget decreased 19.86%.  
 No

Amount Requested: \$118,205 Amount Budgeted: \$133,000

Fund Name and Account Number: 250-00-5540-XXXXXX-016

Administration Staff Authorization

Dept. Head Authorization: Dawn Pruett Date: 2-19-15

Finance Dept. Authorization: Wendy Hunter Date: 2-19-15

County Manager Authorization: Cindy Campbell Work Session Date: 2/26/2015

Comments: \_\_\_\_\_

Attachments: \_\_\_\_\_



**DAWSON COUNTY BOARD OF COMMISSIONERS  
EXECUTIVE SUMMARY**

**SUBJECT:** FY 2016 DOT 5311 Transit Grant Application

**DATE:** 2-19-2015

- RECOMMENDATION**
- POLICY DISCUSSION**
- STATUS REPORT**
- OTHER**

**BUDGET INFORMATION:**

ANNUAL-	<u>\$118,205</u>
CAPITAL-	<u>\$5,022</u>

**COMMISSION ACTION REQUESTED ON:** 3/5/2015

**PURPOSE:** Request BOC approval to submit application for Transit Grant for FY 2016.

**HISTORY:** Application for grant is made each year

**FACTS AND ISSUES:** DOT 5311 is a 50% Federal/State / 50% local match grant for public transportation program.

- OPTIONS:**
1. Approve request to submit grant application and authorize Chairman to sign contract once awarded
  2. Do not approve request.

**RECOMMENDED SAMPLE MOTION:**

**DEPARTMENT:** Margie Weaver Senior Center

Prepared by Sam Reel  
 Director Sam Reel

**BUDGET REVISION**  
 County Transit  
 DAWSON

Date **3/6/2015**

Line Item	FY14 Expense	FY14 Budget	FY15 Budget	Proposed FY16	% Change
Director Salary	\$23,463	\$34,000	\$34,303	\$26,000	-24.20%
Supervisor Salary					
Bookkeeper Salary					
Secretary Salary					
Training	\$612	\$1,500	\$1,575	\$1,700	7.94%
Marketing	\$75	\$500	\$525	\$500	-4.76%
Telephone	\$2,677	\$2,100	\$2,205	\$2,700	22.45%
Office Supplies	\$1,266	\$2,100	\$2,205	\$1,500	-31.97%
Facilities/Equipment Rental	\$360	\$750	\$750	\$450	-40.00%
Standard Overhead					0.00%
Computer Software Maintenance			\$0	\$3,792	
Audit	\$1,262	\$1,500	\$1,500	\$1,400	-6.67%
Other					0.00%
Driver Salary	\$69,631	\$78,500	\$82,425	\$76,000	-7.79%
Dispatcher Salary	\$29,652	\$30,000	\$31,500	\$32,500	3.17%
Mechanic Salary					
Fuel	\$33,382	\$49,000	\$51,450	\$37,700	-26.72%
Maintenance and Repairs	\$7,727	\$16,000	\$16,800	\$8,500	-49.40%
Insurance		\$4,200	\$4,410	\$4,410	0.00%
Drug & Alcohol Testing	\$144	\$800	\$840	\$500	-40.48%
License	\$22	\$100	\$100	\$100	0.00%
Uniforms	\$214	\$750	\$775	\$850	9.68%
Fringe Benefits	\$35,725	\$58,300	\$61,215	\$39,000	-36.29%
Utilities/Communications	\$1,874	\$2,300	\$2,415	\$2,600	7.66%
Other ( )					
<b>TOTAL EXPENSES:</b>	<b>\$208,086</b>	<b>\$282,400</b>	<b>\$294,993</b>	<b>\$240,202</b>	<b>-18.57%</b>
<b>POS Local Funds</b>			<b>\$35,000</b>	<b>\$35,000</b>	<b>0.00%</b>

NOTE: January - August 2015 Actual cost/8months\*12 months=estimated annual expense

Capital Budget:	Quantity	\$/Item
Shuttle Van w Lift	1	\$47,219.00
<b>Total</b>		<b>\$50,219.00</b>



Keith Golden, P.E., Commissioner



**GEORGIA DEPARTMENT OF TRANSPORTATION**

One Georgia Center, 600 West Peachtree Street, NW  
Atlanta, Georgia 30308  
Telephone: (404) 631-1000

January 15, 2015

Georgia Department of Transportation, Office of Intermodal Programs  
Michele Nystrom, Rural Transit Group Leader  
600 West Peachtree Street NW, 9<sup>th</sup> Floor  
Atlanta, GA 30308

RE: FY2016 - 5311 Rural Public Transportation Application Packet

Dear Sub-recipient:

The Georgia Department of Transportation, Division of Intermodal, is happy to provide the attached FY16 Section 5311 Application for sub-recipient completion. The application has been updated to include MAP-21 changes, and FFY15 FTA Certifications and Assurances applicable to Federal Transit Administration (FTA) Programs. Please give careful review and complete all sections of the application as outlined in the instructions. If you have questions or need technical assistance, please contact your local area District Transportation Public Coordinator.

The deadline to have this application completed and returned to your local District office is March 15, 2015. Applications will be accepted before the deadline. Please return two complete packets, the original and one copy as well as one PDF signed copy to your District Public Coordinator via U.S. Postal service and electronic copy via email.

As soon as you receive this packet, please run your newspaper article (see Exhibit 7B); obtain an affidavit attesting to the publication, and forward Exhibit 5 Certifications and Assurances to your attorney for opinion of counsel. Please ensure that this document is placed on the attorney's letterhead stationery.

Please plan to add the application and exhibits as an agenda item for the January or February Commissioner's meeting in order to be able to have necessary signatures prior to the deadline. The Authorizing Resolution (Exhibit 6) should be typed on County letterhead.

All applications are subject to review and availability of funds. Please contact your Public Transportation Coordinator if you have any questions, comments, or concerns.

Thank you for all that you do in support of public transportation on behalf of our Georgia citizens.

Sincerely,

A handwritten signature in cursive script that reads "Michele Nystrom".

Michele Nystrom  
Rural Transit Group Leader

cc: Crystal Odum Ford, Transit Director  
Carol Comer, Director, Division of Intermodal  
Nancy Cobb, Administrator, Division of Intermodal

# Georgia Department of Transportation

## 5311 Program Application

SFY 2016

For Period July 1, 2015 – June 30, 2016

County: \_\_\_\_\_

GDOT District: \_\_\_\_\_

Date submitted: \_\_\_\_\_

Reviewed by Public Transportation Coordinator:

\_\_\_\_\_

\_\_\_\_\_

Name

Date

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## LIST OF EXHIBITS

PLEASE READ THE FOLLOWING INSTRUCTIONS CAREFULLY TO COMPLETE THE EXHIBITS:

1. **EXHIBIT 1 - *Exhibit cover sheet*** - Please complete all exhibits, as applicable. Only check those that apply, if not applicable, indicate as such with N/A
2. **EXHIBIT 2 - *Executive Summary*** - Provide narrative of transit system and total Budget request.
3. **EXHIBIT 3 - *Budget request*** - Please insert copy of system budget request for application period, copy of December (current fiscal year) reimbursement, copy of final prior year (2014) reimbursement, and FY14 purchase of service agreement(s) or contract, if applicable.
4. **EXHIBIT 3B - *System Narratives*** - Complete all sections under **Organization, Market, Operations, Marketing, Vehicle Inventory, Operating Data, Financial Data, Vehicle Inventory, Operating Performance (2014 full year), Operating Performance (2015 July 2014-Dec. 2014), Financial Data**
5. **EXHIBIT - 4 - *Purchase of Service Computation Worksheet (Fully allocated cost (FAC)); 4B; Purchase of Service (POS) trip rates***
6. **EXHIBIT 4A - *Insert Third Party Operator Agreement (if applicable)***
7. **EXHIBIT 4B - *Purchase of Service Rate (POS) Information (if applicable)***
8. **EXHIBIT 5 - *FY2015 FTA Certifications and Assurances*** Have the County Commissioner Chairman or Mayor and County Attorney's to sign this document and include original with application packet due to the Department by March 15, 2015.
9. **EXHIBIT 6 - (*AUTHORIZING RESOLUTION*)** Provide the authorizing resolution from the most recent Commissioner's Meeting. Make sure resolution is properly witnessed and notarized including the date the commission expires; it should also be stamped with the notary seal as well as the County Seal; and complete certificate of attesting officer. The original should be returned to the Department no later than March 15, 2015. A copy should be included in application packet.

Georgia Department of Transportation -- Division of Intermodal

600 West Peachtree Street, 2<sup>nd</sup> Floor

Atlanta Georgia 30308

10. **EXHIBIT 7A - *Private Enterprise Coordination*** - Have the County Commissioner or Mayor to sign and date this form. This exhibit, original legal ad and notarized publisher's affidavit from the newspaper should be returned to the Department by March 15, 2015.
11. **EXHIBIT 7B - *Copy of Tear Sheet*** Publish this notice one time in the local government's legal newspaper. The original legal ad and notarized publisher's affidavit from the newspaper should be returned to the Department by March 15, 2015.
12. **EXHIBIT 8 - *No Intent to Charter*** - Certification of no intent of charter is done when a County does not intend to charter. This exhibit must be placed on County/City letterhead and signed by County Commissioner or Mayor and returned to the Department by March 15, 2015. (GDOT does not allow charter service)
13. **EXHIBIT 9 - *5333(b) Warranty*** - Have the County Commissioner or Mayor sign and return to DOT

by March 15, 2015.

14. **EXHIBIT 10 - FTA Title VI & National Transit Database Data Collection and Reporting** - This form needs to be completed for a typical month in the fiscal year 2014; this data can be obtained from the vehicle monthly reporting forms that are turned into the Department each month. This form needs to be sent in along with other information by March 15, 2015.
15. **EXHIBIT 11 – Substance Abuse Certification** - This form needs to be put on County letterhead and signed by the County Commissioner or Mayor and returned to the Department by March 15, 2015.
16. **EXHIBIT 12 – Certification of Equal Access** – Only applicable if purchasing vehicles without ADA access). This form to be completed and signed by the County Commissioner or Mayor and returned to the Department by March 15, 2015.
17. **EXHIBIT 12B – (required by all systems) Accessible Vehicle Out of Service/Returned to Service Documentation Worksheet** – Per guidelines of the 5311 program, when a lift equipped vehicle is removed from service due to repairs, either to lift or otherwise, the vehicle should remain out of service for no more than 5 business/service days.
18. **EXHIBIT 13 - Nondiscrimination Assurance** – Complete Part 1 (record of accessible vehicles out of service dates) and Part 2 Non-discrimination Assurance.
19. **EXHIBIT 14 – Suspension and Debarment** – Terms apply to sub recipient and third-party contractors.
20. **EXHIBIT 15 – DBE Semi Annual Reporting** - This will be required semi-annually by any sub-recipients with Federal grant awards of more than \$ 250K annually.
21. **EXHIBIT 16 – E-Verify** Federal statute requires E-Verify conditions are met for all employees.
22. **EXHIBIT 17 – Decennial Census status** complete if you county population is now urban, or has some urban tracts (population over 50,000)
23. **APPENDIX A – FTA Certification and Assurances for FFY2015 (includes MAP-21)**

# PART I - INTRODUCTION

## 5311 RURAL PUBLIC TRANSPORTATION APPLICATION

The Rural Public Transportation Application is made up of two parts:

### **PART I - PROJECT DESCRIPTION**

### **PART II - COMPLIANCE REQUIREMENTS**

The Project Description outlines what the public transportation program will accomplish and how it will approach management of resources and operations. The Compliance Requirements are necessary to receive Federal funds.

The Project Description should outline the public transportation program operations and finances clearly and its relationship to Local and State public transportation system goals. The Project Description serves as the basis for the application as well as an annual operations program for the transit service. Exhibit 1 lists the necessary components for the Project Description portion (Part 1) of the grant application and should be used to insure that all required paperwork has been included.

For new applicants and renewals, all elements of Part I need to be included in the Application along with the Executive Summary.

The dollar amounts listed in the Executive Summary should match those listed in the financial portion of the Project Description including the proposed budget.

Please contact your District Transportation Coordinator if you need technical assistance or have any questions regarding any portion of the application.

EXHIBIT 1

**SECTION 5311 GRANT APPLICATION  
COVER SHEET & CHECKLIST**

(For the Application Period July 1, 2015 through June 30, 2016)

Application Preparer: \_\_\_\_\_ Phone No. \_\_\_\_\_

Public Transit Coordinator: \_\_\_\_\_

District/County or system name: \_\_\_\_\_

Exhibit Number

**PART I:**

- |   |                          |            |
|---|--------------------------|------------|
| Executive Summary                                     | <input type="checkbox"/> | Exhibit 2  |
| The Organization                                      | <input type="checkbox"/> |            |
| The Market  | <input type="checkbox"/> |            |
| The Operations  | <input type="checkbox"/> |            |
| The Marketing Program                                 | <input type="checkbox"/> |            |
| Financial Data  | <input type="checkbox"/> |            |
| Insert FY16 Budget Request (Printed from RMIS)        | <input type="checkbox"/> | Exhibit 3  |
| Insert Copy of June 2014 Final Reimbursement          | <input type="checkbox"/> |            |
| Insert Purchase of Service Agreement (If Applicable)  | <input type="checkbox"/> |            |
| Narratives - & Operating Data                         | <input type="checkbox"/> | Exhibit 3B |
| Fully Allocated Cost Computation(s)                   | <input type="checkbox"/> | Exhibit 4  |
| Third Party Operator Agreement (Insert if Applicable) | <input type="checkbox"/> | Exhibit 4A |
| Purchase of Service rate/contract information         | <input type="checkbox"/> | Exhibit 4B |

**PART II:**

- |   |                          |                |
|---|--------------------------|----------------|
| 1. Annual Listing of FFY15 Certification and Assurances | <input type="checkbox"/> | Exhibit 5      |
| 2. Authorizing Resolution                               | <input type="checkbox"/> | Exhibit 6      |
| 3. Private Enterprise Coordination                      |                          |                |
| a. Submit Exhibits 7A & 7B                              | <input type="checkbox"/> | Exhibits 7A/7B |
| 4. Charter Service:                                     |                          |                |
| Certification of No Intent to Charter                   | <input type="checkbox"/> | Exhibit 8      |
| 5. Section 5333(b) Labor Warranty                       | <input type="checkbox"/> | Exhibit 9      |
| 6. FTA Title VI Data Collection and Recording:          |                          |                |
| Part I. General Reporting Requirements                  | <input type="checkbox"/> | Exhibit 10     |
| Part II. Grantees Monitoring Procedures                 | <input type="checkbox"/> | Exhibit 10     |
| 7. Substance Abuse Certification                        | <input type="checkbox"/> | Exhibit 11     |
| 8. Certification of Equal Access                        | <input type="checkbox"/> | Exhibit 12     |
| Accessible Vehicle out of service (required)            | <input type="checkbox"/> | Exhibit 12B    |
| 9. Nondiscrimination Assurance                          | <input type="checkbox"/> | Exhibit 13     |
| Accessible Vehicle Out of Service                       | <input type="checkbox"/> | Exhibit 13B    |
| 10. Suspension & Debarment                              | <input type="checkbox"/> | Exhibit 14     |
| 11. DBE Semi-Annual Reporting                           | <input type="checkbox"/> | Exhibit 15     |
| 12. E-VERIFY  | <input type="checkbox"/> | Exhibit 16     |
| 13. Decennial Census Status                             | <input type="checkbox"/> | Exhibit 17     |
| 14. Appendix A- FTA FY15 Certs and Assurances           | <input type="checkbox"/> | Appendix A-    |

**\*Indicate by N/A any items that are not applicable.**

Reviewed by:

_____	_____
Public Transportation Coordinator	Date
_____	_____
Program Manager's Review	Date
_____	_____

NET  
NEW

PART ONE

Exhibit 2

EXECUTIVE SUMMARY

1. APPLICANT:

\_\_\_\_\_

2. CONTRACT CONTACT PERSON:

\_\_\_\_\_

3. Third-Party Operator(s)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

PhoneNumber/Email: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

PhoneNumber/Email: \_\_\_\_\_

4. DUNS

#: \_\_\_\_\_

5. ADDRESS & PHONE for contract mailing:

\_\_\_\_\_

Email: \_\_\_\_\_

6. NUMBER OF YEARS PROGRAM HAS BEEN OPERATING:

\_\_\_\_\_

7. PROGRAM OBJECTIVES

STATEMENT: \_\_\_\_\_

8. MARKETS SERVED STATEMENT ( including Purchase of Service):

\_\_\_\_\_

\_\_\_\_\_

9. COMMUNITY BENEFITS STATEMENT:

\_\_\_\_\_

\_\_\_\_\_

10. NUMBER OF 5311 VEHICLES IN PROGRAM:

\_\_\_\_\_

11. NUMBER OF VEHICLES THAT ARE ADA LIFT EQUIPPED:

\_\_\_\_\_

12. NUMBER OF TWO-WAY MOBILE RADIOS?

\_\_\_\_\_

13. OTHER COMMUNICATION

EQUIPMENT \_\_\_\_\_



- a. Cell Phones:
- b. Automatic Vehicle Locator/GPS: Yes \_\_\_\_\_ No \_\_\_\_\_
- c. RouteMatch® or comparable Notebooks: # \_\_\_\_\_ Type:

14. DESCRIPTION OF CAPITAL ITEMS BEING REQUESTED (please note, any leased items with monthly charge must be place under Operations budget, not capital). **(NOTE: For the FY16 cycle, new vehicle pricing has not been finalized and all estimated prices are subject to increase/decrease based on final vendor award. Budgets will be adjusted prior to Capital contracts being issued)**

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15. DESCRIPTION OF PROPOSED MARKETING EFFORTS:

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**Exhibit 3 – Budget Request**

**TOTAL BUDGET REQUESTED**

16. Operating: Federal: \$ \_\_\_\_\_ Local: \$ \_\_\_\_\_

17. Capital: Federal: \$ \_\_\_\_\_ State: \$ \_\_\_\_\_ Local: \$ \_\_\_\_\_

18. **Grand Total :Federal: \$ \_\_\_\_\_ State: \$ \_\_\_\_\_ Local: \$ \_\_\_\_\_**

19. Source(s) of Local Match (name all):

\_\_\_\_\_

20. Revenue Target from Purchase of Service, i.e. DHS and/or Medicaid, etc. (anticipated):

\$ \_\_\_\_\_

21. Farebox Revenue (anticipated) :

\$ \_\_\_\_\_

Exhibit 3 (continued)

- 1.) Please insert copy of your budget request for application period FY16 and copy of June 2014 final reimbursement
- 2.) And FY15 purchase of service contract/agreement, i.e., DHS, Medicaid and/or any other revenue producing contractual or agency pay contract for which revenues will be received

**Exhibit #3B Narratives**

**THE ORGANIZATION (narrative)**

**THE MARKET (narrative)**

**OPERATIONS (narrative)**

**MARKETING (narrative)**

It is important that \_\_\_\_\_ County program market their program. The County will identify several market areas. Groups and organizations as well as individuals needing transportation for any reason will continue to be sought out. The County may utilize word of mouth advertising, flyers, press release, websites, Public Service radio announcements, etc. The program name and telephone number will be on the sides of the vans advertising the service. Marketing efforts are expected to costs approximately \$ \_\_\_\_\_.

The stimulation of new ridership and increased revenues are the intended accomplishments of the marketing campaign. The monthly reporting/service data will reflect the effectiveness of such efforts.

Please add the county marketing efforts below:

**The link and information below is provided through the National RTAP program and is a tool for building a county website.**

<http://wcbuilder.nationalrtap.org/WebAppsIntheCloud/WebsiteBuilder.aspx>

### Website Builder – Considerations

#### Planning your website

All good websites come from a good plan. Sounds redundant, but it's true. If you want to create a good website, you need a solid plan.

#### Assignment #1 - Goal Statement

Come up with a purpose for your site, or better yet, call it your Goal Statement.

Answer the following questions

1. What am I going to do with the website?
2. Who is going to access the website?
3. What kinds of information will be posted on the website?
4. How often am I going to be posting and adding information to the website?

#### Assignment #2 - Content Strategy

What kind of content will you be displaying on your website? Content is the information you display to your visitors. It can include, but is not limited to the following:

- Blog posts
- Documents (downloadable schedules, forms etc).
- Video
- Pictures (such as in a gallery)
- Slideshows
- Embedded social media feeds (such as your Twitter stream or Facebook page updates)

Your content strategy is the way that you plan to present your content over time. For instance, you may want to publish two blog posts a month, and put out a free quarterly report for your subscribers to download four times a year. Since content is such a vital aspect of a website, ask other agency staff for help if you need it.

#### Assignment #3 – Website Structure

Decide what pages you'll be using and what features will be on each one. Most websites have an About and Contact page, but the pages you use should meet your needs. Here are some suggestions, again removing the ones that you want and add ones that I have missed:

- Home
- About Us
- Routes and Schedules
- Dial-A-Ride and ADA
- Fares and Passes
- Riding with Us
- News and Service Alerts
- Calendar
- Contact Us

### 5311 Vehicle Inventory

The 5311 program will utilize \_\_\_\_\_ vans of which \_\_\_\_\_ vehicles are equipped with wheelchair lifts as listed below.

**(NOTE: If you have non-5311 revenue vehicles in use, these must also be included, and noted, and Certificate of Insurance must be provided to your Public Transportation District Coordinator, or attached with application. If said vehicles are utilized, the operational costs of operation, repair expenses, etc. cannot be included in the overall budget request. Surplus retentions are only intended to assist a system between capital project request deliveries, or can be used as back-up vehicle during times revenue vehicle may be out of service for repairs, due to accident, etc. The Department also makes available a pool of leased vehicles that may be leased at 0.10 cents per mile.)**

DOT Vehicle Number	Description (incl. /lift) is so equipped	Purchase Date	Vehicle Identification Number (VIN)	Purchase Cost	Location	Use	Condition	Mileage as of December 31, 2013	Disposition Data
Example 3266	2012 Conversion Van/lift	03/29/12	1FTDS3EL8 CDA54904	\$38,699	BERRIEN COUNTY	5311	EXCELLENT	33,222	

**\*Enter asterisk in column next to DOT Vehicle Number if vehicle is to be replaced in FY 2016**

The vehicles will be stationed and dispatched from:

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**OPERATING PERFORMANCE FOR FY 2014 (full year statistics by vehicle, averages)**

DOT Vehicle #	OWPT/Month avg.	Hours/Month avg.	Miles/Month avg.	Miles/per passenger trip avg.

**OPERATING PERFORMANCE FOR FY 2015 (first six months, averages)**

DOT Vehicle #	OWPT/Month	Hours/Month	Miles/Month	Miles/per passenger trip

**FINANCIAL DATA:**

**Narrative:**



Last FY 2014 (actual)		Current FY 2015 (budgeted)		Proposed FY 2016	
Fares	\$	Fares	\$	Fares	\$
Federal	\$	Federal	\$	Federal	\$
Local	\$	Local	\$	Local	\$
POS	\$	POS		POS	
POS	\$0	POS	\$0	POS	\$0
<b>Total</b>	<b>\$</b>	<b>Total</b>	<b>\$</b>	<b>Total</b>	<b>\$</b>

The budget for the upcoming FY 2016 application period is shown above and on the attached page labeled Budget Report, Exhibit 3. The program requests a total of \$ \_\_\_\_\_ (50%) in Federal Operating Assistance. The Local government will provide a total of \_\_\_\_\_ (50%) Local match for Operating Assistance. Operations expenses are increased in FY 2016 due to adjustments of over \$ \_\_\_\_\_ (total) to the following line item(s). Show as increase or (decrease)

Line Item: \_\_\_\_\_ Line Item: \_\_\_\_\_  
 Line Item: \_\_\_\_\_ Line Item: \_\_\_\_\_

The program (if applicable) also requests a total of \$ \_\_\_\_\_ (80%) in Federal Capital Assistance, and a total of \$ \_\_\_\_\_ (10%) in State Capital Assistance. The local government will provide a total of \$ \_\_\_\_\_ (10%) local match for Capital Assistance.

**\* Please note, all budget requests are subject to review and final approval. If Federal dollars are constrained, budget may be limited to prior fiscal year request, or as determined by Department.**

The program does \_\_\_\_ or does not \_\_\_\_ have any purchase of service contracts. County budgets a farebox revenue target based on 10% of the total administrative and operating costs. (mandatory)

**EXHIBIT 4 (complete if applicable)**  
**GEORGIA DEPARTMENT OF TRANSPORTATION**  
**SECTION 5311**  
**PURCHASE OF SERVICE (POS) COMPUTATION WORKSHEET**

**Formula for computing Fully Allocated Operation Cost per One-Way Passenger Trip (OWPT):**

**Formula:**

Expense Total / Estimated System Total OWPTs for Application Period = Average Cost per OWPT

Operating Expense Total (from Administrative & Operating Budget of Exhibit 2):

Estimated System Total OWPTs for the Application Period:

Fully Allocated Operating Cost per  
OWPT (formula Operating  
expense/OWPT):

**Fully Allocated Operating Cost (FAOC) Information**

**Proposed POS Contracts for the Application Period:**

Name of Agency	Estimated OWPT's	Projected Revenue	Average Cost Per Trip
1.XYZ Transit	25	100	Formula= projected rev/Est. OWPT = \$4.00
2.			
3.			
4.			
5.			
Total	0	\$0	

POS Revenue Should Meet the Average FAOC:

**Exhibit 4A**

**Third Party Operator Agreement**

**Please insert copy of Third Party Operator Agreement (if applicable) or indicate N/A**

**Exhibit 4B**

**Purchase of Service Rate Information**

**Definition:** On a per trip basis, in which the total operating budget of the sub recipient is divided by the total projected ridership, including both general public (fare-paying) riders and agency clients riding under purchase of service agreements. This average system cost is then compared to the average revenue per trip anticipated from POS agreements – if the POS revenue per trip, on average, is greater than the system average cost, then the requirement is met.

The fully allocated cost for the previous fiscal year was: \_\_\_\_\_

The fully allocated cost for the current year to date is: \_\_\_\_\_

The projected fully allocated cost for the next year application is: \_\_\_\_\_

If a purchase of service contract exists, what is the rate of reimbursement? Please list all types of trips and rates contracted for. Please list by category.

(example: Ambulatory, wheelchair, group trips, wait times, etc.)

Ambulatory One-way rate: \_\_\_\_\_

Wheelchair One-way rate: \_\_\_\_\_

Group Trip rate (if applicable): \_\_\_\_\_

Wait Time (if applicable): \_\_\_\_\_

Attendant rate (if applicable): \_\_\_\_\_

Please provide a copy of the Purchase of Service agreements, if existing, between Georgia Department of Human Services for human service transportation contracts and/or Medicaid subcontracts (Logisticare or Southeast Trans)

DHS Anticipated annual revenue: \$ \_\_\_\_\_

DHS Anticipated annual OWPT trips: \_\_\_\_\_

Medicaid anticipated annual revenue: \$ \_\_\_\_\_

Medicaid Anticipate annual OWPT trips: \_\_\_\_\_

## **PART II - COMPLIANCE REQUIREMENTS**

All applicants must include the FTA FFY15 certification and assurances in order to receive Federal funds for the purpose of providing rural public transportation. Also, additional regulatory requirements must be reported in order to participate in the program.

Please complete all Exhibits (Ex. 5-Ex. 17), as applicable and refer back to the List of Exhibits for additional guidance.

You may also contact your District Public Coordinator for further technical assistance.

## EXHIBIT 5

### FEDERAL FISCAL YEAR 2015 CERTS AND ASSURANCES FOR FTA ASSISTANCE PROGRAMS

Name of Applicant: \_\_\_\_\_

The Applicant agrees to comply with applicable provisions of Groups 01 – 24. \_\_\_\_\_

OR

The Applicant agrees to comply with applicable provisions of the Groups it has selected: Group \_\_\_\_\_ Description \_\_\_\_\_

01. (same as FY15)	Required Certifications and Assurances for Each Applicant.	_____
02. (same as FY15)	Lobbying.	_____
03. (#4 in FY15)	Procurement and Procurement Systems.	_____
04. (#3 in FY15)	Private Sector Protections.	_____
05. (same as in FY15)	Rolling Stock Reviews and Bus Testing.	_____
06. (same as in FY15)	Demand Responsive Service.	_____
07. (same as in FY15)	Intelligent Transportation Systems.	_____
08. (new for SFY16, FFY15)	Interest and Financing Costs and Acquisition of Capital Assets by Lease.	_____
09. (#8 in FY15)	Transit Asset Management Plan and Public Transportation Agency Safety Plan.	_____
10. (#9 in FY15)	Alcohol and Controlled Substances Testing.	_____
11. (#10 in FY15)	Fixed Guideway Capital Investment Grants Program (New Starts, Small Starts, and Core Capacity) and Capital Investment Program in Effect before MAP-21 Became Effective.	_____
12. (#11 in FY15)	State of Good Repair Program.	_____
13. (#10 in FY15)	Fixed Guideway Modernization Grant Program.	_____
14. (#13 in FY15)	Bus and Bus Facilities Formula Grants Program and Bus and Bus-Related Equipment and Facilities Grant Program (Discretionary).	_____
15. (new for SFY16, FFY 15)	Urbanized Area Formula Grants Programs/ Passenger Ferry Grants Program/Job Access and Reverse Commute (JARC) Formula Grant Program.	_____
16. (new for SFY16, FFY15)	Seniors/Elderly/Individuals with Disabilities Programs/New Freedom Program.	_____
17. (#14 for FY15)	Rural/Other Than Urbanized Areas/Appalachian Development/Over-the-Road Bus Accessibility Programs.	_____
18. (#15 for FY15)	Tribal Transit Programs (Public Transportation on Indian Reservations Programs).	_____
19. (new for SFY16, FFY15)	Low or No Emission/Clean Fuels Grant Programs.	_____
20. (new for SFY16, FFY15)	Paul S. Sarbanes Transit in Parks Program.	_____
21. (#20 for FY15)	State Safety Oversight Grant Program.	_____
22. (#21 for FY15)	Public Transportation Emergency Relief Program.	_____
23. (New for FY15)	Expedited Project Delivery Pilot Program.	_____
24. (#23 for FY15)	Infrastructure Finance Programs.	_____

FTA FISCAL YEAR 2015 CERTIFICATIONS AND ASSURANCES

FEDERAL FISCAL YEAR 2015 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE  
(Required of all Applicants for FTA funding and all FTA Grantees with an active Capital or Formula Project)

AFFIRMATION OF APPLICANT

Name of Applicant:

\_\_\_\_\_  
Name and Relationship of Authorized Representative:

BY SIGNING BELOW, on behalf of the Applicant, I declare that the Applicant has duly authorized me to make these Certifications and Assurances and bind the Applicant's compliance. Thus, the Applicant agrees to comply with all Federal statutes and regulations, and follow applicable Federal guidance, and comply with the Certifications and Assurances as indicated on the foregoing page applicable to each application its authorized representative makes to the Federal Transit Administration (FTA) in Federal Fiscal Year 2016, irrespective of whether the individual that acted on its Applicant's behalf continues to represent the Applicant.

FTA intends that the Certifications and Assurances the Applicant selects on the other side of this document should apply, as provided, to each Project for which the Applicant seeks now, or may later seek FTA funding during Federal Fiscal Year 2016.

The Applicant affirms the truthfulness and accuracy of the Certifications and Assurances it has selected in the statements submitted with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801 et seq., and implementing U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31, apply to any certification, assurance or submission made to FTA. The criminal provisions of 18 U.S.C. 1001 apply to any certification, assurance, or submission made in connection with a Federal public transportation program authorized by 49 U.S.C. chapter 53 or any other statute.

In signing this document, I declare under penalties of perjury that the foregoing Certifications and Assurances, and any other statements made by me on behalf of the Applicant are true and accurate.

Signature \_\_\_\_\_ Date: \_\_\_\_\_

Name \_\_\_\_\_  
Authorized Representative of Applicant

AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant): \_\_\_\_\_

As the undersigned Attorney for the above named Applicant, I hereby affirm to the Applicant that it has authority under State, local, or tribal government law, as applicable, to make and comply with the Certifications and Assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the Certifications and Assurances have been legally made and constitute legal and binding obligations on the Applicant.

I further affirm to the Applicant that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these Certifications and Assurances, or of the performance of its FTA Project or Projects.

Signature \_\_\_\_\_ Date: \_\_\_\_\_

Name \_\_\_\_\_  
Attorney for Applicant

Each Applicant for FTA funding and each FTA Grantee with an active Capital or Formula Project must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its signature in lieu of the Attorney's signature, provided the Applicant has on file this Affirmation, signed by the attorney and dated.

EXHIBIT 6

(Page 1 of 2)

AUTHORIZING RESOLUTION

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION AND THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FOR A GRANT FOR PUBLIC TRANSPORTATION ASSISTANCE UNDER SECTION 5311 OF THE FEDERAL TRANSIT LAWS UNDER CHAPTER 53 OF TITLE 49 OF THE UNITED STATES CODE.

WHEREAS, the Federal Transit Administration and the Georgia Department of Transportation are authorized to make grant to non-urbanized areas for mass transportation projects; and

WHEREAS, the contract for financial assistance will impose certain obligations upon applicant, including the provision by it of the local share of project costs; and

WHEREAS, it is required by the United States Department of Transportation and the Georgia Department of Transportation in accord with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Federal Transit Act, the applicant gives an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and under the United States Department of Transportation requirements thereunder; and

NOW THEREFORE, BE IT RESOLVED BY ( \_\_\_\_\_ ), hereinafter referred to as the "APPLICANT",

1. That the ( \_\_\_\_\_ ) hereinafter referred to as the "Official is authorized to execute and file an application on the behalf of the Applicant, a City/County government, with the Georgia Department of Transportation to aid in the financing of public transportation assistance pursuant to Section 5311 of the Federal Transit Act."
2. That the Official is authorized to execute and file such application and assurances or any other document required by the U.S. Department of Transportation and the Georgia Department of Transportation effectuating the purpose of Title VI of the Civil Rights Act of 1964.
3. That the Official is authorized to execute and file all other standard assurances or any other document required by the Georgia Department of Transportation or the U.S. Department of Transportation in connection with the application for public transportation assistance.
4. That the Official is authorized to furnish such additional information as the U.S. Department of Transportation or the Georgia Department of Transportation may require in connection with the application of the project.
5. That the Official is authorized to execute grant contract agreements on behalf of the Applicant with the Georgia Department of Transportation in connection with the application for public transportation assistance.
6. That the applicant while making application to or receiving grants from the Federal Transit Administration will comply with FTA Circular 9040.1G, FTA Certifications and Assurances for Federal Assistance 2015 as listed in Appendix A of this application and General Operating Guidelines as illustrated in Georgia State Management Plan and Administrative Guide for Rural Public Transportation Programs.
7. That the Applicant has or will have available in the General Fund the required non-federal funds to meet local share requirements.



APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Authorized Official

\_\_\_\_\_  
Type Name and Title

Signed, sealed and delivered this \_\_\_\_ day of \_\_\_\_\_, 2015 in the presence of

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Notary Public/Notary Seal

**CERTIFICATE**

The undersigned duly qualified and acting (\_\_\_\_\_) of (\_\_\_\_\_)  
(Title of Certifying/Attesting Official)(Applicant's Legal Name) certifies that  
the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting held on  
\_\_\_\_\_ 2015.

\_\_\_\_\_  
Name of Certifying/Attesting Officer

County Seal

\_\_\_\_\_  
Title of Certifying/Attesting Officer

**EXHIBIT 7A**

**PRIVATE ENTERPRISE COORDINATION CERTIFICATION**

**List of private providers operating in the service area:**

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**Date Notified:** \_\_\_\_\_

**Attach Notice and Affidavit from newspaper or letter sent to private providers. (Non-Display, Public Notice, or Legal Ad in county legal organ)**

**Last Day to Respond:** \_\_\_\_\_

**(Legal Name of City/County)** will annually review existing service and any proposed service changes to determine the feasibility of private providers providing the public service. An annual review will be scheduled and a review format will be developed to carry out this task. Private providers will be notified and their interest in the service provision will be assessed. Private providers will be invited to attend and be a part of the annual review process.

**Date:** \_\_\_\_\_

\_\_\_\_\_  
**Signature of Authorized Officer**

\_\_\_\_\_  
**Name and Title of Authorized Officer**

**EXHIBIT 7B**  
**(Language for Public Notice)**

**NOTICE OF OPPORTUNITY FOR A PUBLIC HEARING**  
**PRIVATE ENTERPRISE COORDINATION**  
**RURAL PUBLIC TRANSPORTATION PROGRAM**

(Legal Name of City/County) is applying for funding assistance under Title 49 U.S.C. Section 5311 of the Federal Transit Act pertaining to rural and small urban areas.

The (Legal Name of City/County) will offer general public transportation to all citizens of (Legal Name of County/ City) for any worthwhile purpose, including but not limited to shopping, medical treatment, social services and other purposes.

The (Legal Name of City/County) solicits private sector input and participation to assure that private for-profit transportation operators have a fair and timely opportunity to participate in the development of this program.

The (Legal Name of City/County) also solicits comments and concerns from the general population on local rural public transportation services.

The (Legal Name of City/County) also solicits comments and concerns from the disabled population and their representatives to assure that issues relating to the disabled are addressed in the service design proposed during the planning process.

Interested persons are invited to request that a public hearing be held to discuss the services being offered or development of the application.

Written comments, requests for a public hearing and/or written notice of intent by private for-profit transportation operators to provide or participate in any or all of the above services should be submitted no later than fifteen (15) days from the date of this publication to:

COMMISSION CHAIRMAN  
ADDRESS  
CITY/ZIP  
PHONE NUMBER

If no response is received within the fifteen (15) days, the Department of Transportation will proceed with the application.

EXHIBIT 8

CERTIFICATION OF NO INTENT TO CHARTER SERVICE

\_\_\_\_\_ certifies that it does not intend to and will not provide charter service with FTA funded equipment and facilities or provide any exclusive service during the operating period of this application. Should the Applicant decide to provide charter service under the only exception allowed by Georgia Department of Transportation (conveyance of government officials), the Applicant MUST notify Georgia Department of Transportation and Federal Transit Administration in writing of such services.

The applicant also certifies that conveyance of government officials shall not exceed **80 hours in a given year** and such services must also be reported using Federal Transit Administration's TEAM module.

DATE:

\_\_\_\_\_  
Signature of Authorized Officer

\_\_\_\_\_  
Name and Title of Authorized Officer

**SPECIAL SECTION 5333(b) WARRANTY FOR  
APPLICATION TO THE SMALL URBAN AND RURAL PROGRAM**

The following language shall be made part of the contract of assistance with the State or other public body charged with allocation and administration of funds provided under Title 49 U.S.C. Section 5311:

**A. General application**

The Public Body Georgia DOT agrees that, in the absence of waiver by the Department of Labor, the terms and conditions of this warranty, as set forth below, shall apply for the protection of the transportation related employees of any employer providing transportation services assisted by the Project ( \_\_\_\_\_ ) and the transportation related employees of any other surface public transportation providers in the transportation service area of the Project.

The Public Body shall provide to the Department of Labor and maintain at all times during the Project an accurate, up-to-date listing of all existing transportation providers which are eligible Recipients of transportation assistance funded by the Project, in the transportation service area of the Project, and any labor organizations representing the employees of such providers.

Certification by the Public Body to the Department of Labor that the designated Recipients have indicated in writing acceptance of the terms and conditions of the warranty arrangement will be sufficient to permit the flow of Section 5311 funding in the absence of a finding of non-compliance by the Department of Labor.

**B. Standard Terms and Conditions**

- (1) The Project shall be carried out in such a manner and upon such terms and conditions as will not adversely affect employees of the Recipient and of any other surface public transportation provider in the transportation service area of the Project. It shall be an obligation of the recipient and any other legally responsible party designated by the Public body to assure that any and all transportation services assisted by the Project are contracted for and operated in such a manner that they do not impair the rights and interests of affected employees. The term "Project," as used herein, shall not be limited to the particular facility, service or operation assisted by Federal funds, but shall include any changes, whether organizational, or otherwise, which are a result of the assistance provided. The phrase "as a result of the Project," shall when used in this arrangement, include events related to the Project occurring in anticipation of, during, and subsequent to the Project and any program of efficiencies or economies related thereto; provided, however, that volume rises and falls of business, or changes in volume and character of employment brought about by causes other than the Project (including any economies or efficiencies unrelated to the Project) are not within the purview of this arrangement.

An employee covered by this arrangement, who is not dismissed, displaced or otherwise worsened in his position with regard to his employment as a result of the Project, but who

EXHIBIT 9 (continued)

(Page 2 of 6)

is dismissed, displaced or otherwise worsened solely because of the total or partial termination of the Project, discontinuance of Project services, or exhaustion of Project funding shall not be deemed eligible for a dismissal or displacement allowance within the meaning of paragraphs (6) and (9) of the Model agreement or applicable provisions of substitute comparable arrangements.

(2)(a) Where employees of a Recipient are represented for collective bargaining purposes, all Project services provided by that Recipient shall be provided under and in accordance with any collective bargaining agreement applicable to such employees which is then in effect.

(2)(b) The Recipient or legally responsible party shall provide to all affected employees sixty (60) days' notice of intended actions which may result in displacements or dismissals or rearrangements of the working forces. In the case of employees represented by a union, such notice shall be provided by certified mail through their representatives. The notice shall contain a full and adequate statement of the proposed changes, and an estimate of the number of employees affected by the intended changes, and the number and classifications of any jobs in the Recipient's employment available to be filled by such affected employees.

(2)(c) The procedures of this subparagraph shall apply to cases where notices involve employees represented by a union for collective bargaining purposes. At the request of either the Recipient or the representatives of such employees negotiations for the purposes of reaching agreement with respect to the applications of the terms and conditions of this arrangement shall commence immediately. If no agreement is reached within twenty (20) days from the commencement of negotiations, any party to the dispute may submit the matter to dispute settlement procedures in accordance with paragraph (4) of this warranty. The foregoing procedures shall be complied with and carried out prior to the institution of the intended action.

(3) For the purpose of providing the statutory required protections including those specifically mandated by 49 U.S.C. Section 5333(b)<sup>1</sup>, the public body will assure as a condition of the release of funds that the Recipient agrees to be bound by the terms and conditions of the National (Model) Section 5333(b) Agreement executed July 23, 1975, identified below<sup>2</sup>, provided that other comparable arrangements may be substituted therefore, if approved by the Secretary of Labor and certified for inclusion in these conditions.

<sup>1</sup>Such protective arrangements shall include, without being limited to, such provisions as may be necessary for (1) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective bargaining agreements or otherwise; (2) the continuation of collective bargaining rights; (3) the protection of individual employees against a worsening of their positions with respect to their employment; (4) assurances of employment to employees of acquired mass transportation systems and priority of reemployment of employees terminated or laid off; and (5) paid training and retraining programs. Such arrangements shall include provisions protecting individual employees against a worsening of their positions with respect to their employment which shall in no event provide benefits less than those established pursuant to 49 U.S.C. Section 11347 [the codified citation of Section 5(2)(f) of the Act of February 4, 1987 (24 Stat. 379), as amended]. <sup>2</sup>For purposes of this warranty agreement, paragraphs (1);(2);(5);(15);(22);(23);(24);(26)(27);(28); and (29) of the Model Section 5333(b) Agreement, executed July 23, 1975 are to be omitted.

**EXHIBIT 9 (continued)**

(Page 3 of 6)

(4) Any dispute or controversy arising regarding the application, interpretation, or enforcement of any of the provisions of this arrangement which cannot be settled by and between the parties at interest within thirty (30) days after the dispute or controversy first arises, may be referred by any such party to any final and binding disputes settlement procedure acceptable to the parties, or in the event they cannot agree upon such procedure, to the Department of Labor or an impartial third party designated by the Department of Labor for final and binding determination. The compensation and expenses of the impartial third party, and any other jointly incurred expenses, shall be borne equally by the parties to the proceeding and all other expenses shall be paid by the party incurring them.

In the event of any dispute as to whether or not a particular employee was affected by the Project, it shall be his obligation to identify the Project and specify the pertinent facts of the Project relied upon. It shall then be the burden of either the Recipient or other party legally responsible for the application of these conditions to prove that factors other than the Project affected the employees. The claiming employee shall prevail if it is established that the Project had an effect upon the employee even if other factors may also have affected the employee.

(5) The Recipient or other legally responsible party designated by the Public Body will be financially responsible for the application of these conditions and will make the necessary arrangements so that any employee covered by these arrangements, or the union representative of such employee, may file claim of violation of these arrangements with the Recipient within sixty (60) days of the date he is terminated or laid off as a result of the Project, or within eighteen (18) months of the date his position with respect to his employment is otherwise worsened as a result of the Project. In the latter case, if the events giving rise to the claim have occurred over an extended period, the 18-month limitation shall be measured from the last such event. No benefits shall be payable for any period prior to six (6) months from the date of the filing of any claim.

(6) Nothing in this arrangement shall be construed as depriving any employee of any rights or benefits which such employee may have under existing employment or collective bargaining agreements, nor shall this arrangement be deemed a waiver of any rights or any union or of any represented employee derived from any other agreement or provision of federal, state or local law.

(5) In the event any employee covered by these arrangements is terminated or laid off as a result of the Project, he shall be granted priority of employment or reemployment to fill any vacant position within the control of the Recipient for which he is, or by training or retraining within a reasonable period, can become qualified. In the event training or retraining is required by such employment or reemployment, the Recipient or other legally responsible party designated by the Public Body shall provide or provide for such training or retraining at no cost to the employee. The Recipient will post, in a prominent and accessible place, a notice stating that the Recipient has received federal assistance under 49 U.S.C. Chapter 53 and has agreed to comply with the provisions of 49 U.S.C. Section 5333(b). This notice shall also specify the terms and conditions set forth herein for the protection of employees.

- (6) Recipient shall maintain and keep on file all relevant books and records in sufficient detail as to provide the basic information necessary to the proper application, administration, and enforcement of these arrangements and to the proper determination of any claims arising thereunder.
- (7) Any labor organization which is the collective bargaining representative of employees covered by these arrangements, may become a party to these arrangements by serving written notice of its desire to do so upon the recipient and the Department of Labor. In the event of any disagreement that such labor organization represents covered employees, or is otherwise eligible to become a party to these arrangements, as applied to the Project, the dispute as to whether such organization shall participate shall be determined by the Secretary of Labor.
- (8) In the event the Project is approved for assistance under 49 U.S.C. Chapter 53, the foregoing terms and conditions shall be made part of the contract of assistance between the federal government and the Public Body or Recipient of federal funds, provided, however, that this arrangement shall not merge into the contract of assistance, but shall be independently binding and enforceable by and upon the parties thereto, and by any covered employee or his representative, in accordance with its terms, nor shall any other employee protective agreement merge into this arrangement, but each shall be independently binding and enforceable by and upon the parties thereto, in accordance with its terms.

**C. Waiver**

As part of the grant approval process, either the Recipient or other legally responsible party designated by the Public Body may in writing seek from the Secretary of Labor a waiver of the statutory required protections. The Secretary will waive these protections in cases, where at the time of the requested waiver, the Secretary determines that there are no employees of the Recipient or of any other surface public transportation providers in the transportation service area who could be potentially affected by the Project. A 30-day notice of proposed waiver will be given by the Department of Labor and in the absence of timely objection, the waiver will become final at the end of the 30-day notice period. In the event of timely objection, the Department of Labor will review the matter and determine whether a waiver shall be granted. In the absence of waiver, these protections shall apply to the Project.

**D. Acceptance**

The \_\_\_\_\_ does hereby adopt and accept all terms and conditions of this Special Section 5333(b) Warranty. Furthermore, the ( \_\_\_\_\_ ) assures that this agreement will be in force during the contractual period with the Georgia Department of Transportation for assistance under Section 5311 of the Federal Transit Act.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Authorized Officer

\_\_\_\_\_  
Title of Authorized Officer



**Listing of Recipients, Project Description, Eligible Surface Public Transportation Providers and Labor Representation**

<b>Project Description</b> (listing of capital equipment, type of service provided)*	<b>Recipients</b> Identify applicant of transportation assistance (legal entity) and the actual provider of the service	<b>Other Surface Public Transportation Providers</b> <i>(include taxis)</i>	<b>Union Representation of Employees, If Any</b>
	, GA	None	N/A

Area Served by this project:

Submit to the Office of Intermodal Programs, Planning Department for reporting purposes to the U.S. Department of Labor.

EXHIBIT 10

FTA TITLE VI DATA COLLECTION AND REPORTING

\_\_\_\_\_ COUNTY SECTION 5311 PROGRAM

**PART I - GENERAL REPORTING**

- A. No lawsuits or complaints have been filed against the \_\_\_\_\_ County Section 5311 program.
- B. The \_\_\_\_\_ County Section 5311 program has not applied for any other Federal Financial Assistance.
- C. No Civil Rights Compliance Review Activity has been conducted in the last three years.

\_\_\_\_\_  
(Authorized Signature City/County)

**PART II - MONITORING PROCEDURES – GDOT requires the following monthly reporting in order to meet FTA National Transit Database requirements. Accurate completion of the following information is critical to continued 5311 grant eligibility. Sub recipients must provide this data monthly on the established Rural Monthly Reporting Form and send to their District Public Coordinator. Please seek technical assistance from your public transit coordinator, if you have any questions regarding the definitions or completion of this data.**

Level of Service – Overview<sup>1</sup>

Total County Population(s) of last census (if Regional system, include all participating counties): \_\_\_\_\_

Additional Counties: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Minority Percentage: \_\_\_\_\_

Additional Counties: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

<sup>1</sup> Population Data from US Census Data for 2010 Source "<http://venus.census.gov/cdrom/lookup>"

Type of Service:      Combination of Demand Response and Fixed Route Operation, if existent.

Days/Hours of Operation: \_\_\_\_\_  
 Number of Vehicles: \_\_\_\_\_  
 Wheelchair Equipped: \_\_\_\_\_  
 Total Seating Capacity: \_\_\_\_\_  
 Service Area: \_\_\_\_\_

Performance<sup>2</sup>

Total number of trips for an average month: \_\_\_\_\_  
 Total number of trips to minorities: \_\_\_\_\_  
 Percentage minority trips to total trips: \_\_\_\_\_

Based on a review of all State, Federal, Civil Rights and Title VI mandates and requirements \_\_\_\_\_ County Transit has met (or exceeded) expectations. The \_\_\_\_\_ County Section 5311 Program has met most of the Department's Service Goals and Standards as well as the County's Service Goals and Standards. The passenger per mile ratio is high/low/avg. (as outlined below) on some vehicles, but routes and schedules are reviewed regularly to address this operational service goal.

Quality of Service<sup>3</sup>

Total number of trips for month \_\_\_\_\_  
 Total number of minorities One-way-passenger trips (OWPT) \_\_\_\_\_

Trips by trip purpose

Medical	_____
Employment	_____
Nutrition	_____
Social/Recreational	_____
Education	_____
Shopping/Personal	_____

Trips (minorities)

White	_____
Hispanic	_____
American Indian	_____
Asian/Pacific Island	_____
Other	_____

\_\_\_\_\_  
 Monthly averages for 2014 fiscal year using the Rural Monthly Reporting Form data

Transit Cost Analysis

**Cost per hour**

(formula: Using FY14 Final reimbursement total expenses/total system hours)

**Cost per OWPT**

(formula: Using FY14 Final reimbursement total expenses/total system trips)

**Cost per mile**

(formula: Using FY14 Final reimbursement total expenses/total system miles)

**EXHIBIT 11**

**(Part 1)**

**Anti-Drug Program Certification**

(Alcohol Misuse and Prohibited Drug Use)

I, \_\_\_\_\_,  
*(Type or Print Name of Official)* *(Type or Print Title of Official)*

certify that \_\_\_\_\_ and its contractors, as required,  
*(Type or Print County or City)*

for the Section 5311 Rural Public Transportation Program, has established and implemented an alcohol misuse prevention program and anti-drug abuse program in accordance with the terms of 49 CFR Part 40 & Part 655.

