

RESOLUTION NO. 2008-177

**A RESOLUTION ADOPTING
THE HUMAN RESOURCES POLICY MANUAL FOR SHAWNEE COUNTY**

WHEREAS, the Board of County Commissioners of the County of Shawnee, Kansas wishes to provide for a comprehensive set of personnel policies for the employees of Shawnee County, Kansas; and

WHEREAS, the Board of County Commissioners of the County of Shawnee, Kansas wishes to adopt the Human Resources Policy Manual as the basic guidance implementing the Board's personnel policies;

NOW, THEREFORE, The Board of County Commissioners of the County of Shawnee, Kansas, meeting in regular session on this 1st day of December, 2008, does hereby resolve as follows:

1. The Shawnee County Human Resources Policy Manual, attached hereto as Exhibit A, is hereby adopted and incorporated by reference for the employees of Shawnee County, Kansas.
2. Shawnee County Resolution No. 96-176, any amendments thereto, and any other resolutions in conflict herewith, are hereby rescinded.

3. This resolution shall take effect after it's passage by the Board of County Commissioners of the County of Shawnee, Kansas. The attached Shawnee County Human Resource Policy Manual, Exhibit A, shall take effect on December 20, 2008


BOARD OF COUNTY COMMISSIONERS
SHAWNEE COUNTY, KANSAS



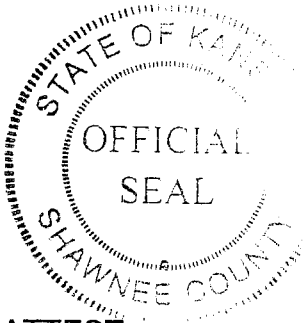
Michele A. Buhler, Chair



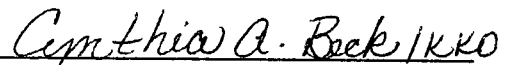
Victor W. Miller, Vice-Chair



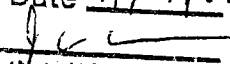
Theodore D. Ensley, Member



ATTEST:



Cynthia A. Beck, Shawnee County Clerk

Approved as to Legality
and Form: Date 11/21/08


ASST. CO. COUNSELOR



SHAWNEE COUNTY

HUMAN RESOURCES POLICY MANUAL

December 2008

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POLICY 1.0 - THE HUMAN RESOURCES PROGRAM

1.1 PREFACE.

It is incumbent upon the Board of County Commissioners of Shawnee County to establish an overall Human Resources Program for Shawnee County employees. This program includes high-level policy guidance put in force by the Board of County Commissioners establishing their philosophy on personnel administration, as well as human resources activities to implement that philosophy and enforce regulatory requirements. The Shawnee County Human Resources Policy Manual is the basic, overall guidance implementing Shawnee County Board of County Commissioners' personnel policies, practices, and regulatory guidance. The Human Resources Division of the Department of Human Resources and Facilities Management, hereafter referred to as Human Resources, is responsible for personnel administration within Shawnee County. The Director of Human Resources is directed to implement these policies and practices.

1.2 PURPOSE.

The Shawnee County Human Resources Program is established to:

- A. Promote and increase efficiency and economy in Shawnee County service.
- B. Provide equal opportunity to all qualified individuals to enter and advance in Shawnee County employment in all occupations on the basis of merit and fitness as ascertained through fair and practical methods of selection without regard to race, color, sex, physical or mental handicap, religion, age, national origin, ancestry, or sexual orientation.
- C. Develop a program of recruitment, advancement, and tenure, which makes Shawnee County service more attractive as a career.
- D. Establish and maintain a uniform plan of evaluation and compensation based upon the relative duties and responsibilities of positions in Shawnee County service to assure a fair and equitable wage or salary to all employees; and
- E. Establish and promote high morale by providing uniform human resources policies, opportunities for advancement, and consideration for employee needs and desires.

Nothing in this Policy Manual shall be construed to create a contract of employment whether implied or in fact. The Board of County Commissioners reserves the right to unilaterally make changes to the Policy Manual at any time it deems necessary or advisable.

