

**MADISON COUNTY  
CIRCUIT CLERK  
EMPLOYEE  
HANDBOOK**

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## **INTRODUCTION**

This handbook has been prepared to inform you about the Circuit Clerk's policies and benefits available to you. Please read your handbook to familiarize yourself with the information it contains. Then refer to it whenever you have questions. If you have questions that are not answered by the handbook, direct them to your Circuit Clerk.

As a Circuit Clerk employee, the general public is your ultimate "boss." Your contacts with individual citizens will often be the only basis on which they judge the Circuit Clerk's office. It is important that you make the best possible impression at all times. Every job within the Circuit Clerk's office is an essential part of the overall operation of your county government. When you begin work for the Circuit Clerk everyone is relying on you to give honest, efficient and courteous service.

Nothing contained in this handbook is to be construed as a contract nor does it constitute a contract guaranteeing employment for any specific duration. The Circuit Clerk reserves the right to amend, modify, or cancel this handbook as well as any or all of the various policies, rules, procedures, and programs outlined within it. This handbook is merely a guide of the Circuit Clerk's policies and does not constitute or express nor imply a guarantee of employment or benefits. It is expressly understood that employee-at-will, and the Circuit Clerk or employee may terminate at any time, for any reason, with or without cause or notice. Please understand that the Circuit Clerk has the only authority to enter into any agreement with individuals for employment for any specific period of time, or to make any promises or commitments. Further, any employment agreement entered into by the Circuit Clerk shall not be enforceable unless it is in writing.

## **EMPLOYMENT**

### **General**

- 1) Employees of the Circuit Clerk shall adhere to the guidelines established herein. Deviation from these guidelines can only be approved by the Circuit Clerk prior to any action taken by the employee. It is the Circuit Clerk's policy that all employees who do not have a written employment contract for a specific term of employment are employed at will and are subject to termination at any time, for any reason with or without cause or notice. Non-adherence to these policies and procedures may result in disciplinary action.

### **Equal Employment Policy**

- 1) It is the policy of the Circuit Clerk to provide equal opportunity in employment to all employees and applicants for employment. There will be no discrimination against any employee because of race, creed, color, religion, national origin, sex, age, veteran status or disability.
- 2) The commitment to equal opportunity applies to all persons involved in the operations of the Circuit Clerk. This policy prohibits unlawful discrimination or harassment by any Circuit Clerk employee, including co-workers.

### **Nature of Employment**

- 1) Policies set forth in this handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the Circuit Clerk and any of its employees. The provisions of this handbook have

been developed at the discretion of the Circuit Clerk and the policy of Employment-**at-will** may be amended or canceled at the Circuit Clerk's sole discretion at any time.

- 2) Employment with the Circuit Clerk is voluntarily entered into, and the employee is free to resign at will and at any time, with or without notice of cause. Similarly, the Circuit Clerk may terminate the employment relationship at will at any time, with or without notice and cause. There are no other agreements concerning employment with at-will employees unless a written agreement is signed by the employee and the Circuit Clerk.
- 3) These provisions supersede all existing policies and practices and may not be amended or added without the expressed written approval of the Circuit Clerk.

### **Orientation**

- 1) Orientation and training programs are conducted to familiarize new employees with the workings of the Circuit Clerk. As part of orientation, the Circuit Clerk shall explain the employee's position, salary, benefits and personnel policies. The employee is given a copy of the Employee Handbook and is given the opportunity to ask any questions that he/she may have.
- 2) There will be a formal evaluation of the employee's performance during the initial appointment period and the Circuit Clerk may extend the time of the initial appointment period.

### **Initial Appointment Period**

- 1) The purpose of the initial appointment period is to give the individual an opportunity to demonstrate a capacity to perform the duties of the position and to determine if the

individual is suited for employment. All employees of the Circuit Clerk will be considered on an initial appointment status until completion of the first three (3) months of service.

- 2) There will be a formal evaluation of the employee's performance during the initial appointment period and the Circuit Clerk may extend the time of the initial appointment period.