I further certify that the employee training conducted under this part meets the requirements of 49 CFR, Part 40 and Part 655.

\_\_\_\_\_  
*(Signature of Official)*

\_\_\_\_\_  
*(Date)*

**This certification must be written on Agency letterhead.**

*NOTE: New (or first time) applicants must not sign this certification until authorized by the Georgia Department of Transportation (GDOT). Authorization will not be granted until the local Substance Abuse Testing Program is in place and has been reviewed and approved by the GDOT. New programs must be certified before they can begin operations.*

**EXHIBIT 11 (Part 2 – Conditions)**  
**DRUG-FREE WORKPLACE ACT**  
**CERTIFICATION FOR A PUBLIC OR PRIVATE**  
**ENTITY**

1. The (**Legal Name of Applicant**) certifies that it will provide a drug-free workplace as specified in U.S. Department of Transportation's (DOT) rule, 49 CFR Part 40 and 655, which describes required procedures for conducting workplace drug and alcohol testing for FTA programs.

- A) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- B) Establishing an ongoing drug-free awareness program to inform employees about:  
The dangers of drug abuse in the workplace;  
The Applicant's policy of maintaining a drug-free workplace;  
Any available drug counseling, rehabilitation, and employee assistance programs;  
and, the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- C) Making it a requirement that each employee to be engaged in the performance of the grant or cooperative agreement be given a copy of the statement required by paragraph (A);
- D) Notifying the employee in the statement required by paragraph (A) that, as a condition of employment under the grant or cooperative agreement, the employee will:  
  
Abide by the terms of the statement; and  
  
Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- E) Notifying the Federal agency in writing, within ten calendar days after receiving notice under subparagraph (D) (2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every project officer or other designee on whose project activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification numbers(s) of each affected grant or cooperative agreement;
- F) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (D) (2), with respect to any employee who is so convicted;

Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency; and

G) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (A), (B), (C), (D), (E), and (F).

2. The Applicant's headquarters is located at the following address. The addresses of all workplaces maintained by the Applicant are provided on an accompanying list.

Name of Applicant:

Address:

City: County: State:

Zip Code:

\_\_\_\_\_  
Signature of Authorized Official

\_\_\_\_\_  
Name of Applicant

\_\_\_\_\_  
Title of Authorized Official

\_\_\_\_\_  
Date

**EXHIBIT 12**

**CERTIFICATION OF EQUAL ACCESS FOR PERSONS WITH DISABILITIES**

**(Required only if requesting capital for purchase of vehicle without access features required in 49 CFR part 38)**

I hereby certify that when viewed in its entirety, the demand-responsive transportation program of \_\_\_\_\_ provides disabled persons with access equal to that afforded to any other persons in terms of the following criteria:

1. Response time,
2. Fares (demand response system cannot charge higher fare for wheelchair boarding),
3. Geographic area of service,
4. Hours and days of service,
5. Restrictions based on trip purpose,
6. Availability of information and reservations capabilities, and
7. Constraints on capacity or service availability.

Certified this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_ .

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Typed/Printed Name)

\_\_\_\_\_  
(Title)

(Helpful link: <http://webbuilder.nationalrtap.org/adatoolkit/ADA/Toolkit.aspx> )



Please complete the following ADA Equivalency Analysis for Demand-Responsive Public Transportation form and submit it with the application **only if requesting purchase of a vehicle that is not equipped** with the access features required in 49 CFR Part 38, and include as part of the Certification of Equal Access for Persons with Disabilities.

ADA EQUIVALENCY ANALYSIS FOR DEMAND-RESPONSIVE

**PUBLIC TRANSPORTATION**

Under GDOT policy, all grantees must have at least one lift-equipped vehicle (a vehicle that has all the required access features), and must have a sufficient number to offer equivalent service to persons with disabilities (50% of fleet + 1), when the program is viewed in its entirety, based on the criteria shown below. No non-accessible vehicles can be ordered unless the system is providing equivalent service for each of the criteria.

**Vehicle Accessibility Status:**

- 1) Total Current Section 5311 Demand-Responsive Fleet: \_\_\_\_\_ vehicles
- 2) Total Current Section 5311 Demand-Responsive accessible (lift-equipped):  
\_\_\_\_\_ vehicles
- 3) Total Section 5311 vehicles requested in this grant application:
  - (a) \_\_\_\_\_ Accessible Vehicles
  - (b) \_\_\_\_\_ Non-Accessible Vehicles
- 4) Total Projected Fleet at end of this Application Period:
  - (a) \_\_\_\_\_ Accessible Vehicles
  - (b) \_\_\_\_\_ Non-Accessible Vehicles

If the answer to question 3(b) is greater than zero, the applicant must complete all cells in this matrix:

Criteria	For Persons Without Disabilities	For Persons with Disabilities Requiring an Accessible Vehicle
Response Time (days or hours in advance that a trip must be scheduled):		
Fares: General Public fares		Note: cannot charge higher fare for demand response system; only if running complementary para-transit system for fixed route service
Geographic area of service availability:		

Criteria	For Persons Without Disabilities	For Persons with Disabilities Requiring an Accessible Vehicle
Hours and days of service availability:		
Trip or usage restrictions based on trip purpose:		
Availability of information and reservations capabilities:		
Any constraints on capacity or service availability:		

If there are any differences in the answers between the two answer columns, please explain:

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Are there any requests for service that would require a wheelchair lift that you are presently unable to meet? If yes, please describe in terms of number, frequency, characteristics (trip purpose, location, etc.)

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Do these unmet trip requests differ in type or kind from unmet trip requests by persons who do not need an accessible vehicle?

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If there are any differences in the service characteristics for persons with and without disabilities, or if there are unmet requests for accessible demand-responsive service, the system should request lift-equipped, fully accessible vehicles until fully equivalent service can be provided.

EXHIBIT 12B - Required of all systems  
 GEORGIA DEPARTMENT OF TRANSPORTATION  
 SECTION 5311  
 ACCESSIBLE VEHICLE OUT-OF-SERVICE/RETURNED TO SERVICE DOCUMENTATION WORKSHEET  
 July 2014 - June 2015 Funding Cycle

Agency: Sample County

Vehicle #	Reported Date of Failure	Description of Failure/Service Required	Date Accessible Agency Vehicle Removed from Service	Date GDOT Lease Fleet Accessible Vehicle Placed in Service	Date Accessible Agency Vehicle Placed Back in Service
<i>Example 1</i>	<i>4/15/2005</i>	<i>Lift door will not open</i>	<i>9/15/2004</i>	<i>n.a.</i>	<i>9/17/2004</i>
<i>Example 2</i>	<i>1/5/2005</i>	<i>Broken heater</i>	<i>1/6/2005</i>	<i>1/7/2005</i>	<i>1/11/2005</i>

Note: ADA regulations state that a subrecipient may not keep a vehicle with an inoperable lift in service for more than five days.

Title 49 – Subtitle A Part 37.163 (3)  
 (e) If there is no spare vehicle available to take the place of a vehicle with an inoperable lift, such that taking the vehicle out of service will reduce the transportation service the entity is able to provide, the public entity may keep the vehicle in service with an inoperable lift for no more than five days (if the entity serves an area of 50,000 or less population) or three days (if the entity serves an area of over 50,000 population) from the day on which the lift is discovered to be inoperative.

**Exhibit 13**

**FEDERAL TRANSIT ADMINISTRATION CIVIL RIGHTS  
ASSURANCE  
Non-discrimination Assurance**

The (Legal Name of Applicant) HEREBY  
CERTIFIES THAT, as a condition to receiving Federal financial assistance under the Federal  
Transit Act it will ensure that:

1. No person on the basis of race, color, or national origin, will be subjected to discrimination in the level and quality of transportation services and transit related benefits.
2. The (Legal Name of Applicant) will compile, maintain, and submit in a timely manner Title VI information required by FTA Circular 4702.1B and in compliance with the Department of Transportation's Title VI regulation, 49 CFR Part 21.7(a).
3. The (Legal Name of Applicant) will make it known to the public that those persons alleging discrimination on the basis of race, color, or national origin as it relates to the provision of transportation services and transit-related benefits may file a complaint with the Federal Transit Administration and/or the U.S. Department of Transportation.

The person whose signature appears below is authorized to sign this assurance on behalf of the recipient.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Signature of Authorized Officer

\_\_\_\_\_  
Name and Title of Authorized Officer

## Specifics of FTA Civil Rights Assurance (Ex. 13, continued)

### (Non-DISCRIMINATION ASSURANCE)

The Applicant/Recipient assures that it will comply with the following laws and regulations so that no person in the United States will be denied the benefits of, or otherwise be subjected to discrimination in any U.S. DOT or FTA funded program or activity (particularly in the level and quality of transportation services and transportation-related benefits on the basis of race, color, national origin, religion, sex, disability, or age:

- ✓ Federal transit laws, specifically 49 U.S.C. 5332, as amended by MAP-21 (prohibiting discrimination on the basis of race, color, religion, national origin, sex, disability, or age, and in employment or business opportunity),
- ✓ Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d,
- ✓ The Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, *et seq.*,
- ✓ The Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12101 *et seq.*,
- ✓ U.S. DOT regulations, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964,” 49 CFR part 21.7(a),
- ✓ U.S. DOT regulations, specifically 49 CFR parts 27, 37, 38, and 39, and
- ✓ Any other applicable Federal statutes that may be signed into law or Federal regulations that may be promulgated,

As required by 49 CFR 21.7:

1. It will comply with Federal guidance implementing Federal nondiscrimination laws and regulations, except to the extent FTA determines otherwise in writing,
2. It will comply with 49 U.S.C. 5332, as amended by MAP-21, 42 U.S.C. 2000d, and 49 CFR Part 21 in the manner it conducts each Project, undertakes property acquisitions, and operates its Project facilities, including: its entire facilities and its facilities operated in connection with its Project. This assurance applies to your Applicant/Recipient’s entire Project and to all parts of its facilities, including the facilities it operates to implement its Project,
3. It will promptly take the necessary actions to carry out this assurance, including: notifying the public that discrimination complaints about transportation-related services or benefits may be filed with U.S. DOT or FTA, and submitting information about its compliance with these provisions to U.S. DOT or FTA upon their request,
4. If it transfers FTA funded real property, structures, or improvements to another party, any deeds and instruments recording that transfer will contain a covenant running with the land assuring nondiscrimination: (1) while the property is used for the purpose that the Federal funding is extended, and (2) while the property is used for another purpose involving the provision of similar services or benefits,
5. It will make any changes in its Title VI implementing procedures as U.S. DOT or FTA may request to comply with Title VI of the Civil Rights Act, 42 U.S.C. 2000d, U.S. DOT regulations, 49 CFR part 21, and Federal transit laws, 49 U.S.C. 5332, as amended by MAP-21,
6. It will comply with Federal guidance issued to implement Federal nondiscrimination requirements, except as FTA determines otherwise in writing,
7. It will extend the requirements of 49 U.S.C. 5332, as amended by MAP-21, 42 U.S.C. 2000d, and 49 CFR part 21 to each Third Party Participant, including: (1) Any Subrecipient, (2) Any Transferee, (3) Any Third Party Contractor or Subcontractor at any tier, (4) Any Successor in Interest, (5) Any Lessee, or (6) Any other Third Party Participant in its Project,
8. It will include adequate provisions to extend the requirements of 49 U.S.C. 5332, as amended by MAP-21, 42 U.S.C. 2000d, and 49 CFR part 21 to each third party agreement, including: (1) Each subagreement, (2) Each property transfer agreement, (3) Each third party contract or subcontract at any tier, (4) Each lease, or (5) Each participation agreement, and

As required by U.S. DOT regulations, “Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance,” 49 CFR part 27, specifically 49 CFR 27.9, and consistent with 49 U.S.C. 5307(c)(1)(D)(iii), as amended by MAP-21, the Applicant/Recipient assures that:



1. It will comply with the following prohibitions against discrimination on the basis of disability, which are a condition of approval or extension of any FTA funding awarded to: (1) Construct any facility, (2) Obtain any rolling stock or other equipment, (3) Undertake studies, (4) Conduct research, or (5) Participate in or obtain any benefit from any FTA administered program, and
2. In any program or activity receiving or benefiting from Federal funding that U.S. DOT administers, no otherwise qualified people with a disability will, because of their disability, be: (1) Excluded from participation, (2) Denied benefits, or (3) Otherwise subjected to discrimination.

The United States has a right to seek judicial enforcement of any matter arising under Title VI of the Civil Rights Act, 42 U.S.C. 2000d, U.S. DOT regulations, 49 CFR part 21, and this assurance.

The assurances made will remain in effect as long as: (1) Federal funding is extended to your Project, (2) Project property is used for a purpose for which the Federal funding is extended, (3) Project property is used for a purpose involving the provision of similar services or benefits, or (4) Ownership or possession is retained of its Project property.

## EXHIBIT 14

### SUSPENSION AND DEBARMENT

*An Applicant/Recipient that submits, or intends to submit this fiscal year, an application or request for federal funding exceeding \$25,000 must provide the following certification.*

U.S. DOT regulations, "Non-procurement Suspension and Debarment," 2 CFR part 1200, which adopts and supplements the provisions of U.S. Office of Management and Budget (U.S. OMB) "Guidelines to Agencies on Government-wide Debarment and Suspension (Non-procurement)," 2 CFR part 180, permit certifications to assure the Applicant/Recipient acknowledges that:

The Applicant/Recipient certifies to the best of its knowledge and belief that, it, its principals, and first tier sub-recipients:

- a. Are eligible to participate in covered transactions of any Federal department or agency and are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded, or disqualified.
- b. Have not within a three-year period preceding its latest application or proposal been convicted of or had a civil judgment rendered against any of them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction, or contract under a public transaction, violation of any Federal or State antitrust statute, or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making any false statement, or receiving stolen property.
- c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses listed in the preceding Section 'a' of this certification.
- d. Have not had one or more public transactions (Federal, State, or local) terminated for cause or default within a three-year period preceding this certification.
- e. Will promptly provide any information to the FTA if at a later time any information contradicts the statements of subparagraphs above, and
- f. Will treat each lower tier contract or lower tier subcontract under the Project as a covered lower tier contract for purposes of 2 CFR part 1200 and 2 CFR part 180 if it equals or exceeds \$25,000, is for audit services, or requires the consent of a Federal official.
- g. Will require that each covered lower tier contractor and subcontractor comply and facilitate compliance with the Federal requirements of 2 CFR parts 180 1200, and assure that each lower tier participant in the Project is not presently declared by any Federal department or agency to be:
  - ✓ Debarred from participation in the federally funded project,
  - ✓ Suspended from participation in the federally funded project,
  - ✓ Proposed for debarment from participation in the federally funded project,
  - ✓ Declared ineligible to participate in the federally funded project,
  - ✓ Voluntarily excluded from participation in the federally funded project, or
  - ✓ Disqualified from participation in the federally funded Project.

The Applicant/Recipient will promptly provide a written explanation to GDOT if it or any of its principals, including any of its first tier sub-recipients or lower tier participants, is unable to certify to the preceding statements in this certification.

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Signature of Authorized Officer and date



## Exhibit 15

### DBE Semi-annual reporting

DBE reports may be due twice annually by the Intermodal Division, Transit Department.

**Dates for submission are: May 1<sup>st</sup> & November 1<sup>st</sup>.**

The DOT semi-annual Disadvantage Business Enterprise (DBE) report, referred to as Uniform Report of DBE Commitments/Awards and Payments is a requirement of 49 CFR Part 26. The semi-annual DBE report is a spreadsheet that captures a detailed breakdown of DBE participation in the Georgia Department of Transportation's DBE program.

For a copy of the reporting form (below), please contact [mnystrom@dot.ga.gov](mailto:mnystrom@dot.ga.gov) or [nwade@dot.ga.gov](mailto:nwade@dot.ga.gov)

### Exhibit 15 (continued)

Example of DBE semi-annual reporting form due May 1<sup>st</sup> & Nov 1<sup>st</sup>

UNIFORM REPORT OF DBE AWARDS OR COMMITMENTS AND PAYMENTS									
(Agency Name, Address, City, State, ZIP, Telephone, and Fax)									
1. Agency Name: _____ 2. Agency Address: _____ 3. Agency City: _____ State: _____ ZIP: _____ 4. Agency Telephone: _____ 5. Agency Fax: _____									
6. Agency Type: _____ 7. Reporting Period: _____ to _____									
8. Agency Type: _____									
9. Agency Type: _____									
10. Agency Type: _____									
AWARDS/COMMITMENTS MADE DURING THIS REPORTING PERIOD		A		B		C		D	
Total contracts and subcontracts awarded/committed during this reporting period		Total Dollars	Total Number	Total Dollars	Total Number	Total Dollars	Total Number	Total Dollars	Total Number
TOTAL									
DBE AWARDS/COMMITMENTS THIS REPORTING PERIOD-BREAKDOWN BY ETHNICITY & GENDER		E		F		G		H	
		Black American	Hispanic American	Native American	Subcontinent Asian American	Asian-Pacific American	Non-Minority Women	Other (do not list any other group unless here)	TOTALS (for this reporting period only)
									Year-End TOTALS
ACTUAL PAYMENTS ON CONTRACTS COMPLETED THIS REPORTING PERIOD		I		J		K		L	
Total contracts and subcontracts completed during this reporting period		Total Dollars	Total Number	Total Dollars	Total Number	Total Dollars	Total Number	Total Dollars	Total Number
TOTAL									

## Exhibit 16

### E-Verify

U.S. law requires companies to employ only individuals who may legally work in the United States – either U.S. citizens, or foreign citizens who have the necessary authorization. This diverse workforce contributes greatly to the vibrancy and strength of our economy, but that same strength also attracts unauthorized employment.

E-Verify is an Internet-based system that allows businesses to determine the eligibility of their employees to work in the United States. E-Verify is fast, free and easy to use – and it's the best way employers can ensure a legal workforce.

<http://www.uscis.gov/e-verify>

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Signature of Authorized Officer and date

EXHIBIT 17

Decennial Census changes

Please refer to the following link for information regarding your county population as of the last census conducted (2010). If your county or a service area within your region is now designated as an urban area (population over 50,000 – 199,999 small urban; 200,000+ large urban), please provide the following trip data and other information based on the FY14 year-end trips provided.

[http://www.fta.dot.gov/documents/Census\\_2010\\_and\\_FTA\\_Formula\\_Grants10-25-12.pdf](http://www.fta.dot.gov/documents/Census_2010_and_FTA_Formula_Grants10-25-12.pdf)

Total county population: \_\_\_\_\_

Urban to Urban trips (FY14) \_\_\_\_\_

Urban to Rural trips (FY14) \_\_\_\_\_

Rural to Urban trips (FY14) \_\_\_\_\_

Rural to Rural Trips (FY14) \_\_\_\_\_

Percentage of low income county population: \_\_\_\_\_

Percentage of elderly county population: \_\_\_\_\_

Include current service area map (differentiate urban and rural zones)

Include Transportation Development Plan (short-range 5 yr and long range 20 yr) if available.

# Appendix A

## FTA FISCAL YEAR 2015 CERTIFICATIONS AND ASSURANCES

### PREFACE

*Except as the Federal Transit Administration (FTA or We) determines otherwise in writing, before FTA may award Federal transit assistance (funding or funds) in the form of a Federal Grant, Cooperative Agreement, Loan, Line of credit, or Loan Guarantee to support a public transportation Project, an Authorized Representative (You) of the Project Sponsor (Applicant) must select certain Certifications and Assurances required by Federal law or regulation. Among other things, the Authorized Representative must be duly authorized by the Applicant to sign these Certifications and Assurances and bind its compliance. You, as your Applicant's Authorized Representative, must select all Certifications and Assurances that your Applicant must provide to support its application(s) for FTA funding during Federal fiscal year (FY) 2015.*

*We request that you read each Certification and Assurance and select those that will apply to all Projects for which your Applicant might seek FTA funding. As required by Federal law and regulation, only if you select adequate Certifications and Assurances on your Applicant's behalf, may FTA award Federal funding for its Project.*

*We have consolidated our Certifications and Assurances into twenty-four (24) Groups. At a minimum, you must select the Assurances in Group 01 on your Applicant's behalf. If your Applicant requests more than \$100,000 in Federal funding, you must also select the "Lobbying" Certification in Group 02, unless your Applicant is an Indian tribe, Indian organization, or a tribal organization. Depending on the nature of your Applicant and its Project, you may also need to select some Certifications and Assurances in Groups 03 through 24. Instead of selecting individual Groups of Certifications and Assurances, however, you may make a single selection that will encompass all twenty-four (24) Groups of Certifications and Assurances that apply to all our programs.*

*FTA, your Applicant, and you, as your Applicant's Authorized Representative, understand and agree that not every provision of these twenty-four (24) Groups of Certifications and Assurances will apply to every Applicant or every Project FTA funds, even if you make a single selection encompassing all twenty-four (24) Groups. Nor will every provision of all Certifications and Assurances within a single Group apply if that provision does not apply to your Applicant or its Project. The type of Project and Applicant will determine which Certifications and Assurances apply.*

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and each Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.*

*Except as FTA determines otherwise in writing, if your Applicant is a team, consortium, joint venture, or partnership, it understands and agrees that you must identify the activities each member will perform and the extent to which each will be responsible for compliance with the Certifications and Assurances that you select on its behalf, and whether the member will serve as a Recipient, Subrecipient, or Third Party Contractor.*

*It is important that your Applicant and you also understand that these Certifications and Assurances are pre-award requirements, generally imposed by Federal law or regulation, and do not include all Federal requirements that may apply to it or its Project. Our FTA Master Agreement for Federal FY 2015, MA(21), is available at <http://www.fta.dot.gov>, and contains a list of most of those requirements. We expect you to submit your Applicant's FY 2015 Certifications and Assurances and its applications for funding in TEAM-Web. You must be registered in TEAM-Web to submit the FTA FY 2015 Certifications and Assurances on its behalf. The TEAM-Web "Recipients" option at the "Cert's & Assurances" tab of*

the "View/Modify Recipients" page contains fields for selecting among the twenty-four (24) Groups of Certifications and Assurances and a designated field for selecting all twenty-four (24) Groups of Certifications and Assurances. If FTA agrees that you cannot submit your Applicant's FY 2015 Certifications and Assurances electronically, you must submit the Signature Pages at the end of this document, as FTA directs, marked to show the Groups of Certifications and Assurances that it is submitting.

Be aware that these Certifications and Assurances have been prepared in light of:

- FTA's latest authorization legislation, *Moving Ahead for Progress in the 21st Century Act (MAP-21)*, Pub. L. 112-141, June 6, 2012,
- FTA's authorizing legislation in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply,
- The Highway and Transportation Funding Act of 2014, Pub. L. 113-159, August 8, 2014, and
- Continuing Appropriations Resolution, 2015, Pub. L. 113-164, September 19, 2014 and other Appropriations Acts or Continuing Resolutions funding the Department of Transportation during Fiscal Year 2015.

With certain exceptions, Projects financed in FY 2015 with funds appropriated or made available for FY 2012 or a previous fiscal year must be in compliance with the requirements for that type of Project in effect during the fiscal year for which the funding was derived, except as superseded by MAP-21 cross-cutting requirements that apply.

## **GROUP 01. REQUIRED CERTIFICATIONS AND ASSURANCES FOR EACH APPLICANT.**

Before FTA may provide funding for your Applicant's Project, in addition to any other Certifications and Assurances that you must select on your Applicant's behalf, you must also select the Certifications and Assurances in Group 01, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications and Assurances in Group 01 that does not apply will not be enforced.

### **01.A. Certification and Assurance of Authority of the Applicant and Its Authorized Representative.**

You certify and affirm that both you, as your Applicant's Authorized Representative, and your Applicant's attorney, who is authorized to represent your Applicant in legal matters, who sign these Certifications, Assurances, and Agreements, may undertake the following activities on its behalf, in compliance with applicable State, local, or Indian tribal laws and regulations, and its by-laws or internal rules:

1. Execute and file its application for Federal funds,
2. Execute and file its Certifications, Assurances, Charter Service Agreement, and School Bus Agreement, as applicable, binding its compliance,
3. Execute the Grant Agreement, Cooperative agreement, Loan, Loan Guarantee, or Line of Credit, for which the Applicant is seeking FTA funding,
4. Comply with applicable Federal laws and regulations, and
5. Follow applicable Federal guidance.

### **01.B. Standard Assurances.**

On behalf of your Applicant, you assure that it understands and agrees to the following:

1. It will comply with all applicable Federal statutes and regulations to carry out any FTA-funded Project,
2. It is under a continuing obligation to comply with the terms and conditions of its Grant Agreement or

Cooperative Agreement with FTA for its Project, including the FTA Master Agreement incorporated by reference and made part of the latest amendment to that Grant Agreement or Cooperative Agreement,

3. It recognizes that Federal laws and regulations may be amended from time to time and those amendments may affect Project implementation,
4. It understands that Presidential executive orders and Federal guidance, including Federal policies and program guidance, may be issued concerning matters affecting it or its Project,
5. It agrees that the most recent Federal laws, regulations, and guidance will apply to its Project, except as FTA determines otherwise in writing,
6. Except as FTA determines otherwise in writing, it agrees that requirements for FTA programs may vary depending on the fiscal year for which the funding for those programs was appropriated:
  - a. In some instances, FTA has determined that Federal statutory or regulatory program and eligibility requirements for FY 2012 or a specific previous fiscal year, except as superseded by applicable MAP-21 cross-cutting requirements, apply to:
    - (1) New Grants and Cooperative Agreements, and
    - (2) New Amendments to Grants and Cooperative Agreements that:
      - (a) Have been awarded Federal funds appropriated or made available for FY 2012 or the previous fiscal year, or
      - (b) May be awarded Federal funds appropriated or made available for FY 2012 or the previous fiscal year, but
    - b. In other instances, FTA has determined that MAP-21 requirements will apply to Federal funds appropriated or made available for FY 2012 or a previous fiscal year, and
    - c. For all FTA-funded Projects, the following MAP-21 cross-cutting requirements supersede and apply in lieu of conflicting provisions of previous Federal law and regulations:
      - (1) Metropolitan and Statewide and Nonmetropolitan Transportation Planning,
      - (2) Environmental Review Process,
      - (3) Public Transportation Agency Safety Plans,
      - (4) Transit Asset Management Provisions (and Asset Inventory and Condition Reporting),
      - (5) Costs Incurred by Providers of Public Transportation by Vanpool,
      - (6) Revenue Bonds as Local Match,
      - (7) Debt Service Reserve,
      - (8) Government's Share of Cost of Vehicles, Vehicle-Equipment, and Facilities for ADA and Clean Air Act Compliance,
      - (9) Private Sector Participation,
      - (10) Bus Testing,
      - (11) Buy America,
      - (12) Corridor Preservation,
      - (13) Rail Car Procurements,
      - (14) Veterans Preference/Employment,
      - (15) Alcohol and Controlled Substance Testing, and
      - (16) Other provisions as FTA may determine.<sup>1</sup>

<sup>1</sup> More information about these matters appears in the Federal Transit Administration, "Notice of FTA Transit Program Changes, Authorized Funding Levels and Implementation of the Moving Ahead for Progress in the 21st Century Act (MAP-21) and FTA FY 2013 Apportionments, Allocations, Program Information and Interim Guidance," 77 Fed. Reg. 663670, Oct. 16, 2012.

## **FTA FISCAL YEAR 2015 CERTIFICATIONS AND ASSURANCES (contd.)**

### **01.C. Intergovernmental Review Assurance.**

*(This assurance in Group 01.C does not apply to an Indian tribe, an Indian organization or a tribal organization that applies for funding made available for 49 U.S.C. 5311(c)(1), which authorizes FTA's Tribal Transit Programs.)*

As required by U.S. Department of Transportation (U.S. DOT) regulations, "Intergovernmental Review of Department of Transportation Programs and Activities," 49 CFR part 17, on behalf of your Applicant, you assure that it has submitted or will submit each application for Federal funding to the appropriate

State and local agencies for intergovernmental review, to facilitate compliance with those regulations.

**01.D. Nondiscrimination Assurance.**

On behalf of your Applicant, you assure that:

1. It will comply with the following laws and regulations so that no person in the United States will be denied the benefits of, or otherwise be subjected to, discrimination in any U.S. DOT or FTA-funded program or activity (particularly in the level and quality of transportation services and transportation-related benefits) on the basis of race, color, national origin, religion, sex, disability, or age:
  - a. Federal transit laws, specifically 49 U.S.C. 5332 (prohibiting discrimination on the basis of race, color, religion, national origin, sex, disability, age, employment, or business opportunity),
  - b. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d,
  - c. The Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, *et seq.*,
  - d. The Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12101 *et seq.*,
  - e. U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964," 49 CFR part 21,
  - f. U.S. DOT regulations, specifically 49 CFR parts 27, 37, 38, and 39, and
  - g. Any other applicable Federal statutes that may be signed into law or Federal regulations that may be promulgated,
2. It will comply with Federal guidance implementing Federal nondiscrimination laws and regulations, except to the extent FTA determines otherwise in writing,
3. As required by 49 CFR 21.7:
  - a. It will comply with 49 U.S.C. 5332, 42 U.S.C. 2000d, and 49 CFR part 21 in the manner:
    - (1) It conducts each Project,
    - (2) It undertakes property acquisitions, and
    - (3) It operates all parts of its facilities, as well as its facilities operated in connection with its Project,
  - b. This assurance applies to its entire Project and to all parts of its facilities, as well as its facilities operated to implement its Project,
  - c. It will promptly take the necessary actions to carry out this assurance, including the following:
    - (1) Notifying the public that discrimination complaints about transportation-related services or benefits may be filed with U.S. DOT or FTA, and
    - (2) Submitting information about its compliance with these provisions to U.S. DOT or FTA upon their request,
  - d. If it transfers FTA-funded real property, structures, or improvements to another party, any deeds and instruments recording that transfer will contain a covenant running with the land assuring nondiscrimination:
    - (1) While the property is used for the purpose that the Federal funding is extended, or
    - (2) While the property is used for another purpose involving the provision of similar services or benefits,
  - e. The United States has a right to seek judicial enforcement of any matter arising under:
    - (1) Title VI of the Civil Rights Act, 42 U.S.C. 2000d,
    - (2) U.S. DOT regulations, 49 CFR part 21, or
    - (3) This assurance,
  - f. It will make any changes in its Title VI implementing procedures, as U.S. DOT or FTA may request, to comply with:
    - (1) Title VI of the Civil Rights Act, 42 U.S.C. 2000d,
    - (2) U.S. DOT regulations, 49 CFR part 21, and
    - (3) Federal transit laws, 49 U.S.C. 5332,
  - g. It will comply with applicable Federal guidance issued to implement Federal nondiscrimination requirements, except as FTA determines otherwise in writing,
  - h. It will extend the requirements of 49 U.S.C. 5332, 42 U.S.C. 2000d, and 49 CFR part 21 to each Third Party Participant, including any:
    - (1) Subrecipient,
    - (2) Transferee,
    - (3) Third Party Contractor or Subcontractor at any tier,



- (4) Successor in Interest,
  - (5) Lessee, or
  - (6) Other participant in its Project, except FTA and the Applicant (that later becomes the Recipient),
- i. It will include adequate provisions to extend the requirements of 49 U.S.C. 5332, 42 U.S.C. 2000d, and 49 CFR part 21 to each third party agreement, including each:

- (1) Subagreement at any tier,
- (2) Property transfer agreement,
- (3) Third party contract or subcontract at any tier,
- (4) Lease, or
- (5) Participation agreement, and

j. The assurances you have made on its behalf remain in effect as long as FTA determines appropriate, including, for example, as long as:

- (1) Federal funding is extended to its Project,
- (2) Its Project property is used for a purpose for which the Federal funding is extended,
- (3) Its Project property is used for a purpose involving the provision of similar services or benefits,
- (4) It retains ownership or possession of its Project property, or
- (5) FTA may otherwise determine in writing, and

4. As required by U.S. DOT regulations, "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance," 49 CFR part 27, specifically 49 CFR 27.9, and consistent with 49 U.S.C. 5307(c)(1)(D)(ii), you assure that:

a. It will comply with the following prohibitions against discrimination on the basis of disability listed below in subsection 4.b of this Group 01.D Assurance, of which compliance is a condition of approval or extension of any FTA funding awarded to:

- (1) Construct any facility,
- (2) Obtain any rolling stock or other equipment,
- (3) Undertake studies,
- (4) Conduct research, or
- (5) Participate in any benefit or obtain any benefit from any FTA administered program, and

b. In any program or activity receiving or benefiting from Federal funding that U.S. DOT administers, no qualified people with a disability will, because of their disability, be:

- (1) Excluded from participation,
- (2) Denied benefits, or
- (3) Otherwise subjected to discrimination.

**01.E. Suspension and Debarment Certification.**

On behalf of your Applicant, you certify that:

1. It will comply and facilitate compliance with U.S. DOT regulations, "Nonprocurement Suspension and Debarment," 2 CFR part 1200, which adopts and supplements the U.S. Office of Management and Budget (U.S. OMB) "Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," 2 CFR part 180,

2. To the best of its knowledge and belief, that its Principals and Subrecipients at the first tier:

a. Are eligible to participate in covered transactions of any Federal department or agency and are not presently:

- (1) Debarred,
- (2) Suspended,
- (3) Proposed for debarment,
- (4) Declared ineligible,
- (5) Voluntarily excluded, or
- (6) Disqualified,

b. Its management has not within a three-year period preceding its latest application or proposal been convicted of or had a civil judgment rendered against any of them for:

- (1) Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction, or contract under a public transaction,

- (2) Violation of any Federal or State antitrust statute, or
  - (3) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making any false statement, or receiving stolen property,
  - c. It is not presently indicted for, or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses listed in the preceding subsection 1.E.2.b of this Certification,
  - d. It has not had one or more public transactions (Federal, State, or local) terminated for cause or default within a three-year period preceding this Certification,
  - e. If, at a later time, it receives any information that contradicts the preceding statements of subsections 2.a – 2.d of this Group 01.E Certification, it will promptly provide that information to FTA,
  - f. It will treat each lower tier contract or lower tier subcontract under its Project as a covered lower tier contract for purposes of 2 CFR part 1200 and 2 CFR part 180 if it:
    - (1) Equals or exceeds \$25,000,
    - (2) Is for audit services, or
    - (3) Requires the consent of a Federal official, and
  - g. It will require that each covered lower tier contractor and subcontractor:
    - (1) Comply and facilitate compliance with the Federal requirements of 2 CFR parts 180 and 1200, and
    - (2) Assure that each lower tier participant in its Project is not presently declared by any Federal department or agency to be:
      - (a) Debarred from participation in its federally-funded Project,
      - (b) Suspended from participation in its federally-funded Project,
      - (c) Proposed for debarment from participation in its federally-funded Project,
      - (d) Declared ineligible to participate in its federally-funded Project,
      - (e) Voluntarily excluded from participation in its federally-funded Project, or
      - (f) Disqualified from participation in its federally-funded Project, and
5. It will provide a written explanation as indicated on a page attached in FTA's TEAM-Web or the Signature Page if it or any of its principals, including any of its first tier Subrecipients or its Third Party Participants at a lower tier, is unable to certify compliance with the preceding statements in this Group 01.E Certification.

**01.F. U.S. OMB Assurances in SF-424B and SF-424D.**

*The assurances in Group 01.F are consistent with the U.S. OMB assurances required in the U.S. OMB SF-424B and SF-424D, and updated as necessary to reflect changes in Federal laws and regulations.*

1. *Administrative Activities.* On behalf of your Applicant, you assure that:
- a. For every Project described in any application it submits for Federal funding, it has adequate resources to properly plan, manage, and complete its Project, including the:
    - (1) Legal authority to apply for Federal funding,
    - (2) Institutional capability,
    - (3) Managerial capability, and
    - (4) Financial capability (including funds sufficient to pay the non-Federal share of Project cost),
  - b. As required, it will give access and the right to examine Project-related materials to entities or individuals including, but not limited to the:
    - (1) FTA,
    - (2) The Comptroller General of the United States, and
    - (3) State, through an appropriate authorized representative,
  - c. It will establish a proper accounting system in accordance with generally accepted accounting standards or FTA guidance, and
  - d. It will establish safeguards to prohibit employees from using their positions for a purpose that results in:
    - (1) A personal or organizational conflict of interest, or personal gain, or
    - (2) The appearance of a personal or organizational conflict of interest or personal gain,
2. *Project Specifics.* On behalf of your Applicant, you assure that:
- a. Following receipt of an FTA award, it will begin and complete Project work within the time periods

that apply,

b. For FTA-funded construction Projects:

- (1) It will comply with FTA provisions concerning the drafting, review, and approval of construction plans and specifications,
- (2) It will provide and maintain competent and adequate engineering supervision at the construction site to assure that the completed work conforms with the approved plans and specifications,
- (3) It will include a covenant to assure nondiscrimination during the useful life of its Project in its title to federally-funded real property,
- (4) To the extent FTA requires, it will record the Federal interest in the title to FTA-funded real property or interests in real property, and
- (5) It will not alter the site of the FTA-funded construction Project or facilities without permission or instructions from FTA by:
  - (a) Disposing of the underlying real property or other interest in the site and facilities,
  - (b) Modifying the use of the underlying real property or other interest in the site and facilities, or
  - (c) Changing the terms of the underlying real property title or other interest in the site and facilities, and

c. It will furnish progress reports and other information as FTA or the State may require, and

3. *Statutory and Regulatory requirements.* On behalf of your Applicant, you assure that:

a. It will comply with all Federal statutes relating to nondiscrimination that apply, including, but not limited to:

- (1) The prohibitions against discrimination on the basis of race, color, or national origin, as provided in Title VI of the Civil Rights Act, 42 U.S.C. 2000d,
- (2) The prohibitions against discrimination on the basis of sex, as provided in:
  - (a) Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 – 1683, and 1685 – 1687, and
  - (b) U.S. DOT regulations, “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance,” 49 CFR part 25,
- (3) The prohibitions against discrimination on the basis of age in federally-funded programs, as provided in the Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 – 6107,
- (4) The prohibitions against discrimination on the basis of disability in federally -funded programs, as provided in section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794,
- (5) The prohibitions against discrimination on the basis of disability, as provided in the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12101 *et seq.*,
- (6) The prohibitions against discrimination in the sale, rental, or financing of housing, as provided in Title VIII of the Civil Rights Act, 42 U.S.C. 3601 *et seq.*,
- (7) The prohibitions against discrimination on the basis of drug abuse, as provided in the Drug Abuse Office and Treatment Act of 1972, as amended, 21 U.S.C. 1101 *et seq.*,
- (8) The prohibitions against discrimination on the basis of alcohol abuse, as provided in the Comprehensive Alcohol Abuse and Alcoholism Prevention Act of 1970, as amended, 42 U.S.C. 4541 *et seq.*,
- (9) The confidentiality requirements for records of alcohol and drug abuse patients, as provided in the Public Health Service Act, as amended, 42 U.S.C. 290dd – 290dd-2, and

(10) The nondiscrimination provisions of any other statute(s) that may apply to its Project,

b. As provided by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Relocation Act), 42 U.S.C. 4601 *et seq.*, and 49 U.S.C. 5323(b), regardless of whether Federal funding has been provided for any of the real property acquired for Project purposes:

- (1) It will provide for fair and equitable treatment of any displaced persons, or any persons whose property is acquired as a result of federally-funded programs,
- (2) It has the necessary legal authority under State and local laws and regulations to comply with:
  - (a) The Uniform Relocation Act. 42 U.S.C. 4601 *et seq.*, as specified by 42 U.S.C. 4630 and 4655, and
  - (b) U.S. DOT regulations, “Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs,” 49 CFR part 24, specifically 49 CFR 24.4, and
- (3) It has complied with or will comply with the Uniform Relocation Act and implementing U.S. DOT

regulations because:

(a) It will adequately inform each affected person of the benefits, policies, and procedures provided for in 49 CFR part 24,

(b) As required by 42 U.S.C. 4622, 4623, and 4624, and 49 CFR part 24, if an FTA-funded Project results in displacement, it will provide fair and reasonable relocation payments and assistance to:

1 Displaced families or individuals, and

2 Displaced corporations, associations, or partnerships,

(c) As provided by 42 U.S.C. 4625 and 49 CFR part 24, it will provide relocation assistance programs offering the services described in the U.S. DOT regulations to such:

1 Displaced families and individuals, and

2 Displaced corporations, associations, or partnerships,

(d) As required by 42 U.S.C. 4625(c)(3), within a reasonable time before displacement, it will make available comparable replacement dwellings to families and individuals,

(e) It will:

1 Carry out the relocation process to provide displaced persons with uniform and consistent services, and

2 Make available replacement housing in the same range of choices with respect to such housing to all displaced persons regardless of race, color, religion, or national origin,

(f) It will be guided by the real property acquisition policies of 42 U.S.C. 4651 and 4652,

(g) It will pay or reimburse property owners for their necessary expenses as specified in 42 U.S.C. 4653 and 4654, understanding that FTA will provide Federal funding for its eligible costs for providing payments for those expenses, as required by 42 U.S.C. 4631,

(h) It will execute the necessary implementing amendments to FTA-funded third party contracts and subagreements,

(i) It will execute, furnish, and be bound by such additional documents as FTA may determine necessary to effectuate or implement these assurances,

(j) It will incorporate these assurances by reference into and make them a part of any third party contract or subagreement, or any amendments thereto, relating to any FTA-funded Project involving relocation or land acquisition, and

(k) It will provide in any affected document that these relocation and land acquisition provisions must supersede any conflicting provisions,

c. It will comply with the Lead-Based Paint Poisoning Prevention Act, specifically 42 U.S.C. 4831(b), which prohibits the use of lead-based paint in the construction or rehabilitation of residence structures,

d. It will, to the extent applicable, comply with the protections for human subjects involved in research, development, and related activities supported by Federal funding of:

(1) The National Research Act, as amended, 42 U.S.C. 289 *et seq.*, and

(2) U.S. DOT regulations, "Protection of Human Subjects," 49 CFR part 11,

e. It will, to the extent applicable, comply with the labor standards and protections for federally-funded Projects of:

(1) The Davis-Bacon Act, as amended, 40 U.S.C. 3141 – 3144, 3146, and 3147,

(2) Sections 1 and 2 of the Copeland "Anti-Kickback" Act, as amended, 18 U.S.C. 874, and 40 U.S.C. 3145, respectively, and

(3) The Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. 3701 *et seq.*,

f. It will comply with any applicable environmental standards prescribed to implement Federal laws and executive orders, including, but not limited to:

(1) Complying with the institution of environmental quality control measures under the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 – 4335 and following Executive Order No. 11514, as amended, 42 U.S.C. 4321 note,

(2) Following the notification of violating facilities provisions of Executive Order No. 11738, 42 U.S.C. 7606 note,

(3) Following the protection of wetlands provisions of Executive Order No. 11990, 42 U.S.C. 4321 note,

(4) Following the evaluation of flood hazards in floodplains provisions of Executive Order No. 11988, 42 U.S.C. 4321 note,

- (5) Complying with the assurance of Project consistency with the approved State management program developed pursuant to the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1451 – 1465,
- (6) Complying with the Conformity of Federal Actions to State (Clean Air) Implementation Plans requirements under section 176(c) of the Clean Air Act of 1955, as amended, 42 U.S.C. 7401 – 7671q,
- (7) Complying with the protections for underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, 42 U.S.C. 300f – 300j-6,
- (8) Complying with the protections for endangered species under the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 – 1544,
- (9) Complying with the environmental protections for Federal transportation programs, including, but not limited to, protections for parks, recreation areas, or wildlife or waterfowl refuges of national, State, or local significance or any land from a historic site of national, State, or local significance to be used in a transportation Project, as required by 49 U.S.C. 303 (also known as “Section 4f”),
- (10) Complying with the protections for national wild and scenic rivers systems, as required under the Wild and Scenic Rivers Act of 1968, as amended, 16 U.S.C. 1271 – 1287, and
- (11) Complying with and facilitating compliance with:
  - (a) Section 106 of the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470f,
  - (b) The Archaeological and Historic Preservation Act of 1974, as amended, 16 U.S.C. 469 – 469c, and
  - (c) Executive Order No. 11593 (identification and protection of historic properties), 16 U.S.C. 470 note, g. To the extent applicable, it will comply with the following Federal requirements for the care, handling, and treatment of warm-blooded animals held or used for research, teaching, or other activities supported by Federal funding:
    - (1) The Animal Welfare Act, as amended, 7 U.S.C. 2131 *et seq.*, and
    - (2) U.S. Department of Agriculture regulations, “Animal Welfare,” 9 CFR subchapter A, parts 1, 2, 3, and 4,
- h. To the extent applicable, it will obtain a certificate of compliance with the seismic design and construction requirements of U.S. DOT regulations, “Seismic Safety,” 49 CFR part 41, specifically 49 CFR 41.117(d), before accepting delivery of any FTA-funded building,
- i. It will comply with, and assure that its Subrecipients located in special flood hazard areas comply with, section 102(a) of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4012a(a), by:
  - (1) Participating in the Federal flood insurance program, and
  - (2) Purchasing flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more,
- j. It will comply with:
  - (1) The Hatch Act, 5 U.S.C. 1501 – 1508, 7324 – 7326, which limits the political activities of State and local agencies and their officers and employees whose primary employment activities are financed in whole or part with Federal funds, including a Federal Loan, Grant Agreement, or Cooperative Agreement, and
  - (2) 49 U.S.C. 5323(1)(2) and 23 U.S.C. 142(g), which provide an exception from Hatch Act restrictions for a nonsupervisory employee of a public transportation system (or of any other agency or entity performing related functions) receiving FTA funding appropriated or made available for 49 U.S.C. chapter 53 and 23 U.S.C. 142(a)(2) to whom the Hatch Act does not otherwise apply,
- k. It will perform the financial and compliance audits as required by the:
  - (1) Single Audit Act Amendments of 1996, 31 U.S.C. 7501 *et seq.*,
  - (2) U.S. OMB Circular A-133, “Audits of States, Local Governments, and Non-Profit Organizations,” Revised, and
  - (3) Most recent applicable U.S. OMB A-133 Compliance Supplement provisions for the U.S. DOT,
- l. It will comply with all other Federal laws or regulations that apply, and
- m. It will follow Federal guidance governing it and its Project, except to the extent that FTA has expressly approved otherwise in writing.

**GROUP 02. LOBBYING.**

*Before FTA may provide funding for a Federal Grant or Cooperative Agreement exceeding \$100,000 or*

*a Federal Loan, Line of Credit, Loan Guarantee, or Loan Insurance exceeding \$150,000, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Lobbying Certifications in Group 02, unless your Applicant is an Indian Tribe exempt from the requirements of 31 U.S.C. 1352 or FTA determines otherwise in writing.*

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.*

*Any provision of the Certifications in Group 02 that does not apply will not be enforced.*

On behalf of your Applicant, you certify that:

1. As required by 31 U.S.C. 1352 and U.S. DOT regulations, "New Restrictions on Lobbying," specifically 49 CFR 20.110:

a. The lobbying restrictions of this Certification apply to its requests:

- (1) For \$100,000 or more in Federal funding for a Grant or Cooperative Agreement, and
- (2) For \$150,000 or more in Federal funding for a Loan, Line of Credit, Loan Guarantee, or Loan Insurance, and

b. Your Certification on its behalf applies to the lobbying activities of:

- (1) It,
- (2) Its Principals, and
- (3) Its Subrecipients at the first tier,

2. To the best of your knowledge and belief:

a. No Federal appropriated funds have been or will be paid by your Applicant or on its behalf to any person to influence or attempt to influence:

(1) An officer or employee of any Federal agency regarding the award of a:

- (a) Federal Grant or Cooperative Agreement, or
- (b) Federal Loan, Line of Credit, Loan Guarantee, or Loan Insurance, or

(2) A Member of Congress, an employee of a member of Congress, or an officer or employee of Congress regarding the award of a:

- (a) Federal Grant or Cooperative Agreement, or
- (b) Federal Loan, Line of Credit, Loan Guarantee, or Loan Insurance,

b. It will submit a complete OMB Standard Form LLL (Rev. 7-97), "Disclosure of Lobbying Activities," consistent with its instructions, if any funds other than Federal appropriated funds have been or will be paid to any person to influence or attempt to influence:

(1) An officer or employee of any Federal agency regarding the award of a:

- (a) Federal Grant or Cooperative Agreement, or
- (b) Federal Loan, Line of Credit, Loan Guarantee, or Loan Insurance, or

(2) A Member of Congress, an employee of a member of Congress, or an officer or employee of Congress regarding the award of a:

- (a) Federal Grant or Cooperative Agreement, or
- (b) Federal Loan, Line of Credit, Loan Guarantee, or Loan Insurance, and

c. It will include the language of this Certification in the award documents for all subawards at all tiers, including, but not limited to:

- (1) Third party contracts,
- (2) Subcontracts,
- (3) Subagreements, and
- (4) Other third party agreements under a:
  - (a) Federal Grant or Cooperative Agreement, or
  - (b) Federal Loan, Line of Credit, Loan Guarantee, or Loan Insurance,

3. It understands that:

a. This Certification is a material representation of fact that the Federal Government relies on, and

b. It must submit this Certification before the Federal Government may award funding for a transaction covered by 31 U.S.C. 1352, including a:

- (a) Federal Grant or Cooperative Agreement, or
- (b) Federal Loan, Line of Credit, Loan Guarantee, or Loan Insurance, and

4. It also understands that any person who does not file a required Certification will incur a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

### **GROUP 03. PROCUREMENT AND PROCUREMENT SYSTEMS.**

*We request that you select the Procurement and Procurement Systems Certification in Group 03 on behalf of your Applicant, especially if your Applicant is a State, local, or Indian tribal government with a certified procurement system, as provided in 49 CFR 18.36(g)(3)(ii). Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.*

*Any provision of the Certification in Group 03 that does not apply will not be enforced.*

On behalf of your Applicant, you certify that its procurements and its procurement system will comply with all Federal laws and regulations in accordance with applicable Federal guidance, except to the extent FTA has approved otherwise in writing.

### **GROUP 04. PRIVATE SECTOR PROTECTIONS.**

*Before FTA may provide funding for a Project that involves the acquisition of public transportation property or operation of public transportation facilities or equipment, in addition to other Certifications you must select on your Applicant's behalf, you must also select the Private Property Protections Assurances in Group 04.A and enter into the Agreements in Group 04.B and Group 04.C on behalf of your Applicant, except as FTA determines otherwise in writing.*

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.*

*Any provision of the Assurances and Agreements in Group 04 that does not apply will not be enforced.*

#### **04.A. Private Property Protections.**

*If your Applicant is a State, local government, or Indian tribal government and seeks FTA funding to acquire the property of a private transit operator or operate public transportation in competition with or in addition to a public transportation operator, the Private Property Protections Assurances in Group 04.A apply to your Applicant, except as FTA determines otherwise in writing.*

To facilitate FTA's ability to make the findings required by 49 U.S.C. 5323(a)(1), on behalf of your Applicant, you assure that:

1. It has or will have:
  - a. Determined that the funding is essential to carrying out a Program of Projects as required by 49 U.S.C. 5303, 5304, and 5306,
  - b. Provided for the participation of private companies engaged in public transportation to the maximum extent feasible, and
  - c. Paid just compensation under State or local laws to the company for any franchise or property acquired, and
2. It has completed the actions described in the preceding section 1 of this Group 04.A Certification before it:
  - a. Acquires the property or an interest in the property of a private provider of public transportation, or

b. Operates public transportation equipment or facilities:

- (1) In competition with transportation service provided by an existing public transportation operator, or
- (2) In addition to transportation service provided by an existing public transportation operator.