1.3 ADMINISTRATION.

The Shawnee County Human Resources Program consists of:

- A. The Policy Manual as approved by the Board of County Commissioners setting forth overall policies and guidance for personnel issues.

- B. The Director of Human Resources establishing procedures, guidelines, forms, etc. to implement the Policies, which are binding upon all Shawnee County employees. These may be updated, changed, or amended as needed by the Director of Human Resources.
- C. Other resolutions passed by the Board of County Commissioners affecting the administration of Shawnee County personnel.

The Director of Human Resources under the direction of the Board of County Commissioners administers the Human Resources Program. The director of any department/office or elected official may formulate, in writing, reasonable administrative regulations for the internal conduct of their department/office. Such written regulations shall be available to all department employees. Nothing in this paragraph shall be construed as granting any department/office authority to adopt regulations in violation of, or in conflict with the Shawnee County Human Resources Program.

1.4 **APPLICABILITY.**

The following Policies shall apply to all employees of Shawnee County. The Policy Manual is the basic governing guidance and the foundation of all human resources actions within Shawnee County. Various Union Contracts may supplement certain sections of the Policy Manual. Where Union Contracts supplement the Policy Manual, the Union Contracts take precedence. Where Union Contracts are silent on a specific issue, the Policy Manual applies.

1.5 **EXCLUSIONS.**

The following classes of employees are excluded from specific provisions of the Shawnee County Human Resources Program:

- A. **Elected Officials** are excluded from all provisions except health insurance. Retirement provisions under KPERs are optional for elected officials. Personnel in most elected officials' offices fall under the policies that apply to all other County employees. The District Attorney is considered a state official.
- B. **Department Heads** are excluded from all provisions except health insurance, retirement, ethical employee conduct, health and safety, and attendance and leave. Department heads serve at the pleasure of the Board of County Commissioners.
- C. **Unclassified** employees are subject to all provisions, except grievance procedures, and any due process rights. Unclassified employees serve at the pleasure of the department head/elected official, commonly called an appointing authority.

1.6 **COMMUNICATIONS WITH THE BOARD OF COUNTY COMMISSIONERS.**

No supervisor, elected official or department head of any County department or office shall prohibit any employee of the County from discussing the operations of the department or office, either specifically or generally, with any member of the Board of County Commissioners.

No supervisor, elected official, or department head of any County department or office shall:

- A. Prohibit any employee of the department or office from reporting any violation of state, federal, or County resolutions, or rules and regulations to any person, agency or organization; or
- B. Require any such employee to give notice to the supervisor, elected official or department head prior to making such report.
- C. This Policy shall not be construed as:
 - 1. Prohibiting a supervisor, elected official or department head from requiring that an employee inform the supervisor, elected official or department head as to requests from the Board of County Commissioners for information or the substance of such information to be communicated to the Commission by such employee;
 - 2. Permitting an employee to leave the employee's assigned work areas during normal work hours without following applicable rules and regulations and policies pertaining to leave, unless the employee is requested by a member of the Board of County Commissioners to appear before the Commission;
 - 3. Authorizing an employee to represent the employee's personal opinions as the opinions of the County department or office, or;
 - 4. Prohibiting disciplinary action of an employee who discloses information which: (1) the employee knows to be false or which the employee discloses with reckless disregard for its truth or falsity, (2) the employee knows to be exempt from required disclosure under the Open Records Act or, (3) is confidential under any other provision of law.
- D. Disciplinary action imposed for the employee through the applicable grievance procedure may appeal any of the acts set forth in this Policy for such employee. This may include grievance procedures through any Union contract, the Policy Manual, or the Civil Service Board as appropriate.

No employee shall be subject to disciplinary action, denied promotion or threatened with any adverse treatment, as a result of exercising privileges granted in the Policy Manual, Human Resources Rules, or as a result of utilizing a grievance procedure.