### **Training Programs**

The Circuit Clerk has the discretion to require each employee to attend and successfully complete training programs related to the employee's job. Each employee must attend all training programs at times required by the Circuit Clerk. Each employee for whom training is required by the Circuit Clerk must successfully complete the required training within the time limits prescribed or be subject to termination.

### **Your Job**

- 1) It is the Circuit Clerk's responsibility to see that your duties are clearly explained and that you understand the requirements of your job. If at any time you are in doubt concerning your duties, you are expected to contact the Circuit Clerk.
- 2) You have a unique overall job responsibility that may require you to perform various work assignments, depending on the needs of the Circuit Clerk. Occasionally, you may feel that these assignments will not fall within your job description; however, when these times occur, you will be expected to perform such duties as are assigned by the Circuit Clerk.

## **Hours of Work**

- 1) Your hours of work will be fixed according to the needs of the Circuit Clerk and may be changed as the workload requires.

## **Attendance**

- 1) In order to operate the Circuit Clerk's office efficiently, it is necessary to have a reliable work force. It is important to you, your fellow employees, and the Circuit Clerk that you come to work on time and regularly. You are also expected to remain on the job during your appointed work hours. If you wish to leave your job for any reason, you must first talk to your Circuit Clerk.
- 2) The Circuit Clerk recognizes that you may have to be absent from work occasionally. Therefore, disciplinary action will not be taken against you for a single absence if you give proper notice to your Circuit Clerk and you have a satisfactory reason for being absent. If you know you will have to be absent from work, you must get prior approval from your Circuit Clerk recognizes that you have to be absent from work occasionally, but excessive absences will result in disciplinary action, up to and including termination.
- 3) When it is necessary for an employee to be absent or tardy, the employee is to personally notify the Circuit Clerk a minimum of one (1) hour prior to the start of a scheduled work day. The employee is to call in every day prior to the time the employee is scheduled to work unless the employee has given a date to return to work. An employee who is absent two (2) consecutive scheduled work days without notifying the Circuit Clerk shall be considered to have voluntarily quit unless failure to do so is for an acceptable reason and approved by the Circuit Clerk. If an employee request reinstatement to work following an

illness or injury and shall present a written release from the employee's doctor stating the date then that employee may return to work.

### **Tardiness**

- 1) If you are unavoidably delayed in getting to work, you should call your Circuit Clerk and tell them when to expect your arrival. All employees are expected to be punctual; however, there are times when circumstances will not permit a person to be on time. While allowances are made for occasional tardiness beyond the control of the individual, an employee who is habitually late may be disciplined up to termination.

### **Diligence During Work Hours**

Employees shall apply themselves to their assigned duties during the full schedule for which they are being compensated, expect for reasonable time provided to take care of personal needs. Employees should inform the Circuit Clerk of any conditions or circumstances in the work environment that hinders the employee from performing their assigned tasks.

### **Relationship With The Public**

Employees shall be impartial and courteous to the public at all times.

### **Smoke-Free Environment**

- 1) The Circuit Clerk as well as the County promotes a "smoke-free" working environment for all employees. The use of tobacco is prohibited in all facilities and vehicles, except in designated areas.

### **Drug-Free Environment**

- 1) It is the policy of the Circuit Clerk that this office shall be "drug-free."

## **Funeral Leave**

- 1) Full time employees may be granted leave of absence at regular pay to attend the funeral of immediate family members. Funeral leave pay will only be granted at the funeral and for time lost from regular scheduled work.

## **Layoff**

- 1) The Circuit Clerk may lay off an employee due to a shortage of funds or work, the abolition of the position, or for other reasons which are outside the employee's control. All unused medical time or personal leave will be forwarded to the Public Employee's Retirement System to be counted as creditable service up to the allowable limit.

## **Resignations**

- 1) In the event that it becomes necessary for you to leave your employment with the Circuit Clerk, a minimum of two (2) weeks' notice should be given to the Circuit Clerk so that proper arrangements can be made to work schedules. All issued equipment must be turned into the Circuit Clerk or before the issuance of your last payroll check. All unused personal or medical leave shall be forwarded to the Public Employees Retirement System to be counted as credible service up to the allowable limit.