**04.B. Charter Service Agreement.**

*If your Applicant seeks FTA funding to acquire or operate transit facilities or equipment, the Charter Service Agreement in Group 04.B applies to your Applicant, except as FTA determines otherwise in writing.*

To comply with 49 U.S.C. 5323(d) and (g) and FTA regulations, "Charter Service," 49 CFR part 604, specifically 49 CFR 604.4, on behalf of your Applicant, you are entering into the following Charter Service Agreement:

1. FTA's "Charter Service" regulations apply as follows:

a. FTA's Charter Service regulations restrict transportation by charter service using facilities and equipment acquired by Recipients of FTA funding for transportation Projects with Federal funding derived from:

- (1) Federal transit laws, 49 U.S.C. chapter 53,
- (2) 23 U.S.C. 133 or 142, or
- (3) Any other Act that provides Federal public transportation assistance, unless otherwise excepted,

b. FTA's charter service restrictions extend to:

(1) Your Applicant, when it becomes a Recipient of Federal funding appropriated or made available for:

- (a) Federal transit laws, 49 U.S.C. chapter 53,
- (b) 23 U.S.C. 133 or 142, or
- (c) Any other Act that provides Federal public transportation assistance, unless otherwise excepted, and

(2) Any Third Party Participant that receives Federal funding derived from:

- (a) Federal transit laws, 49 U.S.C. chapter 53,
- (b) 23 U.S.C. 133 or 142, or
- (c) Any other Act that provides Federal public transportation assistance, unless otherwise excepted,

c. A Third Party Participant includes any:

- (1) Subrecipient at any tier,
- (2) Lessee,
- (3) Third Party Contractor or Subcontractor at any Tier, and
- (4) Other Third Party Participant in its Project,

d. You and your Applicant agree that neither it nor any governmental authority or publicly owned operator that receives Federal public transportation assistance appropriated or made available for its Project will engage in charter service operations, except as permitted under:

- (1) Federal transit laws, specifically 49 U.S.C. 5323(d) and (g),
- (2) FTA regulations, "Charter Service," 49 CFR part 604, to the extent consistent with 49 U.S.C. 5323(d) and (g),
- (3) Any other Federal Charter Service regulations, or
- (4) Federal guidance, except as FTA determines otherwise in writing,

e. You and your Applicant agree that the latest Charter Service Agreement it has selected in its latest annual Certifications and Assurances is incorporated by reference in and made part of the underlying Agreement accompanying an award of FTA funding, and

f. You and your Applicant agree that:

(1) FTA may require corrective measures or impose remedies on it or any governmental authority or publicly owned operator that receives FTA funding appropriated or made available for its Project that has engaged in a pattern of violations of FTA's Charter Service regulations by:

- (a) Conducting charter operations prohibited by Federal transit laws and FTA's Charter Service regulations, or
- (b) Otherwise violating its Charter Service Agreement it has elected in its latest annual Certifications and Assurances, and

(2) These corrective measures and remedies may include:

- (a) Barring it or any Third Party Participant operating public transportation under the Project that has



provided prohibited charter service from receiving FTA funds,  
(b) Withholding an amount of Federal funds as provided by Appendix D to FTA's Charter Service regulations, or

(c) Any other appropriate remedy that may apply, and

2. In addition to the exceptions to the restrictions in FTA's Charter Service Regulations, FTA has established the following additional exceptions to those restrictions:

a. FTA's Charter Service restrictions do not apply to your Applicant if it seeks funding appropriated or made available for 49 U.S.C. 5307 and 5311, to be used for Job Access and Reverse Commute (JARC) activities that would have been eligible for assistance under repealed 49 U.S.C. 5316 in effect in FY 2012 or a previous fiscal year, provided that it uses that FTA funding for those program purposes only,

b. FTA's Charter Service restrictions do not apply to your Applicant if it seeks funding appropriated or made available for 49 U.S.C. 5310, to be used for New Freedom activities that would have been eligible for assistance under repealed 49 U.S.C. 5317 in effect in FY 2012 or a previous fiscal year, provided it uses that FTA funding for those program purposes only, and

c. An Applicant for assistance under 49 U.S.C. chapter 53 will not be determined to have violated the FTA Charter Service regulations if that Recipient provides a private intercity or charter transportation operator reasonable access to that Recipient's federally-funded public transportation facilities, including intermodal facilities, park and ride lots, and bus-only highway lanes, as provided in 49 U.S.C. 5323(r).

#### **04.C. School Bus Agreement.**

*If your Applicant seeks FTA funding to acquire or operate transit facilities or equipment, the School Bus Agreement in Group 04.C applies to your Applicant, except as FTA determines otherwise in writing.*

To comply with 49 U.S.C. 5323(f) and (g) and FTA regulations, "School Bus Operations," 49 CFR part 605, to the extent consistent with 49 U.S.C. 5323(f) and (g), on behalf of your Applicant, you are entering into the following School Bus Agreement:

1. FTA's "School Bus Operations" regulations restrict school bus operations using facilities and equipment acquired with Federal funding derived from:

a. Federal transit laws, 49 U.S.C. chapter 53,

b. 23 U.S.C. 133 or 142, or

c. Any other Act that provides Federal public transportation assistance, unless otherwise excepted,

2. FTA's school bus operations restrictions extend to:

a. Your Applicant, when it becomes a Recipient of Federal funding appropriated or made available for:

(1) Federal transit laws, 49 U.S.C. chapter 53,

(2) 23 U.S.C. 133 or 142, or

(3) Any other Act that provides Federal public transportation assistance, unless otherwise excepted, and

b. Any Third Party Participant that receives Federal funding derived from:

(1) Federal transit laws, 49 U.S.C. chapter 53,

(2) 23 U.S.C. 133 or 142, or

(3) Any other Act that provides Federal public transportation assistance, unless otherwise excepted,

3. A Third Party Participant includes any:

a. Subrecipient at any tier,

b. Lessee,

c. Third Party Contractor or Subcontractor at any tier, and

d. Other Third Party Participant in the Project,

4. You and your Applicant agree, and will obtain the agreement of any Third Party Participant involved in your Applicant's Project, that it will not engage in school bus operations in competition with private operators of school buses, except as permitted under:

a. Federal transit laws, specifically 49 U.S.C. 5323(f) and (g),

b. FTA regulations, "School Bus Operations," 49 CFR part 605, to the extent consistent with 49 U.S.C. 5323(f) and (g),

c. Any other Federal School Bus regulations, or

d. Federal guidance, except as FTA determines otherwise in writing,

5. You and your Applicant agree that the latest School Bus Agreement you have selected on its behalf in

FTA's latest annual Certifications and Assurances is incorporated by reference in and made part of the underlying Agreement accompanying an award of FTA funding, and

6. You and your Applicant agree that after it is a Recipient, if it or any Third Party Participant has violated this School Bus Agreement, FTA may:

- a. Bar your Applicant or Third Party Participant from receiving further Federal transit funds, or
- b. Require the Applicant or Third Party Participant to take such remedial measures as FTA considers appropriate.

#### **GROUP 05. ROLLING STOCK REVIEWS AND BUS TESTING.**

*Before FTA may provide funding for a Project to acquire rolling stock for use in revenue service or to acquire a new bus model, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Rolling Stock Reviews and Bus Testing Certifications in Group 05, except as FTA determines otherwise in writing.*

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.*

*Any provision of the Certifications in Group 05 that does not apply will not be enforced.*

##### **05.A. Rolling Stock Reviews.**

*If your Applicant seeks FTA funding to acquire rolling stock for use in revenue service, the Rolling Stock Reviews Certifications in Group 05.A apply to your Applicant, except as FTA determines otherwise in writing.*

On behalf of your Applicant, you certify that when procuring rolling stock for use in revenue service:

1. It will comply with:

- a. Federal transit laws, specifically 49 U.S.C. 5323(m), and
- b. FTA regulations, "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases," 49 CFR part 663, and

2. As provided in 49 CFR 663.7:

- a. It will conduct or cause to be conducted the required pre-award and post-delivery reviews, and
- b. It will maintain on file the Certifications required by 49 CFR part 663, subparts B, C, and D.

##### **05.B. Bus Testing.**

*If your Applicant seeks FTA funding to acquire a new bus model, the Bus Testing Certifications in Group 05.B apply to your Applicant, except as FTA determines otherwise in writing.*

On behalf of your Applicant, you certify that:

1. Bus Testing requirements apply to all acquisitions of new buses and new bus models that require bus testing as defined in FTA's Bus Testing regulations, and it will comply with:

- a. 49 U.S.C. 5318, and
- b. FTA regulations, "Bus Testing," 49 CFR part 665, to the extent these regulations are consistent with 49 U.S.C. 5318,

2. As required by 49 CFR 665.7, when acquiring the first bus of any new bus model or a bus model with a major change in components or configuration:

a. It will not spend any Federal funds appropriated under 49 U.S.C. chapter 53 to acquire that new bus or new bus model until:

- (1) That new bus or new bus model has been tested at FTA's bus testing facility, and
- (2) It has received a copy of the test report prepared on that new bus or new bus model, and

b. It will not authorize final acceptance of that new bus or new bus model until:

- (1) That new bus or new bus model has been tested at FTA's bus testing facility, and
- (2) It has received a copy of the test report prepared on that new bus or new bus model,

3. It will ensure that the new bus or new bus model that is tested has met the performance standards consistent with those regulations, including:

- a. Performance standards for:
    - (1) Maintainability,
    - (2) Reliability,
    - (3) Performance (including braking performance),
    - (4) Structural integrity,
    - (5) Fuel economy,
    - (6) Emissions, and
    - (7) Noise, and
  - b. Minimum safety performance standards established under 49 U.S.C. 5329, and
4. After FTA regulations authorized by 49 U.S.C. 5318(e)(2) are in effect, it will ensure that the new bus or new bus model that is tested has received a passing aggregate test score under the "Pass/Fail" standard established by regulation.

**GROUP 06. DEMAND RESPONSIVE SERVICE.**

*If your Applicant is a public entity, operates demand responsive service, and seeks FTA funding to acquire a non-rail vehicle that is not accessible, before FTA may provide funding for that Project, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Demand Responsive Service Certifications in Group 06, except as FTA determines otherwise in writing.*

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.*

*Any provision of the Certifications in Group 06 that does not apply will not be enforced.*

As required by U.S. DOT regulations, "Transportation Services for Individuals with Disabilities (ADA)," 49 CFR part 37, specifically 49 CFR 37.77(d), on behalf of your Applicant, you certify that:

- 1. Your Applicant offers public transportation services equivalent in level and quality of service to:
  - a. Individuals with disabilities, including individuals who use wheelchairs, and
  - b. Individuals without disabilities, and
- 2. Viewed in its entirety, its service for individuals with disabilities is:
  - a. Provided in the most integrated setting feasible, and
  - b. Equivalent to the service it offers individuals without disabilities with respect to:
    - (1) Response time,
    - (2) Fares,
    - (3) Geographic service area,
    - (4) Hours and days of service,
    - (5) Restrictions on priorities based on trip purpose,
    - (6) Availability of information and reservation capability, and
    - (7) Constraints on capacity or service availability.

**GROUP 07. INTELLIGENT TRANSPORTATION SYSTEMS.**

*Before FTA may provide funding for an Intelligent Transportation Systems (ITS) Project or a Project in support of an ITS Project, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Intelligent Transportation Systems Assurances in Group 07, except as FTA determines otherwise in writing.*

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable*

*Certifications and Assurances selected on behalf of your Applicant.*

*Any provision of the Assurances in Group 07 that does not apply will not be enforced.*

On behalf of your Applicant, you and your Applicant:

1. Understand that, as used in this Assurance, the term Intelligent Transportation Systems (ITS) Project is defined to include any Project that, in whole or in part, finances the acquisition of technologies or systems of technologies that provide or significantly contribute to the provision of one or more ITS user services as defined in the "National ITS Architecture," and

2. Assure that, as provided in 23 U.S.C. 517(d), any ITS Project it undertakes funded with appropriations made available from the Highway Trust Fund, including amounts made available to deploy ITS facilities or equipment, will conform to the appropriate regional ITS architecture, applicable standards, and protocols developed under 23 U.S.C. 517(a) or (c), unless it obtains a waiver as provided in 23 U.S.C. 517(d)(2).

## **GROUP 08. INTEREST AND FINANCING COSTS AND ACQUISITION OF CAPITAL ASSETS BY LEASE.**

*Before FTA may provide funding appropriated or made available for 49 U.S.C. chapter 53 to support interest, or financing, or leasing costs of any Project financed under the Urbanized Area Formula Grants Program, Fixed Guideway Capital Investment Grants Program, or another program as FTA may specify, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 08, except as FTA may determine otherwise in writing. Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.*

*Any provision of the Certifications and Assurances in Group 08 that does not apply will not be enforced.*

### **08.A. Interest and Financing Costs.**

*If your Applicant intends to use FTA funding to support interest or any other financing costs for Projects funded by the Urbanized Area Formula Grants Program, Fixed Guideway Capital Investment Grants Program, or another program as FTA may specify, the Interest and Financing Costs Certifications in Group 08.A apply to your Applicant, except as FTA determines otherwise in writing.*

On behalf of your Applicant, you certify that:

1. It will not seek reimbursement for interest or any other financing costs unless:
  - a. It is eligible to receive Federal funding for those costs, and
  - b. Its records demonstrate that it has shown reasonable diligence in seeking the most favorable financing terms, to the extent FTA may require, and
2. It will comply with the same favorable financing cost provisions for:
  - a. Urbanized Area Formula Grants Projects,
  - b. Projects under Full Funding Grant Agreements,
  - c. Projects with Early Systems Work Agreements,
  - d. Fixed Guideway Capital Investment Projects funded by previous FTA enabling legislation,
  - e. State of Good Repair Projects,
  - f. Bus and Bus Facilities Projects, and
  - g. Low or No Emission Vehicle Development Projects.

### **08.B. Acquisition of Capital Assets by Lease.**

*If your Applicant seeks FTA funding to acquire capital assets through a lease, the Acquisition of Capital Assets by Lease Certifications and Assurances in Group 08.B applies to your Applicant, except as FTA determines otherwise in writing.*

On behalf of your Applicant, you certify and assure that, as required by FTA regulations, "Capital Leases," 49 CFR part 639, specifically 49 CFR 639.15(b)(1) and 49 CFR 639.21, if your Applicant acquires any capital asset through a lease financed with Federal funding appropriated or made available

for 49 U.S.C. chapter 53:

1. It will not use Federal funding appropriated or made available for public transportation Projects eligible under 49 U.S.C. chapter 53 or any other applicable law to finance the cost of leasing any capital asset until:

a. It performs calculations demonstrating that leasing the capital asset would be more cost-effective than purchasing or constructing a similar asset, and

b. It completes these calculations before the later of:

(1) Entering into the lease, or

(2) Receiving a capital grant for the asset, and

2. It will not enter into a capital lease for which FTA can provide only incremental Federal funding unless it has adequate financial resources to meet its future lease obligations if Federal funding is not available.

#### **GROUP 09. TRANSIT ASSET MANAGEMENT PLAN AND PUBLIC TRANSPORTATION AGENCY SAFETY PLAN.**

*Before FTA may provide funding appropriated or made available for 49 U.S.C. chapter 53 to support your Applicant's Project, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 09, except as FTA determines otherwise in writing.*

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.*

*Any provision of the Certifications in Group 09 that does not apply will not be enforced.*

##### **09.A. Transit Asset Management Plan.**

*If your Applicant applies for funding appropriated or made available for 49 U.S.C. chapter 53, the Transit Asset Management Certifications in Group 09.A apply to your Applicant, except as FTA determines otherwise in writing.*

On behalf of your Applicant, you certify that it and each Subrecipient will:

1. Follow Federal guidance when issued that implements transit asset management system provisions of 49 U.S.C. 5326, except as FTA determines otherwise in writing, and

2. Comply with the final Federal regulations when issued that implement the transit asset management provisions of 49 U.S.C. 5326.

##### **09.B. Public Transportation Agency Safety Plan.**

*If your Applicant applies for funding under 49 U.S.C. chapter 53 and it is a State government, local government, or any other operator of a public transportation system, the Public Transportation Safety Plan Certifications in Group 09.B apply to your Applicant, except as FTA determines otherwise in writing.*

On behalf of your Applicant, you certify that it will:

1. Follow the Federal guidance, when issued, that will implement the safety plan provisions of 49 U.S.C. 5329(d), except as FTA determines otherwise in writing, and

2. Comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d).

#### **GROUP 10. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.**

*If your Applicant must comply with the alcohol and controlled substance testing requirements of 49 U.S.C. 5331 and its implementing regulations, before FTA may provide funding for your Applicant's Project, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 10, except as FTA may determine otherwise in writing. Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected*

*on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.*

*Any provision of the Certifications in Group 10 that does not apply will not be enforced.*

As required by 49 U.S.C. 5331, and FTA regulations, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," 49 CFR part 655, subpart I, specifically 49 CFR 655.83, on behalf of your Applicant, including a State Applicant, and on behalf of its Subrecipients and Third Party Contractors, you certify that:

1. Your Applicant, its Subrecipients, and Third Party Contractors to which these testing requirements apply have established and implemented:
  - a. An alcohol misuse testing program, and
  - b. A controlled substance testing program,
2. Your Applicant, its Subrecipients, and Third Party Contractors to which these testing requirements apply have complied or will comply with all applicable requirements of 49 CFR part 655 to the extent those regulations are consistent with 49 U.S.C. 5331, and
3. Consistent with U.S. DOT Office of Drug and Alcohol Policy and Compliance Notice, issued October 22, 2009, if your Applicant, its Subrecipients, or Third Party Contractors to which these testing requirements apply reside in a State that permits marijuana use for medical or recreational purposes, your Applicant, its Subrecipients, and Third Party Contractors to which these testing requirements apply have complied or will comply with the Federal controlled substance testing requirements of 49 CFR part 655.

**GROUP 11. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS PROGRAM (NEW STARTS, SMALL STARTS, AND CORE CAPACITY), AND CAPITAL INVESTMENT PROGRAM IN EFFECT BEFORE MAP-21 BECAME EFFECTIVE.**

*The Certifications in Group 11 apply to the New Starts, Small Starts, or Core Capacity Programs, 49 U.S.C. 5309.*

*Before FTA may provide funding for your Applicant's New Starts, Small Starts, or Core Capacity Project in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 11, except as FTA may determine otherwise in writing.*

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.*

*Any provision of the Certifications in Group 11 that does not apply will not be enforced.*

Except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. It has or will have the following capabilities to carry out its proposed Project(s), including the safety and security aspects of the Project(s):
  - a. Legal capacity,
  - b. Financial capacity, and
  - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. It will maintain its Project equipment and facilities adequately, and
4. It will comply with:
  - a. The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
  - b. The Statewide and Nonmetropolitan Transportation Planning requirements of 49 U.S.C. 5304.

**GROUP 12. STATE OF GOOD REPAIR PROGRAM.**

*Certain Certifications and Assurances listed previously are required for the State of Good Repair*

*Program funding under 49 U.S.C. 5337.*

*Before FTA may provide funding for your Applicant's Project under the State of Good Repair Program, 49 U.S.C. 5337, for your Applicant's Project, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 12, except as FTA determines otherwise in writing.*

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.*

*Any provision of the Assurance in Group 12 that does not apply will not be enforced.*

On behalf of your Applicant, you certify that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of the Project(s):
  - a. Legal capacity,
  - b. Financial capacity, and
  - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. It will maintain its Project equipment and facilities adequately, and
4. It will comply with:
  - a. The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
  - b. The Statewide and Nonmetropolitan Transportation Planning requirements of 49 U.S.C. 5304.

#### **GROUP 13. FIXED GUIDEWAY MODERNIZATION GRANT PROGRAM.**

*Before FTA may provide funding for your Applicant's Project under the Fixed Guideway Modernization Grant Program, former 49 U.S.C. 5309 in effect in FY 2012 or a previous fiscal year, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 13, except as FTA determines otherwise in writing.*

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.*

*Any provision of the Certification in Group 13 that does not apply will not be enforced.*

Former 49 U.S.C. 5309(b)(2) and former 49 U.S.C. 5307(d)(1) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply, require the following Certifications for Fixed Guideway Modernization Grant Program funding; therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of the proposed Project(s):
  - a. Legal capacity,
  - b. Financial capacity, and
  - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. It will maintain its Project equipment and facilities adequately, and
4. It has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5303 and 5304.

**GROUP 14. BUS AND BUS FACILITIES FORMULA GRANTS PROGRAM AND BUS AND BUS-RELATED EQUIPMENT AND FACILITIES GRANT PROGRAM (DISCRETIONARY).**

*The Certifications in Group 14 are required for funding under:*

*14.A. The Bus and Bus Facilities Formula Grants Program, 49 U.S.C. 5339, as amended by MAP-21, and*

*14.B. The Bus and Bus-Related Equipment and Facilities Grant Program (Discretionary), former 49 U.S.C. 5309(b)(3) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross cutting requirements that apply.*

*Before FTA may provide funding for your Applicant's Project under either Program listed above, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 14, except as FTA determines otherwise in writing.*

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.*

*Any provision of the Certifications in Group 14 that does not apply will not be enforced.*

**14.A. Bus and Bus Facilities Formula Grants Program**

*If your Applicant seeks FTA funding for its Project under the Bus and Bus Facilities Formula Grants Program, 49 U.S.C. 5339, the Certifications in Group 14.A below apply to your Applicant, except as FTA determines otherwise in writing.*

The following Certifications for Bus and Bus Facilities Formula Grants Program funding are required by 49 U.S.C. 5339(b), which states that “[t]he requirements of section 5307 apply to recipients of grants made under this section [5339]”; therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its proposed Project(s):
  - a. Legal capacity,
  - b. Financial capacity, and
  - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. It will maintain its Project equipment and facilities adequately,
4. It will ensure that, during non-peak hours for transportation using or involving a facility or equipment financed under 49 U.S.C. 5339, the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:
  - a. Any senior,
  - b. Any individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
  - c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 *et seq.*), and
  - d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
5. When carrying out a procurement under 49 U.S.C. 5339, it will comply with the:
  - a. General Provisions of 49 U.S.C. 5323, and
  - b. Third Party Contract Provisions of 49 U.S.C. 5325,
6. It has complied with or will comply with 49 U.S.C. 5307(b) because it:



- a. Has made or will make available to the public information on amounts of its funding available to it under 49 U.S.C. 5339,
  - b. Has developed or will develop, in consultation with interested parties, including private transportation providers, a proposed Program of Projects for activities to be funded,
  - c. Has published or will publish a Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed Program of Projects and its performance as an Applicant or Recipient,
  - d. Has provided or will provide an opportunity for a public hearing to obtain the views of individuals on the proposed Program of Projects,
  - e. Has ensured or will ensure that the proposed Program of Projects provide for coordination of transportation services funded by FTA under 49 U.S.C. 5336 with transportation services supported by other Federal Government sources,
  - f. Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final Program of Projects, and
  - g. Has made or will make the final Program of Projects available to the public,
7. As required by 49 U.S.C. 5307(d), it:
- a. Has or will have the amount of funds required for the local share,
  - b. Will provide the local share funds from sources approved by FTA, and
  - c. Will provide the local share funds when needed,
8. It will comply with:
- a. The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
  - b. The Statewide and Nonmetropolitan Transportation Planning requirements of 49 U.S.C. 5304,
9. It has a locally developed process to solicit and consider public comment before:
- a. Raising a fare, or
  - b. Implementing a major reduction of public transportation, and
10. It will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d).

**14.B. Bus and Bus-Related Equipment and Facilities Grant Program (Discretionary).**

*If your Applicant seeks FTA funding for its Project under the Bus and Bus-Related Equipment and Facilities Grant Program (Discretionary), former 49 U.S.C. 5309 in effect in FY 2012 or a previous fiscal year, the Certifications in Group 14.B below apply to your Applicant, except as FTA determines otherwise in writing.*

The following Certifications for the Bus and Bus-Related Equipment and Facilities Grant Program (Discretionary) funding are required by former 49 U.S.C. 5309(c)(2), which applies the requirements of former 49 U.S.C. 5307(d)(1)(A), (B), (C), and (H), in effect in FY 2012 or a previous fiscal year to this Program, except as superseded by MAP-21 cross-cutting requirements that apply; therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of those Project(s):
  - a. Legal capacity,
  - b. Financial capacity, and
  - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. It will maintain its Project equipment and facilities adequately, and
4. It has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5303 and 5304.

**GROUP 15. URBANIZED AREA FORMULA GRANTS PROGRAMS, PASSENGER FERRY GRANT PROGRAM, AND JOB ACCESS AND REVERSE COMMUTE (JARC) FORMULA GRANT PROGRAM.**

*The Certifications in Group 15 are required for funding under:*

*15.A. The Urbanized Area Formula Grants Program financed with funds appropriated or made available for 49 U.S.C. 5307, as amended by MAP-21, which among other things, authorizes funding for Job Access and Reverse Commute (JARC) Projects and Project Activities,*

*15.B. The Urbanized Area Formula Grants Program financed with funds appropriated or made available for former 49 U.S.C. 5307 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply,*

*15.C. The Passenger Ferry Grant Program financed with funds appropriated or made available for 49 U.S.C. 5307(h), as amended by MAP-21, and*

*15.D. The Job Access and Reverse Commute (JARC) Formula Grant Program financed with funds appropriated or made available for former 49 U.S.C. 5316 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply.*

*Before FTA may provide funding for your Applicant's Project under any of the Programs listed above, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 15, except as FTA determines otherwise in writing.*

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.*

*Any provision of the Certifications in Group 15 that does not apply will not be enforced.*

#### **15.A. Urbanized Area Formula Grants Program under MAP-21.**

*If your Applicant seeks FTA funding for its Project under the Urbanized Area Formula Grants Program, 49 U.S.C. 5307, as amended by MAP-21, the Certifications in Group 15.A apply to your Applicant, except as FTA determines otherwise in writing.*

The following Certifications for the Urbanized Area Formula Grants Program funding appropriated or made available in FYs 2013, 2014, and 2015 are required by 49 U.S.C. 5307(c)(1); therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of the proposed Project(s):

- a. Legal capacity,
- b. Financial capacity, and
- c. Technical capacity,

2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,

3. It will maintain its Project equipment and facilities adequately,

4. It will ensure that, during non-peak hours for transportation using or involving a facility or equipment financed under 49 U.S.C. 5339, the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:

- a. Any senior,
- b. Any individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
- c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 *et seq.*), and
- d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),

5. When carrying out a procurement under 49 U.S.C. 5307, it will comply with the:

- a. General Provisions of 49 U.S.C. 5323, and
- b. Third Party Contract Provisions of 49 U.S.C. 5325,

6. It has complied with or will comply with 49 U.S.C. 5307(b) because it:
  - a. Has made or will make available to the public information on amounts of its funding available to it under 49 U.S.C. 5307,
  - b. Has developed or will develop, in consultation with interested parties, including private transportation providers, a proposed Program of Projects for activities to be funded,
  - c. Has published or will publish a Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed Program of Projects and its performance as an Applicant or Recipient,
  - d. Has provided or will provide an opportunity for a public hearing to obtain the views of individuals on the proposed Program of Projects,
  - e. Has ensured or will ensure that the proposed Program of Projects provide for coordination of transportation services funded by FTA under 49 U.S.C. 5336 with transportation services supported by other Federal Government sources,
  - f. Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final Program of Projects, and
  - g. Has made or will make the final Program of Projects available to the public,
7. As required by 49 U.S.C. 5307(d), it:
  - a. Has or will have the amount of funds required for the local share,
  - b. Will provide the local share funds from sources approved by FTA, and
  - c. Will provide the local share funds when needed,
8. As required by 49 U.S.C. 5307(c)(1)(H), it will comply with:
  - a. The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
  - b. The Statewide and Nonmetropolitan Transportation Planning requirements of 49 U.S.C. 5304,
9. As required by 49 U.S.C. 5307(c)(1)(I), it has a locally developed process to solicit and consider public comment before:
  - a. Raising a fare, or
  - b. Implementing a major reduction of public transportation,
10. Each fiscal year:
  - a. It will assure that at least one (1) percent of the amount of the 49 U.S.C. 5307 funding apportioned to its urbanized area must be expended for public transportation security Projects as described in 49 U.S.C. 5307(c)(1)(J)(i) including:
    - (1) Increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages),
    - (2) Increased camera surveillance of an area in or adjacent to that system,
    - (3) Providing emergency telephone line or lines to contact law enforcement or security personnel in an area in or adjacent to that system, and
    - (4) Any other Project intended to increase the security and safety of an existing or planned public transportation system, or
  - b. The Designated Recipients in its urbanized area certify that such expenditures for transportation security Projects are not necessary (Information about the intentions of your Designated Recipients in your Applicant's urbanized area must be recorded in the "Security" tab page of the TEAM-Web "Project Information" window when it submits its Urbanized Area Formula Grants Program application in TEAM-Web),
11. If it serves an urbanized area with a population of at least 200,000 individuals, as determined by the Bureau of the Census:
  - a. Each fiscal year, it will ensure that at least one (1) percent of the amount apportioned to its urbanized area is spent for Associated Transit Improvements, as defined in 49 U.S.C. 5302(1),
  - b. It will include in its quarterly report for the fourth quarter of the preceding Federal fiscal year:
    - (1) A list of its Associated Transit Improvement Projects or Project Activities during that Federal fiscal year using those 49 U.S.C. 5307 funds, or
    - (2) Sufficient information to demonstrate that the Designated Recipients in its urbanized area together have spent one (1) percent of the funding apportioned to the area for Associated Transit Improvement

Projects or Project Activities, or have included the same information in a separate report attached in TEAM-Web, and

c. The report of its Associated Transit Improvement Projects or Project Activities is or will be incorporated by reference and made part of its Certifications and Assurances, and

12. It will comply with the final Federal regulations, when issued, that implement the safety requirements of 49 U.S.C. 5329(d).

**B. Urbanized Area Formula Grants Program before MAP-21 Became Effective.**

*You must select the Certification in Group 15.B if your Applicant seeks funding under the Urbanized Area Formula Grants Program financed with funds appropriated or made available for former 49 U.S.C. 5307 in effect in FY 2012 or a previous fiscal year. In administering this program, MAP-21 cross-cutting requirements supersede inconsistent former requirements.*

The following Certifications for the Urbanized Area Formula Grants Program are required by former 49 U.S.C. 5307(d)(1) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply instead; therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of Project(s):

- a. Legal capacity,
- b. Financial capacity, and
- c. Technical capacity,

2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,

3. It will maintain its Project equipment and facilities adequately,

4. It will ensure that for transportation using or involving a facility or equipment of a Project financed under former 49 U.S.C. 5307 in effect in FY 2012 or a previous fiscal year, the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:

- a. Any elderly individual,
- b. Any handicapped individual, as described in 49 CFR part 27,
- c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 *et seq.*), and
- d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),

5. When carrying out a procurement under former 49 U.S.C. 5307 in effect in FY 2012 or a previous fiscal year, it will comply with the following provisions as amended by MAP-21:

- a. Competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),
- b. The prohibition against exclusionary or discriminatory specifications in its procurements under 49 U.S.C. 5323(h),
- c. "Buy America" under 49 U.S.C. 5323(j),
- d. Applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m),
- e. Applicable railcar option restrictions of 49 U.S.C. 5325(e), and
- f. "Veterans Preference/Employment" under 49 U.S.C. 5325(k),

6. It will comply with other applicable requirements under 49 U.S.C. 5323 and 5325,

7. It:

- a. Has or will make available to the public information on amounts available to it under 49 U.S.C. 5307 and the Program of Projects it proposes to undertake,
- b. Will develop or has developed, in consultation with interested parties, including private transportation providers, a proposed Program of Projects for activities to be financed,
- c. Will publish or has published a proposed Program of Projects in a way that affected citizens, private transportation providers, and local elected officials have the opportunity to examine the proposed program and submit comments on the proposed program and the Applicant or Recipient's performance,
- d. Will provide or has provided an opportunity for a public hearing in which to obtain the views of

citizens on the proposed Program of Projects,

e. Will ensure or has ensured that the proposed Program of Projects provides for the coordination of public transportation services assisted under 49 U.S.C. 5336 with transportation services assisted from other Federal Government sources,

f. Will consider or has considered comments and views received, especially those of private transportation providers, in preparing the final Program of Projects, and

g. Will make or has made the final Program of Projects available to the public,

8. It:

a. Has or will have the amount of funds required for the local share,

b. Will provide the local share funds from sources approved by FTA, and

c. Will provide the local share funds when needed,

9. It has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5303, and 5304,

10. It has a locally developed process to solicit and consider public comment before:

a. Raising a fare, or

b. Implementing a major reduction of public transportation,

11. Each fiscal year:

a. It will assure that at least one (1) percent of the 49 U.S.C. 5307 funding apportioned to its urbanized area must be spent for public transportation security projects (limited to capital Projects if it serves an urbanized area with a population of 200,000 or more), including:

(1) Increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages),

(2) Increased camera surveillance of an area in or adjacent to that system,

(3) Emergency telephone line or lines to contact law enforcement or security personnel in an area in or adjacent to that system, and

(4) Any other Project intended to increase the security and safety of an existing or planned public transportation, or

b. It will certify that such expenditures for transportation security Projects are not necessary (Information about its intentions must be recorded in the "Security" tab page of the TEAM-Web "Project Information" window when it submits its Urbanized Area Formula Grants Program application in TEAM-Web),

12. If it serves an urbanized area with a population of at least 200,000 individuals:

a. Each fiscal year, it will ensure that at least one (1) percent of the amount apportioned to its urbanized area is spent for Transit Enhancements, as defined in former 49 U.S.C. 5302(a)(15),

b. It will include in its quarterly report for the fourth quarter of the preceding Federal fiscal year:

(1) A list of its Transit Enhancement Project Activities during that Federal fiscal year using those former 49 U.S.C. 5307 funds, or

(2) Sufficient information to demonstrate that the Designated Recipients in its urbanized area together have spent one (1) percent of the amount of funding that must be made available to them for Transit Enhancements or have included the same information in a separate report attached in TEAM-Web, and

c. The report of its or the Designated Recipients' Transit Enhancement Projects or Project Activities is or will be incorporated by reference and made part of its Certifications and Assurances, and

13. It will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d).

### **C. Passenger Ferry Grant Program.**

*If your Applicant seeks FTA funding for its Project under the Passenger Ferry Grant Program, 49 U.S.C. 5307(h), the Certifications in Group 15.C apply to your Applicant, except as FTA determines otherwise in writing.*

The following Certifications for the Passenger Ferry Grant Program funding are required by 49 U.S.C. 5307(h) and (c)(1); therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security

aspects of the proposed Project(s):

- a. Legal capacity,
  - b. Financial capacity, and
  - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
  3. It will maintain its Project equipment and facilities adequately,
  4. It will ensure that, during non-peak hours for transportation using or involving a facility or equipment of a Project financed under 49 U.S.C. 5307(h), the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:
    - a. Any senior,
    - b. Any individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
    - c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 *et seq.*), and
    - d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
  5. When carrying out a procurement under 49 U.S.C. 5307(h), it will comply with the:
    - a. General Provisions of 49 U.S.C. 5323, and
    - b. Third Party Contract Provisions of 49 U.S.C. 5325,
  6. As required by 49 U.S.C. 5307(d), it:
    - a. Has or will have the amount of funds required for the local share,
    - b. Will provide the local share funds from sources approved by FTA, and
    - c. Will provide the local share funds when needed,
  7. As required by 49 U.S.C. 5307(c)(1)(H), it will comply with:
    - a. The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
    - b. The Statewide and Nonmetropolitan Transportation Planning requirements of 49 U.S.C. 5304,
  8. As required by 49 U.S.C. 5307(c)(1)(I), it has a locally developed process to solicit and consider public comment before:
    - a. Raising a fare, or
    - b. Implementing a major reduction of public transportation, and
  9. It will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d).

**D. Job Access and Reverse Commute (JARC) Formula Grant Program.**

*If your Applicant seeks FTA funding for its Project under the Job Access and Reverse Commute (JARC) Formula Grant Program, former 49 U.S.C. 5316 in effect in FY 2012 or a previous fiscal year, the Certifications in Group 15.D apply to your Applicant, except as FTA determines otherwise in writing.*

1. The following Certifications for the Job Access and Reverse Commute (JARC) Formula Grant Program are required by former 49 U.S.C. 5316 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply; therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:
  - a. It will make awards of JARC funding on a competitive basis following:
    - (1) An areawide solicitation in cooperation with the appropriate metropolitan planning organization for applications for funding in compliance with former 49 U.S.C. 5316 if your Applicant receives funding under former 49 U.S.C. 5316(c)(1)(A), and
    - (2) A statewide solicitation for applications for JARC funding in compliance with former 49 U.S.C. 5316 if your Applicant receives funding under former 49 U.S.C. 5316(c)(1)(B) or (C),
  - b. Any allocations to Subrecipients of JARC funding authorized by former 49 U.S.C. 5316 will be distributed on a fair and equitable basis,
  - c. As required by former 49 U.S.C. 5316:

(1) The Projects it has selected or will select for former 49 U.S.C. 5316 funding must be derived from a public transit-human services transportation plan that has been:

- (a) Locally developed, and
- (b) Coordinated, and

(2) That locally developed and coordinated plan was produced through a process that included:

- (a) Representatives of public, private, and nonprofit transportation providers,
- (b) Human service providers, and
- (c) Participation by the public,

d. Before it transfers funds to a Project funded by former 49 U.S.C. 5336, that Project has been or will have been coordinated with private nonprofit providers of services as required under former 49 U.S.C. 5316(g)(2),

e. Before using funds apportioned for Projects serving an area other than that for which funding was apportioned under former 49 U.S.C. 5316:

(1) The State's chief executive officer, or his or her designee, will have certified that all the JARC program objectives of former 49 U.S.C. 5316 are being met in the area from which the funding would be derived, and

(2) If the State has a statewide program for meeting the JARC program objectives of former 49 U.S.C. 5316, the funds can be used for Projects anywhere in the State, and

f. The requirements of former 49 U.S.C. 5307 will apply to the JARC Program, authorized by former 49 U.S.C. 5316, and

2. The following Certifications for the JARC Program are required by former 49 U.S.C. 5307(d)(1) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply; therefore, except as FTA determines otherwise in writing, on its behalf, you certify that:

a. It has or will have, and will require each Subrecipient to have, the following to carry out its proposed Project(s), including the safety and security aspects of its proposed Project(s):

- (1) The legal capacity,
- (2) The financial capacity, and
- (3) The technical capacity,

b. It has or will have, and will require each Subrecipient to have satisfactory continuing control over the use of Project equipment and facilities,

c. It will maintain, and will require each Subrecipient to maintain, its Project equipment and facilities adequately,

d. To the extent applicable, it will ensure, and will require each Subrecipient to ensure, that for transportation using or involving a facility or equipment of a Project financed under former 49 U.S.C. 5316 the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:

- (1) Any elderly individual,
- (2) Any handicapped individual, as described in 49 CFR part 27,
- (3) Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 *et seq.*), and
- (4) Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),

e. When carrying out a procurement under former 49 U.S.C. 5316, it will comply with the following provisions as amended by MAP-21:

- (1) Competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),
- (2) The prohibition against exclusionary or discriminatory specifications in its procurements, as required by 49 U.S.C. 5323(h),
- (3) "Buy America" under 49 U.S.C. 5323(j),
- (4) Applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m), and
- (5) "Veterans Preference/Employment" under 49 U.S.C. 5325(k),

f. It will comply with other applicable requirements under 49 U.S.C. 5323 and 5325,

g. It:

- (1) Has or will have, and as necessary, will require each Subrecipient to have the amount of funds required for the local share by former 49 U.S.C. 5316,
- (2) Will provide, and as necessary, will require each Subrecipient to provide, the local share funds from sources approved by FTA, and
- (3) Will provide, and as necessary, will require each Subrecipient to provide, the local share funds when needed,
- h. It has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5303, and 5304,
- i. It has or will have, and will require each Subrecipient to have, a locally developed process to solicit and consider public comment before:
  - (1) Raising a fare, or
  - (2) Implementing a major reduction of public transportation, and
- j. To the extent applicable, it will comply with, and as necessary, will require each Subrecipient to comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d).

**GROUP 16. SENIORS/ELDERLY/INDIVIDUALS WITH DISABILITIES/  
NEW FREEDOM PROGRAMS.**

*The Certifications in Group 16 are required for funding under:*

*16.A. The Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program, financed or to be financed with funds appropriated or made available for 49 U.S.C. 5310, as amended by MAP-21, which among other things authorizes funding for New Freedom Projects and Project Activities,*

*16.B. The Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Program financed or to be financed with funds appropriated or made available for former 49 U.S.C. 5310 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply, and*

*16.C. The New Freedom Program financed or to be financed with funds appropriated or made available for former 49 U.S.C. 5317 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply.*

*Before FTA may provide funding for your Applicant's Project under any of the Programs listed above, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 16, except as FTA determines otherwise in writing.*

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.*

*Any provision of the Certifications in Group 16 that does not apply will not be enforced.*

**16.A. Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program.**

*If your Applicant seeks FTA funding for its Project under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program, 49 U.S.C. 5310, as amended by MAP-21, the Certifications in Group 16.A apply to your Applicant, except as FTA determines otherwise in writing.*

1. The following Certifications for the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program are required by 49 U.S.C. 5310; therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

a. Each of its Subrecipients is:

(1) A private nonprofit organization, or

(2) A State or local governmental authority that:

(a) Is approved by a State to coordinate services for seniors and individuals with disabilities, or



- (b) Certifies that there are no private nonprofit organizations readily available in the area to provide the services authorized for support under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program,
- b. It will comply with the following Project selection and planning requirements:
- (1) The Projects it has selected or will select for funding appropriated or made available for 49 U.S.C. 5310 are included in a public transit-human services transportation plan that has been:
- (a) Locally developed, and
- (b) Coordinated,
- (2) The public transit-human services transportation plan was developed and approved through a process that included participation by:
- (a) Seniors,
- (b) Individuals with disabilities,
- (c) Representatives of public, private, and nonprofit transportation providers,
- (d) Representatives of public, private, and nonprofit human services providers, and
- (e) Other members of the public,
- (3) The transportation Projects to assist in providing transportation services for seniors and individuals with disabilities are included in a Program of Projects,
- (4) A Program of Projects in the preceding subsection 1.b(3) of this Group 16.A Certification is or will be submitted annually to FTA, and
- (5) To the maximum extent feasible, the services funded by 49 U.S.C. 5310 will be coordinated with transportation services funded by other Federal departments and agencies, including any transportation activities carried out by a recipient of a grant from the Department of Health and Human Services,
- c. As required by 49 U.S.C. 5310(e)(2)(B), it certifies that if it allocates funds received under 49 U.S.C. 5310, to Subrecipients, it will have allocated those funds on a fair and equitable basis,
- d. It will transfer a facility or equipment financed with funding appropriated or made available for a grant under 49 U.S.C. 5310, to any other recipient eligible to receive assistance under 49 U.S.C. chapter 53, only if:
- (1) The recipient possessing the facility or equipment consents to the transfer, and
- (2) The facility or equipment will continue to be used as required under 49 U.S.C. 5310,
- e. As required by 49 U.S.C. 5310(b)(2), it will use at least fifty-five (55) percent of the funds on capital Projects to meet the special needs of seniors and disabled, and
- f. The requirements of 49 U.S.C. 5307, as determined by FTA, will apply to the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities, authorized by 49 U.S.C. 5310, and
2. FTA has determined certain requirements of 49 U.S.C. 5307, to be appropriate for which some require Certifications; therefore, as specified under 49 U.S.C. 5307(c)(1), it certifies that:
- a. It has or will have, and will require each Subrecipient to have, the following to carry out its proposed Project(s), including the safety and security aspects of its proposed Project(s):
- (1) Legal capacity,
- (2) Financial capacity, and
- (3) Technical capacity,
- b. It has or will have, and will require each Subrecipient to have, satisfactory continuing control over the use of Project equipment and facilities,
- c. It will maintain, and will require each Subrecipient to maintain its Project equipment and facilities adequately,
- d. When carrying out a procurement under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program, it will, and will require each Subrecipient to comply with the:
- (1) General Provisions of 49 U.S.C. 5323, and
- (2) Third Party Contract Provisions of 49 U.S.C. 5325,
- e. It has complied or will comply with, and will require each Subrecipient to comply with:
- (1) The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
- (2) The Statewide and Nonmetropolitan Transportation Planning requirements of 49 U.S.C. 5304, and
- f. To the extent applicable, it will comply with, and require its Subrecipients to comply with the final

Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d).

**16.B. Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Program.**

*If your Applicant seeks FTA funding for its Project under the Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Program, former 49 U.S.C. 5310 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply, the Certifications in Group 16.B apply to your Applicant, except as FTA determines otherwise in writing.*

1. The following Certifications for the Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Program are required by former 49 U.S.C. 5310 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply; therefore, except as FTA determines otherwise in writing, on behalf of your State Applicant, you certify that:

a. Each of your State Applicant's Subrecipients is:

(1) A private nonprofit organization, if the public transportation service that would undertake public transportation capital Project(s) planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities is:

- (a) Unavailable,
- (b) Insufficient, or
- (c) Inappropriate, or

(2) A State or local governmental authority that:

- (a) Is approved by a State to coordinate services for seniors and individuals with disabilities, or
- (b) Certifies that there are not any nonprofit organizations readily available in the area to provide public transportation capital Projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities,

b. The Projects your State Applicant has selected or will select for funding appropriated or made available for former 49 U.S.C. 5310 are included in a public transit-human services transportation plan that has been:

- (1) Locally developed, and
- (2) Coordinated,

c. That public transit-human services transportation plan was developed and approved through a process that included participation by:

- (1) Elderly individuals,
- (2) Individuals with disabilities,
- (3) Representatives of public, private, and nonprofit transportation providers,
- (4) Representatives of human services providers, and
- (5) Other members of the public,

d. If your State Applicant allocates funds received under former 49 U.S.C. 5310 to Subrecipients, your State Applicant will have allocated those funds on a fair and equitable basis,

e. The Program of Projects your State Applicant has submitted or will submit contains or will contain an assurance that the Program provides for the maximum feasible coordination of transportation services funded by former 49 U.S.C. 5310 with transportation services funded by other Government sources,

f. If your State Applicant transfers former 49 U.S.C. 5310 funds to another Project funded under 49 U.S.C. 5336 in accordance with former 49 U.S.C. 5310(b)(2), the Project for which the funds are requested has been coordinated with private nonprofit providers of service under former 49 U.S.C. 5310, and

g. It will comply with the requirements of former 49 U.S.C. 5307 that FTA determined will apply to the former Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Program,

2. The following Certifications for the Special Needs of Elderly Individuals and Individuals with Disabilities Program are required by former 49 U.S.C. 5307(d)(1); therefore, except as FTA determines otherwise in writing, on behalf of your State Applicant, you certify that:

a. Your State Applicant and each of its Subrecipients have or will have the following to carry out its

proposed Project(s), including the safety and security aspects of the proposed Project(s):

- (1) Legal capacity,
  - (2) Financial capacity, and
  - (3) Technical capacity,
- b. Your State Applicant and each Subrecipient has or will have satisfactory continuing control over the use of Project equipment and facilities,
- c. Your State Applicant and each of its Subrecipients will maintain its Project equipment and facilities adequately,
- d. When carrying out a procurement under former 49 U.S.C. 5310, it will, and will require each Subrecipient, to comply with the following provisions as amended by MAP-21:
- (1) Competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),
  - (2) The prohibition against exclusionary or discriminatory specifications in its procurements under 49 U.S.C. 5323(h),
  - (3) "Buy America" under 49 U.S.C. 5323(j),
  - (4) Applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m),
  - (5) Applicable railcar option restrictions of 49 U.S.C. 5325(e), and
  - (6) "Veterans Preference/Employment" under 49 U.S.C. 5325(k),
- e. It will comply with other applicable requirements under 49 U.S.C. 5323 and 5325,
- f. Your State Applicant:
- (1) Has or will have, and as necessary, will require each Subrecipient to have, the amount of funds required for the local share by former 49 U.S.C. 5310(c)(2),
  - (2) Will provide, and as necessary will require each Subrecipient to provide, the local share funds from sources approved by FTA, and
  - (3) Will provide, and as necessary, will require each Subrecipient to provide, the local share funds when needed,
- g. It has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5303, and 5304, and
- h. To the extent applicable, your State Applicant will comply with, and as necessary, will require each Subrecipient to comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d).

#### **16.C. New Freedom Program.**

*If your Applicant seeks FTA funding for its Project under the New Freedom Program, former 49 U.S.C. 5317, in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply, the Certifications in Group 16.C apply to your Applicant, except as FTA determines otherwise in writing.*

1. Former 49 U.S.C. 5317 in effect in FY 2012 or a previous fiscal year requires the following Certification for the New Freedom Program; therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:
- a. It will make awards of New Freedom funding on a competitive basis after conducting:
    - (1) An areawide solicitation in cooperation with the appropriate metropolitan planning organization for applications for funding in compliance with former 49 U.S.C. 5317(d)(1), or
    - (2) A statewide solicitation for applications for New Freedom funding in compliance with former 49 U.S.C. 5317(d)(2),
  - b. Any allocations to Subrecipients of New Freedom funding authorized by former 49 U.S.C. 5317 will be distributed on a fair and equitable basis,
  - c. It will comply with the following Project selection and planning requirements:
    - (1) The Projects it has selected or will select for funding appropriated or made available for that program were derived from a public transit-human services transportation plan that has been:
      - (a) Locally developed, and
      - (b) Coordinated,
    - (2) That locally developed and coordinated plan was produced through a process that included:

- (a) Representatives of public, private, and nonprofit transportation providers,
  - (b) Representatives of public, private, and nonprofit human services providers, and
  - (c) Participation by the public,
  - d. Before it transfers funds to a Project funded by former 49 U.S.C. 5311(c), former 49 U.S.C. 5336, or both:
    - (1) The funding to be transferred may be made available only to Projects eligible for funding appropriated or made available for former 49 U.S.C. 5317, and
    - (2) It will have consulted with responsible local officials and publicly owned operators of public transportation in each area for which the amount to be transferred was originally awarded, and
  - e. The requirements of former 49 U.S.C. 5307 and 5310, as determined by FTA, will apply to the New Freedom Program, authorized by former 49 U.S.C. 5317, and
2. The following Certifications for the New Freedom Program are required by former 49 U.S.C. 5307(d)(1) and 5310; therefore, except as FTA determines otherwise in writing, on its behalf, you certify that:
- a. It has or will have, and will require each Subrecipient to have, the following to carry out its proposed Project(s), including the safety and security aspects of its proposed Project(s):
    - (1) Legal capacity,
    - (2) Financial capacity, and
    - (3) Technical capacity,
  - b. It has or will have, and will require each Subrecipient to have, satisfactory continuing control over the use of Project equipment and facilities,
  - c. It will maintain, and will require each Subrecipient to maintain, its Project equipment and facilities adequately,
  - d. When carrying out a procurement under former 49 U.S.C. 5317, it will, and will require each Subrecipient, to comply with the following provisions as amended by MAP-21:
    - (1) Competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),
    - (2) The prohibition against exclusionary or discriminatory specifications in its procurements under 49 U.S.C. 5323(h),
    - (3) "Buy America" under 49 U.S.C. 5323(j),
    - (4) Applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m),
    - (5) Applicable railcar option restrictions of 49 U.S.C. 5325(e), and
    - (6) "Veterans Preference/Employment" under 49 U.S.C. 5325(k),
  - e. It will comply with other applicable requirements under 49 U.S.C. 5323 and 5325,
  - f. It:
    - (1) Has or will have, and as necessary, will require each Subrecipient to have the amount of funds required for the local share required by former 49 U.S.C. 5317(g),
    - (2) Will provide, and as necessary will require each Subrecipient to provide, the local share funds from sources approved by FTA, and
    - (3) Will provide, and as necessary will require each Subrecipient to provide, the local share funds when needed,
  - g. It has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5303, and 5304, and
  - h. To the extent applicable, it will comply with, and as necessary, will require each Subrecipient to comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d).