1.7 CHANGES TO THE HUMAN RESOURCES PROGRAM.

If the Director of Human Resources proposes a change to the Shawnee County Human Resources Policy Manual, he/she shall publish the proposed change with justification to department heads, elected officials and the Union organizations for consideration and comment. After a fifteen (15) day comment period, the proposed change with any comments and/or modifications shall be re-published and the Director of Human Resources shall forward the proposed changes, with any comments and suggested modifications, to the Board of County Commissioners for a decision.

1.8 **RESIDENCY REQUIREMENTS.**

Shawnee County does not have a residency requirement for employment with the County. Applicants for County employment positions that require a minimum response time must certify to the appointing authority their ability to respond accordingly and must maintain that ability. County employees who are not able to achieve a minimum response time as required by their position must be transferred to a position that does not require a minimum response time, or must relocate their residence to achieve the minimum response time required.

POLICY 2.0 - DEFINITIONS

P2.1 DEFINITIONS.

The following key words and phrases used in the Shawnee County Human Resources Policy Manual have the following meanings, unless otherwise clearly indicated in the context:

ALLOCATION: The assignment of an entire classification to a pay range based on the duties assigned.

ANNIVERSARY DATE: The date (month and day) an employee is appointed to a permanent position in the class in which he/she is currently employed. Promotions and demotions shall establish a new anniversary date subject to Union contract provisions. Anniversary dates are used to establish length of service, seniority, layoff scores, and effective dates of pay step increases.

APPOINTING AUTHORITY: An elected official, or appointed agency/department head authorized by the Board of County Commissioners to make appointments/dismissals of personnel in organizational units under his/her charge. Commonly used to denote both appointed department heads and elected officials.

BARGAINING UNIT: A group of employees whose positions have been grouped into a classification, or group of classifications, with a commonality of interest, organized and represented by a recognized labor union.

BENEFITS (FRINGE): Indirect compensation including, but not limited to: vacation, sick leave, insurance, retirement pension and holidays.

CLASS: A grouping of similar positions having common duties and responsibilities and meeting the same qualifications.

CLASS TITLE: The official position title used for all personnel, budgetary and payroll processes. Working titles may be used for all other purposes.

CLASSIFICATION PLAN: The listing of all classes by standard class titles with compensation ranges, the class specifications, the allocation records and the regulations for administering and maintaining the same.

CLASSIFIED POSITION: A position that has been allocated to a specific class and wage range in accordance with and subject to the Policy Manual and implementing practices. Employees in classified positions have due process rights to the position. Classified positions are normally, but not always, management or supervisory positions and are not covered by a County bargaining unit.

COMPENSATION: The total amount of salary or wages received by an employee, as per the compensation plan, and any other allowance, or award exclusive of fringe benefits.

COMPENSATORY LEAVE: Compensatory leave is accrued leave in place of paid overtime. Compensatory time is accrued at the rate of one and one-half (1.5) times the number of hours worked in lieu of overtime. Compensatory time must be offered and accepted, and the compensatory time form completed and signed in advance of working the hours. The Shawnee County Overtime / Compensatory Time Request form is available on the Shawnee County IntraWeb, HR Forms page.

DEMOTION: A change in the assignment of an employee from a position in one (1) class to a position in another class having a lower salary range.

DEPARTMENT HEAD: The officially appointed head of any department of Shawnee County government.

DISCIPLINE: Any action taken by a management or supervisory person towards an employee with the objective to teach the employee to obey rules or accept authority. Normally discipline is not used for performance issues, but rather used in cases of inappropriate behavior. In the context of Shawnee County employment, formal disciplinary action is discussed in Policy 8.

ELECTED OFFICIAL: An individual duly elected in a certified Shawnee County election to serve in an official capacity.

EXEMPT POSITION: An employment position not authorized to be paid overtime under the Fair Labor Standards Act. These positions must be paid on a salary basis, rather than an hourly wage.

FULL-TIME POSITION: A permanent position requiring two-thousand and eighty (2,080) hours of work per year on a regular basis.