## **Vacation**

The Circuit Clerk provides paid vacation (annual leave) as a benefit for eligible employees, which may be accrued and taken as set forth below. To be eligible, an employee must be officially classified as full-time or part-time and meet the schedule requirements as set forth below.

Accrual: An eligible employee will begin accruing vacation time on the first day of the next calendar month after the employee’s date of hire. The employee may begin taking the time off once it has been accrued. Former County employees who are rehired more than 90 days after initial separation will start earning vacation hours as any new employee. Vacation accrual will be prorated for partial month of service, including the last month of employment. Vacation time does not accrue while an employee is on unpaid leave. County employees who are PERS retirees are not eligible to accrue vacation time.

Accrual Rates: An eligible employee who is expected to have a regular schedule of 40 hours per workweek will accrue vacation time at the following rates:

<b>Continuous Full-Time Service (Completed Months)</b>	<b>Accrual Rate (Monthly)</b>	<b>Equivalent Annual Accrual Rate &amp; Maximum Balance Limit</b>
1 month to 3 years	12 hours	18 days
37 months to 8 years	14 hours	21 days
97 months to 15 years	16 hours	24 days
Over 15 years	18 hours	27 days

An eligible employee who is expected to have a regular schedule of at least 21 hours, but less than 40 hours, will accrue vacation time at the rate of six (6) hours for each calendar month of service.

Each employee must complete a vacation leave request form and submit it to the Circuit Clerk for approval and scheduling.

Vacations are scheduled at the discretion of the Circuit Clerk and are based on staffing needs. No more than two employees may be absent from the office on vacation at any given time

and never within 40 days prior to an election. Vacations must be scheduled and approved in advance of being taken. All vacation must be taken within the year it is earned.

Maximum Balance: An employee will not be eligible to accrue additional vacation time during any period in which the employee’s accumulated, unused vacation time has reached the applicable maximum balance as set forth above. The employee will become eligible to resume the accrual of vacation time on the first day of the next calendar month after the employee’s accumulated, unused vacation time is reduced below the applicable maximum balance limit.

**Holidays**

- 1) The Circuit Clerk recognizes the following paid holidays for all employees whose regular work schedule includes the day of the holiday, plus your personal Birthday holiday:

New Year’s Day	January 1 <sup>st</sup>
Robert E. Lee/Martin Luther King	Third Monday in January
President’s Day	Third Monday in February
Good Friday	Friday before Easter Sunday
Memorial Day	Last Monday in May
Independence Day	July 4 <sup>th</sup>
Labor Day	First Monday in September
Veteran’s Day	November 11 <sup>th</sup>
Thanksgiving Day	Last Thursday in November
Christmas Day	December 25 <sup>th</sup>

- 2) In addition to these holidays, the Circuit Clerk may recognize any other holiday proclaimed as such by the Governor of Mississippi.

**Sick Leave**

- 1) Refer to the attachment from the “Madison County Mississippi Employee Handbook,” dated October 1, 2020.

## **Pay Raises**

- 1) The Circuit Clerk makes every attempt to give fair pay raises to full time employees assuming the budget allows such.

## **Pay Day**

- 1) All employees will be paid on a monthly schedule.

## **Compensatory Time**

- 1) All employees of the Circuit Clerk's office are urged to make every effort to schedule work during regular hours and to avoid working overtime. When, in the opinion of the Circuit Clerk, it is essential that the Circuit Clerk employee work after normal working hours and compensatory time is earned then the employee shall see the Circuit Clerk to schedule time off for those hours within thirty (30) days of working them. Compensatory time must be used by the employee during that thirty (30) day period and will not be extended past that period.

## **Overtime**

- 1) All overtime must be approved by the Circuit Clerk in advance and is only allowed during the 30 day period prior to an election through the processing of the election results. When, in the opinion of the Circuit Clerk, it is essential that a Circuit Clerk employee work after normal working hours or during an official state holiday, during the aforementioned period for elections, the employee will be compensated at the rate of time and a half for

the approved overtime hours. During election time, essential employees that work overtime will be compensated at time and a half.