**GROUP 17. RURAL/OTHER THAN URBANIZED AREAS/APPALACHIAN DEVELOPMENT/OVER-THE-ROAD BUS ACCESSIBILITY PROGRAMS.**

*The Certifications in Group 17 are required for funding under:*

*17.A. The Formula Grants for Rural Areas Program financed with funding appropriated or made available for 49 U.S.C. 5311(b), as amended by MAP-21, (separate Certifications and Assurances have been established in Group 18 for an Indian tribe that is an Applicant for a Public Transportation on*

*Indian Reservations Project financed with funding made available for 49 U.S.C. 5311(c)(1), as amended by MAP-21),*

*17.B. The Formula Grants for Other Than Urbanized Areas Program financed with funding appropriated or made available for former 49 U.S.C. 5311(b) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply, (separate Certifications and Assurances have been established in Group 18 for an Indian tribe that is an Applicant for a "Tribal Transit" Project financed with funding made available for former 49 U.S.C. 5311(c)(1) in effect in FY 2012 or a previous fiscal year),*

*17.C. The Appalachian Development Public Transportation Assistance Program financed with funding appropriated or made available for 49 U.S.C. 5311(c)(2), as amended by MAP-21, and*

*17.D. The Over-the-Road Bus Accessibility Program financed with funding appropriated or made available for section 3038 of TEA-21, as amended by section 3039 of SAFETEA-LU, 49 U.S.C. 5310 note, except as superseded by MAP-21 cross-cutting requirements that apply.*

*Before FTA may provide funding for your Applicant's Project under any of the Programs listed above, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 17, except as FTA determines otherwise in writing.*

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.*

*Any provision of the Certifications and Assurances in Group 17 that does not apply will not be enforced.*

#### **17.A. Formula Grants for Rural Areas Program.**

*If your Applicant seeks FTA funding for its Project under the Formula Grants for Rural Areas Program, 49 U.S.C. 5311, as amended by MAP-21, the Certifications in Group 17.A apply to your Applicant, except as FTA determines otherwise in writing.*

The following Certifications apply to each State or State organization serving as your Applicant for funding appropriated or made available for the Rural Areas Formula Project authorized by 49 U.S.C. 5311(b). On its behalf, you certify and assure that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its Project(s):
  - a. Legal capacity,
  - b. Financial capacity, and
  - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. Its Project equipment and facilities will be adequately maintained,
4. Its State program has provided for a fair distribution of Federal funding appropriated or made available for 49 U.S.C. 5311(b) within the State, including Indian reservations,
5. Its program provides or will provide the maximum feasible coordination of public transportation service funded by 49 U.S.C. 5311(b) with transportation service funded by other Federal sources,
6. Its Projects in its Formula Grants for Rural Areas Program are included in:
  - a. The Statewide Transportation Improvement Program, and
  - b. To the extent applicable, a Metropolitan Transportation Improvement Program,
7. It:
  - a. Has or will have the amount of funds required for the local share, as required by 49 U.S.C. 5311(g),
  - b. Will provide the local share funds from sources approved by FTA, and
  - c. Will provide the local share funds when needed,
8. It may transfer a facility or equipment acquired using a grant under 49 U.S.C. 5311(b) to any other Recipient eligible to receive assistance under 49 U.S.C. chapter 53, if:
  - a. The Recipient possessing the facility or equipment consents to the transfer, and

b. The facility or equipment will continue to be used as required under 49 U.S.C. 5311, and

9. Each fiscal year:

a. It will spend at least fifteen (15) percent of its 49 U.S.C. 5311 funding available that fiscal year to develop and support intercity bus transportation within the State, with eligible activities, including:

(1) Planning and marketing for intercity bus transportation,

(2) Capital grants for intercity bus facilities,

(3) Joint-use facilities,

(4) Operating grants through purchase-of-service agreements, user-side subsidies, and demonstration Projects, and

(5) Coordinating rural connections between small public transportation operations and intercity bus carriers, or

b. It will provide to FTA a Certification from the Governor of the State that:

(1) It has consulted with the affected intercity bus service providers about the intercity bus needs of the State, and

(2) The State's intercity bus service needs are being met adequately.

#### **17.B. Formula Grants for Other Than Urbanized Areas Program.**

*If your Applicant seeks FTA funding for its Project under the Formula Grants for Other Than Urbanized Areas Program, former 49 U.S.C. 5311 in effect in FY 2012 or a previous fiscal year, the Certifications in Group 17.B apply to your Applicant, except as FTA determines otherwise in writing.*

The following Certifications apply to each State or State organization serving as your Applicant for funding appropriated or made available for the Formula Grants for Other Than Urbanized Areas Project authorized by former 49 U.S.C. 5311(b)(1) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply. On its behalf, you certify and assure that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its Project(s):

a. Legal capacity,

b. Financial capacity, and

c. Technical capacity,

2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,

3. Its Project equipment and facilities will be adequately maintained,

4. Its State program required under former 49 U.S.C. 5311(b)(2) has provided for a fair distribution of Federal funding appropriated or made available for former 49 U.S.C. 5311(b) within the State, including Indian reservations,

5. Its State program required under former 49 U.S.C. 5311(b)(2) provides or will provide the maximum feasible coordination of public transportation service funded by former 49 U.S.C. 5311(b) with transportation service funded by other Federal sources,

6. Its Projects in its Formula Grants for Other than Urbanized Areas Program are included in:

a. The Statewide Transportation Improvement Program, and

b. To the extent applicable, a Metropolitan Transportation Improvement Program,

7. It:

a. Has or will have the amount of funds required for the local share, as required by former 49 U.S.C. 5311(g),

b. Will provide the local share funds sources approved by FTA, and

c. Will provide the local share funds when needed,

8. It may transfer a facility or equipment acquired using a grant under former 49 U.S.C. 5311(b) in effect in FY 2012 or a previous fiscal year to any other Recipient eligible to receive assistance under 49 U.S.C. chapter 53, if:

a. The Recipient possessing the facility or equipment consents to the transfer, and

b. The facility or equipment will continue to be used as required under former 49 U.S.C. 5311, and

9. Each fiscal year:

a. It will spend at least fifteen (15) percent of its former 49 U.S.C. 5311 funding available for that fiscal

year to develop and support intercity bus transportation within the State with eligible activities, including:

- (1) Planning and marketing for intercity bus transportation,
- (2) Capital grants for intercity bus shelters,
- (3) Joint-use stops and depots,
- (4) Operating grants through purchase-of-service agreements, user-side subsidies, and demonstration Projects, and
- (5) Coordinating rural connections between small public transportation operations and intercity bus carriers, or

b. It will provide to FTA a Certification from the Chief Executive Officer of the State that:

- (1) It has consulted with the affected intercity bus service providers about the intercity bus needs of the State, and
- (2) The State's intercity bus service needs are being met adequately.

#### **17.C. Appalachian Development Public Transportation Assistance Program.**

*If your Applicant seeks FTA funding for its Project under the Appalachian Development Public Transportation Assistance Program, 49 U.S.C. 5311(c)(2), the Certification in Group 17.C applies to your Applicant, except as FTA determines otherwise in writing.*

On behalf of your Applicant, you certify and assure that, in addition to other Certifications and Assurances it must provide, if it is unable to use its funding made available or appropriated for public transportation operating assistance, in accordance with 49 U.S.C. 5311(c)(2)(D), it may use the funding for a highway Project only after:

1. It provides notice and an opportunity for comment and appeal to affected public transportation providers,
2. It approves for such use in writing, and
3. In approving the use, it determines that local transit needs are being addressed.

#### **17.D. Over-the-Road Bus Accessibility Program.**

*If your Applicant seeks FTA funding for its Project under the Over-the-Road Bus Accessibility Program, section 3038 of TEA-21, as amended by section 3039 of SAFETEA-LU, 49 U.S.C. 5310 note, the Assurances in Group 17.D apply to your Applicant, except as FTA determines otherwise in writing.*

Your Applicant assures that it will comply with all applicable Federal statutes and regulations, and follow applicable Federal guidance in carrying out any Over-the-Road Bus Accessibility Project supported by the its Grant Agreement with FTA. It acknowledges that it is under a continuing obligation to comply with the terms and conditions of the Grant Agreement with FTA for its Project. It understands that Federal laws, regulations, policies, and administrative practices might be modified from time to time and affect the implementation of the Project.

It assures that the Federal requirements for the Over-the-Road Bus Accessibility Program during FY 2012 will apply to the Project, except as FTA determines otherwise in writing. Certifications and Assurances for funding to be awarded under this program in FY 2015 are included in these FTA Certifications and Assurances for FY 2015. Each Applicant must submit Group 01 ("Required Certifications and Assurances for Each Applicant"). Each Applicant seeking more than \$100,000 in Federal funding must provide both Group 01, and Group 02, ("Lobbying").

#### **GROUP 18. TRIBAL TRANSIT PROGRAMS (PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS PROGRAMS).**

*The Certifications in Group 18 are required for funding under:*

- The Public Transportation on Indian Reservations Formula Program, 49 U.S.C. 5311(c)(1), as amended by MAP-21, and*
- The Public Transportation on Indian Reservations Discretionary Program, 49 U.S.C. 5311(c)(1).*

*Before FTA may provide funding for your Applicant's Project under either Program listed above, in*

*addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 18, except as FTA determines otherwise in writing. Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.*

*Any provision of the Certifications in Group 18 that does not apply will not be enforced.*

FTA has established terms and conditions for Tribal Transit Program grants financed with funding appropriated or made available for 49 U.S.C. 5311(c)(1). On behalf of your Applicant, you certify and assure that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its Project(s):
  - a. Legal capacity,
  - b. Financial capacity, and
  - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. Its Project equipment and facilities will be adequately maintained,
4. Its Project will achieve maximum feasible coordination with transportation service funded by other Federal sources,
5. It will:
  - a. Have a procurement system that complies with U.S. DOT regulations, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," 49 CFR part 18, specifically 49 CFR 18.36, or
  - b. Inform FTA promptly that its procurement system does not comply with those U.S. DOT regulations,
6. It will comply with Buy America under 49 U.S.C. 5323(j), and
7. It will comply with the Certifications, Assurances, and Agreements in:
  - a. Group 03.B and 03.C (Charter Service Agreement and School Bus Agreement),
  - b. Group 05.B (Bus Testing),
  - c. Group 06 (Demand Responsive Service),
  - d. Group 07 (Intelligent Transportation Systems), and
  - e. Group 10 (Alcohol and Controlled Substances Testing).

## **GROUP 19. LOW OR NO EMISSION/CLEAN FUELS GRANT PROGRAMS**

*The Certifications in Group 19 are required for funding under:*

*19.A. The Low or No Emission Vehicle Deployment Program, 49 U.S.C. 5312(d)(5), as amended by MAP-21, and*

*19.B. The Clean Fuels Grant Program, former 49 U.S.C. 5308, in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply.*

*Before FTA may provide funding for your Applicant's Project under either Program listed above, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 19, except as FTA determines otherwise in writing.*

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.*

*Any provision of the Certifications in Group 19 that does not apply will not be enforced.*

### **19.A. Low or No Emission Vehicle Deployment.**



*If your Applicant seeks FTA funding for its Project under the Low or No Emission Vehicle Development Program, 49 U.S.C. 5312(d)(5), as amended by MAP-21, the Certifications and Assurances in Group 19.A apply to your Applicant, except as FTA determines otherwise in writing.*

Section 5312(d)(5)(C)(i) of title 49, United States Code requires the following Certifications for Low or No Emission Vehicle Deployment Program funding appropriated or made available for MAP-21; therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify and assure that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its proposed Project(s):
  - a. Legal capacity,
  - b. Financial capacity, and
  - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. It will maintain its Project equipment and facilities adequately,
4. It will ensure that, during non-peak hours, for transportation using or involving a facility or equipment funded for its Project, the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:
  - a. Any senior,
  - b. Any individual who, because of illness, injury, age, a congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or who has semi-ambulatory capability) and cannot use a public transportation service or a public transportation facility effectively without special facilities, special planning, or special design,
  - c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 *et seq.*), and
  - d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
5. When carrying out a procurement under this Program, it will comply with the:
  - a. General Provisions of 49 U.S.C. 5323, and
  - b. Third Party Contract Provisions of 49 U.S.C. 5325,
6. It has:
  - a. Informed or will inform the public of the amounts of its funding available under this Program,
  - b. Developed or will develop, in consultation with interested parties, including private transportation providers, a proposed Program of Projects for activities to be funded,
  - c. Published or will publish a Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed Projects and its performance as an Applicant,
  - d. Provided or will provide an opportunity for a public hearing to obtain the views of individuals on the proposed Program of Projects,
  - e. Assured or will assure that the proposed Program of Projects provides for coordination of public transportation services assisted under 49 U.S.C. 5336 with federally-funded transportation services supported by other Federal Government sources,
  - f. Considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final list of Projects, and
  - g. Made or will make the final list of Projects available to the public,
7. It:
  - a. Has or will have the amount of funds required for the local share,
  - b. Will provide the local share funds from sources approved by FTA, and
  - c. Will provide the local share funds when needed,
8. It will comply with:
  - a. The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
  - b. The Statewide and Nonmetropolitan Planning requirements of 49 U.S.C. 5304,
9. It has a locally developed process to solicit and consider public comment before:

- a. Raising a fare, or
  - b. Implementing a major reduction of public transportation, and
10. It will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d).

**19.B. Clean Fuels Grant Program.**

*If your Applicant seeks FTA funding for its Project under the Clean Fuels Grant Program, former 49 U.S.C. 5308, in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 crosscutting requirements that apply, the Certifications and Assurances in Group 19.B apply to your Applicant, except as FTA determines otherwise in writing.*

Former 49 U.S.C. 5307(d)(1), except as superseded by MAP-21 cross-cutting requirements that apply, requires the following Certifications for Clean Fuels Grant Program funding appropriated or made available for former 49 U.S.C. 5308 in effect in FY 2012 or a previous fiscal year; therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify and assure that:

- 1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its Project(s):
  - a. Legal capacity,
  - b. Financial capacity, and
  - c. Technical capacity,
- 2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
- 3. It will maintain the Project equipment and facilities adequately,
- 4. It will ensure that the following individuals will be charged not more than fifty (50) percent of the peak hour fare for transportation during non-peak hours using or involving Project facilities or equipment supported under former 49 U.S.C. 5308:
  - a. Elderly individuals,
  - b. Individuals with disabilities,
  - c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 *et seq.*), and
  - d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
- 5. When carrying out a procurement under former 49 U.S.C. 5308, it will, and will require each Subrecipient, to comply with the following provisions as amended by MAP-21:
  - a. Competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),
  - b. The prohibition against exclusionary or discriminatory specifications in its procurements under 49 U.S.C. 5323(h),
  - c. "Buy America" under 49 U.S.C. 5323(j),
  - d. Applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m),
  - e. Applicable railcar option restrictions of 49 U.S.C. 5325(e), and
  - f. "Veterans Preference/Employment" under 49 U.S.C. 5325(k),
- 6. It will comply with other applicable requirements under 49 U.S.C. 5323 and 5325,
- 7. It:
  - a. Has or will have the amount of funds required for the local share,
  - b. Will provide the local share funds from sources approved by FTA, and
  - c. Will provide the local share funds when needed,
- 8. It has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5303 and 5304,
- 9. It has a locally developed process to solicit and consider public comment before:
  - a. Raising a fare, or
  - b. Implementing a major reduction of public transportation, and
- 10. It will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d).

## **GROUP 20. PAUL S. SARBANES TRANSIT IN PARKS PROGRAM**

*Before FTA may provide funding for your Applicant's Project under the Paul S. Sarbanes Transit in Parks Program, former 49 U.S.C. 5320, in effect in FY 2012 or a previous fiscal year for your Applicant's Project, except as superseded by MAP-21 requirements that apply, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 20, except as FTA may determine otherwise in writing.*

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.*

*Any provision of the Certifications and Assurances in Group 20 that does not apply will not be enforced.*

1. The following Certifications and Assurances for the Paul S. Sarbanes Transit in Parks Program (Parks Program) are required by former 49 U.S.C. 5320 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply; therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

- a. It will consult with the appropriate Federal land management agency during the planning process, and
- b. The requirements of former 49 U.S.C. 5307, as determined by FTA, will apply to the Parks Program, authorized by former 49 U.S.C. 5320, and

2. FTA has determined certain requirements of former 49 U.S.C. 5307 to be appropriate for the Parks Program, of which some require Certifications; therefore, as specified under former 49 U.S.C.

5307(d)(1), except as superseded by MAP-21 cross-cutting requirements that apply, you certify that:

- a. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its Project(s):

- (1) Legal capacity,
- (2) Financial capacity, and
- (3) Technical capacity,

- b. It has or will have satisfactory continuing control over the use of Project equipment and facilities,

- c. It will maintain the Project equipment and facilities adequately,

- d. When carrying out a procurement under former 49 U.S.C. 5320, it will, and will require each Subrecipient, to comply with the following provisions as amended by MAP-21:

- (1) Competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),
- (2) The prohibition against exclusionary or discriminatory specifications in its procurements under 49 U.S.C. 5323(h),

- (3) "Buy America" under 49 U.S.C. 5323(j),

- (4) Applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m),

- (5) Applicable railcar option restrictions of 49 U.S.C. 5325(e), and

- (6) "Veterans Preference/Employment" under 49 U.S.C. 5325(k),

- e. It will comply with other applicable requirements under 49 U.S.C. 5323 and 5325,

- f. It has complied or will comply with the requirements of former 49 U.S.C. 5307(c), and specifically, it:

- (1) Has made or will make available to the public information on the amounts available for the Parks Program, former 49 U.S.C. 5320, and the Projects it proposes to undertake,

- (2) Has developed or will develop, in consultation with interested parties, including private transportation providers, Projects to be financed,

- (3) Has published or will publish a list of proposed Projects in a way that affected citizens, private transportation providers, and local elected officials have the opportunity to examine the proposed Projects and submit comments on the proposed Projects and its performance,

- (4) Has provided or will provide an opportunity for a public hearing to obtain the views of citizens on the proposed Projects,

- (5) Has considered or will consider the comments and views received, especially those of private

transportation providers, in preparing its final list of Projects, and

(6) Has made or will make the final list of Projects available to the public,  
g. It:

(1) Has or will have the amount of funds required for the local share,

(2) Will provide the local share funds from sources approved by FTA, and

(3) Will provide the local share funds when needed,

h. It has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5303 and 5304, and

i. It has a locally developed process to solicit and consider public comment before:

(1) Raising a fare, or

(2) Implementing a major reduction of public transportation.

#### **GROUP 21. STATE SAFETY OVERSIGHT GRANT PROGRAM.**

*Before FTA may provide funding for your Applicant's Project under the State Safety Oversight Grant Program, 49 U.S.C. 5329(e), as amended by MAP-21, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 21, except as FTA may determine otherwise in writing.*

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.*

*Any provision of the Certifications in Group 21 that does not apply will not be enforced.*

On behalf of your Applicant, you certify that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its proposed Project(s):

a. Legal capacity,

b. Financial capacity, and

c. Technical capacity,

2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,

3. It will maintain its Project equipment and facilities adequately,

4. When carrying out a procurement for its Project, it will comply with the:

a. Uniform Administrative Requirements for Grants and Cooperative Agreements to States and Local Governments, 49 CFR part 18,

b. General Provisions of 49 U.S.C. 5323, and

c. Third Party Contract Requirements of 49 U.S.C. 5325,

5. As required by 49 U.S.C. 5329(e)(6)(C), it:

a. Has or will have the amount of funds required for the local share,

b. Will provide the local share funds only from sources approved by FTA, and will not be met by:

(1) Any Federal funds,

(2) Any funds received from a public transportation agency, or

(3) Any revenues earned by a public transportation agency, and

c. Will provide the local share funds when needed,

6. It meets the applicable requirements of 49 CFR part 659, Rail Fixed Guideway Systems: State Safety Oversight, and

7. It has received or will receive an FTA certification upon a determination that its State Safety Oversight Program meets the requirements of 49 U.S.C. 5329(e) and is adequate to promote the purposes of 49 U.S.C. 5329.

#### **GROUP 22. PUBLIC TRANSPORTATION EMERGENCY RELIEF PROGRAM.**

*Before FTA may provide funding for your Applicant's Project under the Public Transportation Emergency Relief Program, 49 U.S.C. 5324, as amended by MAP-21, in addition to other Certifications*

and Assurances you must select on your Applicant's behalf, you must also select the Assurance in Group 22, except as FTA may determine otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Assurance in Group 22 that does not apply will not be enforced.

As required by 49 U.S.C. 5324(d), on behalf of your Applicant, you assure that it will comply with the requirements of the Certifications and Assurances as FTA determines will apply to an Applicant for funding appropriated or made available for the Public Transportation Emergency Relief Program.

#### **GROUP 23. EXPEDITED PROJECT DELIVERY PILOT PROGRAM.**

Before FTA may provide funding for your Applicant's Project under the Expedited Project Delivery Pilot Program, section 20008(b)(5)(D) of MAP-21, in addition to any other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certification in Group 23, except as FTA may determine otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

To the extent that the Certification in Group 23 does not apply, it will not be enforced.

On behalf of your Applicant, you certify that its existing public transportation system or the public transportation system that is the subject of the Project is in a state of good repair, as required by section 20008(b)(5)(D) of MAP-21.

#### **GROUP 24. INFRASTRUCTURE FINANCE PROGRAMS.**

The Certifications in Group 24 apply to the following programs:

24.A. The Transportation Infrastructure Finance and Innovation Act (TIFIA) Program, 23 U.S.C. 601-609, except as superseded by MAP-21 cross-cutting requirements that apply, and

24.B. The State Infrastructure Banks (SIB) Program, 23 U.S.C. 610, except as superseded by MAP-21 cross-cutting requirements that apply.

Before FTA may provide credit assistance under TIFIA for your Applicant's Project or funding for your Applicant to deposit in a SIB, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 24, except as FTA may determine otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications and Assurances in Group 24 that does not apply will not be enforced.

#### **24.A. Transportation Infrastructure Finance and Innovation Act (TIFIA) Program.**

If your Applicant seeks FTA funding for its Project under the TIFIA Program, the Certifications and Assurances in Group 24.A applies to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify and assure, as required by 49 U.S.C. 5323(o), that Federal transit laws, specifically 49 U.S.C. 5307, 49 U.S.C. 5309, and 49 U.S.C. 5337, apply to any Project under 49 U.S.C. chapter 53 that receives TIFIA credit assistance under 23 U.S.C. 601 – 609.

1. To comply with 49 U.S.C. 5307, specifically 49 U.S.C. 5307(d)(1), on its behalf, you certify that:

a. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its proposed Project(s):

- (1) Legal capacity,
- (2) Financial capacity, and
- (3) Technical capacity,

b. It has or will have satisfactory continuing control over the use of Project equipment and facilities,

c. It will maintain its Project equipment and facilities adequately,

d. It will ensure that when, during non-peak hours for transportation using or involving a facility or equipment of a TIFIA-financed Project, a fare that is not more than fifty (50) percent of the peak hour fare will be charged to the following individuals:

- (1) A senior,
- (2) An individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
- (3) Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 *et seq.*), and
- (4) Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),

e. When carrying out a TIFIA-funded procurement, it will comply with:

- (1) 49 U.S.C. 5323, and
- (2) 49 U.S.C. 5325,

f. It has complied with or will comply with 49 U.S.C. 5307(b) because it:

- (1) Has made or will make available to the public information on amounts of its TIFIA funding request(s),
- (2) Has developed or will develop, in consultation with interested parties, including private transportation providers, a proposed Program of Projects for activities to be funded,
- (3) Has published or will publish a Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed Program of Projects and its performance as an Applicant or Recipient,
- (4) Has provided or will provide an opportunity for a public hearing to obtain the views of individuals on the proposed Program of Projects,
- (5) Has ensured or will ensure that the proposed Program of Projects provides for coordination of public transportation services funded by FTA under 49 U.S.C. 5336 and U.S. DOT under TIFIA with federally-funded transportation services supported by other Federal Government sources,
- (6) Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final Program of Projects, and
- (7) Has made or will make the final Program of Projects available to the public,

g. It:

- (1) Has or will have at least (twenty) 20 percent of the TIFIA net Project costs required for the local share,
- (2) Will provide the local share funds from sources approved by FTA, and
- (3) Will provide the local share funds when needed,

h. It will comply with:

- (1) The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
- (2) The Statewide and Nonmetropolitan Planning requirements of 49 U.S.C. 5304,

i. It has a locally developed process to solicit and consider public comment before:

- (1) Raising a fare, or
- (2) Implementing a major reduction of public transportation, and

j. It will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d),

2. To comply with the interest and financing costs restrictions of 49 U.S.C. chapter 53, it agrees that it

will not seek reimbursement for interest and any other financing costs incurred in connection with its Project that must be in compliance with those requirements unless:

- a. It is eligible to receive Federal funding for those expenses, and
- b. Its records demonstrate that it has used reasonable diligence in seeking the most favorable financing terms underlying those costs, to the extent FTA may require.
3. It will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*),
4. The National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 5321 *et seq.*, and will receive an environmental categorical exclusion, a finding of no significant impact, or a record of decision under NEPA for its Project prior to obligation of funds, and
5. It agrees that it will adopt a transit asset management plan that complies with regulations implementing 49 U.S.C. 5326(d), when required.

#### **24.B. State Infrastructure Banks (SIB) Program.**

*If your Applicant is a State and seeks FTA funding under the SIB Program to deposit in its SIB, the Certifications and Assurances in Group 24.B applies to your State and its Project, except as FTA determines otherwise in writing.*

On behalf of the State organization serving as your Applicant for funding for its SIB Program, you certify and assure that:

1. It will comply with the following applicable Federal laws establishing the various SIB programs since 1995:
  - a. 23 U.S.C. 610, as amended by MAP-21,
  - b. 23 U.S.C. 610 or its predecessor before MAP-21 was signed into law,
  - c. Section 1511 of TEA-21, 23 U.S.C. 181 note, or
  - d. Section 350 of the National Highway System Designation Act of 1995, as amended, 23 U.S.C. 181,
2. It will comply with or follow the Cooperative Agreement establishing the State's SIB program between:
  - a. It and FHWA, FRA, and FTA, or
  - b. It and FHWA and FTA,
3. It will comply with or follow the Grant Agreement that provides FTA funding for the SIB and is between it and FTA, including the FTA Master Agreement, which is incorporated by reference into the Grant Agreement, except that any provision of the FTA Master Agreement incorporated by reference into that Grant Agreement will not apply if it conflicts with any provision of:
  - a. 23 U.S.C. 610, as amended by MAP-21,
  - b. 23 U.S.C. 610 or its predecessor before MAP-21 was signed into law,
  - c. Section 1511 of TEA-21, 23 U.S.C. 181 note, or section 350 of the National Highway System Designation Act of 1995, as amended, 23 U.S.C. 181 note,
  - d. Federal guidance pertaining to the SIB Program,
  - e. The Cooperative Agreement establishing the State's SIB Program, or
  - f. The Grant Agreement with FTA,
4. As required by 49 U.S.C. 5323(o), Federal transit laws, specifically 49 U.S.C. 5307, 49 U.S.C. 5309, and 49 U.S.C. 5337, as amended by MAP-21, apply to any Project under 49 U.S.C. chapter 53 that receives SIB support or financing under 23 U.S.C. 610 (or any support from 23 U.S.C. 601 – 609),
5. As required by 49 U.S.C. 5323(o) and 49 U.S.C. 5307(d)(1):
  - a. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of those proposed Project(s):
    - (1) Legal capacity,
    - (2) Financial capacity, and
    - (3) Technical capacity,
  - b. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
  - c. It will maintain its Project equipment and facilities adequately,
  - d. It will ensure that when, during non-peak hours for transportation using or involving a facility or equipment of a SIB-financed Project, a fare that is not more than fifty (50) percent of the peak hour fare

will be charged to the following individuals:

- (1) A senior,
- (2) An individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
- (3) An individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 *et seq.*), and
- (4) An individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),

e. When carrying out a procurement under a SIB-financed Project, it will comply with the:

- (1) General Provisions of 49 U.S.C. 5323, and
- (2) Third Party Contract Provisions of 49 U.S.C. 5325,

f. It has complied with or will comply with 49 U.S.C. 5307(b) because it:

- (1) Has made or will make available to the public information on amounts of its funding requested under the SIB program,
- (2) Has developed or will develop, in consultation with interested parties, including private transportation providers, a proposed Program of Projects for activities to be funded,
- (3) Has published or will publish a Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed Program of Projects and its performance as an Applicant or Recipient,
- (4) Has provided or will provide an opportunity for a public hearing to obtain the views of individuals on the proposed Program of Projects,
- (5) Has ensured or will ensure that the proposed Program of Projects provide for coordination of public transportation services funded by FTA under 49 U.S.C. 5336 and the SIB Program with federally-funded transportation services supported by other Federal Government sources,
- (6) Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final Program of Projects, and
- (7) Has made or will make the final Program of Projects available to the public,

g. It:

- (1) Has or will have the amount of funds required for the local share by the SIB Program, but not less than twenty-five (25) percent of each capitalization grant,
- (2) Will provide the local share funds from sources approved by FTA, and
- (3) Will provide the local share funds when needed,

It will comply with the:

- (1) The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
- (2) The Statewide and Nonmetropolitan Planning requirements of 49 U.S.C. 5304,

i. It has a locally developed process to solicit and consider public comment before:

- (1) Raising a fare, or
- (2) Implementing a major reduction of public transportation, and

j. It will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d),

2. As required by 49 U.S.C. chapter 53, it certifies that it will not seek reimbursement for interest and any other financing costs incurred in connection with its Project unless:

- a. It is eligible to receive Federal funding for those expenses, and
- b. Its records demonstrate that it has used reasonable diligence in seeking the most favorable financing terms underlying those costs, to the extent FTA may require, and

3. It agrees that it will adopt a transit asset management plan that complies with regulations implementing 49 U.S.C. 5326(d).



**Backup material for agenda item:**

4. Presentation of the Agreement for Animal Care and Control - Director of Administration  
David McKee



# DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA REQUEST

All items requiring action by the Commissioners must be presented first at a work session. The following information should be provided for each item.

No item will be considered for a work session until the Department has received authorization on the item by the County Manager.

Form must be submitted to the County Clerk 10 days prior to the meeting date.

Department: Administration

Presenter: David McKee

Submitted By: D. McKee

Date Submitted: 2-19-2015

Item of Business/Agenda Title: Humane Society Contract

**Attach an Executive Summary fully describing all elements of the item of business.  (Attached)**

### THE ITEM IS FOR:

**Work Session presentation only**  
(no action needed)

OR  **Commission Action Needed.**

Is there a deadline on this item? If so, Explain:

Purpose of Request: Annual agreement with the Humane Society for animal care of animals taken from Animal Control

Department Recommendation: Review and approval of the drafted contract

If the action involves a Resolution, Ordinance, Contract, Agreement, etc. has it been reviewed by the County Attorney?

Yes Explanation/ Additional Information:

No

If funding is involved, are funds approved within the current budget? **If Yes, Finance Authorization is Required Below.**

Yes Explanation/ Additional Information:

No

Amount Requested: \$126,000 Amount Budgeted: \$126,000.00 Annually

Fund Name and Account Number: 100-00-3915-523900-000

### Administration Staff Authorization

Dept. Head Authorization: [Signature]

Date: \_\_\_\_\_

Finance Dept. Authorization: [Signature]

Date: 2-19-2015

County Manager Authorization: [Signature]

Work Session Date: 2/26/2015

Comments: \_\_\_\_\_



**DAWSON COUNTY BOARD OF COMMISSIONERS**  
**EXECUTIVE SUMMARY**

**SUBJECT:** Humane Society Contract

**DATE:** 2-19-2015

**BUDGET INFORMATION:**

**ANNUAL-** \$126,000

**CAPITAL-** \_\_\_\_\_

- RECOMMENDATION**
- POLICY DISCUSSION**
- STATUS REPORT**
- OTHER**

**COMMISSION ACTION REQUESTED ON:** Approval of the Annual Contract

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**PURPOSE:** Contract with the Humane Society for the care and control of animals taken from Dawson County animal control

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**HISTORY:** Previous approved contracts May 19,2005, June 1, 2008; May 7 2009, March 30, 2010  
Land lease is tied to the animal care and control agreement.

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**FACTS AND ISSUES:** Few changes have been made to the 2010 agreement ( Amendment to section (3) if the number of animals taken to the humane society is less than the previous years quarterly total the quarterly fee shall be reduced) Staff proposes 10% less animal taken and 10% reduction payment. The 2010 contract renewed in 2011, and 2012.

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**OPTIONS:**

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**RECOMMENDED SAMPLE MOTION:**

Review and approve the Humane Society agreement

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**DEPARTMENT:**

Prepared by: \_\_\_\_\_

Director \_\_\_\_\_

# DRAFT

## ANIMAL CARE AND CONTROL AGREEMENT

This Animal Care and Control Agreement is hereby made and entered into this \_\_\_\_\_ day \_\_\_\_\_, 2015 by and between Dawson County, Georgia ("Dawson County"), a body politic of the State of Georgia, and the Dawson County Humane Society, Inc. ("Humane Society"), a 501(c)(3) organization.

Whereas, Dawson County adopted an ordinance regarding the control of animals within the unincorporated area of Dawson County; and

Whereas, the Humane Society operates a facility ("shelter") within which animals may be temporarily housed in accord with the terms of a certain lease agreement between Dawson County and the Humane Society dated April 7, 2005; and

Whereas, in order to enforce the animal control ordinance, Dawson County needs a location and facility where animals seized pursuant to such ordinance may be housed; and

Whereas, the parties hereto entered into Animal Care and Control Agreements dated May 19, 2005 and June 1, 2008 and May 7, 2009 and March 30, 2010; and

Whereas, the parties have complied with the terms of paragraph 3 of the lease agreement between these parties regarding the fee to be paid to the Humane Society in exchange for the Humane Society accepting stray and abandoned animals delivered by Dawson County Animal Control Officers ("Animal Control Officers").

Now, therefore, the parties hereto hereby consent and agree as follows:

1. Recitals. The foregoing recitals, each being true, are hereby made a part of this agreement and should not be considered mere recitals.

2. Housing of Animals. Dawson County shall be entitled to house animals at the facility maintained or designated by the Humane Society located upon the premises described within the lease agreement between these parties dated April 7, 2005.

## DRAFT

3. Fees. Dawson County shall pay to the Humane Society monthly payments of ten thousand five hundred and 00/100 (\$10,500.00) beginning January 1, 2015 and continuing through December 31, 2015 for a total annual payment of one hundred twenty six thousand and 00/100 (\$126,000.00). The number of dogs and cats delivered by Animal Control Officers shall not exceed 450 quarterly (beginning \_\_\_\_\_, 2015), unless Dawson County pays an additional fee of \$100.00 for each additional dog or cat delivered by Animal Control Officers that exceeds 450 quarterly (beginning January 1, 2015). If the number of dogs and cats delivered by Animal Control Officers is less than 10% quarterly (beginning \_\_\_\_\_, 2015) from the previous year's quarterly totals (exhibit A), then the monthly payment due from the County shall be reduced by 10% for the corresponding quarter, and the County shall be properly credited or reimbursed by the Humane Society for any payments made during that quarter that exceed the reduced monthly payment.

4. Hold Harmless. Dawson County hereby agrees to hold the Humane Society harmless from any claim or cause of action asserted by Dawson County as a result of the Humane Society housing animals on behalf of Dawson County in accord with the terms of this Agreement. Dawson County agrees to indemnify and hold the Humane Society harmless for any service rendered by the Humane Society for the benefit of Dawson County to implement the terms hereof.

5. Duties of Humane Society. The Humane Society agrees to perform the following duties as part of this Animal Care and Control Agreement:

(a) all dogs and cats delivered by a Dawson County Animal Control Officer shall be accepted into the shelter maintained and operated by the Humane Society;

(b) any dog delivered to the shelter in accord with the terms hereof shall receive the following medical treatment: distemper combination, kennel cough vaccinations,

## DRAFT

heartworm testing, health assessment, broad spectrum wormer, and flea and tick control, unless a dog is not deemed adoptable by the director of the shelter;

(c) any cat delivered to the shelter in accord with the terms hereof shall receive the following medical treatment: distemper combination, health assessment, broad spectrum wormer, and flea and tick control, unless a cat is not deemed adoptable by the director of the shelter;

(d) spay and neutering of dogs and cats delivered to the shelter may be accomplished pursuant to an adoption contract for any such animal; otherwise, spay and neutering of all animals delivered to the shelter in accord with the terms hereof shall be accomplished by the Humane Society staff or contracted personnel if practical and possible;

(e) dogs delivered to the shelter in accord with the terms hereof shall be fed once daily, unless a dog's health dictates otherwise;

(f) cats delivered to the shelter in accord with the terms hereof shall have dry food available at all times, unless a cat's health dictates otherwise;

(g) any dog or cat delivered to the shelter in accord with the terms hereof suffering from a terminal injury or disease with no reasonable likelihood of recovery shall be euthanized immediately, and the lawful owner, if known, of such animal shall be charged \$50.00 for euthanasia and disposal. Dawson County shall not be charged any fee for such services, and such animal shall not be included as one of the 450 animals pursuant to paragraph 3 of this Agreement, and Dawson County shall not be liable for an additional fee of \$100.00 set forth in Paragraph 3 for any such animal;

(h) any dog or cat delivered to the shelter by a Dawson County Animal Control Officer in accord with the terms hereof shall remain within the shelter for three (3) days before ownership shall be transferred to the Humane Society. However, any feral animal delivered to the shelter by a Dawson County Animal Control Officer shall be

## DRAFT

exempt from the terms of this subparagraph, and the Humane Society shall not be required to allow such animal to remain within the shelter for three days. A "feral" animal is an animal that is wild or untamed and includes any previously domesticated animal that has reverted to a wild or untamed state characterized by behavior normally attributed to wild animals. Any animal with a collar shall not be deemed feral. If an animal is determined to be microchipped or spayed/neutered, then such animal shall not be deemed feral. Any animal not captured in a trap or by any method not requiring special animal handling activities, such as a catchpole or a dartgun or a net, shall not be deemed feral. All animals suspected of being feral, but not identified as such by Animal Control Officers because of the method of capture, shall be held in the trap/cage in which the animal arrives at the shelter for one overnight period during which time the animal shall be offered food, water, and privacy to the extent permitted by safety and practicality. After the one overnight period, the shelter director or person in charge for the day and the acting manager or most senior kennel employee may agree that the animal acts as a feral animal, and the animal may be destroyed immediately if no microchip or reasonable evidence of being spayed/neutered is discovered when the animal is sedated;

(i) any dog or cat delivered to the shelter in accord with the terms hereof that is involved in a bite case shall be boarded at the shelter for at least ten (10) days as a rabies quarantine. If the lawful owner of such animal may reasonably be determined, then such owner shall be charged a boarding fee of \$20.00 per day. A dog or cat delivered to the shelter by a Animal Control Officer of Dawson County involved in a bite case may be euthanized or isolated after ten (10) days depending upon the likelihood of ownership being determined;

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(j) Animal Control Officers of Dawson County shall be provided a key to the intake area of the shelter of the Dawson County Humane Society so that Animal Control Officers shall have twenty-four (24) hour access to the shelter;

(k) The Humane Society shall provide the Board of Commissioners of Dawson County a financial audit prepared by a certified public accountant approved by Dawson County for the year 2014 on, or before, the \_\_\_ day of \_\_\_\_\_, 2015; and

(l) The Humane Society shall provide the Board of Commissioners on a monthly basis a form or chart containing the following data:

(1) on the last day of the previous month, the number of animals in holding, to be separated by the number of cats, the number of dogs, and the total number of animals;

(2) the number of animals brought by Animal Control Officers for the month;

(3) the number of animals adopted out of the facility during the previous month;

(4) the number of animals euthanized during the previous month; and

(5) on the first day of the month, the number of animals in holding, to be separated by the number of cats, the number of dogs, and the total number of animals.

6. Veterinarian Services. The Humane Society shall maintain a contract with a licensed veterinarian for services. The shelter of the Humane Society shall be licensed and certified through the Georgia Department of Agriculture. The appropriate Veterinarian DEA License and state certification shall be posted within the shelter. The shelter of the Humane Society shall operate and comply with the guidelines, rules, regulations, and inspection requirements of the State of Georgia Department of Agriculture.

7. Term. The parties hereto consent and agree that this Agreement shall remain in effect from January 1, 2015 through December 31, 2015, unless this Agreement is



## DRAFT

revoked by either party providing written notice of intent to terminate the contract thirty (30) days before the termination date. This contract shall terminate immediately and absolutely of such time as appropriated and otherwise un-obligated funds are no longer available to satisfy the obligations of Dawson County under this contract.

8. Termination: Either party hereto may terminate this Agreement by providing written notice to the other party of intent to terminate the Agreement thirty (30) days from the date of notice. This contract and agreement shall terminate immediately and absolutely at such time as appropriated and otherwise unobligated funds are no longer available to satisfy the obligations of Dawson County.

9. Severability. If any paragraph or any term hereof is declared un-enforceable or unconstitutional for any reason whatsoever, than the remaining provisions and paragraphs shall remain valid and enforceable.

10. Notices. Any notice that must be provided in accord with the terms hereof shall be provided to the following address:

Dawson County  
c/o County Manager  
25 Justice Way  
Suite 2236  
Dawsonville, GA 30534

Dawson County Humane Society, Inc.  
c/o Chairman  
633 Martin Road  
P.O. Box 360  
Dawsonville, GA 30534

11. Authority. Dawson County hereby warrants that Dawson County maintains the authority to enter into this contract. The Humane Society hereby warrants that the Humane Society maintains the authority to enter into this contract.

This \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Dawson County

Attest:

DRAFT

By: \_\_\_\_\_  
Mike Berg, Chairman  
Dawson County Commission

\_\_\_\_\_  
Danielle Yarbrough  
Clerk

Dawson County Humane Society, Inc.

Attest:

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

## 2014 Animal Control Stats

Month	Number of Animals Taken to Humane Society by Animal Control (DC)	Quarter Total	Total less	
			10%	10%
January	37			
February	34			
March	40	111	11	100
April	28			
May	39			
June	46	113	11	102
July	47			
August	36			
September	39	122	12	110
October	36			
November	16			
December	11	63	6	57
<b>Total</b>	<b>409</b>	<b>409</b>	<b>41</b>	<b>368</b>

**Backup material for agenda item:**

5. Presentation of the resolution to amend the rules and regulations applicable to employees of the Dawson County Board of Commissioners known as the Dawson County Board of Commissioners Employee Handbook - County Attorney Joey Homans



# DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA REQUEST

All items requiring action by the Commissioners must be presented first at a work session. The following information should be provided for each item.

No item will be considered for a work session until the Department has received authorization on the item by the County Manager.

Form must be submitted to the County Clerk 10 days prior to the meeting date.

Department: County Attorney

Presenter: County Attorney Joey Homans

Submitted By: County Attorney Joey Homans

Date Submitted: 02/19/2015

Item of Business/Agenda Title: Presentation of Employee Handbook Resolution

**Attach an Executive Summary fully describing all elements of the item of business.  (Attached)**

### THE ITEM IS FOR:

**Work Session presentation only**  
(no action needed)

**OR**  **Commission Action Needed.**

Is there a deadline on this item? If so, Explain: \_\_\_\_\_

Purpose of Request: Seek approval of resolution to amend the rules and regulations applicable to employees of the Dawson County Board of Commissioners known as the Dawson County Board of Commissioners Employee Handbook

Department Recommendation: \_\_\_\_\_

If the action involves a Resolution, Ordinance, Contract, Agreement, etc. has it been reviewed by the County Attorney?

Yes Explanation/ Additional Information: \_\_\_\_\_

No

If funding is involved, are funds approved within the current budget? **If Yes, Finance Authorization is Required Below.**

Yes Explanation/ Additional Information: \_\_\_\_\_

No

Amount Requested: \_\_\_\_\_ Amount Budgeted: \_\_\_\_\_

Fund Name and Account Number: \_\_\_\_\_

### Administration Staff Authorization

Dept. Head Authorization: \_\_\_\_\_ Date: \_\_\_\_\_

Finance Dept. Authorization: \_\_\_\_\_ Date: \_\_\_\_\_

County Manager Authorization: *Andy Campbell* Work Session Date: *2/26/2015*

Comments: \_\_\_\_\_

Attachments: Resolution, Revised Employee Handbook

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS  
OF DAWSON COUNTY TO AMEND THE RULES AND REGULATIONS  
APPLICABLE TO EMPLOYEES OF THE DAWSON COUNTY BOARD OF  
COMMISSIONERS KNOWN AS THE DAWSON COUNTY BOARD OF  
COMMISSIONERS EMPLOYEE HANDBOOK.**

WHEREAS, the Dawson County Board of Commissioners has determined that various amendments to the Dawson County Board of Commissioners Employee Handbook are desirable and necessary to enhance the operations of Dawson County; and

WHEREAS, amendments are necessary to ensure compliance with applicable state and federal laws.

NOW, THEREFORE, the Board of Commissioners of Dawson County adopt the Dawson County Employee Handbook set forth in Exhibit "A" that is attached hereto and incorporated herein by reference.

**1. REPEALER**

Any Ordinance, Resolution, local law, or portion thereof now in effect that is in conflict with any provision of this Ordinance is hereby repealed.

**2. EFFECTIVE DATE**

This Ordinance shall become effective on the date approved by the Board of Commissioners.

**3. SEVERABILITY**

If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if a provision of any part of this ordinance is applied to any particular situation or set of circumstances in such a manner as to be declared invalid or unconstitutional, then any such invalidity shall not be construed to affect the portions of this ordinance not so held to be invalid

and the application of this ordinance to other circumstances shall not be held to be invalid. The Dawson County Board of Commissioners hereby declares the intent of Dawson County Board of Commissioners is to provide for separable and divisible parts, and Dawson County Board of Commissioners hereby adopts any and all parts hereof as may not be held invalid for any reason.

This \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**DAWSON COUNTY BOARD OF COMMISSIONERS**

Attest:

\_\_\_\_\_  
Mike Berg, Chairman

\_\_\_\_\_  
Danielle Yarbrough  
Clerk

# DAWSON COUNTY GOVERNMENT



## Employee Handbook

Prepared by: Dawson County Human Resources  
25 Justice Way  
Dawsonville, GA 30534



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## WELCOME TO DAWSON COUNTY

This handbook has been prepared to provide you with an overview of Dawson County's policies, benefits, and rules and provides important information about the County, as well as guidelines for your employment experience with us in an effort to foster a safe and healthy work environment. This Handbook highlights County policies, procedures, practices, and benefits and is intended to provide general information about the policies, procedures, benefits, and regulations governing employees of the County and is not intended to be an express or implied contract. The guidelines presented in this handbook are not intended to supplant sound management, judgment, and discretion.

It is not possible to anticipate every situation that may arise in the workplace or to provide information that answers every possible question. In addition, circumstances will undoubtedly require that policies, practices, and benefits described in this handbook change from time to time. Accordingly, the County may supplement, rescind, or revise any provision of this handbook from time to time, as it deems necessary, or appropriate.

No business is free from day-to-day problems, but we believe these personnel policies, procedures, and practices will help resolve problems. All employees must work together to make the County a viable, healthy, and fiscally sound organization to provide a satisfactory working environment that promotes genuine concern and respect for all employees and citizens. If any statement in this handbook is not clear to you, then please contact the Human Resources Department for clarification.

This Handbook is not intended to and does not create an employment contract between Dawson County and its employees. Your employment is for no specific period of time, and this Handbook does not limit your right or Dawson County's right to terminate your employment at any time for any reason or no reason. The employment at will relationship exists for all employees, unless otherwise specified by state law.

For a more detailed understanding, please visit the County intranet site located at <https://mail.dawsonCounty.org/intranet> and review the applicable procedure or policy in question.

This handbook supersedes any and all prior policies, procedures, and handbooks of the County.

## **RULES AND REGULATIONS**

### **SECTION I: RULES**

#### **PURPOSE**

These rules are set forth to ensure that employees of Dawson County are treated equitably and to ensure that the citizens of the County benefit from the work of a productive and competent staff. Any violation of these rules may subject the employee to discipline up to and including termination in accordance with the provisions of these rules and regulations, federal and state law, and County ordinances. The following rules shall be known as general rules and shall apply to each and every employee of Dawson County, Georgia.

#### **APPLICABILITY**

This Employee Handbook is intended to apply to employees of Dawson County other than employees of elected constitutional officers and other offices under the direction of officers other than the county manager authorized by law. The broad application of this Handbook will ensure that all employees of Dawson County are treated equally. Moreover, the provisions contained in this Handbook establish uniform procedures for handling employment situations that facilitate efficiency and productivity.

#### **ADMINISTRATION**

This Employee Handbook shall be administered by and under the direction of the County Manager. However, powers and duties designated to the County Manager in this Handbook may be delegated by the County Manager to Department Directors, who may further delegate such authority to subordinates.

If, at any time during the operation of this Employee Handbook, the position of County Manager is vacant, the Human Resources Director or any interim official designated by the Dawson County Board of Commissioners will be responsible for administration of the Employee Handbook until the County Manager position is filled by the Board of Commissioners.

#### **DEPARTMENTAL OPERATING RULES AND REGULATIONS**

Departmental Operating Rules and Regulations (sometimes referred to as “Standard Operating Procedures” or “SOPs”), not in conflict with this Handbook, may be established and used by any Department Director. All such Departmental Operating Rules and Regulations and subsequent amendments thereto adopted pursuant to this Section shall be submitted to the County Manager for



maintenance in the County Manager's office. The Board of Commissioners has no involvement with the creation, administration, or enforcement of any Departmental Operating Rules and Regulations established by any Elected Official. In the event that a conflict arises between an employee's conduct or performance required by Departmental Operating Rules and Regulations and the conduct or performance required by this Policy Manual, then the rule or regulation requiring the higher standard of conduct or performance shall control.

## PUBLICATION

Rules and regulations enacted by the Board of Commissioners of Dawson County shall be published, and a copy made available to employees through the use of the County's intranet. Each Department Head shall ensure every employee has access to a computer to view the County intranet site.

## AMENDMENTS TO RULES AND REGULATIONS

These rules and regulations may be amended from time to time. Amendments will be communicated to employees in a timely fashion preferably within five (5) Business Days of the change.

## STANDARDS OF CONDUCT

These rules are standards of conduct and are not all-inclusive. These rules and regulations are merely a guideline. The level of discipline used, such as reprimand, Suspension or termination, will be determined by the frequency and/or severity of the violation and other circumstances and the employee's work history with the County. The disciplinary action taken is subject to discretion to grant a lesser penalty or clemency for any particular case or violation. Such action does not imply cancellation of a rule, but is recognition of an unusual or particular circumstance. Egregious acts of misconduct justify termination even if no progressive discipline has been previously applied. The County's Progressive Discipline Policy is set forth within Rule 3.1.4.