IMMEDIATE FAMILY: The immediate family shall mean spouse, son/daughter (in-law), father (in-law), mother (in-law), brother (in-law), sister (in-law), grandparents, grandchildren, step-parents, step-children, step-siblings, and other close relatives if they are residing permanently with the employee.

IN PAY STATUS: Those personnel using accrued vacation, sick leave, shared leave, jury/witness leave, funeral leave, compensatory time, or performing duties for Shawnee County are considered in pay status.

INTERMITTENT EMPLOYEE: An individual who fills an intermittent position with Shawnee County.

INTERMITTENT POSITION: A non-benefit eligible position of employment for Shawnee County, which is not permanent, but normally is of longer duration than a temporary position. An intermittent position may be terminated at any time for any reason.

NON-EXEMPT POSITION: An employment position that is required to be paid overtime under the Fair Labor Standards Act. Non-exempt positions are paid an hourly wage.

OUT OF CLASS PAY: A higher level of compensation resulting from an employee being required to temporarily perform the work of a classification or position assigned to a higher salary range than that of the employee's regular classification.

PART-TIME POSITION: A permanent position requiring less than two-thousand and eighty (2,080) hours of work per year on a regular basis.

POSITION: Any approved employment in Shawnee County service that requires the full or part-time employment of one (1) person; or stated in another manner, a position is a collection of duties and responsibilities assigned by competent authority to one (1) person. The Board of County Commissioners must approve employment positions.

PROBATIONARY PERIOD: The time an employee is subjected to testing, trial or evaluation to determine ability for a position. Probationary periods can be associated with a new hire or a promotion.

PROMOTION: A change in the assignment of an employee from a position in one (1) class to a position in another class having a higher wage range.

RANGE (WAGE): The range of compensation for a specific occupational class, from entrance step to maximum step, signified by a numerical designation.

REALLOCATION: A change in the assignment of an entire classification to a different pay range, based upon a review of the duties assigned to the classification. Reallocations do not change anniversary dates.

REASSIGNMENT: The action by an appointing authority of changing the duties of an employee within the department/office from one (1) set of duties of their classification to a new set of duties contained in the same classification. No approval of Human Resources or posting of the job is required for such a change. Any significant change in duties must be reflected in the Position Description for that position and coordinated with Human Resources.

RECLASSIFICATION: The change of a single position from one (1) classification to a different classification based on the actual duties assigned to the position. Reclassifications do not change anniversary dates.

RECALL: The procedure by which laid-off employees are called back to work.

REINSTATEMENT: The re-employment of a former employee within six (6) months of leaving Shawnee County service. Such employees shall have their sick leave reinstated and their previous years of service reinstated for purposes of earning vacation leave. Previous years of service shall not be recognized for lay-off purposes.

STATUS: An employee's status may be permanent, temporary, or intermittent, regular or probationary; full or part time.

STEP INCREASE: Longevity advancements within a wage/salary schedule, normally given on an annual basis on an employee's anniversary date.

TEMPORARY POSITION: A position created for a limited period of time or project, not to exceed six (6) months. A temporary employee is an individual employed in a temporary position. A temporary employee may be terminated at any time and does not receive any of the fringe benefits provided to permanent employees.

TRANSFER: The reassignment of an employee from a position of one (1) class to a position in the same or another class in a different department having the same salary range.

UNCLASSIFIED POSITION: An employee position serving at the pleasure of the appointing authority. Unclassified employees have no property rights to the position and may be dismissed at any time, with or without notice and with or without cause. Generally, unclassified positions are reserved for department heads and immediate subordinates.

UNION: A group of employees that have formed a collective bargaining unit.

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POLICY 3.0 - CLASSIFICATION PLAN

3.1 THE CLASSIFICATION PLAN.

The classification plan is intended to provide elected officials, department heads, supervisors, employees and potential employees with an understanding of the duties, educational requirements, minimum qualifications, physical requirements, knowledge, abilities and skills associated with each classification. The classification plan includes classification specifications and position descriptions for employment positions used throughout County government.