### **Courtesy and Decorum**

1) You are the representative of the Circuit Clerk in all of your dealings with the public. You should conduct yourself at all times, at work or in public, in a manner to convey a favorable impression to the public. If a controversy or disagreement should arise with a member of the public, you should advise the Circuit Clerk immediately.

### **Political Activity**

1) The Circuit Clerk believes all employees have a civic duty to cast their votes for their candidates and important issues as they choose. You have the right to support your candidate, however, no activity can be conducted for them during working hours.

### **Phone Calls (Land Line and Cell)**

1) No long distance calls are permitted for personal reasons on the County phones. The use of the County phones for personal reasons should be kept to a minimum. Personal calls are permitted so long as they do not interfere with the normal routine of business and last no more than three (3) minutes each.

2) Cell phones are not permitted during normal working hours. Please give the office number to everyone that might need to call in case of an emergency, schools, doctors, etc. Cell phone calls and text messages interfere with your job responsibilities as well as your co-workers.

## **Personal Appearance of Employees and Dress Code Policy**

- 1) It is the policy of the Madison County Circuit Clerk that each employee's dress, grooming, and personal hygiene should reflect a respectful, efficient, and professionally operated office. Employees are representatives of the Circuit Clerk and, therefore, their dress, grooming, and personal hygiene affect the public's impression of the office. This policy is intended to define appropriate "business attire" during normal business hours. The Circuit Clerk has the right to revise the policy at her discretion.
- 2) Business attire shall be worn during normal business hours. Casual business attire may be allowed on special occasions, at the Circuit Clerk's discretion. On these special occasions employees are still expected to present a neat appearance and are not permitted to wear ripped or inappropriate clothing.
- 3) The Circuit Clerk is responsible for monitoring and enforcing the dress code. If questionable attire is worn in the office, the Circuit Clerk will hold a personal, private discussion with the employee to advise and counsel the employee regarding the inappropriateness of the attire. At that time, the employee will be asked to go home and change into appropriate attire. The employee will not be compensated for any work time missed, due to the failure to comply with this policy. Repeated dress code violations will result in disciplinary action up to and including termination.

## **Internet**

- 1) Employees of the Circuit Clerk are expected to use the internet for job related activities which include research and educational tasks only. Access to the internet is a privilege and all employees must adhere to this policy.

- 2) Using the internet for personal reasons may lead to internet sites that have viruses. This could potentially cause extensive damage to the Circuit Clerk's information system.
- 3) Employees should understand there is no expectation of privacy on the Circuit Clerk's computers and that files, usage, and internet history are all subject to audit or monitoring. Violations of these policies could result in disciplinary action up to and including termination.

### **Safety**

- 1) It is the policy of the Circuit Clerk to provide employees with the safest work environment possible. Employees are to report unsafe conditions to the Circuit Clerk as soon as possible. Each employee has the responsibility to use reasonable care to insure the security of all property entrusted to their use.

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

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## **Drug and Alcohol-Free Workplace Policy of the Madison County Circuit Clerk**

The Madison County Circuit Clerk has implemented a drug and alcohol policy (“policy”) in order to provide a drug and alcohol-free work environment for employees of the Madison County Circuit Clerk. This policy, including requirements for testing, has been implemented pursuant to state law (Miss. Code Ann. §§71-7-1, *et seq.*) (“the Act”) and publication of this policy shall serve as notice of the existence of the Act.

### **Scope of the Policy**

This policy applies to all employees of the Madison County Circuit Clerk and to all applicants for employment with the Madison County Circuit Clerk.

### **Testing**

Testing will occur under this policy 1) upon application for employment with the Madison County Circuit Clerk and 2) when the Circuit Clerk has reasonable suspicion to test an employee for drugs and alcohol.