## **RULE 1: NONDISCRIMINATION**

### ***1.1: NONDISCRIMINATION STATEMENT***

No discrimination shall be exercised, threatened or promised against or in favor of any eligible Applicant or employee due to age, color, disability, marital status, national origin, race, religion, sex, disability, genetic information, pregnancy, childbirth or related medical conditions, uniformed service status, or any other legally protected category. Dawson County's personnel programs shall, at all times, be conducted in accordance with the Civil Rights Act (42 U.S.C. Sec. 2000 et seq.). Additionally, Dawson County intends to comply with the Americans with Disabilities Act (42 U.S.C. Sec. 12101 et seq.).

Dawson County will not discriminate against qualified individuals on the basis of a disability in consideration of any terms and conditions of employment or in admission and access to programs, services, and activities. The County may provide reasonable accommodation to enable an otherwise qualified employee to perform the essential requirements of his/her job. Discrimination based on a disability should be reported to the Human Resources Director.

### ***1.2: WORKPLACE ENVIRONMENT***

Dawson County is committed to ensuring that all employees enjoy a work environment free from intimidation, harassment, and violence. These issues are discussed in more detail below. If you have any concerns regarding your workplace environment, report those concerns to the Human Resources Director.

### ***1.3: EQUAL EMPLOYMENT OPPORTUNITY AND HARASSMENT***

#### ***1.3.1: EQUAL EMPLOYMENT OPPORTUNITY POLICY***

Dawson County is an equal opportunity employer. It is the policy of Dawson County to provide an equal employment opportunity to qualified persons without regard to race, color, religion, sex, national origin, age, disability, genetic information, uniformed service status, pregnancy, childbirth, or related medical conditions or any other legally protected category. This policy relates to all phases of employment, including, but not limited to, recruitment, placement, Promotion, transfer, reduction in force, separation, training, compensation, and benefits. All decisions regarding hiring, placement, Promotion, transfer, Demotion, termination, or any other term or condition of employment will be based upon the qualification and performance of the employee or prospective employee.

In addition, Dawson County will not discriminate against any qualified employee or Applicant on the basis of a physical or mental disability. Dawson County will strive to provide reasonable accommodations to assist disabled individuals to perform essential job functions, as long as the accommodation does not cause the County undue hardship.

If you have any concerns regarding Dawson County's equal employment opportunity policies, report those concerns to the Human Resources Director. Please refer to Rule 1.3.4 for procedures for reporting harassment, discrimination or other unlawful treatment.

#### 1.3.2: DEFINITION OF HARRASSMENT, DISCRIMINATION AND/OR IMPROPER CONDUCT

Harassment, discrimination and/or improper conduct consists of misconduct that includes unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status, such as sex, color, race, religion, national origin, age, disability genetic information, uniformed service status, pregnancy, childbirth, or related medical conditions or any other protected group status as provided for by law. The County will not tolerate conduct that impacts tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment.

All employees, Supervisors, and Elected Officials/Department Directors are subject to the terms and provisions of this Rule, and are to avoid any behavior or conduct that could be interpreted as discriminatory or sexual harassment as set forth below. All employees, Supervisors, and Elected Officials/Department Directors have a responsibility to inform an individual whenever the individual's behavior is unwelcome, offensive, in poor taste, or inappropriate and to report harassment as set forth herein.

#### 1.3.3 DISCRIMINATORY HARASSMENT

It is Dawson County's policy to maintain a working environment free of any and all harassment, including harassment based on a person's race, color, national origin, religion, sex/gender, disability, age, veteran status, citizenship, sexual orientation, genetic information, uniformed service status, pregnancy, childbirth, or related medical conditions or other protected group status. To assist in preventing or eliminating any such unwelcome harassment, Dawson County will not tolerate any form of harassment or unlawful discrimination by or against its employees, Supervisors, and Elected Officials/Department Directors.

All employees, Supervisors, and Elected Officials/Department Directors are expected to avoid any behavior or conduct that could reasonably be interpreted as harassment. Any form of harassment related to an individual's race, color, national origin, religion, sex/gender, disability, age, veteran status, citizenship, sexual orientation, genetic information, uniformed service status, pregnancy, childbirth, or related medical conditions or other protected group status, is a violation of this Regulation and will be treated as a disciplinary matter. For purposes of this regulation, the term "discriminatory harassment" shall be construed consistent with applicable law and may include, but is not limited to, any of the following:

- (i) Offensive remarks, comments, jokes or slurs pertaining to an individual's race, color, national origin, religion, sex/gender, disability, age, veteran status, citizenship, sexual orientation, or genetic information, uniformed service status,

pregnancy, childbirth, or related medical conditions other protected group status;

- (ii) Offensive pictures, drawings, posters, photographs, reading materials, computer monitors, or other tangible items, or communications including e-mail, that are reasonably offensive or that reasonably exploit an individual's race, color, national origin, religion, sex/gender, disability, age, veteran status, citizenship, sexual orientation, genetic information, uniformed service status, pregnancy, childbirth, or related medical conditions or other protected group status;
- (iii) Threatening reprisals based on an employee's race, color, national origin, religion, sex/gender, disability, age, veteran status, citizenship, sexual orientation, genetic information, uniformed service status, pregnancy, childbirth, or related medical conditions or other protected group status; or
- (iv) Conduct that has the purpose or effect of unreasonably interfering with an individual's work performance and/or conduct that creates an intimidating, hostile or offensive working environment.

#### 1.3.4: SEXUAL HARASSMENT

Sexual harassment is a form of harassment and will be treated in accordance with the express terms of this rule. Sexual harassment is unwelcome conduct of a sexual nature when:

- (i) Submission to such conduct is made, either explicitly or implicitly, a term or condition of employment;
- (ii) Submission to or rejection of such conduct is used, either in part or in full, as the basis for employment decisions; or
- (iii) The conduct has the purpose or the effect of unreasonably interfering with the individual's job performance or when such conduct creates an intimidating, hostile, or offensive working environment.

For purposes of this Rule, the term "sexual harassment" shall be construed consistent with applicable law and may include, but is not limited to, any of the following:

- (i) Sexual assaults, including rape and molestation, or attempts or threats to commit such acts;
- (ii) Unwanted intentional physical contact of a sexual or suggestive nature, such as touching, pinching, patting, grabbing, kissing, brushing, or poking of another person's body regardless of the gender of the individuals involved;
- (iii) Offensive sexual remarks, sexual advances or requests for sexual favors regardless of the gender of the individuals involved;
- (iv) Threatening reprisals for an employee's refusal to respond to requests for sexual

favors;

- (v) Disciplining or retaliating against any individual in any way because he or she has resisted, reported or complained about sexual harassment;
- (vi) Preferential treatment, or the promise of preferential treatment, for engaging in sexual conduct;
- (vii) Offensive pictures, drawings, posters, reading materials, calendars, photographs or other physical objects, or communications, including e-mail, that are sexually suggestive, sexually demeaning or pornographic;
- (viii) Any conduct of a sexual nature that has the purpose or effect of unreasonably interfering with an individual's work performance and/or conduct that creates an intimidating, hostile or offensive working environment; or
- (ix) Suggesting or inferring to any employee, Supervisor, Elected Official/Department Director (or Applicant for any such position) that his or her employment, advancement, or treatment will be affected in any way by entering into (or refusing to enter into) any form of personal or sexual relationship.

#### 1.3.5: COMPLAINT PROCEDURE

All employees are responsible for helping to ensure that Dawson County avoids any form of unlawful treatment. If you feel that you have experienced, witnessed or have been notified of harassment, discrimination or unlawful treatment (by a reliable source), then you should notify immediately (preferably within 24 hours) the Department Head and/or Human Resources Department. The County forbids retaliation against anyone who has made a complaint.

- (i) Investigation will be as timely and as confidential as possible.

Incidents reported by anyone pursuant to this Rule will be handled in a timely manner, and as confidentially as possible. Due to the nature of the investigation process, however, Dawson County cannot guarantee confidentiality. Information reported by any individual pursuant to this Rule will not be unnecessarily released to third parties or to any person not involved in the investigation or involved in the conduct forming the basis of the complaint. Upon conclusion of the investigation, any such information will only be released to the extent required by law. No person involved in the investigation shall discuss the complaint or investigation with any person outside of the investigation process. This provision is intended to protect the confidentiality of anyone who files a complaint, to encourage the reporting of all incidents of harassment, and to ensure the fair treatment of all parties involved.

- (ii) Investigation by duly appointed agent.

Upon receiving a complaint of harassment pursuant to this policy, Dawson County will conduct an investigation into the allegations. The investigation will be conducted by the Human Resources Director, unless an alternate arrangement has

been made with the applicable Department Director. If the complaint involves an individual in the Human Resources Department, the investigation shall be conducted by the County Manager or his/her designee.

(iii) Intent and purpose of the investigation.

The intent of the investigation is to obtain further information about the events or conduct complained of, to enable the person(s) named in the complaint to tell his or her side of the story, to determine whether harassment has in fact occurred, and to develop an appropriate resolution. Anyone making a complaint pursuant to this Rule may be asked to put his or her complaint in writing. The person to whom the complaint is made, or the person or persons investigating the complaint, may take notes and may request the complainant to sign those notes. All employees, Supervisors, and Elected Officials/Department Directors are expected to fully cooperate with any investigation of a complaint of harassment. Failure to cooperate will be justification for disciplinary action, up to and including termination.

(iv) No reprisal against Complainant.

No individual will be retaliated against for reporting a violation of this Rule or for cooperating with an investigation of a complaint of harassment. However, intentional or malicious false accusations of misconduct could have a serious effect on an individual who has been falsely accused. Individuals falsely accusing another of misconduct will be disciplined based on the extent of the false accusation, up to and including termination.

(v) Notification of belief that investigation is not being handled properly.

If, at any time, anyone feels that his or her complaint is not being handled properly, he or she should immediately contact the Human Resources Director, the County Manager, or the applicable Department Director.

The County recognizes that intentional or malicious false accusations of misconduct can have a serious effect on innocent men and women. Individuals falsely accusing another of misconduct will be disciplined in accordance with the nature and extent of his/her false accusation. The County encourages any employee to raise questions he/she may have regarding misconduct or this policy, with his/her immediate Supervisor, a higher-level manager, or the Human Resources Department.

## **RULE 2: MANAGEMENT/ADMINISTRATIVE PROCEDURES**

### **2.1: CHANNEL OF COMMUNICATION**

The chain of command (Supervisor, Department Head, County Manager or Elected Official) must have the opportunity to resolve any employee concerns or disputes. If the employee is not satisfied with the results by following the chain of command, the employee may present his or her concern

to the County Manager or appropriate Elected Official. At any point when following the chain of command, the employee, Supervisor, or Department Head may call upon the County Manager/Elected Official to assist in mediation of the problem. In the Fire and EMS Departments, due to an established internal chain of command, only an officer with the rank of Captain or above is permitted to call on the County Manager to assist in conflict resolution.

## *2.2: PURCHASING*

No employee may buy or charge any goods or services or any amount to the account of Dawson County unless they follow the procedures established through the County Purchasing regulations established by the Board of Commissioners. Normally, a purchase order must be issued prior to purchase. An exception can be made under genuine emergency conditions, and then such purchase must be confirmed as soon as possible with a proper purchase order. In addition, under no circumstances shall any employee buy or charge any goods or services or any amount to the account of Dawson County for personal use. (The County's procurement ordinance and related policies are available at [www.dawsoncounty.org](http://www.dawsoncounty.org))

## *2.3: TIME-SWAPPING/SHIFT-SWAPPING*

Dawson County does not allow time or shift swapping between employees unless all shift Supervisors involved previously authorize the swap. Shift swapping is the practice of trading work shifts. Time or shift swaps without authorization are grounds for disciplinary action.

## *2.4: PAYROLL RECORDS*

Falsifying payroll records to show an individual is present when he/she is/was not present is grounds for disciplinary action up to and including termination.

## *2.5: OTHER EMPLOYMENT*

No employee may engage in any paid employment or outside business, or in the conduct of a profession, during the hours for which the employee is employed to work for the County or outside of work hours that interferes with the efficient performance of his/her duties and/or presents a conflict of interest while employed by Dawson County. If outside employment creates a conflict of interest, the employee will be expected to resign one of the positions. It is the responsibility of the employee to provide evidence from the secondary employer that he/she is covered under the secondary employer's workers' compensation policy or that such insurance is not required under Georgia law. Furthermore, secondary employers may be required to provide certificates of insurance demonstrating sufficient general liability coverage in addition to Georgia workers' compensation coverage when applicable. The employee must also obtain approval of the appointing authority, or designee, before accepting outside employment. (See Exhibit C). Any approved outside employment must be reported in writing to the Human Resources Director prior to commencing any outside employment.

*2.6: WORKERS' COMPENSATION*

Any employee who sustains an on-the-job injury must, at the time of the injury or as soon as possible thereafter, notify his/her Supervisor. The Supervisor shall immediately file the WC-1/First Report of Injury with the Human Resources Department. If the injury necessitates the employee's absence from work, the employee may elect to take the first 7 Working Days as sick Leave or personal Leave, and if the employee so elects, then the employee shall sign documents evidencing such election. If the nature of the injury necessitates an absence longer than seven (7) calendar days, the County's workers' compensation insurance carrier shall determine if the employee is eligible for further compensation. Eligible employees will receive workers' compensation benefits. A fraudulent claim is grounds for disciplinary action up to and including termination.

For more information on the County's workers' compensation Leave program, please refer to Regulation 3.3.5.

*2.7: VOTING RIGHTS*

No employee shall be given or refused employment, suspended or discharged because of his/her vote or failure to vote in any primary or election. Employees are encouraged to exercise their individual right to vote. Federal regulations now provide for advance voting during the week prior to each election, and employees are encouraged to take advantage of advance voting so that the County is not overburdened with absences on Election Day. Employees may contact the Elections Department regarding the location of polls for purposes of advance voting.

Each employee may, upon at least twenty-four hours prior notice to his/her Supervisor, take necessary time off from employment without loss of pay to vote in any municipal, county, state, or federal primary or election for which the employee is qualified and registered to vote. Such time off to vote shall not exceed one (1) hour. Any time off taken to vote pursuant to this Section must be approved by the applicable Supervisor and will not be charged against the employee's Personal Leave.

**RULE 3. WORK STANDARDS AND DISCIPLINE**

**3.1: WORK STANDARDS**

These rules and regulations are designed to express work standards, or what Dawson County expects from each employee. In brief, your County Government depends on you to do your best and to be on the job regularly. Your employer and fellow employees expect you to be responsive and to cooperate with others in a spirit of teamwork.

Violation of established work standards, depending on frequency and severity, may result in such disciplinary actions as reprimand, Suspension, Demotion and/or termination. Work standards violations requiring Supervisor intervention and possible disciplinary action include, but are not limited to:



### 3.1.1: PERFORMANCE

Performance is defined as unsatisfactory job performance resulting in inefficiency or ineffectiveness; unsatisfactory work practices or procedures; lack of cooperation with directives from Supervisors; negligence in carrying out duties; disregard for safety and security rules of the Department; and job abandonment.

### 3.1.2: ATTENDANCE

Excessive absenteeism and/or tardiness including but not limited to partial days absences; failure to keep Supervisor properly informed concerning absences or tardiness; unauthorized time swapping and/or shift swapping; falsifying of attendance or time records.

### 3.1.3: PERSONAL CONDUCT

In general, conduct that interferes with the operations of Dawson County, brings discredit to Dawson County, or is deemed inappropriate by Supervisors, co-workers, or the public is not tolerated. Examples of conduct that is not permitted, and will subject the individual involved to disciplinary action, up to and including immediate termination, include, but are not limited to:

- (a) Insubordination or uncooperative attitude, including, but not limited to, disrespect to a Supervisor, a higher ranking employee or official, co-worker, or the public, and failure to follow the lawful orders of a Supervisor;
- (b) Failure to do work at an acceptable level of competence;
- (c) Excessive tardiness, excessive absenteeism, unexcused absences, and absences when the employee does not have accrued Personal Leave or Sick Leave to accommodate the absence;
- (d) Conviction of a felony or a crime involving moral turpitude, if the conduct leading to such conviction is job related and the disciplinary action is consistent with business necessity;
- (e) Theft, abuse or misuse of County property or vehicles, violation of traffic laws while driving a County vehicle, failure to report damage or destruction of County property to a Supervisor, loaning property or equipment of the County without permission or proper authority;
- (f) Willfully giving false statements to Supervisors, officials, or the public;
- (g) Violation of County ordinances, administrative regulations, provisions of this Handbook, or Departmental rules;
- (h) Consumption or distribution of alcoholic beverages or illegal drugs or abuse

of prescription drugs or over-the-counter medication in a manner that violates the Dawson County Drug and Alcohol Free Workplace policies;

- (i) Acts during duty hours which are incompatible with public service;
- (j) Use of profane or abusive language or discourteous treatment of the public or other employees;
- (k) Consumption of alcoholic beverages or use of illegal, prescription, or over-the-counter drugs outside work hours in such a manner as to adversely affect attendance or job performance;
- (l) Falsification or destruction of official records or documents, or use of official position for personal benefit, profit, or advantage;
- (m) When duly and properly called as a witness before any County board, appeals board, state or federal judicial or administrative tribunal, and when before such tribunal, failing to answer truthfully any question concerning performance of official duties with the County;
- (n) Failure to report an occupational injury or accident during the shift on which it occurred;
- (o) Absence due to incarceration;
- (p) Use of any form of physical abuse of the public, Supervisors, or other employees, or making threats to the public, Supervisors, or other employees;
- (q) Violating any lawful official regulation or order or failing to obey any proper directive made and given by a superior officer;
- (r) Disgraceful or dishonest conduct;
- (s) Careless or negligent with the monies or other property of the County;
- (t) Failure to pay or make reasonable provisions for future payment of debt to such an extent that such failure is detrimental to the work relationship;
- (u) Use or threatening of use, or attempt at use of personal or political influence to secure employment benefits, including but not limited to, Promotion, Leave of Absence, transfer, change of pay rate, or character of work;
- (v) Taking for personal use from any person any fee, gift, or other valuable thing in the course of work or in connection with it, when such gift or other such valuable thing is given in the hope or expectation of receiving a favor or better treatment than that afforded other persons based upon the Code of Ethics for Government Service. See O.C.G.A. § 45-10-1;

- (w) Violating established security procedures during the Examination process or obtaining information, through unauthorized or illegal means, which provides an unfair advantage on the Examination;
- (x) Failure to acquire a valid license, registration, or certification when such license, registration, or certification is required and specified in the specifications for the class to which the position occupied by the employee is classified;
- (y) Wasted time, inefficiency, and/or loitering during working hours;
- (z) Violation of any provisions of the Code of Ethics for Government Service, this Handbook, or the applicable Departmental SOP;
- (aa) Release of confidential information learned as a result of employee's position without specific approval of the applicable Department Director, Constitutional Officer or the County Manager;
- (bb) Lending money or borrowing money from another County employee who makes a practice of loaning money and charging interest to employees; and/or
- (cc) Babysitting or keeping children in the employee's assigned work area.

#### 3.1.4: PROGRESSIVE DISCIPLINE

Whenever possible, Department Directors should provide employees with an opportunity to correct problematic behavior or poor performance. All Supervisors are encouraged to follow specific steps of progressive discipline. However, depending upon the nature of the employee's misconduct, poor performance, and/or length of employment, the use of progressive discipline shall be discretionary. Thus, while this Rule sets forth available mechanisms for discipline, certain steps may be skipped in a disciplinary process depending upon the nature of the employee's misconduct, poor performance, working test period status and/or length of employment. To the extent that progressive discipline is being utilized, when an employee engages in different types of misconduct or poor performance, each incident can provoke increased discipline, even if the incidents of misconduct or poor performance are in different areas or unrelated to other previous incidents. The mechanisms for progressive discipline may include, but are not limited to, verbal reprimand, written reprimand, Suspension without pay, Demotion, and Dismissal. While there are five steps identified in this Rule, this Rule should not be construed to require five incidents of misconduct or poor performance prior to Dismissal being an appropriate disciplinary sanction. Moreover, other forms of discipline not detailed in this Rule may be utilized in the discretion of the applicable Supervisor. All disciplinary actions shall be reduced to writing and forwarded to the Human Resources Director for maintenance in the employee's personnel file. All such disciplinary actions

shall remain in the employee's personnel file.

*Verbal Reprimand*

A verbal reprimand is an oral Notice of a policy violation, mistake, inefficiency, misconduct, poor performance, or other factors that may adversely influence an employee's ability to carry out his/her duties and responsibilities. Any Supervisor may verbally reprimand a subordinate employee at any time. Verbal reprimands may affect the employee's employment status, particularly if corrective action is not taken by the employee. All verbal reprimands should be documented in the employee's personnel file and shall be signed by the Human Resources Director to acknowledge receipt.

*Written Reprimand*

A written reprimand is a written Notice of a policy violation, mistake, inefficiency, misconduct, poor performance, or other factors that may adversely influence an employee's ability to carry out duties and responsibilities. Any Supervisor may reprimand in writing a subordinate employee at any time. Written reprimands are required to be shown and explained to the employee who will acknowledge receipt of same by his/her signature. If the employee refuses to sign, the same shall be noted. If the employee feels the written reprimand to be unjust, he/she must so state in writing giving the reasons, which must be done within five calendar days. An original copy of the reprimand, with the employee's response, if any, must be forwarded to the Human Resources Director to be placed in the employee's personnel file. The Human Resources Director will sign the written reprimand to acknowledge receipt. A written reprimand may be presented on a form adopted by the applicable Department or available from the Human Resources Department, or the written reprimand may be in letter or memo form.

*Suspension Without Pay*

The County Manager, a Department Director, or his/her respective designee, as applicable, may, by written Notice to the employee, suspend an employee without pay. Any such Notice of Suspension must be forwarded to the Human Resources Director to be placed in the employee's personnel file. The Human Resources Director will sign the Suspension Notice to acknowledge receipt. An employee who is suspended for any reason may not utilize Personal Leave so as to be compensated during the Suspension without pay period.

An employee may be suspended in the following manner:

- (a) Disciplinary Suspension

In an attempt to correct unacceptable behavior and/or work performance issues, an employee may be suspended for a specified period of time without pay. All such disciplinary Suspensions for a specified period of time shall be stated in hours, rather than days or shifts. The total period of any Suspension without pay for disciplinary purposes shall not exceed 120 hours.

An employee in the position of exempt status may be suspended without pay in increments of the equivalent of one or more full days imposed in good faith for violation of workplace rules. Non-Exempt employees may be suspended without pay in consecutive full or partial day increments.

(b) Suspension Pending a Court Decision

An employee shall be suspended indefinitely without pay at the discretion of the County Manager or the applicable Department Director, or his/her respective designee, when awaiting trial on criminal charges, the nature of which would impede or undermine the employee's ability to satisfactorily perform his/her job. The employee will be given the opportunity to demonstrate that the criminal charges should not subject him/her to Suspension from employment with the County. Thereafter, the County will make a determination on whether said Suspension is job related and consistent with business necessity.

In the alternative, if the employee's actions and/or the criminal charges are such that it is not in the best interest of the County for the employee to remain in the County workforce, the County Manager or the applicable Department Director, or his/her respective designee, as applicable, may elect to terminate the employee upon Notice of the criminal charges or at any time thereafter. The employee will be given the opportunity to demonstrate that the criminal charges should not subject him/her to Dismissal from employment with the County. Thereafter, the County will make a determination on whether said Dismissal is job related and consistent with business necessity.

If the County does not elect to terminate the employee during the pendency of criminal charges, upon receipt of Notice from the employee that the criminal matter has been resolved by Dismissal, plea, or trial, the County Manager or the applicable Department Director, or his/her respective designee, shall make a determination as to whether the employee shall be reinstated and whether any such reinstatement shall be with or without loss of pay. If an employee is fully exonerated of all criminal charges, the employee shall be reinstated without loss of pay, privileges, benefits, or status retroactive to the date of Suspension.

(c) Suspension Pending Drug/Alcohol Testing

An employee shall be suspended without pay immediately upon being required to submit to a reasonable suspicion drug or alcohol test. The total period of any Suspension without pay shall be for an indefinite period of time, which shall conclude upon completion and receipt of the drug or alcohol test and any applicable confirmation tests.

An employee who initially tests positive for drugs or alcohol pursuant to any other type of drug or alcohol testing (such as workers' compensation testing, return to duty testing, post-accident testing, and/or random testing) shall be immediately suspended without pay pending any applicable confirmation of the positive test results. The period of Suspension shall be for an indefinite period of time, which period shall end upon completion and receipt of any applicable confirmation tests.

#### *Suspension During Investigation/Paid Administrative Leave*

A Suspension during an investigation is referred to as Administrative Leave. Designation of such an absence from the workplace as "Administrative Leave" is to prevent any possible stigma against an employee during a period of Administrative Leave.

#### *Demotion*

The County Manager or the applicable Department Director or his/her respective designee may by written Notice to the employee, demote an employee for disciplinary purposes. When an employee is demoted to a lower Grade, the employee's salary will decrease by that percentage difference between the minimum salary for his/her former position and the minimum salary applicable to his/her new position. Employees will be subject to a working test period upon Demotion. All Demotions must be approved in writing by the County Manager.

#### *Dismissals*

An employee may be dismissed or terminated from employment with Dawson County for disciplinary purposes.

Immediate Dismissal, in the absence of progressive discipline, may be necessary in certain circumstances. The following list includes some, but not all, offenses that may be grounds for immediate Dismissal:

- (a) Theft;
- (b) Falsification of documentation and/or other acts of dishonesty;
- (c) Fighting or other physical violence or threats of violence;
- (d) Wrongful or negligent destruction of Dawson County property;

- (e) Conviction of a felony or other offense that, in the opinion of the County, conflicts with and/or undermines the employee's performance of his/her job duties. The employee will be given the opportunity to demonstrate that the conviction should not exclude him/her from employment with the County. Thereafter, the County will make a determination on whether said termination is job related and consistent with business necessity;
- (f) Possession of firearms, Weapons, or explosives on Dawson County property without the express consent of the County Manager, or as otherwise allowable pursuant to applicable law(s);
- (g) Use, possession, sale, or testing positive for alcohol or illegal drugs on Dawson County property or while on duty, and/or failure to submit to testing for same;
- (h) Use, possession, sale, or testing positive for prescription or over-the-counter drugs that lead an employee to be unfit for duty;
- (i) Falsification of an employment application or other information for the purposes of obtaining employment or any benefits from Dawson County;
- (j) Violation of safety rules that endanger lives or safety and/or any conduct that endangers lives or safety;
- (k) Violation of the Dawson County's anti-harassment, non-discrimination, and/or internet use policies;
- (l) Unreported or unauthorized absences of three consecutive Working Days;
- (m) Unauthorized and repeated tardiness; and
- (n) Gross insubordination.

3.1.5 : APPEARANCE

All personnel are expected to present the highest professional standards of personal hygiene and appearance while performing their duties and while representing Dawson County in an official capacity. The provisions of this policy are applicable to all Dawson County employees, including temporary and contracted employees. (See Exhibit G)

**3.2: ATTITUDE AND BEHAVIOR**

County employees must conduct themselves in a courteous and professional manner. Employees

shall not use inflammatory, provocative or profane language, sexual slurs, racial slurs, and shall not demonstrate an unresponsive attitude or be disrespectful to the public or fellow employees.

### *3.3: INSUBORDINATION*

Insubordination includes but is not limited to failure to follow rules, policies, ordinances, professional practices, and willful failure to follow directives by Supervisors or management. Any employee who manifests resistance - verbal, physical or otherwise - towards a Department Head or Supervisor shall be subject to immediate Suspension and/or discharge.

### *3.4: DRUG AND ALCOHOL FREE WORK PLACE*

#### *STATEMENT OF POLICY*

Dawson County is committed to maintaining a work environment free from the adverse impact of employee drug and alcohol abuse. Employee drug and alcohol abuse constitutes a direct threat to the lives and property of the employees and citizens of the County and to the public health, safety, and welfare of all persons in the County.

Dawson County does not and will not tolerate any employee's possession, sale, distribution, consumption or presence in the body of alcoholic beverages or illegal drugs while on County property and/or on County business at any time.

This Rule is intended to comply with federal regulations and state laws that mandate pre-employment, reasonable suspicion, random, and post-accident testing of certain positions of employment, and to further the objective of protecting the persons and property of the County's employees, citizens and the general public. This Rule will be strictly enforced against all employees. To the extent that this Rule and any results from a fitness for duty test conflict, the most strenuous provision favoring a drug and alcohol free workplace shall govern.

#### *DRUG AND ALCOHOL USE PROHIBITED FOR ALL EMPLOYEES*

This Rule applies to all employees. This Rule applies to off-site lunch periods or breaks when an employee is scheduled to return to work, as well as to County Premises. Visitors, vendors, and contractors are governed by this Rule to the extent they are on County Premises or in County vehicles and will not be permitted to conduct business if found to be in violation of this Rule.

#### *DRUG AND ALCOHOL USE PROHIBITED ON COUNTY PREMISES*

Substance and alcohol use by Dawson County employees during assigned working hours on County Premises, or otherwise while on County business is prohibited. This shall include the use of illegal substances, the abuse of prescription medications and over-the-counter medications, and the use of or abuse of alcohol.

As used herein, "County Premises" includes all property, facilities, land, platforms, buildings, structures, fixtures, installations, parking lots, and vehicles, whether leased or used by Dawson County government or its officials, managers, Supervisors, employees, or other agents. This definition also includes locations other than County headquarters and offices, including all other locations of County-sponsored recreational, social, or educational events, and any place where a



Dawson County employee is located while traveling to or from such location in the course and scope of his duties on behalf of the County, including an employee's own vehicle when the employee is using it on County business, or when the vehicle is parked on County property. This definition shall not be interpreted to imply that the County assumes or accepts responsibility for any wrongful, tortious, negligent or criminal acts of any person whom it employs when such person is not acting pursuant to a County Supervisor's instruction in furtherance of the County's business, nor shall it constitute a waiver of any immunity which Dawson County or its officials or employees might have under federal, state or local laws or ordinances.

### *IMPAIRMENT*

Drug and alcohol abuse on or off County Premises is entirely inconsistent with fitness for duty and as such shall constitute an impairment. Dawson County prohibits employees from being at work, on County Premises, operating County equipment, or operating any other equipment or vehicles on County business while impaired due to any illegal drug(s), legally obtained drug(s), or alcohol.

### *PROHIBITED SUBSTANCES*

#### (a) Illegal Drugs or controlled substances

- (i) "Illegal drug(s) or controlled substance(s)" means any drug or substances the law prohibits individuals from manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, selling, or otherwise transferring, including, without limitation, all drugs listed as controlled substances under Title 16 of the Official Code of Georgia. This definition encompasses any measurable amount of any drugs or controlled substances such as amphetamines, cannabinoids, cocaine, phencyclidine (PCP), methadone, methaqualone, opiates, barbiturates, benzodiazepines, propoxyphene or other drugs made unlawful under federal or state laws, or a metabolite of any such substances, "look-alikes," "designer drugs" having the same or similar psychotropic effects, unauthorized alcoholic beverages, marijuana, hallucinogens (whether natural or synthetic), inhalants, unauthorized prescription drugs, or authorized drugs which are not prescribed for a verifiable medical condition and/or are not used in strict accordance with this Rule and with the prescribing physician's instructions, or any other substances that are mood-altering, mind or consciousness-affecting, or which are likely to have an effect upon a person's perceptions, sensations, thought processes, self-awareness, emotions, or other mental or physiological or psychological reactions or behavior. It also includes urinaid or other substances, natural or synthetic, of a similar nature or purpose designated or used to alter a urine specimen or to conceal illicit chemical substances or their metabolites in an initial screening test.
- (ii) Dawson County prohibits employees from manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, selling or otherwise transferring any illegal drug(s) or controlled substance(s) while on the job, on call, on County Premises, while operating County equipment or vehicles, or while operating any

other equipment or vehicle while on County business.

- (iv) An employee is impaired due to the influence of illegal drug(s) or controlled substance(s) if such employee's drug test results indicate the presence of an illegal drug or controlled substance in an amount that constitutes a positive test under accepted scientific standards.

(b) Legally Obtained Drugs

- (i) A "legally obtained drug" includes prescription drugs and over-the-counter drugs. A "prescription drug" means any substance that is attainable only by lawful prescription from a physician. "Over-the-counter" medication includes any substance that does not require a prescription, but which has the capacity to affect a person physically, mentally, or emotionally or which could otherwise affect a person's ability to perform.
- (ii) Employees must not be on the job, on call, on County Premises, operating County equipment or vehicles, or operating any other equipment or vehicle while on County business while impaired due to any drug, legal or illegal, that renders the employee unfit for duty. An employee is "unfit for duty" if, in the County's opinion, the employee's use of legally obtained drugs jeopardizes his or her ability to work safely and efficiently. An employee who is using legally obtained drugs must notify his or her immediate Supervisor of any and all symptoms and probable adverse side effects that may render him or her unfit for duty. An employee's failure to so notify the County constitutes grounds for disciplinary action, up to and including, termination. If any employee's medically required use of legally obtained drugs renders the employee unfit for duty and, in the opinion of the County, a temporary alternative job assignment is not available, the employee will be considered unfit for duty.
- (iii) Employees using legally obtained drugs while on the job shall do so in strict accordance with physician and/or manufacturer's directions. It is the employee's responsibility to notify the prescribing physician of the duties required by the employee's position and to ensure that the physician approves the use of the prescription medication while the employee is performing his or her duties.
- (iv) The abuse and/or inappropriate use of legally obtained drugs while on the job, on call, on County Premises, while operating County equipment or vehicles, or while operating any other equipment or vehicle while on County business shall be prohibited and is a disciplinary matter. Job performance or attendance deficiencies resulting from abuse and/or inappropriate use shall be cause for disciplinary action.

(c) Alcohol

- (i) "Alcohol" includes any beverage or substance containing alcohol manufactured for the primary purpose of personal consumption. Dawson County prohibits employees from using, consuming, possessing, distributing, purchasing, selling, or otherwise transferring alcoholic beverages on the job, on call, on County premises, while operating County equipment or vehicles, or while operating any other equipment or vehicles while on County business.
- (ii) No employee shall use alcohol while on the job, on call, on County Premises, while

operating County equipment or vehicle, or while operating any other equipment or vehicle while on County business. In addition, no employee shall use alcohol within four hours of reporting for duty. Violation of these provisions is prohibited and subjects the employee to discipline, up to and including termination.

- (iii) Dawson County also prohibits employees from being on the job, on call, on County Premises or operating County equipment or vehicles, or operating any other equipment or vehicles on County business while under the influence of alcohol. An employee is “under the influence of alcohol” if, based upon the employees’ speech statements, behavior, conduct, appearance, or odor, the County reasonably believes the employee is under the influence of alcohol in a manner that is adversely affecting the employee’s behavior. An employee is also under the influence if an evidential breath test indicates a result of 0.02 percent or higher. An employee is further considered under the influence of alcohol if he has been arrested for operating under the influence of alcohol any County equipment or vehicles, or any other equipment or vehicles while on County business.

#### *WHEN TESTING IS REQUIRED*

- (a) Pre-Employment/Post-Offer Testing

All Applicants for positions of employment with Dawson County, will be tested for drugs after a conditional offer of employment has been extended. Drug tests must also be performed on all seasonal and shift employees in Safety Sensitive or CDL positions returning to employment with the County after six months of absence from employment. No such Applicant/new hire or such seasonal or shift employee shall report to duty or be allowed to report to duty until the results of the drug test are obtained. Any such Applicant/new hire or seasonal or shift employee described above who refuses a pre-employment/post-offer drug test(s) or who tests positive, shall not be extended a final offer of employment and will not be considered for any subsequent employment for a period of at least two years. The Applicant will, however, be afforded the opportunity to contest the test results as set forth in this Rule.

- (b) Random Testing

All employees who are required to hold a commercial driver’s license (hereinafter referred to as “CDL” or “CDL positions”) and employees in Safety Sensitive Positions shall be subject to random testing as follows:

- (i) Tests will be ordered on a random, unannounced basis from the pool of identified CDL and Safety Sensitive employees.
- (ii) A random selection method and test rates as adopted by the Human Resources Director will be used to select employees, thereby allowing each employee an equal chance of being tested each month. Random selection test rates are subject to change as determined by the Human Resource Director.

- (iii) An employee's name will remain in the pool after being selected so that every employee will have an equal chance of being tested each time selections are made. Therefore, it is possible that any CDL or Safety Sensitive employee, who is randomly selected for testing, may be randomly selected again during the same year.

(c) After-Care Testing

Persons in CDL and Safety Sensitive Positions returning to work from an approved treatment program for drug or alcohol abuse may be subject to unannounced testing at the discretion of the Department Director for a period of six months following the employee's return to work.

(d) Return to Duty Testing

All employees in Safety Sensitive or CDL positions who are absent from work for more than thirty days, for any reason, shall be tested for drugs immediately upon returning to work and before performing any job duties.

(e) Position Testing

Employees who are transferred, reclassified, promoted, or demoted from a non-CDL/non-Safety Sensitive Position into a CDL or Safety Sensitive Position will be tested for drugs before performing any job duties in the new position.

(f) Reasonable Suspicion

All employees will be subject to testing when there is reasonable suspicion that the employee has used drugs or misused alcohol in violation of this Rule. Any employee who is required to take a reasonable suspicion test will be immediately suspended without pay pending the results of the test and confirmation of the results, if applicable.

- (i) Any Supervisor who has received training in the signs and symptoms of drug and alcohol use and impairment may require an employee to undergo a reasonable suspicion test(s) for drugs or alcohol. A reasonable suspicion test may be required based upon, but not limited to the following:
  - (1) the personal observation of the employee's job performance, appearance, behavior, speech, or odor by the trained individual creating a reasonable suspicion that the employee has used drugs or alcohol in violation of this Rule;
  - (2) personal observation of the employee by another individual who has fully disclosed the observation to the trained Supervisor;
  - (3) observation of the employee by a nurse or physician engaged in the treatment or evaluation of a work related injury who has disclosed such observations to the County; or
  - (4) information from a law enforcement agency received by the County.

Additionally, any untrained Supervisor may require a reasonable suspicion test(s) for drugs or alcohol when a trained Supervisor or the Human Resources Director has reviewed the underlying facts and agrees that reasonable suspicion exists to require a test.

- (ii) Specific and objective facts indicating that an employee's drug or alcohol use may have caused or have been a contributing factor to an on-duty Motor Vehicle accident will give rise to a reasonable suspicion test(s) for drugs or alcohol. The following facts, if present, may independently or collectively, depending upon the circumstances, give rise to reasonable suspicion:
  - (1) The appearance, behavior, speech or odor of the employee immediately prior to or after the accident;
  - (2) The employee left the scene or attempted to leave the accident scene without legal authority or permission to do so, or failed to report the accident to the appropriate individual or otherwise attempted to keep appropriate persons from learning about the accident or the extent of the accident;
  - (3) The employee acted contrary to a safety rule, established safety practice or otherwise engaged in demonstrably unsafe behavior for which there is no reasonable explanation;
  - (4) The employee was arrested or received a traffic citation;
  - (5) The employee or any other person received medical attention as a result of the accident; and
  - (6) The employee has been involved, as a contributing factor, in a pattern of repetitive on-duty accidents whether or not they involved actual or potential injury.

Notwithstanding the foregoing factors indicating reasonable suspicion of drug or alcohol use due to involvement in an on-duty Motor Vehicle accident, it is the policy of the County to administer drug and alcohol tests to any and all employees involved in any of the accidents described in paragraph (g) below.

- (iii) Specific and objective facts indicating that an employee's drug or alcohol use may have caused or been a contributing factor to an on-duty accident involving the use of heavy machinery will give rise to a reasonable suspicion test(s) for drugs or alcohol. The following facts, if present, may independently or collectively, depending on the circumstances, give rise to reasonable suspicion:
  - (1) the appearance, behavior, speech or odor of the employee immediately prior to, or after, the accident;
  - (2) the employee left the accident scene or attempted to leave the accident scene without legal authority or authorization to do so, or failed to report the accident to the appropriate individual or otherwise

- attempted to keep appropriate persons from learning about the accident or the extent of the accident;
- (3) the employee acted contrary to a safety rule, established safety practices or otherwise engaged in demonstrably unsafe behavior without a reasonable explanation;
  - (4) the employee or any other person received medical attention as a result of the accident; and
  - (5) the employee has been involved as a contributing factor in a pattern of on-duty accidents whether or not they involved actual or potential injury.

Notwithstanding the foregoing factors indicating reasonable suspicion of drug or alcohol use due to involvement in an on-duty accident involving the use of heavy machinery, it is the policy of the County to administer drug and alcohol tests to any and all employees involved in any of the accidents described in paragraph (g) below.

(g) Post-Accident Testing

Alcohol and drug test(s) should be completed within eight hours of an accident resulting in any of the events described below. This testing is to be performed in addition to any drug or alcohol test(s) ordered by law enforcement authorities. It is the responsibility of the immediate Supervisor to ensure the involved employee or individual reports immediately for testing. Failure to do so can result in disciplinary action taken against the Supervisor and/or employee up to and including immediate termination.

Drug and alcohol testing must be performed within policy guidelines when any employee, while operating a County vehicle, transit vehicle or heavy machinery is involved in an accident that results in: (1) a fatality; or (2) a citation issued to the employee; or (3) an injured person requiring immediate medical treatment away from the scene; or (4) damage to County or personal property; or (5) damage to a vehicle to the extent that it is towed away.

(h) Post-Workplace Injury Testing

Alcohol and drug tests should be completed within eight hours of any workplace injury. The involved employee must report immediately for testing, or be subject to immediate termination.

*PERSONS SUBJECT TO TESTING*

(a) CDL Employees

Employees who are required to possess a CDL license as a job requirement are subject to all testing provisions of this Rule, including, but not limited to, pre-employment, post-accident, reasonable suspicion, random testing, position testing, return to duty and follow-

up testing. CDL employees will be tested based on procedures in compliance with the U.S. Department of Transportation's Transportation Workplace Drug and Alcohol Testing Programs regulations set forth in 49 CFR Part 40 ("DOT Guidelines").

(b) Safety Sensitive Employees

Safety Sensitive employees occupy positions where a lapse of judgment or impaired physical/mental ability in performing any essential job function could reasonably result in a significant threat of harm to the employee, fellow employees, citizens, inmates, or others. Safety Sensitive Positions include, but are not limited to, those which, as a part of the essential job functions, require: operation of a County vehicle two (2) or more times during a normally scheduled workweek of that position; the performance of law enforcement duties as a POST-certified law enforcement officer; possession of a firearm; providing emergency medical, rescue, or fire suppression services; interacting with incarcerated persons or persons on probation for drug charges; direct involvement in the enforcement of drug laws; direct involvement, access to, handling of or testing of illegal drugs that have been seized, confiscated by or taken into custody by law enforcement; the performance of duties essential to drug interdiction; primarily operating motorized equipment, heavy machinery or heavy equipment or the maintenance of Motor Vehicles, motorized equipment, heavy machinery or heavy equipment and are not otherwise designated as a CDL position subject to DOT Guidelines; or the performance of duties which directly affect public health or safety.

Safety Sensitive employees are subject to all testing provisions of this Rule, including, but not limited to, pre-employment, post-accident, reasonable suspicion, random, position testing, return to duty and follow-up testing. Safety Sensitive employees will be tested based upon procedures in compliance with DOT Guidelines.

(c) All Employees

Employees are subject to certain provisions of this Rule including, post-accident, reasonable suspicion, and position testing. Employees not holding a CDL or Safety Sensitive Position shall be drug tested via non-DOT drug testing guidelines.

(d) Job Applicants

All Applicants are subject to pre-employment testing after a conditional offer of employment has been extended.

(e) Employees in Offices of Elected Officials

Employees in the offices of Elected Officials are subject to the testing provisions contained in this Rule, unless the Elected Official has adopted a more stringent drug and alcohol workplace policy specific to his or her Department.

*PROCEDURES FOR TESTING*

- (a) Whenever a drug or alcohol test(s) is to be performed under this Rule, the Department Director or his/her designee shall be notified of the circumstances necessitating the test(s) as soon as possible.
- (b) Alcohol screening will be conducted using a federally approved evidential breath-testing device or the use of a swab/saliva test performed by an approved independent medical facility.
- (c) All drug tests, regardless of the purpose for the test, shall be performed as a Panel 5 test for the following five drugs or classes of drugs: (1) Marijuana metabolites; (2) Cocaine metabolites; (3) Amphetamines; (4) Opiate metabolites; and (5) Phencyclidine (PCP).
- (d) All drug tests shall be administered and accounted for by an approved laboratory and/or medical facility that is operating in compliance with the U. S. Department of Health and Human Services (DHHS). Testing will involve an initial screening test(s) and confirmation of positive tests by gas chromatography/mass spectrometry (GC/MS) analysis. Tests will be certified, to the fullest extent possible under the circumstances, by a laboratory approved by the DHHS.
- (e) All positive test results for drugs will be interpreted by a physician approved by the County as a medical review officer ("MRO") before the results are reported to the County. Prior to notifying the County, the MRO will make reasonable efforts to contact the employee for the purpose of allowing the employee to offer an alternative medical explanation for the positive test result. If the MRO is able to contact the Applicant or employee and determines there is a legitimate medical explanation for the positive test, the result will be communicated as negative to the County. The MRO's inability to contact the Applicant or employee before providing test results to the County will not void the test results or make the test results unusable in any subsequent disciplinary action. An Applicant or employee who fails to respond to an inquiry by the MRO within forty-eight hours of such inquiry shall have waived his/her opportunity to offer an alternative medical explanation for the positive test result or to request confirmation testing. Because the employee is present for interpretation of an alcohol test, the procedure concerning prior notification by the MRO is not applicable.
- (f) Upon notification by the MRO of a confirmed positive result for drugs, the employee may request, within five calendar days of such notification, that the remaining portion of his/her specimen undergo a second confirmation test at his/her expense at a DHHS laboratory of his/her choice. If the test conducted by the laboratory selected by the employee is negative for the presence of drugs, a third test



may be made at the County's sole expense at a separate DHHS facility of its own choosing. The results of the third facility will be determinative. If the results from the third facility are negative, all prior positive tests will be disregarded and shall not be the basis for any disciplinary or adverse action. This option of a confirmation test is contingent upon there being enough of the specimen remaining to allow for a confirmation test.

- (g) The County will make reasonable efforts to notify the employee in writing of a positive drug test within five days from the date it receives the test results. Because the results of a breath alcohol test are immediately available, this provision will not apply to alcohol tests conducted in such a manner.
- (h) Any employee ordered to be tested based upon reasonable suspicion, shall be immediately removed from duty, escorted to the testing facility, and taken home (unless other suitable arrangements have been made to transport the employee). Under no circumstances will the employee be allowed to drive himself or herself home. The employee shall be suspended without pay pending the results of the test and any confirmation tests, if applicable. If the positive test is explained or negated by the MRO and/or subsequent confirmation testing, the employee shall be reinstated with back pay and the Suspension without pay will be expunged from the employee's personnel file.
- (i) In the event that it is not reasonable under the circumstances to conduct an alcohol test based on a breath test, the County reserves the right to test for the presence of drugs or alcohol by a blood test analysis. If this procedure is used, the County will make reasonable efforts to notify the employee of the results within ten days after the results are received. A MRO will not be used when a blood test for alcohol is conducted.

#### *CONSENT FOR TESTING*

Prior to date of hire, all employees and job Applicants will be provided a consent form consenting to any and all frequency of drug and/or alcohol test(s) set forth in this Rule and permitting the release of test results to the employer and/or the medical review officials. Signed consent forms are kept on file by the Human Resources Department and are enforceable for the duration of employment.

Any employee subject to drug and alcohol testing under this Rule who refuses to submit to a drug and alcohol test as required herein shall be subject to termination. Employees who refuse to be escorted or fail to appear at the designated collection site to take the test when so directed or as required by this Rule shall also be subject to termination.

Refusal can include an inability to provide a sufficient urine specimen, breath or saliva sample without a valid medical explanation, as well as a verbal declaration, obstructive

behavior, or physical absence resulting in the inability to conduct the test.

#### *ARRESTS/INDICTMENTS/CONVICTIONS FOR DRUG OR ALCOHOL RELATED OFFENSES*

An employee must report his/her arrest, indictment and/or conviction for violation of a criminal drug statute (including any drug or alcohol offenses under local, state or federal law, including but not limited to any drug or alcohol offenses enumerated in the Official Code of Georgia Annotated) whether the violation occurs in or outside the workplace or on or off duty, to his/her immediate Supervisor or Department Director. An employee must report such an arrest, indictment or conviction as soon as possible, but in no event later than 72 hours after such arrest, indictment and/or conviction. The term "conviction" as used in this Policy means a plea of guilty or a finding of guilt (including a plea of nolo contendere and regardless of treatment as a first offender under Georgia law), imposition of a sentence, or both, by any judicial body charged with a responsibility to determine violations of the federal or state criminal drug statutes. The County will make a determination at that time whether the arrest, indictment and/or conviction causes a temporary or permanent disqualification from holding that position, or constitutes grounds for disciplinary action up to and including termination.

An employee who violates this Policy may be subject to disciplinary action, up to and including immediate termination of employment.

#### *SEARCHES*

All County-issued equipment, property and facilities, including but not limited to, desks, lockers, and vehicles (collectively "Materials") are subject to inspection at any time and for any reason. No employee shall have any privacy interest whatsoever in any County-issued Materials. No personal property may be searched unless the owner of the property has consented or a search is otherwise legally permissible. If an individual is asked to submit to a search, and refuses, that individual will be considered insubordinate and will be subject to discipline, up to and including, termination.

If a search uncovers evidence of employee wrong doing, illegal activity, or employee violations of County rules or policies, the evidence may be used to support disciplinary actions up to, and including, termination. In cases involving suspected illegal activities, the evidence may be turned over to the proper legal authorities.

#### *CONFIDENTIALITY*

All reports of test results for drug and alcohol, searches, or any employee referral to, or participation in an assistance program or treatment program for addictive disorders, will be maintained in strict confidence. Any person authorized to have access to such confidential information, who, without authorization, discloses it to another person shall have engaged in gross misconduct and be subject to severe disciplinary action, up to and including, termination. The confidentiality of such information shall not apply to any use by or communication to the Dawson County attorneys, or where the information is relevant to the

County's defense in an administrative or civil action. Such information may also be disclosed to the extent required by any federal, state or local law, statute, ordinance or regulation.

### *DISCIPLINE*

(a) Immediate Suspension

An employee who tests positive for drugs or alcohol shall immediately be relieved from duty, placed on Suspension without pay, and sent home pending disciplinary action. If the positive test is explained or negated by the MRO and/or subsequent confirmation testing, the employee shall be reinstated with back pay and the Suspension without pay will be expunged from the employee's personnel file.

(b) Disciplinary Action

An employee who violates any provision of this Rule is subject to discipline, up to and including termination. If terminated, the employee will not be eligible for rehire.

(c) Immediate Termination

The following reasons shall be presumed to result in immediate termination of an employee:

- (i) Manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, or selling, or otherwise transferring an illegal drug(s) or controlled substance(s) while on the job, on call, on County Premises, while operating County equipment or vehicles, or while operating any other equipment or vehicles on County business.
- (ii) Operating County motorized equipment while unfit for duty due to the use of drugs and/or alcohol.
- (iii) Conviction for violation of any drug law.
- (iv) Refusing to consent to or to take a drug or alcohol test pursuant to this Rule.
- (v) Failure to appear at the designated collection site to take a drug or alcohol test when so directed or as required by this Rule.
- (vi) A confirmed positive test for drugs or alcohol.

### *3.6: SAFE WORK PRACTICES*

Standard safety procedures as established by the County, State, Federal (OSHA) and/or various departments shall be adhered to at all times. Violation of safety regulations such as performing work in an unsafe manner or failure to use required safety equipment is grounds for discipline or

termination. Anything creating a threat to employees, co-workers or the general public is grounds for discipline or termination.