Classification Specifications will specifically outline the types of duties in which an employee will be expected to perform in order to be proficient in their classification. The Director of Human Resources shall establish, maintain, and administer the Classification Specifications for Shawnee County.

Position Descriptions outline the specific primary duties from the Classification Specification the employee will actually be performing in their position. Position Descriptions will be developed and approved by Human Resources in coordination with appointing authorities. Performance evaluations will then be individually developed from the unique Position Description for the incumbent in each position.

3.2 CLASSIFICATION OF POSITIONS.

The Director of Human Resources shall group all positions in Shawnee County service into classes. Each class shall include those positions sufficiently similar in respect to their duties and responsibilities so that similar requirements as to training, experience, knowledge, ability, skill and the same rates of compensation under similar working conditions are applicable.

3.3 EXPLANATION OF CLASS SPECIFICATIONS.

Preparation And Content. Appointing authorities in conjunction with the Director of Human Resources shall define the duties and responsibilities of all positions within the class and the minimum entrance qualifications for successful performance. Classification Specifications shall be prepared and promulgated by the Director of Human Resources.

Class Titles. A class title shall be used to identify each class in the Classification Plan. Each class title shall be generally descriptive of the work of the class and indicate its relative importance and responsibility among other classes of its series. The class title shall be used to designate positions of the class or to identify incumbents in all budget estimates, payrolls, personnel records, reports and other official records; and in internal correspondence or other communications relative to human resources administrative processes.

Minimum Qualifications. The requirements, stated in each Classification Specification, establish minimum qualifications to be held by any individual before he/she may be considered for appointment to a position in the class. Common alternative combinations of education, training, or experience may be qualifying if deemed equivalent by the Director of Human Resources.

Interpretation And Use. The Classification Specifications are mainly descriptive and not restrictive, except as to the minimum qualification requirements specified. The inclusion of particular expressions of characteristics or examples of duties shall not exclude others of similar kind and quality. In determining the class to which a position should be allocated, each Classification Specification shall be considered as a whole, giving consideration to the general characteristics; specific examples of duties and responsibilities; education and experience requirements; knowledge, abilities and skills; and relationships with other classes.

Classification Specifications for classes consist of six (6) major components.

- A. Class Title. This term describes the type of work performed and indicates its relative level or rank.
- B. Class Specification. This is a brief statement indicating the basic purpose of the work performed and gives some indication of the difficulty and responsibility of the class.
- C. Examples Of Work Performed. Samples of general duties employees may be expected to perform within this class.
- D. Knowledge, Skills, And Abilities. Lists those attributes ordinarily required of an employee for successful performance of the work in the class. Although they may not be specifically mentioned, certain qualifications, such as honesty, integrity, accuracy, resourcefulness, thoroughness, etc., which should properly apply to all positions, are deemed to be part of this section.
- E. Class Distinctions. The characteristic of the work of the class, which distinguishes it from other classes, and distinguishes the particular class from the next higher or lower class.
- F. Minimum Qualifications. A description of the minimum education, training and/or experience an applicant must possess in order to qualify for the position for which the applicant is applying, which would ordinarily provide qualification for a new employee being recruited into the class. The licenses or certificates, if any, that is legally required to be maintained during the course of employment.

Out Of Class Rule. If a classified employee performs a significant amount of duties of a higher class position for eight (8) consecutive work days or more, they are entitled to be paid at the rate specified in Section 4.5 - Out of Class Pay.

3.4 EXPLANATION OF POSITION DESCRIPTIONS.

Position Descriptions relate to and are extensions of particular Classification Specifications. They are specific to a particular type of position and describe tasks and duties that any employee in the position will be expected to perform. Position Descriptions shall include but not be limited to the following items:

- A. Working Title.
- B. Position Number.
- C. Fair Labor Standards Act (FLSA) Status.
- D. Position Description. Includes the work to be performed and identifies the supervisor of the position.
- F. Work Performed. Includes approximate percentage of time and minimal standards for acceptable performance.
- G. Knowledge, Abilities And Skills. Includes the knowledge, abilities and skills required for the position.
- H. Physical Requirements.
- I. Equipment Used.
- J. Minimum Qualifications. Includes the minimum qualifications required for the position as specified in the Classification Specification.
- K. Special Requirements.