#### 1. *Applicant Testing*

All applicants will be notified in writing by the Office of the Madison County Circuit Clerk upon application that, if the applicant is given favorable consideration of employment, he or she will be required to submit to pre-employment drug and alcohol testing to determine the presence of alcohol, drugs, or their metabolites. Applicants who refuse to test or whose testing results indicate the presence of alcohol or drugs may not be hired, or if employment has already begun, may be discharged.

#### 2. Reasonable Suspicion Testing

The Madison County Circuit Clerk may require an employee to supply a specimen sample for testing if there is a reasonable suspicion that an employee is using or has used alcohol or a drug in violation of this policy based upon, among other circumstances:

- a. observable phenomena, such as the direct observation of drug use and/or the physical symptoms or manifestations of being under the influence of a drug;
- b. abnormal conduct or erratic behavior while at work, absenteeism, tardiness or deterioration in work performance;
- c. a report of drug use provided by reliable and credible sources and which has been independently corroborated;
- d. evidence that an individual has tampered with a drug/alcohol test while employed with the Madison County Circuit Court;

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- e. information that an employee is involved in the use, possession, sale, solicitation or transfer of drugs or alcohol while working or while on the premises of, or operating a vehicle, machinery or equipment of the Madison County Circuit Clerk.

*Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. A member of management must transport the employee or arrange for a hired driver and arrange for the employee to be transported home.*

### **Time of Testing**

Any drug and alcohol testing conducted pursuant to this policy shall occur as quickly as possible. Regardless of the timing of the testing, time spent traveling to and from tests and waiting for and undergoing tests shall be deemed to be performed during work time for purposes of determining compensation and benefits to employees. No compensation will be provided for applicants for employment.

### **Confidentiality**

All information, interviews, reports, statements, memoranda and test results, written or otherwise, received by the Office of the Madison County Circuit Court pursuant to the administration of this policy are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with the Act and applicable regulations. Any information so obtained pursuant to the Act and applicable regulations and this policy shall be property of the Madison County Circuit Court. The Madison County Circuit Court shall not release to any person other than the employee or job applicant, or medical, Circuit Court supervisory or human resources personnel, on a need-to-know basis, unless:

- the employee or job applicant has expressly, in writing, granted permission for the Madison County Circuit Court to release such information;
- it is necessary to introduce a positive confirmed test result into an administrative hearing under applicable state or local law, or a judicial proceeding, provided that the information is relevant to the hearing or proceeding;
- required by federal or state law, regulation or order, or in accordance with compliance requirements under a state or federal government contract;
- disclosure required to a drug or alcohol dependency rehabilitation program for the purpose of evaluation or treatment of the employee; or
- there exists a risk to public health or safety that can be minimized or prevented by the release of such information; provided, however, that unless such risk is immediate, a court order permitting the release shall be obtained prior to the release of the information.

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The confidentiality provisions of this policy as provided for pursuant to the Act shall not apply to other parts of an employee's or applicant's personnel or medical files. If an employee refuses to sign a written consent form for release of information to persons as permitted and provided for in the Act, the Madison County Circuit Clerk shall not be barred from discharging or disciplining the employee.

An employee or applicant to be tested shall be provided 1) a medication disclosure form to permit the employee or applicant to disclose any non-prescription or prescription medications that have been taken within forty-five (45) days prior to testing, and 2) a statement that the form shall be submitted directly to the Medical Review Officer designated by Madison County, Mississippi for that purpose, ensuring that no person or entity has access to the information disclosed on the form other than the Medical Review Officer.

### **Substances for Which Employees/Applicants are Tested**

Employees or applicants who are tested pursuant to this policy will be tested for the following substances:

- Amphetamines
  - Methamphetamine
  - MDMA (Ecstasy)
- Cocaine
- Marijuana
- Opiates
  - Codeine
  - Morphine
  - Heroin (6-AM)
- Alcohol

The Madison County Circuit Clerk is aware that certain substances listed may be prescribed by a medical care provider. Employees with prescriptions for any of the substances listed should disclose they are taking said substances in the disclosure form they will receive prior to testing.