### ***3.7: SEAT BELT POLICY***

The use of seat belts is required by the driver and passengers in all County vehicles equipped with seat belts while said vehicle is in motion on roads and highways. It is also required that seat belts be used for off-road vehicles such as tractors, road graders, and heavy equipment, or any piece of County equipment equipped with a seatbelt. Noncompliance will result in disciplinary action. (See Exhibit E)

### ***3.8: VIOLENCE AND WEAPONS***

The County believes in maintaining a safe and healthy workplace, in part by promoting open, friendly, and supportive working relationships among all employees. Violence or threats of violence have no place in the workplace. Violence is not an effective solution to any problem. Neither threats of violence nor fighting will be tolerated. Employees are strictly prohibited from bringing any Weapons, including knives, pistols, rifles, stun guns, mace, etc., to the worksite or office in the course and scope of their employment with the County. A person with a valid Weapons-carry license, as the terms "Weapon" and "Weapons-Carry License" are defined in O.C.G.A. § 16-11-125.1(5) and (6), may carry a Weapon into a County building or portion of a building when the building or portion thereof is open for business except if ingress to the building or portion of the building is restricted or screened by security personnel. Knives required for job duties or personal pocket knives with blades of less than three inches are acceptable.

The paragraph above shall have no application to County elected or appointed officials, constitutional officers and their respective employees, and any other County officer or agent for whom an exemption is authorized by law.

Employees are expected to immediately report to their Supervisor any violation of this policy. Any employee found threatening another employee, fighting, and/or carrying Weapons to the worksite will be subject to disciplinary action, up to and including termination.

## **RULE 4: ETHICAL AND BEHAVIORAL EXPECTATIONS**

### ***4.1: CODE OF ETHICS FOR PUBLIC SERVICE***

It is the policy of the Dawson County Board of Commissioners to uphold, promote, and demand the highest standards of ethics from all of its employees. County employees shall conduct themselves in accordance with the Code of Ethics for Government Service (O.C.G.A. § 45-10-1):

There is established for and within the state and for and in all governments therein a code of ethics for government service which shall read as follows:

--CODE OF ETHICS FOR GOVERNMENT SERVICE--

Any person in government service should:

I. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or government department.

II. Uphold the Constitution, laws, and legal regulations of the United States and the State of Georgia and of all governments therein and never be a party to their evasion.

III. Give a full day's labor for a full day's pay and give to the performance of his duties his earnest effort and best thought.

IV. Seek to find and employ more efficient and economical ways of getting tasks accomplished.

V. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not, and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.

VI. Make no private promises of any kind binding upon the duties of office, since a government employee has no private word which can be binding on public duty.

VII. Engage in no business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.

VIII. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.

IX. Expose corruption wherever discovered.

X. Uphold these principles, ever conscious that public office is a public trust.

#### *4.2 TOBACCO USE*

Consistent with the public health concerns addressed by the adoption of the Georgia Smokefree Air Act of 2005, the County's policy is to provide tobacco-free environments for our employees, customers, and the general public. Tobacco use of any kind is prohibited inside our office, inside any County vehicle, and on our worksites.

Employees are also responsible to inform all those working on our job sites of this tobacco-free policy, and report to their Supervisor any violation of this policy.

#### *4.3: USE OF COUNTY-OWNED EQUIPMENT OR MANPOWER*

No employee shall take any County-owned vehicle, County supplies or equipment or County-paid manpower for personal use. Employees shall only use supplies or equipment in the manner authorized by the Department Head. Emergency use is authorized in the cases of sickness or injury. Emergency use is to be reported as soon as possible.

#### *4.4: CRIMINAL CHARGES AGAINST AN EMPLOYEE*

Employees must notify their immediate Supervisor of any arrests or convictions within three Business Days of the incident.

An employee shall be suspended indefinitely without pay at the discretion of the County Manager or the applicable Department Director, or his/her respective designee, when awaiting trial on criminal charges, the nature of which would impede or undermine the employee's ability to satisfactorily perform his/her job. The employee will be given the opportunity to demonstrate that the criminal charges should not subject him/her to Suspension from employment with the County. Thereafter, the County will make a determination on whether said Suspension is job related and consistent with business necessity.

In the alternative, if the employee's actions and/or the criminal charges are such that it is not in the best interest of the County for the employee to remain in the County workforce, the County Manager or the applicable Department Director, or his/her respective designee, as applicable, may elect to terminate the employee upon Notice of the criminal charges or at any time thereafter. The employee will be given the opportunity to demonstrate that the criminal charges should not subject him/her to Dismissal from employment with the County. Thereafter, the County will make a determination on whether said Dismissal is job related and consistent with business necessity.

If the County does not elect to terminate the employee during the pendency of criminal charges, upon receipt of Notice from the employee that the criminal matter has been resolved by Dismissal, plea, or trial, the County Manager or the applicable Department Director, or his/her respective designee, shall make a determination as to whether the employee shall be reinstated and whether any such reinstatement shall be with or without loss of pay. If an employee is fully exonerated of all criminal charges, the employee shall be reinstated without loss of pay, privileges, benefits, or status retroactive to the date of Suspension.

A conviction of a felony or a crime of moral turpitude may be grounds for Dismissal.

#### *4.5: DISCLOSURE OF INFORMATION*

County employees, by reason of their position, may at times have protected confidential or privileged information. Employees are prohibited from releasing such information without specific approval of their Department Head or the County Manager.

Protected confidential information includes, but is not limited to, the following: matters of a technical nature, such as computer software, product sources, product research and designs; and matters of a business nature, such as customer lists, customer contact information, associate information, on-site program and support materials, candidate and recruit lists and information,

personnel information, placement information, pricing lists, training programs, contracts, sales reports, sales, financial and marketing data, systems, forms, methods, procedures, and analyses, and any other proprietary information, whether communicated orally or in documentary, computerized or other tangible form, concerning the County's or its customers' operations and business.

Employees should ensure that any materials containing confidential or proprietary information are filed and/or securely stored before leaving work areas each day. During the Workday, employees should not leave any sensitive information lying openly visible or unguarded.

Dawson County is a public entity and is subject to the Georgia Open Records Act. Therefore, any request for information should be forwarded to the employee's Elected Official or the Dawson County Clerk for appropriate handling. The employee should not release any information but refer such requests as stated herein.

If you have any questions about this policy, consult your Supervisor or the County Manager.

#### *4.6: POLITICAL ACTIVITY RULE*

Employees of the County are encouraged to exercise their right to vote, but no employee shall make use of County time or equipment to aid a political candidate, party or cause; or use a County position to influence, coerce or intimidate any person in the interest of a political candidate, party, or cause.

##### 4.6.1: SEEKING ELECTIVE OFFICE

Any County employee seeking elective office within Dawson County shall, upon declaring candidacy, which is defined as the day the employee files documents with the County Registrar seeking such office, either resign or submit a request in writing to the County Manager or appropriate Elected Official for a Leave of absence without pay from the date of his/her announcement through the duration of the campaign or the announcement of election results.

If elected to office, the employee shall be separated from the County the day after the election upon the written request and approval of the County Manager, Board of Commissioners, or appropriate Elected Official. Nothing in this section shall prevent an employee from fully exercising those rights to participate in political activities granted by the laws of the State of Georgia or the laws of the United States of America.

##### 4.6.2: PARTICIPATION IN LOCAL POLITICAL CAMPAIGNS

An employee may not:

- Be involved in any political activity which would constitute a conflict of interest, i.e. using an employee's title or affiliation with the County in any way including County property, equipment or time; including participation in any aspect of any local political campaign on behalf of or

in opposition to any candidate for office within Dawson County, including municipal and/or County government offices; or

- Knowingly solicit, accept, or receive political contributions from any person to be used in support of or opposition to any candidate for election within Dawson County including municipal and/or County government offices; or
- Use, or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person, a job or other advantage for the purpose of influencing the vote or political action of any person.

No employee shall be hired, promoted, favored, or discriminated against with respect to employment because of his/her political opinions or affiliations.

Employees may engage in the political process. However, an employee violating this section shall be subject to Dismissal.

#### ***4.7: SOLICITATION OF CONTRIBUTIONS***

Fundraisers:

Employees are prohibited from soliciting funds for any purpose from the public or from other County employees while on duty or during work hours, except such charitable causes as are approved in advance by the County Manager or authorized Elected Official.

All employees are prohibited from soliciting funds from the public at any time while wearing a County uniform except such causes specifically approved in advance by the County Manager, Board of Commissioners, or authorized Elected Official.

Employees of the County should not solicit anything of value from any person or organization with those which the County has a current or potential business relationship.

Employees of the County should not accept any item of value from any party in exchange for or in connection with a business transaction between the County and that other party.

If you are faced with and are unsure how to handle a situation that you believe has the potential to violate this code of ethical conduct, notify your Supervisor or the County Manager. Violations of this code may lead to disciplinary action, up to and including termination.

For the safety, convenience, and protection of all employees, the County prohibits external solicitation and distribution of non-County materials on County property or at County job sites at all times.

#### ***4.8: SURRENDER OF PROPERTY***



If an employee is suspended or discharged, he/she shall return to his/her Department Head, all items of equipment including uniforms owned by the County. The County reserves the right to seek reimbursement for equipment that is returned in damaged condition or that is not returned upon an employee's separation.

#### *4.9: REWARDS OR GIFTS*

No employee shall accept any gift, favor or reward other than a regular salary as provided for by law for any service rendered as an employee of Dawson County, unless the gift is of incidental value (less than \$25.00) and not given in response to a solicitation and not in exchange for a business purpose. Gifts to entire Departments or work groups may be received upon approval of the County Manager or authorized Elected Official.

#### *4.10: LENDING OR BORROWING MONEY*

No employee shall lend money or borrow money from another County employee who makes a practice of loaning money and charging interest to employees.

#### *4.11: FALSIFYING RECORDS*

No employee shall in any way falsify County records. Such records include, but are not limited to, payroll, purchasing, payment approval, receiving or inventory records. Falsifying records may result in Dismissal.

#### *4.12: PERSONAL ENTERPRISE ON COUNTY TIME*

County employees are strictly prohibited from pursuing outside business activity on County time. Secondary income sources, such as mass mailing services, etc., are not to interfere with primary business hours. Government time or property is not to be used for personal gain of any kind, in order to avoid any appearance of impropriety.

## **SECTION II: REGULATIONS**

### **REGULATION I: EMPLOYMENT**

#### **PURPOSE**

The purpose of establishing the following employment practices is to assure fair treatment of Applicants and employees without regard to race, color, religion, sex, national origin, age, disability, genetic information, uniformed service status, political beliefs, pregnancy, childbirth, or related medical conditions or any other legally protected category.

All employees of the County, regardless of their classification or position, are employed on an at-will basis, which means that each employee's employment is terminable at the will of the employee or the County at any time, with or without cause and with or without Notice. No officer, agent, representative, or employee of the County has any authority to enter into any agreement with any employee or Applicant for employment on other than an at-will basis. Furthermore, nothing contained in the policies, procedures, handbooks, manuals, job descriptions, application for employment, or any other document of the County shall in any way create an express or implied contract of employment or an employment relationship on other than an at-will basis.

### *1.1: RECRUITMENT*

Recruitment of candidates for hire by Dawson County shall be planned to meet the immediate and long range needs of the County. The County Manager and Department Head will use information such as turnover, budgeted positions, and future Departmental needs. Recruitment efforts shall be directed to ensure that all segments of the public and staff have the opportunity to apply and be considered for positions.

#### 1.1.1: FILLING VACANCIES

All vacancies will be filled according to the policies set forth in this Regulation, regardless of whether the vacant position exists as a result of a newly created position or whether an existing position has been vacated. Newly created positions must have approval by the Board of Commissioners prior to commencement of recruitment efforts when funding of said position was not approved in any previous or existing budget. Vacancies may be filled by Promotion, transfer, reinstatement, probationary Appointment or temporary Appointment. The County Manager/Department Head shall use various methods of publicity and media to provide Notice of vacancies to as many qualified persons as possible and to assure obtaining qualified Applicants. Vacancies shall be announced publicly for a minimum of 14 calendar days. Job Vacancy Notices shall be posted on the Human Resources bulletin board in Dawson County and sent to all Departments in the County.

#### 1.1.2: MINIMUM QUALIFICATIONS

All positions shall be open only to persons who meet such minimum requirements as are listed on the Job Description. Such requirements may include, but are not limited to, the following: experience, education, training, skills, and other qualifications that are desired or normally required to perform the duties and any responsibilities. The County Manager or his/her designee will review all applications to ensure that the Applicants meet Minimum Qualifications. Applicants who fail to meet Minimum Qualifications may be denied the opportunity to proceed further in the hiring process and will otherwise be ineligible for

consideration.

### 1.1.3: APPOINTMENTS

The County recognizes two types of Appointment procedures that apply to initial Appointments and to Promotions and transfers into a vacant position; internal competitive and open competitive Appointment procedures. Employees who report directly to the County Commission or are appointed by the County Manager may, but are not required to, engage in a competitive recruitment process.

#### 1.1.3.1: INTERNAL COMPETITIVE

It will be the County's policy and preference to promote and transfer from within whenever possible. If a satisfactory pool of qualified Applicants is available internally, then the internal competitive process will be followed and only current employees will be eligible for consideration. Announcements of such vacancies shall be made within the involved Department or on a countywide basis depending upon the nature of the Vacancy.

#### 1.1.3.2: OPEN COMPETITIVE

Open competitive Appointment procedures are the normal practice of the County. When a Vacancy occurs, the Vacancy will be announced publicly in accord with Section 1.1.6. The County will fill the Vacancy by selecting the best qualified Applicant using appropriate screening methods as determined by the County Manager/Department Head.

### 1.1.3: RECLASSIFICATION

Appointment of a current employee to a new position, for which a Vacancy is not created by reclassifying the incumbent, may be authorized by the County Manager as a direct Appointment.

### 1.1.4: PROMOTION

A Vacancy in a higher position in the Classification Plan may be filled as far as practical by Promotion from a lower class. Each candidate must meet the minimum requirements for the position.

### 1.1.5: TRANSFER

A Vacancy may be filled by the transfer of an employee from another comparable position subject to internal competitive procedures. A transfer of an employee from one Department to another Department shall have the acknowledgment of both

appointing authorities concerned and the County Manager.

#### 1.1.6: PUBLIC ANNOUNCEMENTS OF JOB VACANCIES

Public announcements of vacancies shall specify the job title, general duties to be performed, minimum and/or necessary qualifications, final date on which applications will be received, a statement that Dawson County is an Equal Opportunity Employer, and that applications are subject to public disclosure under the Georgia Open Records Law.

#### 1.1.7: APPLICATIONS

Applications must be completed in full and are available on the County website, intranet and at the Dawson County Government Center Human Resources Department located at 25 Justice Way, Suite 2233, Dawsonville, GA 30534.

##### 1.1.7.1: FORMS

Applications shall be made on the form prescribed by the Human Resources Department or the County Manager and may be supplemented by a resume. The Human Resources Director shall be custodian of all applications. Applications shall be completed in full and will require information covering training, experience, education and other job-related information. Any data required for equal opportunity purposes or other legal purposes shall be obtained on documents to be kept separately from the application form. Applications shall be signed by the Applicant attesting to the truth of all statements contained in the application form. Untruths, misrepresentations, or material omissions made by an Applicant on his/her application shall be grounds for rejection of the application, or if the Applicant has been hired prior to the County learning of the discrepancy, it shall be grounds for termination. Any Applicant found to have submitted an application containing untruths, misrepresentations, or material omissions shall be unqualified from consideration for employment with Dawson County. Incomplete applications may be returned to the Applicant with a Notice to complete and return to the appropriate Department (by mail or in person) on or before the established closing date. The County shall have no obligation, however, to detect an incomplete application and notify an Applicant prior to the Vacancy being filled. Incomplete applications may be completed or revised and re-submitted, however, there is no guarantee that the Vacancy will remain open during such process.

##### 1.1.7.2: DENIAL

No individual shall be denied the right to file an application for employment for any open position. Certain classified positions may be regarded as open for continuous recruitment of qualified Applicants, while other positions may be classified as closed until such time as there is an announced Vacancy.

### 1.1.7.3: SECURITY CLEARANCE

Employment in areas such as Public Safety and Finance and Parks and Recreation where the public has a compelling interest in the security of property and life may require a more detailed background check. Applicants for these positions may be asked to supply additional personal information beyond the County's standard background check that would not be needed in other areas of employment.

### 1.1.7.4: ACTIVE STATUS

Applications will be active for a period of not more than six (6) months with the exception of Public Safety applications. Public Safety applications will remain active for a period of twelve (12) months from the date of receipt and/or completion of any Examination requirement(s).

### 1.1.7.5: DISQUALIFICATION

The Human Resources Director or a designated representative may reject any application or refuse to examine an application or, upon Examination may disqualify an Applicant when it has been determined that:

- The application was not received on or before the closing date established for receiving application.
- The application was not filed on the prescribed form.
- The Applicant does not possess one or more of the requirements as specified in the job classification or public announcement.
- The Applicant does not reply to, or return, a telephone inquiry within two days.
- The Applicant falsified statements, practiced deception or did not complete pertinent information on the application form.
- The Applicant is physically or mentally unable to perform the duties of the position as may be determined by a physician.
- The Applicant has been convicted of a criminal offense involving the manufacture, distribution, trafficking, or sale of a controlled substance, dangerous drug, or marijuana. Such Applicant shall be given the opportunity to demonstrate that the conviction should not exclude him/her from consideration for the position he/she seeks with the County. Thereafter, the County will make a determination on whether exclusion of the application is job-related and consistent with business necessity.

- The Applicant has been convicted of a crime involving a violent crime such as assault with a deadly Weapon, aggravated assault, or murder. Such Applicants shall be automatically rejected. Such Applicant shall be given the opportunity to demonstrate that the conviction should not exclude him/her from consideration for the position he/she seeks with the County. Thereafter the County will make a determination on whether exclusion of the application is job related and consistent with business necessity.
- Applicants convicted of any other crime will be considered on a case-by-case basis.
- The Applicant has used (or attempted to use) political pressure, gratuity, bribery, or any other consideration of value to secure an advantage in the Examination for employment.
- The Applicant fails to comply with County drug and alcohol policies.
- The Applicant was unable to successfully pass a pre-employment drug screening and/or background check or does not have an acceptable and would be required to use County vehicles. See Motor Vehicle Policy.
- The Applicant is not eligible for employment in the United States.
- The Applicant was previously employed by Dawson County and was dismissed for cause, resigned not in good standing, resigned in lieu of termination, or is otherwise not currently eligible for re-employment.

#### 1.1.8: INVESTIGATION OF CANDIDATE'S HISTORY

The Human Resources Director or his/her designee may investigate an Applicant's employment, training, educational, criminal, credit and driver's history to verify the statements contained in the application. Any employee appointed through fraud by misrepresentation or withholding of any information contained in the job application is subject to discharge from County service. An employee dismissed for such fraud shall be ineligible for re-hire by County.

##### 1.1.8.1 INTERVIEWS

Upon initial review and removal of Applicants from consideration that are rejected in accordance with the standards set forth above, the Human Resources Director shall make available the remaining applications to the applicable Department Director for further consideration, which may include conducting personal interviews with those remaining Applicants. The Human Resources Director or his/her designee will assist the applicable Department Director to the extent

requested in the interview and selection process.

#### 1.1.9: EXAMINATIONS, VERIFICATION OF REFERENCES AND OTHER REQUIREMENTS

The County Manager may use or approve any job-related selection methods that will maximize reliability and objectivity. The selection procedures shall measure education and/or experience, structured oral Examinations, and physical fitness.

Examinations shall be practical in nature, rated impartially and constructed to reveal the candidate's capacity for the particular class or position, his/her background, related knowledge, skills, and abilities.

The Human Resources Director or the Department Director shall verify the references and past employment of at least the top candidate prior to making any job offer unless a legitimate reason can be provided to the County Manager regarding why such reference verification is unnecessary.

##### *Eligibility Verification Requirements:*

Pursuant to O.C.G.A. § 13-10-90, *et seq.*, the County must verify employment eligibility of all newly hired employees. These employees must complete Form I-9 and provide legal documentation of citizenship and/or work status as set forth on the form. Within three Business Days of hire, the County's Human Resources Department electronically verifies accuracy of the employee's social security number and other documentation through the U.S. Department of Homeland Security verification system. The employee will be promptly notified of a non-confirmation of their information and will be provided a referral letter. Once notified, the employee has ten Business Days to notify the County of his/her decision regarding whether to contest the finding. If the employee does not provide such Notice or chooses not to contest the tentative non-confirmation, the County may immediately terminate such employee. If the employee chooses to contest the tentative non-confirmation, it is the employee's responsibility to visit the Social Security Administration Office or Department of Human Services (as applicable) within eight federal government Business Days to discuss and begin to resolve the discrepancy. The County may not terminate, suspend, delay training, withhold pay, lower pay or take any other adverse action against the employee based on the employee's decision to contest the tentative non-confirmation or while his or her case is still pending with the Social Security Administration or Department of Human Services. On the tenth federal government Business Day after the date of the referral letter, the County may make a second inquiry to the Social Security Administration or Department of Human Services (as applicable) database for an updated case status. If the database shows a final non-confirmation or that the employee failed to report to the Social Security Administration or Department of Human Services (as applicable) within the required time, this will result in

immediate termination. If any portion of this process as set forth changes pursuant to Georgia or federal law, the processes and guidelines of such law will govern.

## ***1.2: EMPLOYMENT STATUS***

### **1.2.1: WORKING TEST PERIOD**

A working test Appointment is an initial Appointment to a position with the County contingent upon the satisfactory completion of the working test period, which consists of the first six months, unless otherwise specified.

### **1.2.2: REGULAR STATUS**

An employee given a working status Appointment becomes a regular status employee and given official Appointment upon satisfactory completion of the working test period.

### **1.2.3: TEMPORARY STATUS**

A temporary Appointment is an initial Appointment by the County Manager to a position for a designated period of time not to exceed six (6) months.

### **1.2.4: TIME LIMITED STATUS**

A time-limited Appointment is an initial Appointment by the County Manager to a position established for special programs or projects normally anticipated as being longer than six (6) months but not regular and continuing in nature.

### **1.2.5: ACTING CAPACITY STATUS**

An employee may serve in an acting capacity if appointed by the County Manager only in a position that has been approved by the BOC via the position control listing and is vacant or temporarily unmanned. Such Appointment shall normally not exceed ninety (90) days unless specifically stated otherwise.

## ***1.3: WORKING TEST AND REGULAR STATUS***

The working test period shall be considered an integral part of the selection process. All employees appointed, transferred or promoted to a position in the County's service shall be required to satisfactorily complete the working test period prior to achieving regular status and the Department Director shall notify the HR Director of satisfactory completion of working test period.



### 1.3.1: DURATION

The first six (6) months of service in a position to which an employee has been appointed shall be defined as the working test period. If the working test employee's performance has not been adequately proficient and the Department Head or designee believes that it could be upgraded during an extension of the probationary period, the Department Head or designee may request an extended working test period of not more than six (6) months.

### 1.3.2: EXTENSIONS

The working test period may be extended in accord with Section 1.3.1 with the recommendation of the Department Head and the Human Resources Director with the approval of the County Manager or authorized Elected Official. Working test period extensions shall be considered only when extenuating circumstances exist or it is believed that an employee deserves the additional working test period for purposes of improvement.

### 1.3.3: RIGHTS

Working test employees are not covered by progressive discipline or due process procedures. However, Supervisors are to apprise employees of their status during the working test period.

### 1.3.4: ACTIVE WORK STATUS

Only time in active work status shall be counted toward completion of the working test period. An employee in working test status who is absent on Leave without pay, on workers' compensation or disability Leave, shall be required to complete the amount of time on the job specified for the class to which he/she is appointed.

### 1.3.5: DEMOTION

A reduction of a regular or working test employee to a position of a lower class is a Demotion. A lower class means a job classification having a lower maximum salary than the job classification in which the individual is presently employed. A Demotion may be made for cause or may be made on a voluntary or involuntary basis, provided the employee meets the qualifications for the position to which he/she is being demoted.

In the event of a Demotion, the Department Head must give written notification to the employee(s) being demoted of the action being taken and the reason for the Demotion.

An employee who is reclassified by Demotion shall have his/her salary reduced at the discretion of the Department Head. The new reduced rate of pay may not exceed the maximum pay for the employee's new job classification.

#### 1.3.5.1: DEMOTION FOR CAUSE

A regular or working test employee may be demoted because of unfitness to perform assigned duties, negligence or inefficiency in performing duties, or for misconduct, insubordination or other justifiable cause.

#### 1.3.5.2: VOLUNTARY DEMOTION

If, for personal or other reasons, a regular or working test employee prefers to be assigned to a position of a lower class, the Department Head may make such a voluntary Demotion. The employee must indicate his/her knowledge and approval of the Demotion by his/her signature in the explanation block of the Personnel Action Form.

#### 1.3.6 TRANSFER/PROMOTION DURING WORKING TEST PERIOD

A transferred or promoted employee shall be subject to a working test period for the first six months in the new position. If it is determined that the employee is unsuitable for the position, the Department Director may return the employee to the position previously occupied if it is vacant. If not vacant, the Department Director may attempt to place the employee in a comparable position for which the employee meets the requirements. If such placement is not feasible, the employee may be placed in Layoff status and may be considered for placement when a suitable position becomes available. This action can be taken without the employee's right of appeal to the Board of Commissioners.

#### 1.3.7: SEPARATION DURING WORKING TEST

At any time during a working test period, an employee may be separated from his/her position under the system without the right of appeal or hearing.

### ***1.4: SEPARATION***

An employee may be separated from the service of Dawson County by any of the following methods:

#### 1.4.1: RESIGNATION

An employee shall submit to his/her Supervisor written Notice of Resignation at least fourteen (14) calendar days in advance of the date of Resignation. Immediately

upon receipt of such Notice of Resignation, the Supervisor shall forward the same to the Department Head or designee and then to Human Resources. Failure to comply with this regulation shall be entered on the service record of the employee and may result in a denial of re-employment.

#### 1.4.2: ABANDONMENT OF JOB

An employee shall be considered to have abandoned his/her position when any of the following occur: (1) an employee is absent without Notice to the Department Director or his/her designee for three or more consecutive Working Days; (2) an employee is absent for three or more consecutive Working Days after providing Notice, but without having any available Leave time; or (3) an employee is absent for three or more consecutive Working Days without receiving approval for the absences. An employee may not be deemed to have abandoned his/her position if the employee has provided Notice to the Department Director and the employee demonstrates a serious medical condition supported by medical documentation to the satisfaction of the County. Such status of non-abandonment, however, could change at any time in the discretion of the County depending on the length of the absence from the position and other circumstances.

For purposes of this paragraph, a "Working Day" is defined as the regular hours for County employees. The employee shall be deemed to have abandoned his/her position and to have resigned as of the end of the third Working Day. The Human Resources Director should be notified immediately of any employee who has resigned as a result of abandonment of the position.

#### 1.4.3: LAYOFF/REDUCTION IN FORCE

Lay-off is defined as a reduction in force that may result in the separation of employee(s) due to abolishment of a position, a shortage of funds or work, a need to increase efficiency, or a material change in the duties or organizational unit of the Department. No lay-offs shall be made for the purpose of dismissing an employee for incompetence, misconduct, or for other reasons, except as included in this Regulation. The lay-off does not reflect discredit upon the service of the employee. A lay-off can be recommended by the Board of Commissioners, the County Manager, and/or the Human Resources Director. Any lay-off must be approved by the County Manager prior to becoming effective.

##### 1.4.3.1: REASONS FOR LAYOFF/REDUCTION FORCE

The County reserves the right to have a reduction in force due to:

- A. Economic reasons- shortage of funds, materials or work;

- B. Abolishment of a position;
- C. Material changes in the duties of a job or the organization; and/or
- D. Any other related reason that does not reflect dissatisfaction with the employee.

#### 1.4.3.2: ORDER OF LAYOFF

Prior to the lay-off, the affected Department Director shall make recommendations to the County Manager who shall consider job performance, work records, employee evaluation ratings, and length of service in determining which employees shall be laid-off. If it is found that two or more persons in the Department in which the lay-off is to be made have equal job performance, records, and/or ratings as determined by review of employee records and evaluation ratings, the order of lay-off shall be based upon seniority. No Full-time Employee shall be laid-off while another person is employed on a temporary or part-time basis in a position within the same Job Description if the employee is willing to accept the temporary or part-time work. In evaluating employees for purposes of a lay-off, care should be taken to accurately evaluate all employees. An employee shall not be laid-off based on race, color, creed, religion, sex, national origin, age, political affiliation, disability, or any other category protected by federal and/or state law.

#### 1.4.3.3: SPECIAL CASES

Should a Department Director determine that the retention of a certain employee is essential to the effective operation of the Department because of the fact that such employee possesses special skills or abilities, and should the Department Director wish to retain such employee in preference to another with a higher rating or seniority, then the Department Director shall submit a written request to the County Manager. Such notification shall set forth in detail the specific skills and abilities possessed by the employee and the reasons why such employee is essential to the effective operation of the Department. With the approval of the County Manager, the individual may be retained to the detriment of the higher ranking employee.

#### 1.4.3.4: NOTICE OF LAYOFF TO EMPLOYEES

Employees to be laid-off shall be notified in writing by the Department Head at least fourteen (14) calendar days prior to the effective date of the Layoff. As an alternative, the employee may be laid-off without Notice of 14 days if at least 14 days of separation pay is provided.

#### 1.4.3.5: DEMOTION IN LIEU OF LAYOFF

Prior to lay-off and in an effort to avoid separation of employment, the County Manager may direct Lateral Transfers or Demotions as necessary to place

employees into positions for which they are qualified rather than lay them off. Lateral Transfers or Demotions in accordance with this Regulation will be effective unless the employee elects in writing to be laid off. Written Notice of said election from the employee must be received by the County Manager within three calendar days after the employee has received Notice of a Lateral Transfer or Demotion.

#### 1.4.4: DISABILITY

Dawson County will comply with the requirements of the American Disabilities Act (ADA).

If an employee suffers from a condition or physical or mental disability that prevents him/her from performing the essential functions of the position or is otherwise unfit for duty such that the employee cannot perform the essential functions of the position, even with reasonable accommodation or in the absence of an available reasonable accommodation, the employee is subject to Dismissal for inability to perform the job.

#### 1.4.5: LOSS OF REQUIRED CERTIFICATION OR LICENSE

Any employee who is unable to do his/her job adequately because of the loss of a necessary license or other requirement may be suspended without pay until such license or required certification is obtained. An employee is responsible to maintain necessary certification(s). The license or certification should be acquired within a reasonable length of time as stated by the Department Head or the employee will be dismissed. In lieu of Suspension, an employee may be eligible for a non-disciplinary Demotion to a lower class position if such position is available within the Department and if the employee is qualified to perform the work. Such Demotions will be accompanied by a salary reduction. The County Manager must approve exceptions to this provision.

#### 1.4.6: RETIREMENT

The retirement of an employee shall consist of the voluntary separation of an employee who has met the requirements under the provisions of the applicable pension plan.

#### 1.4.7: DEATH

Separation shall be effective as of the date of the death of the employee. All compensation due to such employee as of the effective date of separation shall be paid to the beneficiary of the employee; the surviving spouse of such employee or to the estate of such employee as may be determined by law or by the applicable executed documents in the personnel folder of such employee.

## 1.5: TERMINATION

Following consultation with Human Resources and once the recommendation to terminate an employee is made, the Department Head shall prepare all separation documents. These documents must be completed and signed by the Department Head preferably no later than the effective date of the termination or as soon as possible thereafter. It is the Department Head's responsibility to keep an inventory on all equipment issued to the employee and request the return of these items upon termination.

### 1.5.1: PRE-TERMINATION HEARING PROCEDURES:

The Department shall perform the following functions before issuing a Notice of Termination:

- a) determine the precise reason for termination;
- b) review previous documentation of warnings and employee counseling relevant to the reason for termination;
- c) review the case with the County Manager when appropriate.

If termination remains appropriate after such review, then a pre-termination meeting attended by the Department Director, HR Director and employee shall proceed as follows:

Pre-Termination Meeting:

- A. Advise employee that the County intends to terminate him/her and offer the employee an opportunity to respond to the reasons for Dismissal prior to being discharged.
- B. Consider employee's response.
- C. If appropriate, proceed with termination; if not, proceed with warning, Suspension, or other disciplinary action.
- D. Advise employee of appeal rights.

NOTE: The above-mentioned procedure is also used if an employee is suspended without pay.

### 1.5.2: PROCEDURES FOR JOB ABANDONMENT

An employee who is absent from work for three (3) consecutive working days without

notifying their immediate Supervisor or Department Head, will be considered as having voluntarily abandoned his/her job. The following procedure shall be utilized in all cases of job abandonment:

- (ii) The Department Director will review the case with the Director of Human Resources and, when appropriate, the County Manager.
- (iii) The Department Director will send a letter advising the employee that he or she will be deemed to have voluntarily abandoned his/her job unless a response is received from him/her within five (5) Working Days after sending the letter.
- (iv) If the employee responds, the Department Director will provide the employee the opportunity to respond and provide a justification for the unexcused and unreported absences.
- (v) If no response is received within five (5) days after the initial letter, the Department Director will provide the employee with separation paperwork advising the employee that he/she has been deemed to have voluntarily resigned his/her position with Dawson County.

#### 1.5.3: RECOMMENDATION OF RE-EMPLOYMENT

In every instance other than death or retirement, upon the separation of a regular employee from a position, the Department Head shall specify on the Personnel Action Form or an attachment whether the employee's performance has been sufficiently satisfactory for him/her to be considered for re-employment. An answer of "no" disqualifies the employee from further Appointments under the system provided it is supported by the reasons for such an answer. The employee has the right to appeal the disqualification, as provided in Regulation 7 of these rules.

#### 1.6: EMPLOYMENT OF RELATIVES (NEPOTISM)

Employees who are family members are prohibited from working in the same chain of command to avoid family members supervising other family members or members of the same family reporting to the same Supervisor. This ensures effective supervision, internal discipline, security, safety, and positive morale in the workplace and avoids the potential for problems of favoritism, conflicts in loyalty, discrimination, and appearances of impropriety or conflict of interest.

When two family members work in the same chain of command, one of the members must seek a position to transfer out of the same reporting chain of command. Chain of command is interpreted as direct supervision or the Supervisor who completed the Performance Appraisal of the individual.

Family members include an employee's parent, child (natural, adopted, or legal guardianship), spouse, domestic partners, brother, sister, grandparent, grandchildren and step-relationships within the preceding categories.

Human Resources shall investigate reports of nepotism and take appropriate action. Employees are required to disclose changes in their personal situations which may be covered by this procedure. Furthermore, Supervisors or managers may inquire about the family relationship between employees to determine the appropriateness of the working relationship under this policy.

The County Manager shall have the right to waive the provision of this nepotism section if rare and critical skills are required for both positions.

## REGULATION 2: PAY PRACTICES

### 2.1: ATTENDANCE

Each employee is important to the overall success of our operation. When you are absent, someone else must do the job. Consequently, employees are expected to report to work on time at the scheduled start of the Workday. Reporting to work on time means that you are ready to start work, not just arriving at work, at the scheduled starting time.

The County depends on its employees to be at work at the times and locations scheduled. Excessive absenteeism and/or tardiness will lead to disciplinary action, up to and including termination. The determination of excessive absenteeism will be made at the discretion of the County and in view of documented policies. Absence from work for **three consecutive working days** without properly notifying your Supervisor will be considered a voluntary Resignation. After two days absence, the employee may be required to provide documentation from a physician to support an injury or illness related absence, and to ensure that the employee may safely return to work.

If expected to be absent from the job for an approved reason (e.g., paid time off or a Leave of absence), notify your Supervisor of the upcoming absence as far in advance as possible. If you unexpectedly need to be absent from or late to work, you must notify your Supervisor prior to the start of the scheduled Workday and provide the reason for the absence or tardiness. If the Supervisor is not available, you must contact the County's main office prior to the start of the scheduled Workday. Leave a number where you may be reached so that the Supervisor can return the call. Failure to properly contact your Supervisor will result in an unexcused absence for disciplinary purposes. An attendance record is a part of the overall performance rating. Attendance may be included during the review and may be considered for other disciplinary action up to and including termination.

Where possible, medical and dental appointments should be scheduled around assigned work hours; otherwise, they may be considered absences without pay. If unable to schedule an appointment before or after a shift, you are required to talk to the Supervisor to make special arrangements.

#### 2.1.1: WARNING AND REVIEW

It is the right of the employee to utilize accrued sick time. However when the Supervisor is of



the opinion occurring absences and tardiness is affecting service, production, or the morale of others, disciplinary action may be taken.

An employee whose punctuality or absenteeism is considered unacceptable should be counseled and advised in a corrective interview that continued absenteeism and/or tardiness will result in further discipline up to and including termination.

The determination of the amount of absenteeism constituting an attendance problem is dependent upon the circumstances and judgment of the Department Head.

### *2.3: ATTENDANCE RECORDS*

Each Supervisor shall be responsible for monitoring and reporting the attendance of all employees in his/her work section. Attendance records shall be reported to the Department Head's office and updated on a regular basis.

### *2.4: FLEX TIME*

Dawson County recognizes the need to balance time between work and home and to assist employees with their time management. Flex time or a work schedule that is adjusted on a day to day basis is allowed at the discretion of the Supervisor and Department Head. If time is flexed to include an entire day, the Department Head must approve the adjusted schedule.

### *2.5: WORKING FROM HOME*

Dawson County employees as a general rule may not work from home unless there are extenuating circumstances such as inclement weather, emergency etc. Permission to work from home requires Department Head approval and if approved, permission is given only for the immediate need and not on a continuing basis.

## **REGULATION 3: LEAVE TIME REGULATIONS**

### *3.1: HOLIDAYS*

The County usually observes the following holidays:

- New Year's Day
- Martin Luther King Day
- Presidents Day
- Memorial Day
- Independence Day
- Labor Day
- Veterans Day

- Thanksgiving and the day after Thanksgiving
- Christmas Eve and Christmas Day
- One floating holiday taken at the employee's discretion with the Supervisors' approval

The holiday schedule is subject to approval by the Board of Commissioners and is reviewed annually.

**3.1.1: ELIGIBILITY**

In order to qualify for holiday pay, employees are required to work the day before and the day after a holiday unless the employee is off on approved personal or sick Leave. Holidays that occur during approved personal or sick Leave shall not be charged against personal or sick Leave. Holidays that occur while the employee is on medical Leave, workers' compensation or personal Leave of more than 30 calendar days are not paid as holidays.

A Full-time Employee who is required to work or called in to work shall receive payment for the eight (8) hours of holiday pay, plus the regular rate of pay for hours actually worked. Holiday hours are not considered time worked for overtime purposes.

Part-time and Temporary Employees are not eligible for paid holidays.

**3.2: PERSONAL LEAVE**

The purpose of personal Leave is to provide paid time away from work for vacation, doctor or dental appointments, family sickness, hazardous weather conditions, and other events that may occur during an employee's scheduled work day.

All Full-time Employees are entitled to accrue personal Leave. Part-time and/or Temporary Employees are not eligible for personal Leave.

Department and division units may establish a more restrictive policy regarding usage of personal Leave time due to operating necessities.

Employees shall accrue personal Leave upon completion of each biweekly pay period. Full-time Employees will accrue personal Leave as follows:

<b>Months of Service</b>	<b>80 Hour Employee</b>	<b>Per Pay Period</b>	<b>84 Hour Employee</b>	<b>Per Pay Period</b>	<b>96 Hour Employee</b>	<b>Per Pay Period</b>
<b>0 – 24</b>	<b>80</b>	<b>3.08</b>	<b>84</b>	<b>3.23</b>	<b>96</b>	<b>3.69</b>
<b>25 – 60</b>	<b>100</b>	<b>3.85</b>	<b>105</b>	<b>4.04</b>	<b>120</b>	<b>4.62</b>
<b>61 - 120</b>	<b>140</b>	<b>5.38</b>	<b>147</b>	<b>5.65</b>	<b>168</b>	<b>6.46</b>
<b>120+</b>	<b>160</b>	<b>6.15</b>	<b>168</b>	<b>6.46</b>	<b>192</b>	<b>7.38</b>

### 3.2.1: REQUEST FOR PERSONAL LEAVE

A request for Leave shall be submitted to an employee's immediate Supervisor via completing the Leave Request Form or by a Department Head approved method. Leave may be taken only after an employee has completed six months of full-time service and received approval by their Supervisor. (See Exhibit A)

### 3.2.2: SICK LEAVE

An employee may use accrued sick Leave in the event of personal illness, serious illness of a spouse, dependent child, or parent who has a serious health condition and is in need of continuous short-term care. The employee shall report an illness prior to his/her scheduled work time. If not possible, he/she must report the tardiness or absence within thirty (30) minutes after the time he/she is scheduled to have reported to work; otherwise, the absence, or tardiness, will be without excuse and unpaid. Department and division units may establish a more restrictive policy due to operating necessities.

Full-time Employees will accrue sick Leave as follows:

<b>Months of Service</b>	<b>80 Hour Employee</b>	<b>Per Pay Period</b>	<b>84 Hour Employee</b>	<b>Per Pay Period</b>	<b>96 Hour Employee</b>	<b>Per Pay Period</b>
<b>0 – 60</b>	<b>40</b>	<b>1.54</b>	<b>42</b>	<b>1.62</b>	<b>48</b>	<b>1.85</b>
<b>61+</b>	<b>50</b>	<b>1.92</b>	<b>53</b>	<b>2.04</b>	<b>60</b>	<b>2.31</b>

### 3.2.3: CERTIFICATION BY PHYSICIAN

A medical certificate signed by a licensed physician may be required by Department Heads to substantiate a request for sick Leave for any period of absence consisting of three (3) or more consecutive Workdays or shifts, to support a request for sick Leave during a period when the employee is on a personal Leave/vacation, on Leave of any duration, or if absence from duty recurs frequently or habitually, provided the employee has been notified or warned that a certificate will be required.

### 3.2.4: MAXIMUM ALLOWABLE PERSONAL AND SICK LEAVE ACCUMULATION

Personal Leave is to be used within the calendar year of accumulation by December 31 with a maximum carryover of 80, 84, or 96 hours as appropriate for the number of work hours per pay period. Department Heads can recommend to the County Manager additional carryover for their employees with unusual circumstances that keep them from taking their annual personal Leave.

Unused sick Leave can be accrued and banked with a maximum of 1,000 hours.

### 3.2.5: PAYMENT OF UNUSED PERSONAL AND SICK LEAVE

Upon separation, an employee who provides a minimum of two (2) weeks of Notice will receive payment for all accrued personal Leave time. In addition, if the employee has been employed for a minimum of five (5) consecutive years, payment for accrued sick time will be made.

Employees who are terminated will not receive payments for unused sick or personal Leave regardless of tenure, unless approved by the County Manager.

### 3.2.6: MINIMUM PERIODS OF PERSONAL AND SICK LEAVE TIME

Personal Leave Time (sick or personal) may be taken for periods of not less than one (1) hour and is subject to administrative review.

### 3.2.7: EMERGENCIES WHILE OUT ON PERSONAL LEAVE

Employees on personal Leave are subject to recall in cases of County emergency.

### 3.2.8: PERSONAL LEAVE/NO REINSTATEMENT

The County does not reinstate sick or personal Leave for employees being re-hired. Accrual rate will begin upon re-hire date, not original hire date.

### 3.2.9: PERSONAL LEAVE TRANSFER

#### 3.2.9.1: DESCRIPTION

Participation in the Leave transfer program is strictly voluntary. Any Full-time County Employee may donate personal Leave time directly to any other Full-time County Employee who has a personal or family medical emergency and who has exhausted his/her available Leave time. A personal Leave recipient may receive a maximum of 160 hours of donated personal Leave at any one time for each personal/family medical emergency. However, any unused donated Leave must be returned to the Leave donor(s) when the personal/family medical emergency ends.

#### 3.2.9.2: LEAVE RECIPIENT

A potential Leave recipient's Department Head must determine that a Full-time Employee's absence from work without available paid personal Leave because of a personal/family medical emergency will be at least 24 hours. An employee may receive donated personal Leave when it has been determined that the need is a personal/family medical emergency situation. In addition, it is the Department

Head's responsibility to verify with the Human Resources Department that the recipient has exhausted their accrued personal Leave time and that the donor has an appropriate amount of Leave time available to accommodate the requested transfer hours without exceeding the limitation stated. The Department Head reserves the right to limit the amount of Leave transferred to an employee if the transfer presents a hardship to the Department or affects the Department's ability to perform their duties.

### 3.2.9.3 LIMITATIONS ON LEAVE DONATIONS

In any given year, an employee may donate not more than 40 hours of accrued of personal Leave during that year.

## *3.3: LEAVE OF ABSENCE WITH PAY*

### 3.3.1: STANDARD APPROVAL PROCEDURE

Any Leave of absence must be approved by the Department Head and Human Resources and is subject to final approval by the County Manager or authorized Elected Official.

### 3.3.2: MILITARY LEAVE

An employee who is a member of the National Guard and Reserves, an organized military reserve of the United States, or any employee who is otherwise engaged in the performance of military duty, will be allowed Leaves of Absence with pay not to exceed thirty Working Days during any calendar year to attend training camps upon presentation of orders pursuant to such training. Such Leaves shall not be charged to Personal Leave and may be intermittent in nature.

In addition, any employee who is called up to active duty in any branch of the military service of the United States will be allowed Leaves of Absence and maintenance of rights and benefits consistent with state and federal law upon presentation of orders pursuant to such active duty.

All Military Leave time shall be counted towards all seniority rights and towards eligibility of FMLA Leave.

Dawson County shall comply with the applicable State of Georgia law and federal law for public employees concerning Military Leave. Employee must comply with the same laws when he or she seeks to return to work following military service.

An employee who has engaged in military service must, in order to be entitled to the reemployment rights set forth in federal and state law, submit an application for reemployment according to the following schedule:

1. *If service is less than 30 days (or for the purpose of taking an Examination to determine fitness for service) – the employee must report for reemployment at the beginning of the first full regularly scheduled working period on the first calendar day following completion of service and the expiration of eight hours after a time for safe transportation back to the employee’s residence.*
2. *If service is for 31 days or more but less than 181 days – the employee must submit an application for reemployment with Human Resources no later than fourteen days following the completion of service.*
3. *If service is over 180 days – the employee must submit an application for reemployment with Human Resources no later than ninety days following the completion of service.*
4. *If the employee is hospitalized or convalescing from a service-connected injury – the employee must submit an application for reemployment with Human Resources no later than two years following completion of service.*

An employee reinstated after military service lasting ninety-one days or more will be promptly reemployed in the following order of priority:

- (i) In the job the employee would have held had he or she remained continuously employed, or a position of equivalent seniority, status, and pay so long as the person is qualified for the job, or can become qualified after reasonable efforts by the County to qualify the person; or
- (ii) If the employee cannot become qualified for the position in (i), in the employee's pre-service position so long as he or she is qualified for the job or could become qualified after reasonable efforts by the County; or
- (iii) If the employee cannot become qualified for the position in either (i) or (ii), in any other position, which is the nearest approximation of (i) for which the employee is qualified.

### 3.3.3: JURY DUTY

An employee called for jury duty or subpoenaed as a witness will be excused from work upon presentation of a court Notice to his/her immediate Supervisor. The employee will be paid his/her normal pay provided he/she submits evidence of the amount received from the court. The combination of jury duty pay and actual hours worked is not to exceed forty (40) hours per week in the case where an employee chooses to catch up on work after hours unless authorized by the Supervisor or Department Head. The jury duty stipend is not deducted from the employee’s pay (See O.C.G.A. 15-12-1 *et seq.*).

### 3.3.4: FUNERAL LEAVE

Funeral Leave of up to 24 paid hours will be granted for an employee absent from work as a result of the death of a spouse, parent or guardian, child, brother, sister, stepmother or father, stepchild, stepsister or brother, grandparent or other relative living in the employee's household. A maximum of 8 hours of paid funeral Leave will be granted to an employee absent from work as a result of the death of another Immediate Family member listed in the County's nepotism section to include in-laws. If possible, an employee should notify their Supervisor of a life threatening illness in the family.

### 3.3.5: WORKERS' COMPENSATION

An employee who is temporarily disabled because of injury or illness sustained during the course and scope of his/her duties is generally covered by the Georgia Workers' Compensation Act. An employee receiving workers' compensation income benefits may use personal or sick Leave to supplement the workers' compensation benefits. Under Georgia Law, employees are required to select a treating physician from the employer's posted Panel of Physicians for medical treatment relating to his/her on-the-job injury. The name, address and phone number for each panel physician is available to each employee and is posted on official County bulletin boards.

### 3.3.6: DISABILITIES (NOT COVERED BY WORKERS' COMPENSATION)

An employee who becomes disabled shall be allowed to use accrued Leave accumulations. After all Leave has been exhausted, further extension of Leave without pay must be specifically authorized by the Department Head after consultation with the County Manager.

### 3.3.7: MATERNITY LEAVE

Maternity Leave is afforded to employees pursuant to, and governed by, the provisions of the Family and Medical Leave Act ("FMLA") and those provisions set forth in the following Section. Maternity Leave shall be granted to employees upon written request filed by the employee at least ten regularly scheduled Working Days prior to the effective date (unless emergency conditions prohibit the filing of such prior Notice, in which case, it shall be filed as soon as possible). Time for beginning Maternity Leave shall be when the employee, with the approval of her doctor, deems she is no longer able to carry out the duties and responsibilities of her position. Time for termination of Maternity Leave shall be governed by the FMLA

when applicable time provided thereunder has elapsed.

An employee on Maternity Leave must utilize any available Paid Leave during any period of Maternity Leave to run concurrent with the FMLA Leave. Upon expiration of any paid Leave, the remainder of FMLA Leave, if any, shall be unpaid.

### 3.3.8: REQUEST FOR LEAVE TO OBSERVE RELIGIOUS HOLIDAYS

An employee, upon request to the applicable Department Director at least seven days in advance shall be given priority consideration for Leave from work for observance of religious holidays not already provided for as a holiday. Any paid Leave for such religious holiday observance shall be charged to accrued Personal Leave as available to the employee at the time of the holiday observance. A request by an employee for time away from work to observe religious holidays shall not be denied, unless the duties performed by the employee are urgently required and the employee, in the judgment of the applicable Department Director, is the only person available who can perform the duties. However, a request by an employee for time away from work to observe a religious holiday may be denied if the employee does not have enough accrued Personal Leave to accommodate the Leave request or an undue hardship would in fact result from granting such request.

## 3.4: LEAVE OF ABSENCE WITHOUT PAY

### 3.4.1: STANDARD APPROVAL PROCEDURE

All Leaves of absence without pay must be recommended by the Department Head and is subject to final approval by the County Manager or authorized Elected Official.

### 3.4.2: FAMILY AND MEDICAL LEAVE

#### (a) Statement of Policy

Pursuant to the Family and Medical Leave Act ("FMLA"), 29 U.S.C. § 2601, *et seq.*, employees may be eligible to take up to twelve weeks (or up to twenty-six weeks of Military Caregiver Leave to care for a covered servicemember with a serious injury or illness) of unpaid Leave during any twelve month period for one or more of the following:

- (i) The birth, adoption or placement of a child;
- (ii) The serious medical condition of a parent, spouse, or child;



- (iii) A serious health condition that makes the employee unable to perform the essential functions of his or her job to include qualified injuries or illnesses that existed prior to military active duty and were aggravated by service while on active duty in the Armed Forces;
- (iv) Qualifying Exigency Leave is available to eligible employees who are family members of a covered military member to take FMLA Leave to address the most common issues that arise when a covered military member is on covered active duty or called to covered active duty; or
- (v) Military Caregiver Leave is available to eligible employees (defined as the spouse, son, daughter, parent, or next of kin of an injured or ill servicemember or veteran) to care for the covered servicemember. Eligible employees are entitled to twenty-six work weeks of Leave during a single twelve month period to care for a covered servicemember with a serious injury or illness.