3.5 DUTIES PERFORMED.

Any employee may be required by competent authority to perform any of the duties described in the Classification Specification and Position Description, any other duties that are of similar kind and difficulty, and any duties of lower classes in the same occupational series or in other series, which have similar characteristics. Any employee may also be required to temporarily serve in a higher position in emergencies, as a training assignment, or in relief of another employee on leave of absence.

3.6 MAINTENANCE OF THE CLASSIFICATION PLAN.

The Director of Human Resources shall review the Classification Plan as needed. Such review shall include verification of the current duties of positions and the accuracy of their pay range allocations, that they are consistently applied throughout Shawnee County, and a comparative analysis of local wage surveys. The Director of Human Resources shall enact changes resulting from such a review.

3.7 FILLING OF VACANT POSITIONS, PROMOTIONS, REALLOCATIONS, AND RECLASSIFICATION REQUESTS.

A new hire action to fill a vacant position, or to put into effect promotions, reallocations and reclassifications must first be authorized by the Board of County Commissioners in advance sitting in regular session. The Board of County Commissioners may authorize the Director of Human Resources to approve the above actions providing the funding of the vacant position has either been approved in the applicable County budget or is available in the department/office budgeted funds. This prior approval policy shall not apply to enterprise fund departments such as the Shawnee County Refuse Department and the Shawnee County Recycling Department, however funding must be available in their respective approved budgets.

3.8 NEW POSITIONS.

The Director of Human Resources shall study the duties and responsibilities of each request for a new position and, on the basis of such study, assign it to the appropriate classification and pay range. No person shall be appointed to any position unless it has been so classified by the Director of Human Resources and approved by the Board of County Commissioners.

3.9 RECLASSIFICATION OF POSITIONS.

- A. Whenever a significant change is made in the duties and responsibilities of a position, an entire classification, or a major portion of a classification, involving either the addition of new assignments or the removal or modification of existing assignments, such changes shall be reported to the Director of Human Resources by the appointing authority concerned. The Director of Human Resources, upon his/her own initiative, or upon request of an appointing authority or the employee currently occupying the position, shall investigate such changes to determine if reclassification is warranted. Based on the information obtained, the Director of Human Resources may then recommend to the Board of County Commissioners to reclassify the individual position or reallocate all positions in that class.
- B. Reclassification shall not be used to avoid the provisions of these policies pertaining to layoffs, demotions, promotions and dismissals. Nor shall reclassification be used to increase or decrease the wages/salary of an employee in circumvention of the regulations pertaining to wages/salaries.
- C. Status of Incumbent upon Reclassification of Position.

At the Same or Higher Compensation Range. When a position is reclassified to another class at the same range or at a higher range, the incumbent shall be entitled to serve with the same status as long as they meet the minimum qualifications for the position. If they do not meet the minimum qualifications, the incumbent shall be entitled to transfer to a vacant position currently posted for hire in his/her present class, or in a similar class at the same range for which he/she is qualified, without change in status. In the event that such transfer cannot be affected within thirty (30) days, the incumbent shall be laid off in accordance with the layoff procedure.

At a Lower Compensation Range. When a position is reclassified to a class with a lower range, the incumbent shall be entitled to transfer to a vacant position currently posted for hire in his/her present class, or in a similar class at the same range for which he/she is qualified, without change in status. In the event that such transfer cannot be affected within thirty (30) days, the incumbent shall be reclassified to the lower class or, at the incumbent's option, laid off in accordance with the layoff procedure.