### **Violations**

#### **1. Refusal to Provide Specimen for Testing**

Refusal to provide a specimen for laboratory testing when required under this policy and failure to appear at the designated place and time for specimen collection as directed are violations of this policy. For said violations, employees may be discharged, and applicants may not be hired.

#### **2. Interference with Testing**

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Evidence of inappropriate interference in the testing process, including but not limited to tampering with any specimen collected for testing, is a violation of this policy and will be treated in the same manner as a refusal to provide a specimen for testing.

### 3. Positive with Testing

Whenever a positive drug and alcohol test result has been confirmed under the terms of this policy as provided in the Act, the employee will be presumed to be in violation of this policy and will be subject to corrective action (including discharge) or, if an applicant for employment, will not be hired.

The laboratory conducting the testing must disclose the results to the Madison County Circuit Clerk or her authorized designee within five working days following the test. Within one working day following receipt of notice of a positive confirmed test result report from the laboratory, the Circuit Clerk will inform the employee in writing of a positive test result, the consequences of such a report, and the options, if any, that may be available.

An employee who receives a positive, confirmed, drug and/or alcohol test result will be allowed an opportunity to contest the accuracy of the result or explain it. The employee, within five working days after receiving notice of a positive confirmed test result, may have a portion of the specimen retested, at the employee's expense, at a laboratory chosen by the employee that otherwise meets state law standards for employee drug and alcohol testing, and/or submit confidential information to the Circuit Clerk explaining the test results and why said results do not constitute a violation of this policy. If an employee's explanation of the positive test result is not satisfactory, a written explanation as to why the employee's explanation is unsatisfactory, along with the report of positive confirmed test results, shall be made a part of the employee's medical and personnel records.

## **Rehabilitation**

### 1. Voluntary Rehabilitation

Any employee who feels that he or she has developed an addiction, dependence or other problem with alcohol or drugs, whether legal or illegal, is encouraged to seek assistance. Assistance may be sought in writing to or upon a personal appointment with the Madison County Circuit Clerk or her designee. All such requests for assistance are subject to the confidentiality provisions of this policy. Employees who are reasonably suspected of being in violation of this Drug and Alcohol-Free Workplace Policy may be asked if they have a dependency problem. Employees who acknowledge that they do have such a problem may be given an opportunity to enter a Rehabilitation Program, provided they are not a prior participant and have not otherwise violated

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any of the terms of this policy. Participation in a Rehabilitation Program itself is the responsibility of the employee including all associated costs. If an employee is participating in a Rehabilitation Program, drug and alcohol testing may be conducted by the rehabilitation provider as deemed appropriate by the provider.

A request for assistance will not prevent or stop a pending disciplinary action. The Madison County Circuit Clerk is under no obligation to retain any employee regardless of successful completion of a rehabilitation program. The Madison County Circuit Clerk reserves the right to terminate any employee at will.

## 2. Benefits and Leave

Any employee seeking medical treatment for alcoholism or drug dependency/addiction may be entitled to benefits under Madison County's group medical insurance plan, subject to the terms, restrictions and limits set forth therein. Eligibility for leave will be determined consistent with other leave policies.

## 3. Return to Duty

To be considered for return to duty after completing leave for treatment, the employee must maintain contact with the Madison County Circuit Clerk or her designee on a periodic basis as determined by the Madison County Circuit Clerk and must provide certification that he or she is continuously enrolled in a treatment program and actively participating in and remaining in compliance with that program. Following completion of the treatment program, the employee must provide the Madison County Circuit Clerk or her designee certification of the employee's successful completion of the program and certification the employee is capable of returning to gainful employment without jeopardizing the safety and/or health of the employee, other employees, or other persons with whom they may be in contact while working for the Madison County Circuit Clerk.

For any employee who is allowed to return to work following substance abuse treatment, return to duty testing may be required. Follow up testing may be required.

## 4. Rejection of Treatment/Failure of Rehabilitation

Any employee suffering from alcohol or drug dependency problem who rejects treatment or who leaves a treatment program prior to completion or discharge from the program may be immediately terminated from employment. Recurrence of an alcohol or drug dependency problem following completion of a rehabilitation program is cause for termination from employment.