(b) Rolling Twelve Month Period

For purposes of this Section, a “twelve-month period” means a rolling twelve months measured backward from the date the employee uses any FMLA Leave. If the policies set forth in this Handbook conflict or come into conflict with the FMLA as it presently exists or is amended from time to time, the provisions contained in the FMLA shall control.

(b) Eligibility

Eligible employees as defined by the FMLA shall be entitled to Leave, provided such Leave is within the conditions and limitations provided in the FMLA.

(c) Request for Leave

It shall be the responsibility of the employee to ensure that the appropriate forms required by the Human Resources Director are timely submitted to the Human Resources Director or his/her designee in order to request Leave pursuant to the FMLA. Failure to submit an application and required supporting documentation for Leave pursuant to the FMLA within a reasonable period of time prior to the requested effective date of the Leave, when the reason for the Leave is foreseeable, may constitute grounds for denial of the request. Upon receipt of a request for Leave and a completed medical certificate pursuant to the FMLA, the Human Resources Director shall respond in writing with approval or denial of the Leave within three Working Days. An approval should specify the terms and conditions of the Leave. If a request is denied in whole or in part, the response of the Human Resources Director will specify the reasons for the denial and shall include a Notice of the right to appeal consistent with this Section.

(d) Concurrent Utilization of Paid Leave

An employee requesting Leave pursuant to the FMLA is required to utilize all accrued Personal Leave available as part of the twelve week (or twenty-six workweeks to care for an injured or ill servicemember over a twelve month period) Leave period. If the available paid Leave for the employee is less than twelve working weeks, the additional weeks of Leave necessary to obtain the twelve work weeks of Leave available under the FMLA shall be provided without compensation. In any event, any combination of Personal Leave, and/or unpaid Family and Medical Leave shall not exceed twelve weeks. However, Family and Medical Leave to care for an injured or ill servicemember shall not exceed twenty-six weeks over a twelve month period. Personal Leave must be used concurrently with FMLA Leave. FMLA requests will be retroactively dated to the beginning of the current Personal Leave in the event that the paid Leave is commenced prior to the request for FMLA Leave.

(e) Concurrent Workers' Compensation and FMLA Leave

An employee qualifying for Workers' Compensation Leave must run any requested FMLA Leave concurrently with that of all concurrent and/or intermittent Workers' Compensation Leave.

(f) Intermittent Leave or Reduced Schedule Leave

Leave for childbirth, adoption, or foster care may not be taken intermittently or on a reduced schedule. Leave for a serious health condition of a qualifying family member (parent, spouse, child) or of the employee may not be taken on an intermittent basis or on a reduced Leave schedule unless medically necessary. The taking of any Leave intermittently or on a reduced schedule basis shall reduce the total amount of FMLA Leave that has been approved for the eligible employee according to the actual hours of Leave taken. For example, if an eligible employee takes ten hours of Leave intermittently over twenty Business Days, the employee's bank of available FMLA Leave will be reduced only by ten hours and not by twenty days.

If an eligible employee requests intermittent or reduced schedule Leave that is foreseeable based on planned medical treatment, the Human Resources Director may require the employee to transfer temporarily to an available equivalent position for which the employee is qualified that better accommodates recurring periods of absence.

(g) Spouses Employed by Same Employer

In any occasion in which a husband and wife are eligible for Leave under the FMLA and are both employed by Dawson County, the aggregate number of work weeks of Leave to which both may be entitled may be limited to twelve work weeks during any twelve month rolling period, in the case where Leave is taken for childbirth,

adoption, foster care, or to care for a sick parent (as "parent" is defined at 29 C.F.R. § 825.122(c)).

In any occasion in which a husband and wife are eligible for Leave under the FMLA and are both employed by Dawson County, the aggregate number of work weeks of Leave to which both may be entitled will be limited to twenty-six work weeks during any twelve month rolling period, in the case where Leave is taken to care for a covered injured or ill servicemember.

(h) Foreseeable Leave

In any case in which the necessity for Leave under the FMLA is foreseeable, the employee shall provide the Human Resources Director with written application for the requested Leave and certification no less than thirty days before the date the Leave is to begin, with the exception of Maternity Leave which will be granted to employees upon written request filed by the employee at least ten regularly scheduled Working Days prior to the effective date (unless emergency conditions prohibit the filing of such prior Notice, in which case, it shall be filed as soon as possible).

In a case where the necessity for Leave is based on planned medical treatment, the employee shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the employer, subject to the approval of the health care provider and shall provide the Human Resources Director with at least thirty days Notice before the date the Leave is to begin, except that if the date of the treatment requires Leave to begin in less than thirty days, the employee shall provide such Notice as is practicable.

(i) Certification of Serious Health Conditions

An eligible employee who requests Leave for a serious health condition of the employee or a qualifying family member shall submit certification from an appropriate health care provider to the Human Resources Director when requesting Leave.

Certification shall be sufficient if it states:

- (i) the date on which the serious health condition commenced;
- (ii) the probable duration of the treatment or condition;
- (iii) the appropriate medical facts within the health care provider's knowledge; and
- (iv) the estimated amount of time the employee needs to care for the qualifying family member or a statement of the extent to which the employee is unable to perform the essential functions of the employee's position.

(j) Certification of Serious Health Conditions-intermittent Leave

An eligible employee who requests intermittent Leave for a serious health condition of the employee or a qualifying family member shall submit certification from an appropriate health care provider to the Human Resources Director when requesting Leave.

Certification shall be sufficient if it states:

- (i) If an employee requests Leave on an intermittent or reduced schedule basis for planned medical treatment of the employee's or a covered family member's serious health condition, information sufficient to establish the medical necessity for such intermittent or reduced schedule Leave and an estimate of the dates and duration of such treatments and any periods of recovery;
- (ii) If an employee requests Leave on an intermittent or reduced schedule basis for the employee's serious health condition, including pregnancy, that may result in unforeseeable episodes of incapacity, information sufficient to establish the medical necessity for such intermittent or reduced schedule Leave and an estimate of the frequency and duration of the episodes of incapacity; and
- (iii) If an employee requests Leave on an intermittent or reduced schedule basis to care for a covered family member with a serious health condition, a statement that such Leave is medically necessary to care for the family member, as described in 29 C.F.R. §§ 825.124 and 825.203(b), which can include assisting in the family member's recovery, and an estimate of the frequency and duration of the required Leave.

(k) Certification of Qualifying Exigency for Military Family Leave

Dawson County requires certification of the qualifying exigency for Military Family Leave. The employee must respond to such a request within fifteen days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of Leave. This certification will be provided using the United States Department of Labor Certification of Qualifying Exigency for Military Family Leave.

(l) Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave

Dawson County requires certification for the serious injury or illness of a covered servicemember. The employee must respond to such a request within fifteen days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of Leave. This certification will

be provided using the United States Department of Labor Certification for Serious Injury or Illness of Covered Servicemember.

(m) Accruals and Benefits during FMLA Leave

An employee on unpaid FMLA Leave shall not be entitled to the accrual of any seniority or employment benefits during the period of unpaid FMLA Leave, including but not limited to, the accrual of Personal Leave. The employee, while on paid FMLA Leave, is entitled to accrue Personal Leave during the periods of paid FMLA Leave. For the purposes of pension or retirement plans, any period of FMLA Leave will be treated as Continuous Service for the purposes of vesting and eligibility to participate.

FMLA time will not be counted as part of an employee's working test period, but will be added to the remaining working test period, extending the ending date of the working test period.

During any period of Leave, Dawson County will maintain any health insurance provided by Dawson County to the employee for the duration of the Leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such Leave. If, however, the employee fails to return from Leave after the period of Leave to which the employee is entitled has expired and the employee fails to return for a reason other than the continuation, recurrence, or on-set of a serious health condition or other conditions beyond the control of the employee, Dawson County may recover the premium(s) that the County may have paid for maintaining coverage for the employee during the period of Leave. If the employee is unable to return to work because of the continuation, recurrence, or on-set of a serious health condition, the Human Resources Director may require that the employee provide a certification of such circumstance.

During any period of Leave, Dawson County will continue to make available to the employee coverage for health insurance for dependents and other supplemental insurance, provided however, that the employee pays all premiums owed on a monthly basis. Failure to pay such premiums on a timely basis each month will result in coverage for health insurance for dependents and supplemental insurance being terminated. Employees will be required to execute a form with the Human Resources Department identifying the premiums for which the employee is responsible prior to the commencement of the Leave.

None of the above and foregoing limits the accrual of seniority or Personal Leave time for those on Workers' Compensation Leave that runs concurrently with FMLA Leave.

(n) Appeals of Denials

In the event that the Human Resources Director denies in whole or in part a request

for Leave pursuant to the FMLA, an employee has the right to appeal that decision consistent with the following procedures.

Any such appeal from an employee must be filed within three Working Days following receipt of the denial decision from the Human Resources Director. The written Notice of appeal shall include the request for the Leave and all supporting documentation provided to the Human Resources Director. The appeal shall be filed with the County Manager who has the authority to amend or reverse the decision of the Human Resources Director. Failure of the employee to appeal within three Working Days shall result in forfeiture of any further right of appeal of a denial.

The County Manager shall review the record of the appeal and shall, within five Working Days, issue a final determination. The decision of the County Manager, as applicable, shall be final.

(o) Return to Duty from FMLA Leave

As a condition for return to duty, the employee may be required to provide certification from the employee's health care provider that the employee is able to resume work. Upon expiration of the period of Leave pursuant to the FMLA, the employee shall be returned to his/her former position or a position of equal Grade and pay, provided that the employee has complied with the terms of the Leave and reported for return of duty at the appropriate time. While the employee shall be restored to a position of employment without loss of employment benefits accrued prior to the date on which the Leave commenced, the employee shall have no greater rights than those in effect prior to the commencement of the Leave.

***3.5: OTHER CONSIDERATIONS REGARDING ABSENCE WITHOUT PAY***

**3.5.1: FAILURE TO RETURN TO WORK AT THE EXPIRATION OF APPROVED LEAVE WITHOUT PAY**

Failure of an employee to return to work at the expiration of approved Leave shall be considered absent, without Leave, constituting grounds for disciplinary action up to and including Dismissal.

**3.5.2: RETURN TO WORK BEFORE THE EXPIRATION OF APPROVED LEAVE WITHOUT PAY**

An employee granted a Leave of absence that wishes to return to work before the Leave period has expired shall be required to notify his/her immediate Supervisor. Upon approval of the Department Head, the employee shall be permitted to return to work.

### 3.5.3: PERSONAL LEAVE DURING APPROVED LEAVE WITHOUT PAY

An employee will not earn sick or personal Leave during the time that the employee is on Leave without pay.

### 3.5.4: WORKING ELSEWHERE DURING APPROVED LEAVE

An employee, while on an authorized Leave-of-absence without pay may not seek part-time or full-time employment elsewhere without the prior approval of the employee's Department Head.

### 3.5.5: CONTINUATION OF HEALTH BENEFIT COVERAGE DURING APPROVED LEAVE WITHOUT PAY

An employee on personal Leave (not FMLA) for more than one month is required to pay the employee COBRA contribution rate in order to continue health benefits.

### 3.5.6: PAY INCREASES DURING APPROVED LEAVE WITHOUT PAY

Pay increases scheduled during the Leave time will be held until the employee returns to work.

## 3.6: ADMINISTRATIVE LEAVE

### 3.6.1: PAID ADMINISTRATIVE LEAVE

A Department Director or the County Manager, or their respective designee, with notification to the Human Resources Department, may place an employee on Paid Administrative Leave when an employee is being investigated by Dawson County for possible misconduct or by a law enforcement agency for possible violation of a criminal law or in any instance where it is considered to be in the interest of Dawson County and/or the employee.

The purposes of Administrative Leave are to provide an investigatory opportunity and/or to relieve the employee of his/her duties when it is deemed in the best interest of the County and the employee. Designation of the Leave as "Paid Administrative Leave" is to prevent any possible stigma against an employee during a period of Administrative Leave. Notice of the conclusion of the Administrative Leave period shall be provided in writing to the employee by the applicable Supervisory official with copies of the written Notice provided to the Human Resources Director. Upon conclusion of the Administrative Leave period, and provided that no disciplinary action is taken as a result of the Administrative Leave period, the employee's personnel file shall be documented to reflect that the investigation concluded

favorably for the employee.

### **3.7: HAZARDOUS WEATHER**

#### **3.7.1: LEAVE OPTIONS DURING HAZARDOUS WEATHER**

If hazardous weather conditions make it unduly hazardous for an employee to report to his/her place of work or the employee arrives late or leaves early, the Department Head and/or Supervisor will discuss with the employee which of the following actions will be selected:

1. Making up the time lost from work at a time scheduled by the Department Head;
2. Using accrued personal Leave;
3. Allow the employee to work from home if applicable.

NOTE: When unable to report to work due to weather conditions, employees shall notify their Supervisor as soon as possible.

#### **3.7.2: CRITICAL POSITIONS DURING HAZARDOUS WEATHER**

Certain positions require mandatory coverage because they provide a critical County service such as Fire, EMS, Public Works, and other designated Departments and individuals. The Department Head may wish to provide transportation to assure proper staffing of services.

### **3.8 HAZARDOUS WEATHER PROCESS**

During times of hazardous or inclement weather, the County Manager will contact the Director of Public Works and the Director of EMA to determine road conditions. If the County Manager determines the office is to be closed for inclement weather, the County Manager will contact his direct reports by phone and the direct reports will contact their direct reports etc. throughout the chain of command. The County Manager will make the determination.

### **REGULATION 4: POSITION LEVEL CLASSIFICATION PLAN OVERVIEW**

A job classification or position level is used to determine the County's pay structure which is administered through the County's budget process. Every position is assigned a salary level and salary range that is based on the position description written and submitted by the Department Head. Key factors in the evaluation process involve but are not limited to:



1. Required job knowledge and education level;
2. Level of responsibility, accountability and authority;
3. Degree of supervision required and exercised and level of independence expected;
4. Character of work performed;
5. Type and amount of training required; and
6. Level of experience for proper performance.

#### *4.1: REVISIONS TO CLASSIFICATION PLAN*

Revisions to the Classification Plan may be made by the Board of Commissioners to reflect new or changed conditions or work practices within the classified service.

#### *4.2: DEPARTMENTAL RESPONSIBILITY*

Department Heads are responsible for submitting to the County Manager or designee new job descriptions for all affected positions each time a section or division is substantially reorganized or major changes in duties or responsibilities occur for any job. The Human Resources Department shall be responsible for maintaining an official copy of the all position descriptions.

### **REGULATION 5: COMPENSATION OVERVIEW**

The Compensation Plan for Dawson County is at the sole discretion of the Board of Commissioners.

#### *5.1: AMENDMENTS*

The Board may amend the proposed Compensation Plan in any way deemed appropriate and shall formally approve the plan. The Compensation Plan shall take effect following final approval by the Board. Any subsequent change in the Compensation Plan shall be submitted to the Board for review and approval.

#### *5.2: PROMOTION*

Promotion is the advancement of an employee from a job within one class to a job in another class having a higher salary range.

#### *5.3: DEMOTION*

An employee who is reclassified by Demotion shall have his/her salary reduced. Exceptions to this provision must be approved by the County Manager or authorized

Elected Official.

#### *5.4: TRANSFERS*

A transfer is a reassignment of a regular employee to another comparable job within the service of Dawson County. The employee to be transferred must meet the Minimum Qualifications of the position transferring into. The job to which the transfer is made may be within the same class as the job currently held by the employee, or it may be of a different class, provided the salary Grades are the same. Transfers may be interdepartmental or intradepartmental and must be approved by the Department Head(s) and the County Manager or designee.

An employee transferred in accordance with the provisions of these rules shall be placed on working test status. In the case of transfers to positions in a higher class, this will be deemed a Promotion and as such the new position must be posted internally.

#### *5.5: RE-APPOINTMENT*

An employee who is re-appointed may have his/her salary placed at any step of the range applicable to the job to which he/she is appointed, provided that it is not a higher step than that at which he/she was paid at the time of his/her termination.

#### *5.6: ACTING CAPACITY AND TEMPORARY PAY*

At times, an employee may be required by the Department Head to fill a temporarily vacated position due to termination, temporary disability, or Leave of absence. If the position to be filled is of a higher Grade and is anticipated to last longer than two weeks, the employee is entitled to a salary increase as long as the employee is filling the position.

##### *5.6.1: ACTING CAPACITY*

The employee working in an acting capacity shall be expected to fully perform all the normally assigned duties of the position on a temporary basis until the incumbent returns to their assigned position or a full-time replacement is appointed.

##### *5.6.2: TEMPORARY VACANCY*

A temporarily vacant position is an authorized position in the current year budget that has been temporarily vacated due to termination, disability, or Leave of absence, and is required to be staffed by a Full-time Employee.

### 5.6.3: DURATION OF TEMPORARY ASSIGNMENT

An employee required to temporarily perform in a higher-level job classification and perform the actual duties normally assigned to the duly authorized vacant position for a period of 14 consecutive Working Days or more, will receive a temporary pay increase.

### 5.6.4: AUTHORIZATION

A Personnel Action Form shall be completed and approved by the Department Head or authorized Elected Official on any employee placed in an acting capacity; and the same procedure shall be followed upon the discontinuation of the employee's functioning in this status. The employee serving in an acting capacity will be provided a copy of the Personnel Action Form authorizing the additional pay.

### 5.6.5: APPEAL PROCEDURE

An employee who believes he/she is serving in an acting capacity and should be receiving additional compensation shall notify in writing his/her immediate Supervisor. If not satisfied with the decision of the Supervisor, the employee shall appeal the decision by the following chain of command up to and including appealing to the County Manager.

### *5.7: SALARY REDUCTION*

All salary reductions shall correspond with the approved salary table.

### *5.8: APPROVAL OF ACTIONS AFFECTING COMPENSATION*

The Board of Commissioners shall have, through the budgetary procedures, final authority in all matters concerning the Compensation Plan. The County Manager has authority over individual salaries and operates within the parameters of the BOC approved Compensation Plan.

### *5.9: COMPENSATION FOR OVERTIME HOURS WORKED*

(a) Classification as Exempt or Non-Exempt

All employees will be classified as either "exempt" or "non-exempt" according to

the Fair Labor Standards Act (“FLSA”) and its governing regulations. These classifications are established by the County based upon the prevailing law and the actual duties and compensation earned by each employee. The County is not required to compensate employees who are exempt under the FLSA for overtime work. In contrast, the County is obligated to compensate employees who are deemed non-exempt under the FLSA for overtime work and does so according to the FLSA and the policies set forth herein. It is the expressed intent of Dawson County to strictly comply with the FLSA with regard to overtime payment.

(b) Approval and Recording of Overtime Hours Worked

All overtime work performed must have prior approval of the Department Director. In addition, all overtime hours worked must be recorded by the employee during the pay period in which the employee performed the work. No employee should be subjected to being requested by a Supervisor to work overtime without allowing the employee to record and receive compensation for overtime hours worked. If any employee has concerns about the overtime compensation practices occurring in his/her Department, the employee should immediately advise the Human Resources Director or the County Manager.

(c) Rate of Overtime Compensation

Non-exempt employees who perform overtime work shall be paid in wages at the rate of one and one-half times their regular rate of pay.

(d) Computation of Hours Worked for Overtime Compensation Purposes

The computation of hours worked for purposes of reaching the maximum hour threshold to trigger the entitlement to overtime compensation shall include all hours actually worked. Paid Personal Leave, other paid Leave, holiday Leave and other types of Leave shall not be included.

(e) Overtime for Part-Time, Non-Exempt Employees

Part-time, non-exempt employees who work more than their normal work schedule, but less than the FLSA maximum hours for the appropriate work cycle, will be paid at straight time. When hours worked exceed FLSA maximums for the appropriate work cycle, Part-time Employees will be paid overtime at time and one-half of the regular hourly rate. Part-time Employees are not authorized to perform any work in excess of their normal work scheduled in the absence of written approval by the County Manager.

**5.10 MAXIMUM WORK HOURS**

The following sets forth the maximum work hours for purposes of computing overtime. Employees are not entitled to overtime compensation until the maximum work hours in the

applicable work period have been exceeded.

**LAW ENFORCEMENT EMPLOYEES**

Hours worked in excess of 171 hours in a twenty-eight day work period;

**EMERGENCY MEDICAL SERVICES EMPLOYEES**

Hours worked in excess of 40 hours per week;

**FIRE SERVICES EMPLOYEES**

Hours worked in excess of 53 hours per week;

**OTHER EMPLOYEES**

Hours worked in excess of 40 hours in a seven-day work period.

**5.11: OVERTIME LIMITS**

Overtime work shall be limited to meet operational needs of an emergency nature. Department Heads and Supervisors shall have the responsibilities of administering overtime policies and controlling excessive overtime. All overtime must be approved by Department Heads prior to an employee actually working overtime. Supervisors shall be held responsible for overtime abuses by employees, and, if necessary, recommend proper disciplinary action.

**5.12: ATTENDANCE RECORD KEEPING**

Department Heads/Supervisors shall be responsible for accurate record keeping of time and attendance. Individual time sheets shall be maintained in each Department (as required by FLSA) with totals from time sheets transferred to payroll time sheets and forwarded to payroll.

**5.13: PART-TIME EMPLOYEES**

Employees who average less than 30 hours per week shall not qualify for employee benefits and the advantages of the personnel system.

**REGULATION 6: EMPLOYEE RELATIONS**

The purpose of this section is to provide an orderly procedure for processing grievance claims of regular employees. The objective of this procedure is to reach a firm and equitable decision in a timely manner. The employee, Department Head and/or Supervisor should make an effort to resolve any grievance informally before initiating this formal procedure.

## 6.1: GRIEVANCE CLAIM

A grievance is a claim initiated by an employee alleging: a) inequitable application of disciplinary procedures; b) erroneous or inconsistent application of County Rules and Regulations; c) employment status or productivity which has been adversely affected by unfair treatment; and/or d) unsafe or unhealthy working conditions exist.

The following areas are NOT grievable:

- a. Issues which are pending or which have been concluded by other administrative or judicial procedures;
- b. Management's rights to assign work and/or establish work processes;
- c. Disciplinary actions that do not result in a Dismissal, Demotion or salary reduction;
- d. Budget allocations and expenditures and organizational structure, including the persons or number of persons assigned to particular jobs or units;
- e. The content or rating of a Performance Evaluation;
- f. The selection of an individual by the Department Director, or County Manager to fill a position through Appointment, Promotion, or transfer, except when the employee can show adverse effect because of unlawful discrimination;
- g. Any matter which is not within the jurisdiction or control of the County;
- h. Internal security practices established by the County Manager and/or Board of Commissioners; and
- i. Decisions, practices, resolutions or policies made or passed by the Board of Commissioners or County Manager.

## 6.2: GRIEVANCE AND APPEALS

An employee shall complete the following:

### 6.2.1: GRIEVANCE STATEMENT

Submit a grievance statement within five Working Days from the date that the grievable action or violation occurs to the Supervisor and Department Head in writing stating the specific claim and the specific relief desired.

### 6.2.2: INFORMAL GRIEVANCE RESOLUTION

Request an informal grievance resolution. Informal means dialogue between

employee and management should be used in an attempt to resolve the grievance in a timely fashion.

#### 6.2.3: FORMAL GRIEVANCE PROCEDURE

If the grievance is unresolved informally, the employee may request a formal grievance review.

#### 6.2.4: FORMAL GRIEVANCE PROCEDURE TIMING

The following procedure is intended to define maximum time limits. Grievances should be handled expeditiously as time and circumstances permit.

The time limit at any step set forth in this Regulation may be extended by the County Manager or mutually agreed to by all parties involved. A grievance not advanced to the higher step within the time limit provided shall be deemed permanently withdrawn, and as having been settled on the basis of the decision most recently given. Failure on the part of the County's representative to answer within the time limit set forth in any step may entitle the employee to proceed to the next step.

##### 6.2.4.1: DEPARTMENT LEVEL

- a. Written grievance statement received by Department Head from the employee.
- b. Within 20 calendar days the Department Head will provide a written response to the employee filing the grievance.

##### 6.2.4.2: GENERAL MANAGEMENT LEVEL

- a. An employee may file a request for review by the County Manager or authorized Elected Official if the employee is not satisfied with the Department Head's decision. Appeal to the County Manager or authorized Elected Official and must be filed within 15 calendar days from the Department Head's written decision.
- b. Within 20 calendar days the County Manager or authorized Elected Official will acknowledge receipt of the request for grievance review and shall either schedule a meeting to review the facts or respond to the grievance in writing, at his/her discretion. If a meeting to review the facts is held, then a written response to the grievance review shall issue thereafter. Decisions of the County Manager or authorized Elected Official are final.

## REGULATION 7: DEPARTMENT POLICY

## *7.1: PERSONNEL RECORDS*

### **7.1.1: PUBLIC INSPECTION**

All personnel records of employees covered under these rules and regulations and all other records and materials relating to the administration of the personnel system shall be considered the confidential property of Dawson County. Information obtained in the course of official duties shall not be released by any employee other than those with this responsibility as part of official duties. All requests for personnel information must be processed through the Open Records Officer or designee. The release of personnel records is governed under the Georgia Open Records Act (O.C.G.A. 50-18-70):

Within three (3) work days after the request is received, the Open Records Officer will determine if the requested information can be released;

Verbal requests are acceptable for any employee to see his/her own file with three (3) work days advance notice;

A written request is required for all others who wish to review any personnel records or files;

Requests by anyone other than the employee must be for specific information. General review of one or a number of files is not permissible under the Georgia Open Records Act;

Charges for information from the County's personnel files are as follows: Hourly rate equal to that of the lowest paid qualified individual to assemble material (minus the first fifteen minutes) and up to 10 cents per copy for requested information.

Items not subject to the Georgia Open Records Act (O.C.G.A. 50-18-72(2)-7) include but are not limited to medical records, similar files or related information and third party evaluations.

NOTE: For further information regarding the accessibility of personnel records, refer to the Georgia Open Records Act (O.C.G.A. 50-18-70).

## *7.2 DESTRUCTION OF RECORDS*

In agreement with state retention schedule, employee records shall be kept for no less than three (3) years after termination of employment. Such records may be kept in their original form or in any other duplicate form, which the Human Resources Director deems appropriate. All other records, including correspondence, applications and Examinations may be destroyed after three (3) years. The records are governed by Georgia Records Act (O.C.G.A. 50-18-90) (85)-(503).

## *7.3: APPLICATION RELEASE*



The following explains policies and procedures for release of resumes and applications for employment to the newspaper or other interested citizens:

#### 7.3.1: INFORMATION TO BE RELEASED

In accordance with state law, applications, resumes, or the name of candidates who are Applicants in an employment search for a position with Dawson County will be released within three (3) days after the request has been received from the media or interested citizen unless such disclosure is prohibited by applicable local, state or federal law.

#### 7.3.2: INFORMATION REQUIRED TO BE WITHHELD

Evaluations of candidates, or recommendations, or any reference material may not be subject to disclosure under the Georgia Open Records Act (OCGA Sec. 50-18-70 et seq.). Such information shall be confidential.

### ***7.4: TERMINATED EMPLOYEE REFERENCE AND RELEASE OF INFORMATION POLICY***

#### 7.4.1: TERMINATED EMPLOYEE REFERENCE POLICY

Previous employees of the County separated due to Resignation, termination, Layoff, or any other form of separation have the right under privacy laws to expect that we will not release to prospective employers, the general public, or the media, any information other than:

- Years of service;
- Job title and duties; and
- Confirmation of an employee's final pay rate.

NOTE: In certain instances, the County may be required to disclose information regarding an employee who has engaged in criminal activity.

#### 7.4.2: TERMINATED EMPLOYEE REFERENCE POLICY RATIONALE

While the State of Georgia has a strong policy of open government, there is a corresponding policy protecting the rights of the individual's personal privacy. This policy is intended to address this issue in a fair and balanced manner. Further, under tort law, invasion of privacy standards protects the right of a person to be free from unwarranted publicity or the unwarranted exploitation of personality in publicizing private affairs with which the public has no legitimate concern. Georgia State Code (O.C.G.A. 50-18-72(a)(2)) protects medical records and similar files from disclosure, which would be considered an invasion of personal privacy. It argues that the report amounts to a personnel file which is similar to a medical file, which is specifically

exempt under the act.

#### 7.4.3: RECOMMENDATION OF RE-EMPLOYMENT

In every instance other than death or retirement, upon the separation of a regular employee from a position, the Department Head shall specify on the Personnel Action Form or an attachment thereto whether or not the employee's performance has been sufficiently satisfactory for him/her to be considered for re-employment. An answer of "no" disqualifies the employee from further Appointments under the County provided it is supported by the reasons for such an answer. The employee has the right to appeal the disqualification, as provided under these rules. Eligibility for re-hire will be determined by the Director of Human Resources.

#### 7.5: ADMINISTRATIVE INQUIRY AND REVIEW

Records consisting of material obtained in an investigation related to the Suspension, firing, or investigation of a complaint against a public official or employee are confidential. These records, materials and reports are not to be released until ten (10) Business Days after the investigation has been terminated and the final report has been provided to the County Manager or authorized Elected Official. Such information is only to be released from the County Manager's or authorized Elected Official's office. As with the release of other sensitive personnel information, the Georgia Open Records Law must be balanced with tort privacy laws.

#### 7.6: OFFICIAL BULLETIN BOARDS

The Human Resources Director will designate and control official County bulletin boards with each Department. The boards are to be used only for official notification purposes such as workers' compensation doctors, job-posting Notices, benefits information, and similar employee notifications.

### REGULATION 8: INFORMATION TECHNOLOGY

#### 8.1: ACCEPTABLE USE

The Dawson County IT Department's intentions for publishing Acceptable Use Procedures are not to impose restrictions that are contrary to Dawson County Government's established culture of openness, trust and integrity. The Dawson County IT Department is committed to protecting Dawson County Government's employees, partners and the company from illegal or damaging actions by individuals, either knowingly or unknowingly.

Internet/intranet/extranet-related systems, including but not limited to computer equipment, software, operating systems, storage media, network accounts providing electronic mail, Internet

and web browsing, and File Transfer Protocol, are the property of Dawson County Government. These systems are to be used for business purposes in serving the interests of the County and of our citizens and Elected Officials in the course of normal operations. Please review the Dawson County Social Media Policy for further details. (See Appendix D)

Effective security is a team effort involving the participation and support of every Dawson County Government employee and affiliate who deals with information and/or information systems. It is the responsibility of every computer user to know these guidelines, and to conduct their activities accordingly.

The purpose of this policy is to outline the acceptable use of computer equipment at Dawson County Government. These rules are in place to protect the employee and Dawson County Government. Inappropriate use exposes Dawson County Government to risks including virus attacks, compromise of network systems and services, and legal issues.

This policy applies to employees, contractors, consultants, temporary employees, and other workers at Dawson County Government, including all personnel affiliated with third parties. This policy applies to all equipment that is owned or leased by Dawson County Government.

### *8.2: GENERAL USE AND OWNERSHIP*

1. While Dawson County Government's IT Department desires to provide a reasonable level of privacy, users should be aware that the data they create on the County systems remains the property of Dawson County Government. Because of the need to protect Dawson County Government's network, management cannot guarantee the confidentiality of information stored on any network device belonging to Dawson County Government.
2. Employees are responsible for exercising good judgment regarding the reasonableness of personal use. If there is any uncertainty, employees should consult their Supervisor or manager.
3. The Dawson County IT Department recommends that any information that users consider sensitive or vulnerable be encrypted or password protected.
4. For security and network maintenance purposes, authorized individuals within Dawson County Government may monitor equipment, systems and network traffic at any time.
5. Dawson County Government reserves the right to audit networks and systems on a periodic basis to ensure compliance with this policy.

### *8.3: SECURITY AND PROPRIETARY INFORMATION*

1. The user interface for information contained on internet/intranet/extranet-related systems should be classified as either confidential or not confidential. Examples of confidential information include but are not limited to: County private, County strategies, County sensitive, trade secrets, citizen lists, and research data. Employees should take all necessary steps to prevent unauthorized access to this information.
2. Keep passwords secure and do not share accounts. Authorized users are responsible for

the security of their passwords and accounts. System level passwords should be changed quarterly and user level passwords should be changed every six months.

3. All PCs, laptops and workstations should be secured with a password-protected screensaver with the automatic activation feature set at 10 minutes or less, or by logging-off when the host will be unattended.
4. Use encryption or password protection of information.
5. Because information contained on portable computers is especially vulnerable, special care should be exercised.
6. All hosts used by the employee that are connected to the Dawson County Government internet/intranet/extranet, whether owned by the employee or Dawson County Government, shall be continually executing approved virus-scanning software with a current virus database. Unless overridden by Departmental or group policy.
7. Employees must use extreme caution when opening e-mail attachments received from any senders, especially unknown ones, which may contain viruses, e-mail bombs, or Trojan horse code.

#### *8.4: UNACCEPTABLE USE*

The following activities are, in general, prohibited. Employees may be exempted from these restrictions during the course of their legitimate job responsibilities (e.g., systems administration staff may have a need to disable the network access of a host if that host is disrupting production services). Under no circumstances is an employee of Dawson County Government authorized to engage in any activity that is illegal under local, state, federal or international law while utilizing Dawson County Government-owned resources.

The lists below are by no means exhaustive, but attempt to provide a framework for activities which fall into the category of unacceptable use.

##### 8.4.1: SYSTEM AND NETWORK ACTIVITIES

The following activities are strictly prohibited, with no exceptions:

1. Violations of the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the installation or distribution of "pirated" or other software products that are not appropriately licensed for use by Dawson County Government.
2. Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music, and the installation of any copyrighted software for which Dawson County Government or the end user does not have an active license is strictly prohibited.
3. Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws, is illegal. The appropriate management should be consulted prior to export of any material that is in question.
4. Introduction of malicious programs into the network or server (e.g., viruses, worms, Trojan horses, e-mail bombs, etc.).
5. Revealing your account password to others or allowing use of your account by others.

- This includes family and other household members when work is being done at home.
6. Using a Dawson County Government computing asset to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws in the user's local jurisdiction.
  7. Making fraudulent offers of products, items, or services originating from any Dawson County account.
  8. Making statements about warranty, expressly or implied, unless it is a part of normal job duties.
  9. Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a server or account that the employee is not expressly authorized to access, unless these duties are within the scope of regular duties. For purposes of this section, "disruption" includes, but is not limited to, network sniffing, pinged floods, packet spoofing, denial of service, and forged routing information for malicious purposes.
  10. Port scanning or security scanning is expressly prohibited unless prior notification to Dawson County IT Department is made.
  11. Executing any form of network monitoring which will intercept data not intended for the employee's host, unless this activity is a part of the employee's normal job/duty.
  12. Circumventing user authentication or security of any host, network or account.
  13. Interfering with or denying service to any user other than the employee's host (for example, denial of service attack).
  14. Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, a user's terminal session, via any means, locally or via the internet/intranet/extranet.
  15. Accessing, viewing, or possession of illicit or pornographic material.
  16. Non work related social networking and personal email.
  17. Playing of electronic games.
  18. Streaming music and video content that is no work related.
  19. The storage of personal data on county maintained servers or computers.

#### 8.4.2: EMAIL AND COMMUNICATIONS ACTIVITIES

1. Sending unsolicited email messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material (email spam).
2. Any form of harassment via email, telephone or paging, whether through language, frequency, or size of messages.
3. Unauthorized use, or forging, of email header information.
4. Solicitation of email for any other email address, other than that of the poster's account, with the intent to harass or to collect replies.
5. Creating or forwarding "chain letters", "Ponzi" or other "pyramid" schemes of any type.
6. Use of unsolicited email originating from within Dawson County Government's networks of other internet/intranet/extranet service providers on behalf of, or to advertise, any service hosted by Dawson County Government or connected via Dawson County Government's network.

7. Posting the same or similar non-business-related messages to large numbers of Usenet newsgroups (newsgroup spam).
8. Global emails may only be sent after obtaining the approval of the Department Head/Director

### *8.5: PERSONAL COMMUNICATION DEVICES and VOICEMAIL POLICY*

This document describes Information Technology Department's security requirements for personal communication devices and voicemail for Dawson County Government.

This policy applies to any use of personal communication devices and Dawson County Government voicemail issued by Dawson County Government or used for Dawson County Government business.

#### 8.5.1: ISSUING POLICY

Personal Communication Devices (PCDs) will be issued only to Dawson County Government personnel with duties that require them to be in immediate and frequent contact when they are away from their normal work locations. For the purpose of this policy, PCDs are defined to include handheld wireless devices, cellular telephones, tablets, laptop wireless cards and pagers. Effective distribution of the various technological devices must be limited to persons for whom the productivity gained is appropriate in relation to the costs incurred.

Handheld wireless devices may be issued, for operational efficiency, to Dawson County Government personnel who need to conduct immediate, critical Dawson County Government business. These individuals generally are at the executive and management level. In addition to verbal contact, it is necessary that they have the capability to review and have documented responses to critical issues.

Hands-free enabling devices, such as the Bluetooth, may be issued to authorized Dawson County Government personnel who have received approval. Care must be taken to avoid being recorded when pairing Bluetooth adapters; Bluetooth 2.0 Class 1 devices typically have a range of 330 feet.

#### 8.5.3: VOICEMAIL

Voicemail boxes may be issued to Dawson County Government personnel who require a method for others to leave messages when they are not available. Voicemail boxes must be protected by a PIN which must never be the same as the last four digits of the telephone number of the voicemail box.

### *8.6: LOSS AND THEFT*

Files containing confidential or sensitive data may not be stored in PCDs unless protected by approved encryption and/or password. Confidential or sensitive data shall never be stored on a personal PCD. Charges for repair due to misuse of equipment or misuse of services may be the responsibility of the employee, as determined on a case-by-case basis. The cost of any item beyond the standard authorized equipment is also the responsibility of the employee. Lost or stolen equipment must immediately be reported.

### *8.7: PERSONAL USE*

PCDs and voicemail are issued for Dawson County Government business. Personal use should be minimized.

### *8.8: PCD SAFETY*

Conducting telephone calls or utilizing PCDs (Personal Communication Devices) while driving can be a safety hazard. If employees must use a PCD while driving, Dawson County Government encourages the use of hands-free enabling devices.

### *8.9: GUIDELINES ON ANTI-VIRUS PROCESS*

Recommended processes to prevent virus problems:

Always run the current Dawson County Government standard, supported anti-virus software which is available from the Dawson County IT Department. Download and run the current version; download and install anti-virus software updates as they become available.

NEVER open any files or macros attached to an email from an unknown, suspicious or untrustworthy source. Delete these attachments immediately, then "double delete" them by emptying your Trash.

Delete spam, chain, and other junk email without forwarding,

Never download files from unknown or suspicious sources.

Avoid direct disk sharing with read/write access unless there is absolutely a business requirement to do so.

Always scan an external drive for viruses before using it.

Back-up critical data and system configurations on a regular basis and store the data in a safe place.

If the anti-virus software is disabled for any reason, such as during some software installations, do not run any applications that could transfer a virus, e.g., email or file sharing.

Never connect any personal computers or equipment to the network without consent of the IT department.

Do not stream music and video content.

Avoid freeware or download sites. If your equipment requires software or upgrades, please contact the IT department.

New viruses are discovered almost every day. Periodically check with the Dawson County IT Department and this recommended processes list for updates.

### **Section III: Miscellaneous**

#### ***1.1 PARKING***

Parking spaces are not reserved for any employee.

#### ***1.2 OFFICE ASSIGNMENT***

Offices vs. cubicles or other areas to work are assigned at the discretion of the Department Head. Therefore, the need for an office will supersede seniority and or rank.



## SECTION IV. Definitions

Applicant – Any person who has filed an application in accordance with the provisions of the Employee Handbook.

Appointment – The act of placing an employee in an Authorized Position.

Business Day – The eight hours the County Administration offices are officially opened for business.

Classification Plan – The official or approved system of grouping positions into Classification Descriptions that are further grouped into appropriate Grades approximately equal in difficulty, responsibility, training, and experience requirements. The Classification Plan is based upon a categorical designation of Classification Descriptions that contain appropriate Classification Titles, essential functions, descriptions of duties and responsibilities, types of work performed, Minimum Qualifications, performance aptitudes, and ADA compliance factors for a certain category of Positions.

Compensation Plan – The system of assigning jobs to Classification Descriptions and to an appropriate pay Grade based on the similarities of positions.

Continuous Service – Continuous Service is employment that is uninterrupted, except for authorized Leaves of Absence or Suspension.

County – Dawson County, Georgia

County Manager – The chief administrative employee of the Dawson County Board of Commissioners.

Demotion – Demotion means a change in the rank of an employee from a position in one Grade to a position in another Grade having a lower minimum starting salary.

Department – a major administrative division of County government whose employees report to a Department Director.

Department Director or Department Head– The top administrative official in each major administrative division.

Dismissal – The termination of an employee.

Elected Official – A County official duly elected by the citizens of Dawson County and presently serving in office.

Examination – Methods used to determine eligibility of Applicants for employment. Examinations may include but shall not be limited to written, oral, physical, medical, or performance tests, rating of training, and/or experience.

Executive Employees – the County Manager and all employees who report directly to the County Manager.

Full-time Employee – An employee who works in a position that is budgeted for twelve months of the year, scheduled to work thirty or more hours per week regularly throughout the year.

Grade – All positions in a group which are sufficiently similar as to authority, kind or subject matter of work, level of difficulty, and duties and responsibilities with the same minimum requirements of training, experience or skill, and such other characteristics that warrant the same range of compensation for each position in the group.

Human Resources Director – The official designated by the County Manager as the representative in charge of the personnel system of Dawson County.

Immediate Family – An employee's spouse, children, mother, father, brothers, sisters, half-brothers, half-sisters, aunts, uncles, grandparents, grandchildren, mother-in-law, father-in-law, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, step-parents and step-children.

Lateral Transfer – A Lateral Transfer is when an employee is moved from one position with a certain Classification Title to a different position within the same Grade, but with a different Classification Title, either within or outside the employee's Department.

Layoff – The separation of an employee or employees from County employment for specified reasons unrelated to the employee's performance.

Leave – Any of a number of ways in which an employee is permitted to take time off from work. Leave may be granted with or without pay.

Minimum Qualifications – Those minimum requirements as to education and experience that qualify an Applicant to be considered for Appointment as an employee with the County. Additional requirements such as licenses, certificates, and others may also be indicated where necessary.

Motor Vehicle – Every self-propelled device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks and electric personal assistive mobility devices (EPAMD).

Notice – Such publicity as may be deemed necessary to assure reasonable Notice to those concerned.

Part-time Employee – An employee who works in a position that is budgeted for twelve months of the year, but who works less than thirty hours per week.

Performance Appraisal or Performance Evaluation – A method of evaluating each employee on a periodic basis as to performance on the job.

Promotion – A change in rank of an employee from a position in one Grade to a position of another

Grade having a higher minimum salary.

Resignation – The termination of an employee at his/her request.

Safety Sensitive Position – Part of the essential job functions require: the operation of a County vehicle two or more times during a normally scheduled workweek for that position; performance of law enforcement duties as a POST-certified law enforcement officer; possession of a firearm; providing emergency medical, rescue, or fire suppression services; interacting with incarcerated persons; performing duties essential to drug interdiction; performing duties related to the operation of heavy machinery; or performing duties which directly affect public health or safety.

Supervisor – An individual who is authorized by the County to take tangible employment actions against subordinate employees, i.e., to effect a significant change in employment status, such as hiring, firing, failing to promote, reassignment with significantly different responsibilities, or a decision causing a significant change in benefits.

Suspension – A forced Leave of Absence without pay.

Temporary Employee – An employee who works in a position that is temporary for purposes of a special project or other work of a temporary nature. The temporary position period is established according to the special project or special circumstances requiring work of a temporary nature. The temporary position is not budgeted for twelve months of the year and does not recur regularly from year to year.

Vacancy – A position duly created and still existent, but not occupied by an employee.

Weapon – a “knife or handgun” which is further defined as follows. A “knife” means a cutting instrument designed for the purpose of offense and defense consisting of a blade that is greater than five inches in length which is fastened to a handle”. A “handgun” means a firearm of any description, loaded or unloaded, from which any shot, bullet, or other missile can be discharged by an action of an explosive where the length of the barrel, not including any revolving, detachable, or magazine breech, does not exceed 12 inches; provided, however, that the term “handgun” shall not include a gun which discharges a single shot of .46 centimeters or less in diameter.

Workday or Working Day – A Workday or Working Day is defined as eight hours for County employees; twelve hours for Law Enforcement sworn officers who work a twelve hour shift; and twenty-four hours for Fire Department employees who work a twenty-four hour shift.

**EXHIBIT A - Leave Request Form**



**LEAVE REQUEST**

Date: \_\_\_\_\_

I \_\_\_\_\_ request time off.  
(Employee Name)

List exact dates away from work: \_\_\_\_\_  
\_\_\_\_\_

Time off will be:    Vacation \_\_\_\_\_    Compensatory \_\_\_\_\_  
                                 Personal \_\_\_\_\_    Sick \_\_\_\_\_

Approval by: \_\_\_\_\_    \_\_\_\_\_  
                                 Shift Supervisor    Date

Approval by: \_\_\_\_\_    \_\_\_\_\_  
                                 Department Head    Date

**DAWSON COUNTY GOVERNMENT • EMPLOYEE ATTENDANCE RECORD**

Name \_\_\_\_\_ Payroll# \_\_\_\_\_

Dept: \_\_\_\_\_ FLSA Status Code: Exempt Non-Exempt (Circle One)

Pay Period Begins: \_\_\_\_\_ Time Workday Ends: \_\_\_\_\_

Day	Mo Date	Hrs. Paid	Time In	Time Out	Time In	Time Out	Comments
SAT							
SUN							
MON							
TUES							
WED							
THUR							
FRI							
Sub-Total							
SAT							
SUN							
MON							
TUES							
WED							
THUR							
FRI							
Sub-Total							
<b>Total</b>							

**Recap of Pay Period Hours**

Regular Hours to be paid \_\_\_\_\_

OT Hours at straight time rate \_\_\_\_\_

OT Hours at premium time rate \_\_\_\_\_

Sign: \_\_\_\_\_ Date: \_\_\_\_\_  
 Employee Signature

Sign: \_\_\_\_\_ Date: \_\_\_\_\_  
 Supervisor Signature

FOR OFFICE USE ONLY			
REGULAR SALARY	\$	_____	HR
HRS	\$	_____	HR
HRS	\$	_____	HR
<b>TOTAL</b>			_____

**EXHIBIT C – REQUEST FOR OUTSIDE EMPLOYMENT**

**DAWSON COUNTY, GEORGIA  
STATEMENT OF OUTSIDE EMPLOYMENT**

No employee may engage in any paid employment or outside business that interferes with the efficient performance of his/her duties and/or presents a conflict of interest while employed by Dawson County. If outside employment creates a conflict of interest, the employee will be expected to resign one of the positions. It is the responsibility of the employee to provide evidence from the second employer that he/she is covered under the employer's workers' compensation policy or that such insurance is not required under Georgia law. The employee must also obtain approval of the County Department Head/Director before accepting outside employment.

EMPLOYEE NAME: \_\_\_\_\_ DEPT: \_\_\_\_\_

Does the employee engage in any paid employment or outside business? \_\_\_\_\_

If yes, the employing business is \_\_\_\_\_  
(enter SELF if you are self-employed)

The duties of this employment involve \_\_\_\_\_  
\_\_\_\_\_

Hours of outside employment: \_\_\_\_\_  
(days of week and hours worked)

I certify that the outside employment being requested does not create a conflict of interest with my responsibilities with Dawson County and is consistent with all applicable County rules and regulations.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**APPROVAL:**

\_\_\_\_\_  
Department Head/Director Date

## EXHIBIT D – SOCIAL MEDIA POLICY

### **Purpose and Intent:**

The purpose and intent of this policy is to establish guidelines for employees who engage in social media activity as defined herein. This policy is not intended to prohibit any employee's personal expression in general through social media activity in particular; however, because such activity can adversely affect the efficiency and effectiveness of Dawson County operations, as well as undermine public trust and confidence, a certain amount of regulation is necessary and appropriate. This policy therefore attempts to strike a reasonable balance between the employees' interest in engaging in social media activity and Dawson County's interest in preventing unnecessary disruption to or interference with its operations and relationship to the public it serves.

### **Definitions:**

1. For purposes of this policy, the term, "social media" is defined as the online technologies through which employees and other individuals engage in "social media activity" as defined below. In most cases, the term refers to internet-based websites such as MySpace®, Facebook®, Twitter®, LinkedIn®, Google+®, YouTube®, Tumblr®, and Blogger®. Online social media technologies covered by this policy also include, but are not limited to, such applications as web logs/blogs/video logs/vlogs, message boards, podcasts, and wikis.
2. For purposes of this policy, the term, "social media activity" is defined as the act of sharing information or otherwise communicating through social media, including, but not limited to, the posting, uploading, reviewing, downloading, and/or forwarding of text, audio recordings, video recordings, photographs/images, symbols, or hyperlinks.

### **Scope of Policy:**

1. This policy applies to all employees of Dawson County without regard to whether their social media is conducted in or outside the workplace, while on or off-duty, or anonymously or through the use of pseudonyms.
2. This policy applies to all employees of Dawson County without regard to job title, position or rank; however, with the approval of the Sheriff's Office and any other Department or affiliated agency of Dawson County having special or unique concerns pertaining to its employees' social media activity may adopt and implement more restrictive SOP's or other internal rules narrowly designed to address such concerns.

### **Prohibitions on Social Media:**

1. All employees of Dawson County should remain mindful that, as public servants, they are generally held to higher standards than the general public with regard to their on-duty and off-duty conduct, professionalism, and ethics. As a result, certain social media activity that may be tolerated or even acceptable in the private sector may nevertheless constitute a violation of this policy.

2. Each employee of Dawson County who engages in social media activity must take personal responsibility for ensuring that such activity is consistent with all policies of Dawson County, including, but not limited to, those pertaining to making false or misleading statements, promoting or endorsing violence or illegal activity, promoting or endorsing the abuse of alcohol or drugs, disparaging individuals or groups based on race, ethnicity, national origin, gender, sexual orientation, religion, disability, or other characteristics protected by law, or otherwise engaging in conduct unbecoming an employee of Dawson County, bringing discredit to Dawson County, or interfering with or detrimental to the mission or function of Dawson County.
3. Employees must refrain from engaging in any social media activity which disqualifies them from performing, or in any way reasonably calls into question their ability to objectively perform, any essential function of their jobs. Examples of such functions include, but are not limited to, testifying, making hiring or Promotion decisions or recommendations, conducting Performance Evaluations, and determining eligibility for County programs.
4. While any employee, at his/her discretion, may engage in social media activity with any other employee(s) consistent with the prohibitions, limitations and restrictions, and guidelines of this policy, no employee may be required or otherwise compelled to engage in such activity with another employee.
5. No employee, whether for purpose of engaging in social media activity or otherwise, may disclose or otherwise reveal any privileged or confidential information of the County, any other current or former employee of the County, or any Applicant for employment with the County.

