I. PURPOSE

At Wayne County we have a responsibility to ensure the probity and suitability of our employees in order to maintain the public trust. To that end, it is the policy of Wayne County to exercise sound judgment when managing employees who are arrested and charged with a crime. We will not make presumptions of guilt as a result of an arrest or act prematurely in taking disciplinary action.

II. POLICY PROVISIONS

1. When managing employees who have been arrested, all variables must be considered such as, how long the employee will be away from work, what offense the employee has been charged, and what relationship that offense has to the employee's work.

2. The employee is required to report the arrest to his supervisor/manager.

3. The employee must submit a copy of the police report or other documentation concerning the arrest and charges to his/her supervisor/manager within 48 hours of the arrest. Noncompliance with the aforementioned requirements constitutes grounds for termination. In addition, misrepresentation of the circumstances of the arrest can serve as grounds for dismissal.

4. Upon becoming aware of the arrest, the employee’s manager must make the County and Deputy County Executive aware of the circumstances through the proper chain of command.

5. The Director of Personnel/Human Resources in consultation with Corporation Counsel may contact the individual or agency with the most complete and accurate information regarding the matter and review the facts and circumstances of the case.

NOTE: Decisions regarding continued employment should not be made until after this review.
Wayne County Policy

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<th>Title:</th>
<th>Criminal Charges Against Employees</th>
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<td>Approved By:</td>
<td>Tish King</td>
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6. The Director of Personnel/Human Resources will discuss the facts of the case with the CEO and with Corporation Counsel prior to making any recommendations regarding continued employment.

   A. The appropriate law enforcement agencies may be consulted in selected cases.

   B. To the extent that additional information is required, management may conduct further investigation.

7. The available disciplinary options are:

   A. Continued employment pending completion of the investigation or disposition of the charges;
   B. Suspension without pay pending completion of the investigation or disposition of the charges; or
   C. Immediate termination—particularly upon conviction (There may be an opportunity for re-employment upon acquittal if a position is available).

   NOTE: In considering whether to suspend or not review the relationship between the charge and the job, take into account whether the employee will have contact with the public or if there are any on-going risks to other employees or any other justifiable conflict between the job function and the nature of the offense. For example, if an employee is arrested for, but not yet convicted or acquitted of assault and that employee's job requires contact with the public or other employees in isolated areas, such as parking lots, suspension would be appropriate.

8. The decision regarding continued employment may not always be solely-related directly to criminal charges. For example, an employee’s violation of a County policy could be grounds for disciplinary action regardless of the final outcome of criminal charges. Our own investigation may provide sufficient evidence upon which to base a decision. Conversely, the nature of the charges may be such that no County discipline action need be taken. Circumstances in these kinds of cases are very sensitive, and decision should be made only after full consideration of all aspects of the matter.
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Time away from Work

9. When an employee loses time from work because he or she is incarcerated or arrested, it may be treated as an absence if the time away is three (3) days or less and the attendance policy is used (employee may use paid time (vacation or personal business only).

10. When the arrest or incarceration of an employee lasts more than four (4) days, the employee will be permitted to apply for an unpaid leave of absence up to and not to exceed six (6) months. Such leave is subject to approval and depends on the length of the imprisonment term.

11. The County may continue to provide the employee’s health and life insurance at the discretion of the Department of Personnel/Human Resources.

III. ENFORCEMENT

The Department of Personnel/Human Resources is responsible for development, revision, communication, and enforcement of this policy. The Department of Personnel/Human Resources will assist in the interpretation and monitoring of adherence to this policy. Any employee in violation of this policy may be subject to disciplinary action up to and including termination. Wayne County adopts this zero-tolerance policy in furtherance of our obligation to provide a safe and healthy workplace under Federal, State, and Local laws. All County employees are subject to this provision, including temporary employees. Additionally, contract staff will be subject to the notification requirements of this policy.

IV. DISCLAIMER

If in direct conflict with other internal or departmental policy, this policy will be considered to be the overriding policy unless otherwise directed by the Director of Personnel/Human Resources or his/her designee.

In the event that any provision of these policies is in conflict with the terms and conditions of existing collective bargaining agreements (CBA), the terms and conditions of the agreements
shall take precedence. On those topics where the CBA is silent, the provisions of these policies shall apply.

V. RELATED DOCUMENTS
   a. Civil Service Rules and Regulations
   b. Collective Bargaining Agreements
   c. Wayne County Charter
   d. Wayne County Employee Handbook
   e. Contingent Staffing Contracts
   f. Safety Policy
   g. Code of Conduct

VI. REVISION HISTORY

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