**Limitations and Restrictions on Social Media Activity:**

1. Employees are strongly discouraged from disclosing or otherwise revealing their status as employees of Dawson County through social media and, except as otherwise authorized in advance by the County Manager, are strictly prohibited from directly or indirectly representing themselves to be speaking on behalf of the County. Similarly, in the absence of prior approval, employees' social media activity should not reveal or depict the County's adopted logos, seals, symbols, uniforms, patches, badges, or similar items identified with the County.
2. Except as otherwise authorized in advance by the County Manager, if an employee's status as an employee of Dawson County is disclosed, revealed, or otherwise made apparent in connection with his/her social media activity, his/her social media activity must include a prominently displayed disclaimer to the effect that the activity reflects only the employee's personal views or opinions and not those of the County; provided, however, that no disclaimer will shield an employee from the imposition of appropriate corrective and/or disciplinary action for social media activity which otherwise violates this policy. Employees should recognize that social media activity is generally more likely to violate this policy and other policies of the County if their status as County employees is disclosed or revealed in connection therewith.
3. Except as otherwise authorized in advance by the County Manager, no employee may utilize County computers or equipment for purposes of engaging in social media activity.



4. Except as otherwise authorized in advance by the County Manager, no employee, whether for purposes of engaging in social media activity or otherwise, may post or upload any information, audio recordings, photographs/images, etc. from County computers or equipment.
5. To preserve the continuity of the County's message, ensure accuracy, and avoid unnecessary confusion on the community, except as otherwise authorized in advance by the County Manager, employees should refrain from engaging in any social media activity that purports or serves to announce or explain details of the County programs, projects, activities, initiatives, or events.
6. Exceptions to the above-stated limitations and restrictions may be authorized by the County Manager; provided, however, that any request for such an exception represents a promise by the employee that, if approved, the disclosure of information, photographs, audio, video, etc. via social media activity will be fully consistent with the letter and spirit of this and all other policies of the County, and internal policies or rules adopted by his/her Department Director, as well as any laws pertaining to copyrights, trademarks, trade secrets, patents, and privacy and reputational rights.
7. The County reserves the right to require any employee to remove immediately any posted or uploaded text, audio recordings, video recordings, photographs/images, etc. (even if previously approved) if such posted material constitutes a violation of this policy or other County policies.

**Application to Other Policies:**

All personnel policies of the County relating to employee conduct apply equally to conduct that occurs through social media. This includes, but is not limited to, policies related to discrimination, harassment, retaliation, workplace violence, conflicts of interest, and political activity. Any conflicts or inconsistencies between this policy and any one or more other policies shall be resolved by the County Manager.

**Duty to Report:**

All employees have an ongoing duty to report any violations of this policy by any other employee. The County considers this duty to report to be a critical component of its efforts to enforce this policy, and thereby ensure the safety, well-being, morale, and efficiency of its employees, preserve its reputation and goodwill in the community, and avoid or minimize unnecessary disruptions to or interference with its operations and service to the public.

**No Expectation of Privacy in Social Media Activity:**

1. Dawson County employees should be aware that social media activity is not secure or private, even if active steps are taken to restrict access. Once information has been posted or exchanged via social media, it is generally trackable, traceable, and accessible indefinitely. For this reason, and consistent with the with the County's current Internet Policy, employees should have no expectation of privacy in any social media activity conducted in the workplace and/or on-duty or in any social media activity which otherwise directly or indirectly relates to or affects the County, any of its Departments, or its employees.

2. The County reserves the right to inspect or monitor any social media activity engaged in by its employees using County-owned computers or other electronic equipment or devices. In addition, employees may be required to provide access to any social media websites or other applications in which they participate upon a determination by the County that there is a reasonable suspicion to believe that such access will reveal evidence of a violation of this policy or any other County policy.

**Corrective and/or Disciplinary Action; Other Potential Consequences:**

1. Employees engaging in social media activity in violation of this policy will be held accountable, and corrective and/or disciplinary action, up to and including termination of employment may be taken in accordance with the County's disciplinary policies and procedures.
2. If an employee is sued in part due to his/her social media activity under circumstances where the County would ordinarily provide a defense and/or indemnify the employee, the County reserves the right to withhold or withdraw such defense or indemnification in the event any such activity is found to violate this policy or any other policy of the County.

**Interpretation and Application:**

1. Nothing in this policy is intended to or will be applied in a manner that violates any employee's constitutional rights, including rights to freedom of speech, expression, and association, or federal or state rights to engage in any statutorily-protected activity.
2. Any employee unsure about the application of this policy to any particular social media activity should seek guidance from their Department Head before engaging in such activity.
3. This policy is intended for internal use of Dawson County only and should not be construed as establishing a higher duty or standard of care for purposes of any third party civil claims against the County and/or its employees. A violation of this policy by an employee provides only a basis for corrective action against such employee by the County.

## EXHIBIT E – DAWSON COUNTY VEHICLE POLICY

### Dawson County County Vehicle Policy

#### **Policy Statement:**

The use of a County vehicle is a privilege. Dawson County expects employees who drive vehicles to act responsibly and use necessary discretion in the operation of the vehicle. Violation of any policy may lead to vehicle usage being reviewed/terminated.

The Dawson County Board of Commissioners, through the budget process, provides cars to County Departments. Dawson County will provide vehicles to employees whose responsibilities require that they have a vehicle for uses related to their job. Each Department Director will be responsible for justifying the use of each vehicle.

Dawson County vehicles are one of the most visible representations of the government to the public. Employees who operate these vehicles should always keep in mind that operation of this vehicle directly reflects on Dawson County itself. Dawson County citizens have an expectation that County vehicles will be used to conduct “official County business” and to provide timely services.

Unless a vehicle is exempt by state law, the County logo must be displayed on the front doors of all County vehicles. Exceptions include some vehicles used by the Dawson County Sheriff’s Office, District Attorney’s office and all of the court functions.

#### **Vehicle Usage:**

- Each employee assigned a vehicle shall exercise good judgment in utilizing it and shall not drive or use the vehicle so as to cause unfavorable comment, or reflect discredit upon the County.
- Only authorized individuals are allowed to operate County vehicles.
- County vehicles are to be used for official business only. County employees and other authorized individuals are allowed to ride in a County vehicle. County employees may use a County vehicle to transport family members to work-related seminars and training. Under no other circumstances shall a non Dawson County employee or unauthorized person be transported in a County vehicle unless the employee has obtained an insurance rider from their own insurer and filed it with the Dawson County Human Resources Department.

With the insurance rider in place, employees may only transport non Dawson County employees to:

- Schools
- Day Care

- Medical/dental appointment within Dawson County or their County of residence

In the event of an accident with injuries to the non County employee passengers, the private insurance rider would provide coverage. Insurance riders are to be obtained at the expense of each employee and from the insurer of his or her own choosing.

- County vehicles may be used during non-duty periods for transportation within and outside the County to attend activities for County business.
- Unattended vehicles must be locked at all times.
- Under no circumstances shall an employee of Dawson County consume alcohol or be under the influence of alcohol or medication that may impair their driving ability while operating a County vehicle.
- Alcoholic beverages may not be transported in County vehicles.
- Department Directors may require additional restrictions as necessary.

### **Safety and Maintenance:**

- Each employee assigned a vehicle will be required to operate that vehicle in accordance with all laws of Dawson County and the State of Georgia.
- Employees are required to ensure that normal preventative maintenance measures are taken. Such maintenance includes:
  - Interior and exterior cleaning
  - Maintaining water, fuel, oil and tire pressure at prescribed levels
- All scheduled repairs, maintenance, and service must be performed by an authorized service provider.
- One incident of a preventable accident may result in revocation of driving privileges, Suspension without pay or termination.
- All employees and passengers are required to wear safety belts while operating/riding in County vehicles.
- Smoking is not allowed in any County vehicles.
- All accidents must be reported to the appropriate Department Director and, in the case of accidents involving damage to other vehicles or property, must be investigated by the Georgia State Patrol.
- All drivers will have their license checked annually by the Department Director.

### **Additional Requirements for Take-home Vehicles**

#### **Background:**

In Departments that report directly to the Dawson County Manager, there are approximately 14 take-home vehicles in use by County employees. That number excludes all vehicles assigned as take-home to the Dawson County Sheriff's Office, District Attorney's office and all of the court functions.

**Policy Statement:**

The use of a take-home vehicle is a privilege. Dawson County expects employees who have take-home vehicles to act responsibly and use necessary discretion in the operation of the vehicle. Violation of any policy may lead to vehicle usage being reviewed/terminated. Dawson County will provide take-home vehicles to employees whose responsibilities require that they respond on an on-call basis and/or regularly need to respond to emergency calls directly related to their job. Each Department Director will be responsible for justifying each take-home vehicle.

**“Take-Home” Usage:**

- Employees living within 30 miles of Dawsonville will be permitted to drive their assigned take-home vehicles to and from work. Employees living outside 30 miles from Dawsonville will leave their assigned vehicle at the Dawson County facility closest to their home. Travel of more than 30 miles needs to be approved on a case-by-case basis by each Department Director.
- Personal use of take-home vehicles should be limited. From time to time, it may be necessary to conduct personal business in a County vehicle. Such usage should be minimal and appropriate. Appropriate stops include:
  - Laundry
  - Bank
  - Convenience store
  - Medical/dental appointment within Dawson County or their County of residence
  - Incidental stops where driving to obtain a personal vehicle would result in extra and unnecessary expenditure of fuel
- Take-home vehicles may be used during non-duty periods for transportation within and outside the County to attend activities for County business.
- Department Directors may require additional restrictions as necessary

**Elected Officials:**

Employees who work directly for Elected Officials may have different standards for take-home vehicles.

Agreements between employees and the County existing prior to the adoption of this policy will remain in full force as long as the employee complies with all other requirements of this policy.

## EXHIBIT F – DAWSON COUNTY RETURN TO WORK POLICY

### Dawson County Return to Work Policy

It is the policy of Dawson County to provide our employees who incur an injury or illness on the job with the best possible recovery program. A key component of this program is to establish processes and procedures for returning the employee to work at the earliest date medically possible. This document describes the County's procedures for returning an employee to work who has been injured on the job.

When determined appropriate, the County will make a reasonable good faith effort to provide temporary work tasks or hours tailored to the abilities of employees who are injured on the job. We ask employees to perform only those job functions that their doctor has agreed can be safely performed during the recovery process. All alternative and modified job assignments will be structured to meet the capacities and therapy needs of the injured employee. This work is often referred to as "light duty" or "modified" work. Such assignments are temporary in nature and are monitored by the Supervisor. Job restrictions, as defined by treating physicians, are strictly adhered to.

#### **Definition of Modified Work:**

The County defines "modified work" as temporary assignments within an employee's abilities, knowledge and skills. These positions are developed using the employee's abilities/restrictions as determined by the employee's treating physician. They may also include responsibilities and tasks taken from the employee's regular job, when the employee cannot perform full duties or work a full day.

#### **Communication Regarding Return to Work:**

The employee shall inform the physician of the County's Return to Work program. An employee is required to provide a doctor's release to duty form to his/her immediate Supervisor upon returning to work or within 24 hours, whichever is sooner. Additionally, all ill or injured workers must complete an accident report form (including all necessary paperwork). The Human Resources Department will forward the accident report form to our adjusting company. The Human Resources Department will communicate with the medical provider regarding any work restrictions.

## **Roles/Responsibilities:**

### Human Resources Department

- ❖ Establish clear, consistent Return to Work policies and procedures.
- ❖ Provide employees with orientation/training in the County's Return to Work program.
- ❖ Ensure that County Return to Work policies and procedures are uniformly followed.
- ❖ Maintain close communication with the injured employee throughout the healing process.
- ❖ Report all workers compensation claims to our adjusting company in a timely manner.
- ❖ Follow up with medical providers and employees regarding prescribed therapy and recovery process
- ❖ Ensure job restrictions are fully adhered to.
- ❖ Work closely with our adjusting company to ensure all benefits are paid timely.

### Immediate Supervisor

- ❖ Report job injuries to Human Resources Department within 24 hours of knowledge of injury.
- ❖ Understand and adhere to the County's Injury Reporting Procedure and Return to Work policy.
- ❖ Ensure that employees released to modified work are working within the job restrictions.
- ❖ Ensure that employees receive a thorough return to work orientation and that they understand the County's return to work policy and procedures.
- ❖ Report any absences related to the work injury to the Human Resources Department.
- ❖ Maintain close communication with the injured employee throughout the healing process.

### Injured Employee

- ❖ Report all injuries, no matter how slight, immediately to your immediate Supervisor.
- ❖ Inform your medical provider of the County's Return to Work policy
- ❖ Return to work following medical treatment and report to your immediate Supervisor.
- ❖ Provide your Supervisor with the Return to Work form from your doctor.
- ❖ If it's not medically possible to return to work, report to your Supervisor via phone immediately following your medical evaluation.
- ❖ Report to work in your temporary or modified job assignment following a temporary modified job offer by the County.
- ❖ Follow your medical provider's recommendations with respect to established work restrictions, limitations, therapies and physical capacities.
- ❖ Return to your normal work assignment as soon as your medical provider deems it is safe.

## **Monitoring the Return to Work Program**

Modified and alternative jobs and work hours are temporary in duration, and subject to regular re-evaluation. The treating physician on the next scheduled medical appointment will reevaluate the modified work release. Upon receiving additional information, the County will reevaluate its ability to provide temporary, modified work and to increase or decrease the assigned tasks, based on the restrictions outlined by the physician.

**Rate of Pay During Modified/Alternative Work Period:**

Any employee who returns to work at a modified or alternative job or at less than their normal work hour schedule will be paid at the employee's regular rate.



## EXHIBIT G - DAWSON COUNTY APPEARANCE POLICY

### Dawson County Appearance Policy

**Purpose:** The Purpose of this policy is to establish the standards of acceptable grooming and appearance. All personnel are expected to present the highest professional standards of personal hygiene and appearance while performing their duties and while representing Dawson County in an official capacity. The provisions of this policy are applicable to all Dawson County employees, including temporary and contracted employees.

**Procedure:**

- a. It is the responsibility of all Supervisors to ensure through personal observation and daily inspections that employees comply with all uniform, appearance, and grooming requirements of the County. Employees who report to work dressed or groomed inappropriately, may be prevented from working until such employee returns to work well groomed and wearing proper attire.
- b. For the purpose of this policy, all employees will be classified into one of three groups, defined below
  1. Internal – Employees who conduct a majority of their official duties inside a normal office setting
  2. External – Employees who conduct a majority of their official duties outside of a normal office setting
  3. Uniform – Employees who are employed inside the Emergency Services Department, or any other Department that is assigned a specific uniform to be worn during work hours.

**General Grooming and Appearance Standards for All Personnel:**

- a. All personnel are expected to present the highest professional standards of personal hygiene and appearance while performing their duties and while representing the County in an official capacity.
- b. All employees will exhibit an appearance that confirms our professionalism for our customers, partners, coworkers, and citizens
- c. This policy strives to provide a healthy balance between professionalism, comfort and self-expressions

- d. This policy does not inhibit or discourage the practice of any cultural custom or religion.

**Internal Employee Standards:** Internal employees will conform to the following standards of clothing attire unless otherwise authorized by their Department Head for a specific purpose.

Prohibited clothing items include, but are not limited to: jeans, sweat pants or jogging pants, shorts, t-shirts, tank-tops, cropped (above the waist) tops, sweatshirts, shirts or tops that contain obscene printed material, flip-flops or sneakers and any shirt that is not tucked in

**Female Employees:** Business casual attire for female employees is defined as dresses, skirts, blouses, blazers, dress pants, cotton twill trousers, traditional denim skirts, jumpers or dresses, knit polo shirts, cotton shells, knit shirts with collar (button front), cotton long sleeve shirts, cotton turtlenecks, gathered skirts, casual knit dresses, tailored trousers, appropriate hosiery, rubber, crepe or leather-soled shoes and dress sandals. Footwear must blend with the total business and professional image presented.

- a. Prohibited clothing items will include, but are not limited to: jeans, sweatpants or jogging pants, leggings, spandex pants, stretch pants or tight stirrup pants, shorts, cut-offs, tank-tops or camisoles, cropped (above the waist) tops, see-through voile or chiffon blouses, miniskirts, low cut front or back dresses or tops, strapless dresses or blouses, halter tops, shirts or tops that contain obscene printed material, or sneakers. If dress sandals are worn, the employee must ensure that their feet are properly groomed and the toe nails must be trimmed and neat.
- b. Shoes may be flat or medium height heel (pumps). Excessive decorative attachments or athletic, casual sandals or tennis type shoes are unacceptable
- c. Skirt/dress length will be consistent with the conservative image.

**External Employee Standards:** – External employees will conform to the following standards of clothing attire unless otherwise authorized by their Department Head for a specific purpose.

- a. While working outside or in adverse conditions, safety should be the number one priority.
- b. All employees serving in this capacity should be as neat and business like as working conditions permit. Minor repairs shall be made to reattach a button, sew a small tear or fasten a hem.

- c. Prohibited clothing items will include, but are not limited to: cut-offs, leggings, spandex pants, mini-skirts, stretch pants or tight stirrup pants, tank tops, cropped tops, tops with "spaghetti straps", low cut front or back tops, halter tops, shirts or tops that contain obscene printed material, flip-flops or casual sandals.

**Uniformed Employees:** Uniformed employees will conform to the following standards of clothing attire unless otherwise authorized by their Department Head for a specific purpose.

- a. Will wear the designated agency issued uniform components and equipment items when reporting for duty, while on duty, and during any authorized special assignments. When in uniform, care shall be taken that all items fit well, are neat, clean, pressed, in good condition and are properly worn.
- b. While in uniform, employees shall not mix items of civilian clothing as an outer garment, unless specifically authorized by this directive.
- c. All uniform components and items of equipment must conform to County approved specifications as established by the County Manager and as prescribed in this policy. No alterations to any item will be made in such a manner that the item does not conform to approved specifications.
- d. Personnel are responsible for the general care and maintenance of uniforms and equipment.
  - 1. The uniform is to be kept well pressed, clean, and free of spots and dirt.
  - 2. Minor repairs shall be made to reattach a button, sew a small tear, or fasten a hem.
  - 3. All leather and authorized metal items shall be clean and polished.
  - 4. Headgear will not be altered, such as by bending the hat brim or in any way creasing or altering the hat's manufactured shape.
  - 5. Uniform and equipment replacement required due to fair wear and tear, damage, or change in wearer's size will be accomplished in accordance with prescribed procedures.

6. Uniforms and equipment turned-in upon an employee's termination of employment will be in the same condition as when issued, except for normal wear and tear and will be dry-cleaned.
7. Badges shall be displayed on the standard uniform at all times.
8. Only authorized hats are allowed.

### **Grooming Standards:**

- a. **Hair:** Hair must be kept clean and neat. Hair must not contain an excessive amount of grooming aids. Hair styles shall be in accordance with the professional image of Dawson County. Extreme styles are not permitted.
- b. **Facial Hair:** When worn, facial hair will be kept trimmed and neat in appearance. Facial hair must be in accordance with the professional image of Dawson County. Extreme styles are not permitted.
- c. **Sideburns:** When worn, sideburns must be neatly trimmed and tapered in the same manner as the haircut.
- d. **Wigs and Hairpieces:** Wigs and hairpieces must conform to the same standards required for natural hair.
- e. **Facial Cosmetics:** If worn, facial cosmetics are to be subdued and worn with discretion and in good taste to present an overall professional appearance. Any deviation of the above must be authorized by the employee's Department Head.
- f. **Fingernails and Toenails:** Fingernails and toenails shall be kept clean. Fingernails and toenails should not be excessive in length and if polished should be suitable for a business environment.
- g. **Jewelry and Accessories** should be worn in a tasteful manner at all times to reflect the professional image of Dawson County.
- h. **Sunglasses:** Sunglasses are permitted for wear during daylight hours and outside of buildings unless the employee has a prescription from a doctor requiring that sunglasses be worn under other circumstances.
- i. **Visible Body Piercings:** Piercings, unless in the ears, are prohibited, while on duty by any Dawson County employee.
- j. **Tattoos:** Tattoos are only allowed to be exposed on External and Uniformed employees and then are only allowed to be visible on the arms. This not to prohibit employees from having unexposed tattoos or office staff from having a small

exposed tattoo on the ankle or foot area. Tattoos must be kept to the professional grooming standards of the County.

- k. **Fragrances:** Care should be given not to wear excessive amounts of perfume/cologne that may be offensive to customers and/or coworkers.

**Exceptions:** From time to time, the County Manager may allow employees to “dress down” for special occasions.

**Backup material for agenda item:**

6. County Manager Report

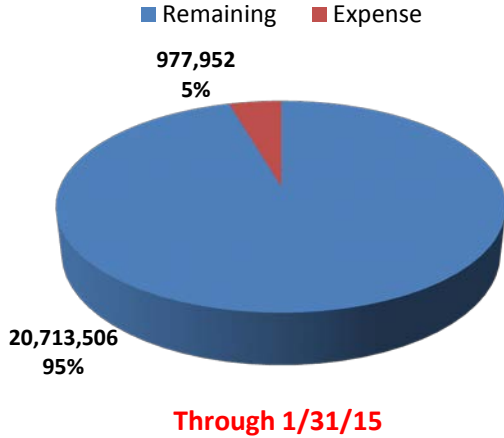


Key Indicator Report

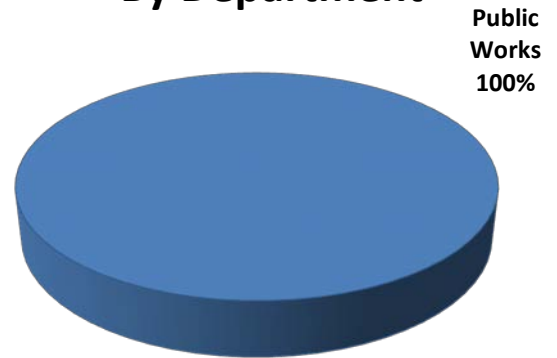
February 2015

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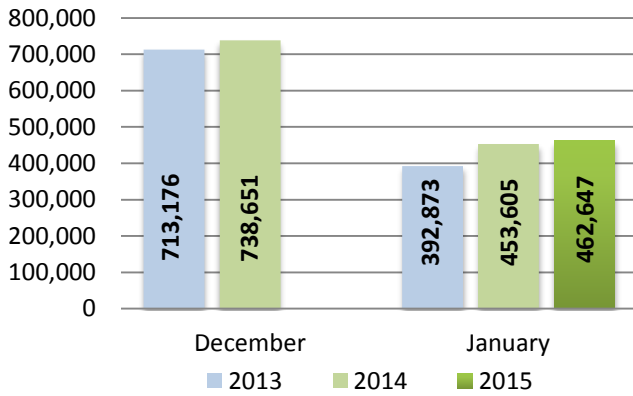
### Budget



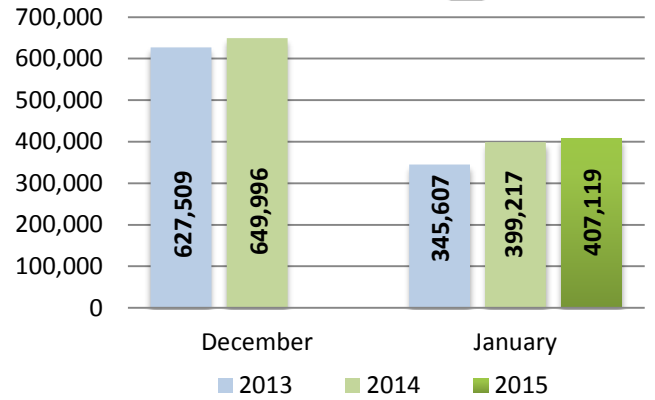
### 311 Requests By Department



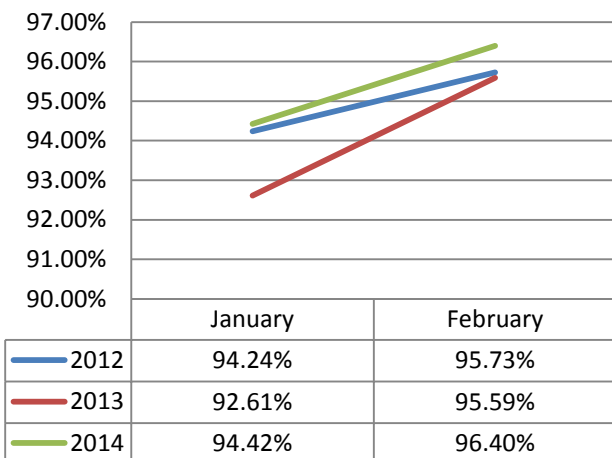
### SPLOST 1.98%



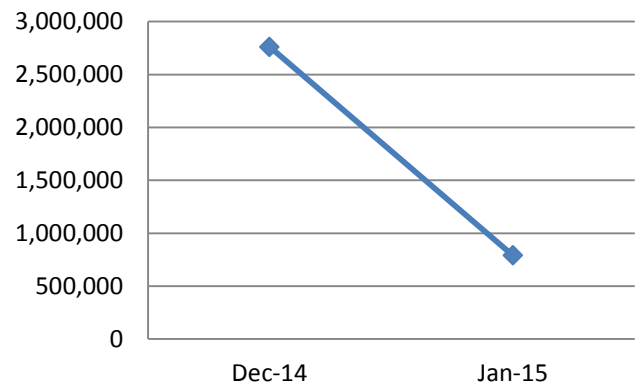
### LOST 1.98%



### Property Collections

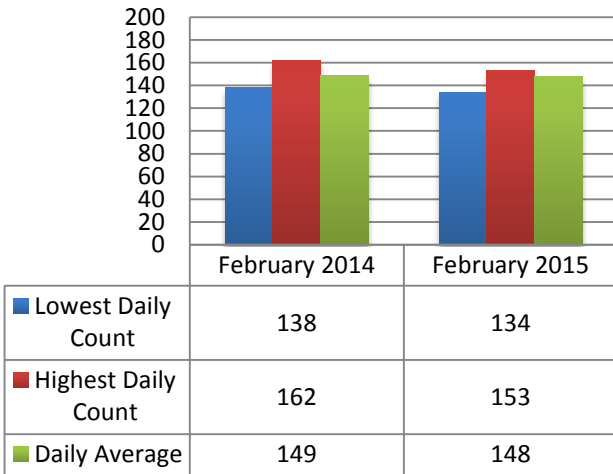


### All Revenue Per Month

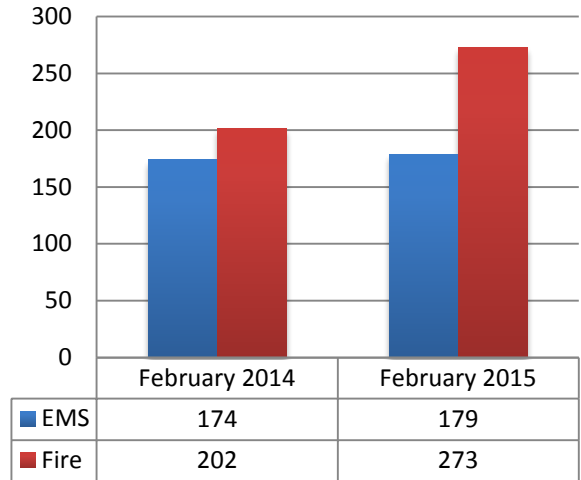




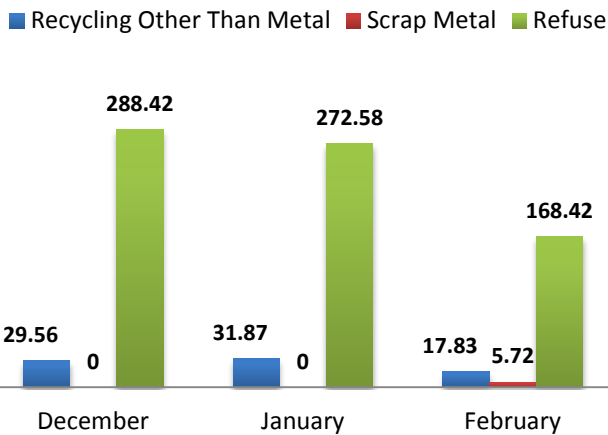
### Inmate Population



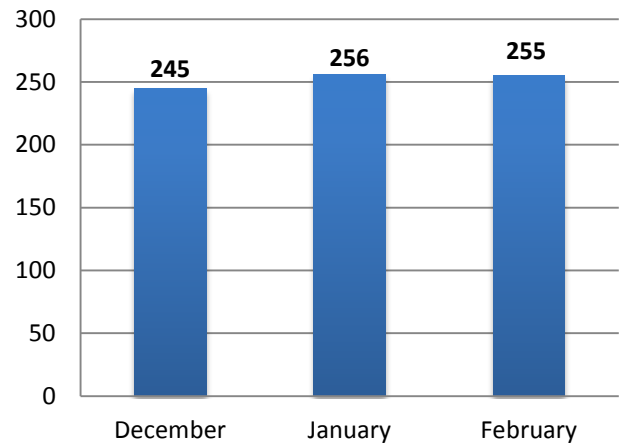
### EMS/Fire Calls for Service



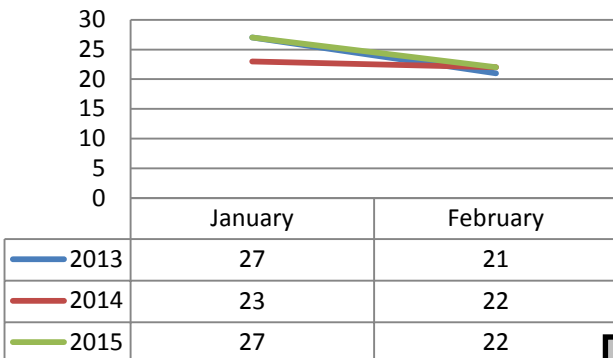
### Recycling



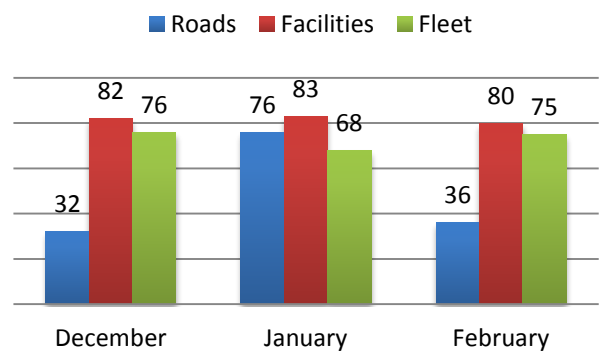
### Number of Employees



### Permits Issued (Planning & Development)



### Repair Requests (Public Works)





## Dawson County Board of Commissioners

### Elections/Registrar Monthly Report – February 2015

- **New Applications/Transfers In: 96**
- **Changes/Duplicates: 102** (25 of 102 is credit for voting for 1<sup>st</sup> week of Advance Voting)
- **Cancelled/Transferred Out: 58**
- **Total Processed: 256**

### **HIGHLIGHTS**

#### **Voter Registration Projects:**

- Continue the project of scanning & indexing voter registration information in aX's software.
- Municipal voter cleanup process 98% complete.

#### **2015 Elections:**

- **Special Elections for BOE ELOST & City Council Seat – March 17, 2015**
  - Voter Registration Cutoff: February 17, 2015
  - Qualifying - Municipal: February 10-12, 2015 9am - 4:30pm daily
  - Absentee by Mail & Advance Voting: February 23–March 13, 2015
- **Municipal General Election – November 3, 2015**
  - Voter Registration Cutoff: October 5, 2015
  - Qualifying – Municipal: August 31-September 4, 2015 8:30am – 4:30pm @ Elections office
  - Absentee by Mail & Advance Voting: October 12-October 30, 2015

#### **Elections Projects:**

- Advance voting for ELOST special voted 25 for the 1<sup>st</sup> week of voting (2 weeks remaining).
- Municipal Special Election cancelled; only one candidate qualified. O.C.G.A. §21-2-291 states that the candidate is deemed to have voted for him/herself, winning the election.
- Finalize testing of voting units for March election; to ready for distribution & setup on 3/16/15.

#### **Plans for Upcoming Month:**

- Prepare distribution of supplies/materials for day of Election. Hold the Election; certify and invoice both Board of Education & City.
- Due to inclement weather, February & March board meetings are combined for March 12, 2015.
- Complete annual reviews for Election Supervisor/Chief Registrar, Poll Managers & Assistant Managers for the 2014 Election Year cycle. Complete mid-year evaluations for Assistant to the Board & Administrative Absentee Ballot Clerk.



## Dawson County Board of Commissioners

### Emergency Services Monthly Report – February 2015

#### **Fire Responses:**      January      February

2013	223	177
2014	268	202
2015	280	273

#### **EMS Responses:**      January      February

2013	220	133
2014	193	174
2015	214	179

#### **Plan Reviews:** 3

#### **EMS Revenue:**

- January 2014- \$45,269.71
- January 2015- \$37,025.14
- 18.3% decrease

#### **Plan Review and Inspection Revenue Total:** \$400.00

- County: \$400.00
- City: \$0.00

#### **Business Inspections Total:** 16

- County Follow up: 5
- City Follow up: 2
- County Final Inspection: 3
- City Final Inspection: 1
- County Annual Inspections: 5
- City Annual Inspections: 0

### **HIGHLIGHTS**

#### **Dawson County Emergency Services Projects:**

- Training hours completed by staff: 738
- People trained in CPR 5 and PALS: 46
- PR details (daycare field trips, CPR classes, visiting schools, etc.):49
- Smoke detector installations: 6
- Search and Rescue: 3
- Fire hydrant flow test, service and painting continues
- 4 fire investigations, 1 search warrant, 1
- Pre-Fire plans: 78



## Dawson County Board of Commissioners

### Finance Monthly Report – February 2015

#### **FINANCE HIGHLIGHTS**

- **LOST Collections:** \$407,119 – up 1.98% compared to 2014
- **SPLOST Collections:** \$462,647 – up 1.98% compared to 2014
- **TAVT:** \$99,691 – up 0.34% compared to 2014
- **See attached Revenue and Expenditure Comparison for 2015**
- **Total County Debt:** \$11,800,243.37 (See attached Debt Summary)
- **Audit Status:** Auditors scheduled for fieldwork March 23-27 and March 30-April 3.

#### **PURCHASING HIGHLIGHTS**

##### **Informal Solicitations**

- Lawnmower for Rock Creek Park
- Track & Field uniforms for Rock Creek Park
- Park & Rec Opening Day activities & inflatables
- Summer/Fall 2015 Activity Guide for Parks and Recreation
- Radar speed display trailer for Roads Department as a traffic control tool
- Annual maintenance agreement for ESRI GIS software for Planning

##### **Pending Projects**

- Quote – Convenience Pay Billing (Credit/Debit Card Services)

##### **Work in Progress**

- DCSO Inmate Telephone Systems
- Vehicle Leases for Administrative Departments

##### **Future Bids**

- Vehicle Leases for DCSO
- TE Trail Grant Project
- Methane Flares at the Transfer Station
- FY 2016 Bids:
  - Auditing Services
  - Gravel
  - Janitorial Supplies
  - Property & Liability
  - Broker Services
  - HVAC Maintenance
  - Offender Home Monitoring (House Arrest)
  - Youth Sports Photography
  - DCS Uniforms
  - Inmate Food Services

**ACTUAL COMPARISON  
JANUARY - DECEMBER 2015**

MONTH	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec*	YTD
2014 REVENUE	790,257	1,377,525	1,417,196	1,507,900	1,501,846	1,507,986	1,600,030	1,550,302	1,537,413	2,534,763	1,571,762	2,761,600	19,658,579
2015 REVENUE	791,457												791,457
% CHANGE	0%	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-96%
2014 EXPENSE	1,063,535	1,518,729	1,442,613	1,409,211	1,785,823	1,729,336	1,409,860	1,355,762	1,599,132	1,855,090	1,661,260	1,981,115	18,811,467
2015 EXPENSE	977,952												977,952
%CHANGE	-8%	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-95%
<b>2013 Total Rev-Exp</b>	<b>\$ (186,495)</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ (186,495)</b>

**REVENUE**  
 FY 2014 YTD 790,257  
 FY 2015 YTD 791,457  
 % Changed 0.15%

**EXPEDITURES**  
 FY 2014 YTD 1,063,535  
 FY 2015 YTD 977,952  
 % Changed -8.05%

\*NOTE: Adjustments will be made during the year-end close out. The actual revenue and expenditure totals are subject to change pending normal year-end adjustments such as accruals and results of the audit.

**DAWSON COUNTY  
DEBT SCHEDULE**

AS OF 2/28/2015

DEBT DESCRIPTION	BANK/PAYEE	CURRENT SOURCE OF PAYMENT	DEBT ORIGINATION DATE	DUE DATE OF FINAL PMT	PRINCIPAL BAL AT 12/31/2014	NEW LOANS IN 2015	2015 PMTS TO DATE		BALANCE DUE	PENDING 2015 PAYMENTS		PROJECTED BAL AT 12/31/2015	NOTES
							PRINCIPAL	INTEREST		PRINCIPAL	INTEREST		
2007 SPLOST 5 Bonds	Regions Bank	SPLOST 5	12/27/2007	7/1/2015	7,865,000.00	-			7,865,000.00	7,865,000.00	393,250.00	-	SPLOST 5 Collections/Construction funds from bond proceeds reserved for debt service
2012 EWSA Bonds	Community & Southern Bank	General Fund	5/14/2012		2,905,000.00	-	10,000.00	42,994.00	2,895,000.00	-	42,846.00	2,895,000.00	Partial defeasement of bonds in April 2012 reduced principal by \$1,525,000. Refunded Bonds and received lower interest rate of 2.96% on 5/14/2012. Interest due semi-annually on March 1 and Sept. 1.
Hwy 9 S land-EWSA Note	Community & Southern Bank	General Fund			Debt - this loan is on EWSA's books, however, the County pays the interest from General Fund (about \$3,700 per month)	-		7,393.50	-	-	35,536.50	-	This loan is on EWSA's books, however, thru an intergovernmental agreement, the County pays the interest. Also, any proceeds from the sale of wetland and stream bank credits the County receives is paid toward the principal of the loan. The current principal amount is \$1,431,000 at an interest rate of 3%. Accrued interest will be paid monthly.
Fire Truck Lease	Oshkosh Capital	General Fund	1/24/2011	9/24/2022	835,243.37	-			835,243.37	90,679.46	33,326.20	744,563.91	12-yr lease/purchase for 3 pumper trucks; annual payment of \$124,005.66
Vehicle Replacement Lease	TBD	General Fund	2015	2018	-	205,000.00			205,000.00			205,000.00	This amount was approved for vehicle replacement leases in the FY2015 budget. Eligible departments are working with Purchasing to bid out replacement vehicles.

**Totals \$ 11,605,243.37 \$ 205,000.00 \$ 10,000.00 \$ 50,387.50 \$ 11,800,243.37 \$ 7,955,679.46 \$ 504,958.70 \$ 3,844,563.91**



## Dawson County Board of Commissioners

### Human Resources Department Monthly Report – February 2015

#### **POSITION CONTROL**

- Positions approved by BOC: 426
- # of filled F/R Positions: 255
- # of filled F/T Positions: 0
- # of filled Grant Funded Positions: 7
- # of filled P/R Positions: 46
- # of filled P/T Seasonal Positions: 15
- # of Supplemental Positions: 49
- # of Vacant Positions: 19
- #of Frozen Positions: 35
- % of Budgeted/Actual Positions: 87%

#### **ADDITIONAL INFORMATION**

- FMLA/LOA tracking: 2
- WC and/or P & L claims filed: 2
- Unemployment claims received: 0
- Performance Evaluations received: 6
- Payroll/Benefit changes keyed: 157

#### **HIGHLIGHTS**

##### **Positions Advertised/Posted: 3**

- Planning and Development- Planning and Development Director
- Planning and Development- Zoning Administrator
- Public Works- Part-Time Equipment Operator

##### **Applications Received: 16**

##### **New Hires added into system: 3**

- Timothy Stewart- Parks and Recreation
- Jonathan Atwell- Public Works
- Jessica Whitmore- Tax Assessor

##### **Terminations Processed: 1**

- Wayne Sims- Public Works (Resigned)

##### **Additional Highlights for November**

- HR Specialist Cindy Webber completed the first of three classes to achieve her Local Government Safety Coordinator Certification.
- HR Director Danielle Yarbrough attended Payroll Law training.
- Began planning the 2015 Dawson County Wellness Fair to be held Wednesday, May 20, 2015 from 7:00 a.m. to 1:00 p.m. at Rock Creek Park
- Compiled Benefits Statements for all full-time employees
- Completed Employee Handbook



## **Dawson County Board of Commissioners**

### Information Technology Monthly Report - February 2015

- **Calls for Service: 131**
- **Service Calls Completed: 131**
- **Average Response Time: 36 minutes**
- **Windstream visits: 1**

#### **HIGHLIGHTS**

- IT staff worked around the clock during the power outage to regain server capabilities and maintain E-911 services for the county
- IT staff worked with the consultant to complete the annual power audit





## Dawson County Board of Commissioners

### Margie Weaver Senior Center Monthly Report – February 2015

#### **SENIOR CENTER**

- **Home Delivered Meals Served: 1,362**
- **Congregate Meals Served: 312**
- **Physical Activity Participation: 174** (tai chi, Silver Sneakers, individual fitness)
- **Lifestyle Management Participation: 21** (art, bridge, bingo, awareness, prevention)

#### **HIGHLIGHTS**

##### **February Events:**

- Senior Center Staff was very busy during the recent snow and ice storm. They delivered meals, firewood, water, and other necessities with the help of Emergency Services, Dawson County Sheriff's Office, Department of Natural Resources, and Fleet Maintenance.
- The Senior Center held a Valentine's Party on February 13<sup>th</sup> at the Center. Clients received beautiful flower arrangements that Kroger donated.

##### **Special Dates Coming Soon:**

- BINGO – March 2, 16, 23, 30
- Wal-Mart – March 4 & 18
- Birthday Celebration & Movie – March 6
- Ric Rack – March 9
- Dollar Tree, Dahlonega – March 10
- Bucket List Trip (Northeast Georgia History Center) – March 11
- Movie and Popcorn – March 20
- Dollar General – March 25

#### **TRANSIT**

- **DOT Trips Provided: 162**
- **Senior Trips Provided: 487**
- **# of Miles: 4,517**
- **Gallons of Fuel: 550.10**



## Dawson County Board of Commissioners

### Marshal Monthly Report – February 2015

- **Alcohol License Establishment Inspections:** 0
- **Alcohol Pouring Permits Issued:** 16
- **Animal Control Calls Handled:** 65
- **Animal Bites to Human investigated:** 2
  - 2 Quarantined – All Passed
- **Animals Taken to DC Humane Society:** 2
- **Dangerous Dog Classification:** 0
- **Citations Issued:** 0
- **Complaint Calls/In Field Visits:** 46
- **Erosion Site Visits:** 2
- **E-911 Addresses Issued:** 24
- **Non-conforming Signs Removed:** 18

### HIGHLIGHTS

#### **Staff Training:**

- Ken Moss completed 4 hours of fire arms qualification through DCSO



## Dawson County Board of Commissioners

### Parks and Recreation Monthly Report – February 2015

- **Youth Sports Participants**
  - February 2015: 1,287 up 2% compared to same month last year
  - YTD 2015: 1,859 up 9% compared to last year
- **Facility Rentals/Bookings/Scheduled Uses:**
  - February 2015: 709 down 41% compared to same month last year  
(decrease due to weather & weather related closures)
  - YTD 2015: 1,554 down 28% compared to last year
- **Adult and Youth Wellness and Specialty Program Participation:**
  - February 2015: 833 up 88% compared to same month last year  
(increase due to Battle of the Best Tournament)
  - YTD 2015: 918 up 78% compared to last year
- **Total Customers Served:**
  - February 2015: 2,829 up 10% compared to same month last year
  - YTD 2015: 4,332 up 6% compared to last year

### **HIGHLIGHTS**

#### **Park Special Events:**

- Leap for Literacy held at WHP on February 28th

#### **Park Projects:**

- Spring weed control and fertilization first application applied February 11<sup>th</sup> and 12<sup>th</sup>
- ICE/Snow salt and sand used at both parks for walking trails, walkways and parking lots due to significant winter weather February 16-26
- Warming Station set up and staffed at Rock Creek Park February 17-18; 2 people stayed for 48+ hours and 14 people used the warming facilities and showers during the ice storm.
- Pool pump room renovations and storage addition final invoicing and payment completed the week of February 9-13. Waiting for invoice #4201 for \$124 to be adjusted.
- Parks sustained minimal tree damage during the ice storm. The most significant damage was at WHP, with 2 trees down in the campground and numerous pine limbs down in the Day Use area. DC Public Works Department agreed to assist with clean up and mulching.

**Athletic and Program Summary:**

- Spring sports registration ended February 11.
- Battle of the Best Basketball Tournament held at RCP February 6-7; 24 teams from all over North Georgia participated
- GRPA District basketball tournaments were held February 27-28. Of the 4 DCPR teams participating, 3 were eliminated in the first round. 12U boys made it to the championship game against Jefferson but lost by 6 pts. The 12U boys finished as District 7 Class B runner up for the 2015 season.
- In spite of the weather, we were able to reschedule evaluations and drafts over a 2 week period and by February 28<sup>th</sup> all teams had been evaluated and drafts completed.
- Specialty programs for the month included adult boot camp, dance, tennis lessons, Tai Chi, Yoga and Zumba

**On the Horizon:**

- Summer/Fall Activity Guide ad sales, layout and development begins in March
- Spring Sports Opening Day March 21<sup>st</sup> at RCP. Date change due to adverse weather in February causing a delayed start to the practice season.
- Community Egg Hunt April 4<sup>th</sup> at VMP
- Water Jump at WHP on May 6<sup>th</sup>
- Received notice DCPR was approved for a Summer Intern through the GCIP program. Intern duties will focus on Marketing and System Strategies

Annual Program Data

	2007	2008	2009	2010	2011	2012	2013	2014	2015
<b>Spring</b>									
Baseball	243	270	251	239	238	220	204	241	260
T-Ball	120	108	134	113	133	108	114	138	124
Softball	107	110	114	116	117	107	99	121	124
Soccer	362	463	383	333	390	280	360	239	265
Inst. League	53	44	56	63	44	59	54	67	71
Adult Coed/ Men's		117	105	160	360	306	235	195	
Travel Teams		96	162	93	98	150	118	210	153
Track and Field					62	21	24	25	43
Spring Totals	1039	1208	1205	1117	1442	1251	1208	1236	1042
<b>Summer</b>									
Swim Team	27	43	44	44	52	46	54	55	
<b>Fall</b>									
Baseball	100	98	103	102	127	85	131	158	
T-Ball	42	34	55	49	75	61	78	89	
Softball	0	30	14	0	0	0	0	0	
Soccer	315	370	325	373	254	382	318	278	
Inst. League									
Adult Coed	182	191	367	372	273	91	0	168	
Football	154	187	196	201	218	148	172	134	
Cheerleading	58	49	81	120	103	109	93	70	
Travel Teams		84	162	112	124	105	112	211	
Fall Totals	1260	1043	1303	1329	1174	981	904	1108	
<b>Winter</b>									
Basketball	380	341	305	294	285	282	260	265	
Wrestling				55	39	23	19	20	
Total Annual Numbers	2679	2592	2813	2787	2940	2537	2391	2629	



## Dawson County Board of Commissioners

### Planning and Development Monthly Report – February 2015

- **Building permits Issued**
  - February 2015: 22 down 19%
  - YTD 2015: 49 up 9%
- **Business Licenses Issued:**
  - February 2015: 110 down 44%
  - YTD 2015: 306 down 11%
- **Total Building Inspections Completed:**
  - February 2015: 168 down 31%
  - YTD 2015: 412 up 10%
- **Variances/Zonings Processed:**
  - February 2015: 5 up 67%
  - YTD 2015: 8 up 33%
- **Plats Reviewed:**
  - February 2015: 5 down 38%
  - YTD 2015: 13 up 8%

### **HIGHLIGHTS**

#### **Planning Projects:**

- Stormwater staff is working with Moreland Altobelli Associates, Inc. on phase 1 of the MS4 project. A draft MS4 program has been submitted and reviewed by EPD; EPD comments have been received and are being addressed for resubmittal.
- Stormwater staff has submitted the Notice of Intent for the MS4 area.
- Staff continues to monitor the GMRC regional aerial photography project. The photography is being collected currently.

#### **Newly Licensed Businesses:**

- 4 Home based businesses
- 2 Commercial based businesses

#### **Plans for Upcoming Month:**

- Send Illicit Discharge and Illegal Connection Ordinance to public hearings. Proposed hearing dates are April 2, 2015 and April 14, 2015.
- Fill the vacant Zoning Administrator position. Job posting closes March 11, 2015.
- GMRC aerial photography project management projected completion by October 2015.

# **Dawson County**

## **February 2015**

### **New Business Licensing**

Dawson County has two (2) new Commercial Businesses that have opened this month.

1. Viva Salon & Spa – Hair Salon  
3651 Dawson Forest Road, Suite 120
2. LoTi Investment & Management – Investment Properties  
131 Prominence Court, Suite 120

Home Based Business has four (4) new locations and Home Office Business Licenses.

1. Big Time Trucking – Trucking Company  
1395 Keith Evans Road
2. Cut It Out Vinyl - Crafts  
199 Herman Sosbee Road
3. Ga. Rose Photography - Photography  
142 Prospectors Court
4. Paul Stinson – General Contractor  
128 Raccoon Run Lane



## Dawson County Board of Commissioners

### Public Affairs Monthly Report – February 2015

#### **Website Activity**

- Page Views: 78,893
  - 1% increase from previous year; 11% decrease from previous month
- Unique Visitors: 11,534
  - 10% increase from previous year; 54% decrease from previous month

#### **Social Media**

- Contacts/Fans: 880 (Facebook)
  - 26% increase from previous year; 6% increase from previous month
- Contacts/Followers: 66 (Twitter)
  - 21% increase from previous month

#### **Citizen Care: (Work Requests)**

- Work Request Calls: 12
- Emails: 0
- Walk-ins: 3

### **HIGHLIGHTS**

#### **Public Affairs**

- Website: Department profiles updated, Stormwater Management page created
- Weather related incidents:
  - Delayed/Closed notifications
  - Warming Shelter notifications
  - High volume of calls regarding storm cleanup

#### **Keep Dawson County Beautiful**

- Arbor Day Celebration plans - rescheduled / TBD

#### **Plans for Upcoming Month:**

- Arbor Day Celebration





## Dawson County Board of Commissioners

### Public Works Monthly Report – February 2015

#### **ROADS:**

- Work Orders: 36
  - 770 hours for ice/snow storm clean up
- Salt: 77 tons
- Gravel: 858.78 tons
- Mowing: 48 miles

#### **ENGINEERING:**

- Carlisle Road Project
  - Although the project was completed in January 2015, several storm ditches are being re-sized and re-secured. Entrances to storm structures are also being cleaned out and re-secured with rip-rap.
  - Residents requesting the abandonment of the “old” Carlisle Road have been contacted and the details of the abandonment procedure have been discussed with them. We are still awaiting written requests from these residents.
- Trail Enhancement Grant Project
  - USWFS has requested a revision to the recently submitted Ecology Worksheet. The revision has been submitted.
  - Real Property Acquisition is pending. Awaiting approval from BOC.
- Off-System Road Striping Project
  - Since this project was completed under budget, engineering will be submitting a request to GDOT for the remaining monies as supported by engineering time sheets.
- Debris Clean-Up
  - In the process of estimating clean-up costs for FEMA
  - 100% of County roadways accessible within 48 hours after storm
  - Clearing approximately 5 miles of debris along County rights-of-way per work day
  - Estimated that 85%-90% of roads had at least one fallen tree

#### **TRANSFER STATION:**

- Solid Waste: 168.42 tons
- Recycling: 17.83 tons
- Recycling scrap metal: 5.72 tons

#### **FLEET:**

- Repair requests: 75

#### **FACILITIES:**

- Repair requests: 80