3.10 APPEAL OF CLASSIFICATION RECOMMENDATIONS.

Should an employee or appointing authority disagree with the recommendation of the Director of Human Resources, he/she may appeal the recommendation to the Board of County Commissioners, with a copy provided to the Director of Human Resources. Such appeal shall be made within ten (10) working days of notification of the Director's of Human Resources action. Such appeal shall be in writing and shall contain all evidence and related justification for a different classification. The Director of Human Resources shall also prepare in writing justification and evidence supporting his/her classification decision. The Board of County Commissioners shall review the submitted evidence and any other evidence they believe appropriate and shall respond to the appeal within twenty (20) working days. The action of the Board of County Commissioners shall be final and not subject to further appeal.

3.11 DUAL EMPLOYMENT.

No County official or employee may be appointed to or serve in more than one (1) permanent, full-time County position at the same time. This does not apply to 'interim' appointing authority positions, or special situations approved by the Board of County Commissioners.

County officials or employees are not prohibited from other employment with an employer other than the County, provided there is no conflict of interest that could cause embarrassment to the County or the employee, provided however, that no County employee may engage in other employment while on sick leave, shared leave, family medical leave (with certain exceptions) or leave without pay.

If a County employee participates in an additional non full-time position with the County, such employment must constitute a different general occupational category than the primary employment as defined by the U.S. Department of Labor. The hours worked in the non full-time position do not count toward the computation of overtime pay in the full-time position. Overtime pay would only apply if the employee worked more than forty (40) hours in a work week in the non full-time position, and then the overtime would be paid from the non full-time position department.

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POLICY 4.0 - COMPENSATION

4.1 APPLICATION OF THE COMPENSATION PLAN.

- A. Compensation Ranges. The Director of Human Resources shall assign all classifications to a pay range. All classified employees and unclassified employees assigned to the plan, shall be paid within the assigned pay range. The Board of County Commissioners shall approve the Compensation Plan.

Employees covered by the overtime provisions of the Fair Labor Standards Act (Non-Exempt), are compensated on an hourly basis, and paid on a bi-weekly pay period. Employees not covered by the overtime provisions of the Fair Labor Standards Act (Exempt) are not compensated on an hourly basis but on a salary basis, and paid on a bi-weekly pay period.

- B. Compensation of Temporary Employees. Temporary employees shall be employed at the entrance level in the range for the class in which employed and shall remain at their initial salary throughout their appointment. If a temporary position is not assigned to a specific classification, the Board of County Commissioners prior to filling the position must approve the salary.
- C. Compensation of Part-Time Employees. Part-time employees must occupy an approved position. Part-time employees shall be employed initially at the entrance level in the range for the class in which employed. All such employees may be advanced within the salary range in the same manner as other employees. The accumulation of service toward advancement within a range shall continue unless interrupted by absence from Shawnee County service for more than thirty (30) days. Regularly scheduled part-time employees shall receive benefits on a pro-rata basis per the schedule below:

Average Weekly Schedule	Pro-Rata Benefit
Less than 20 Hours	No Benefits
20 to 29 Hours	50% Benefits
30 to 39 Hours	75% Benefits

- D. Compensation of Intermittent Employees. Intermittent employees shall be compensated in accordance with the current approved "Intermittent Employee Pay Plan" as developed by the Director of Human Resources and approved by the Board of County Commissioners. The intermittent pay plan shall be divided into four (4) parts covering wages paid to Semi-Skilled, Skilled, Instructors/ Special-Skilled, and Professional employees. The Semi-Skilled, Skilled, and Instructors/Special-Skilled pay will be designated on an intermittent employee pay schedule. The intermittent pay schedule shall remain in effect until the Board of County Commissioners amends it. The Board of County Commissioners on a case-by-case basis shall establish the rate of pay for a Professional intermittent employee. Employees shall be placed on the plan by the appointing authority of the employing department in coordination with Human Resources. A Personnel Status Change form shall be submitted to Human Resources for approval before the rate of pay becomes effective or is changed. Intermittent employees do not occupy an approved position, but are funded separately in the department budget. Appointing authorities shall request annual approval from the Board of County Commissioners for the amount of money necessary to fill intermittent positions. The appointing authority making the request to fill such a position shall insure that they do not exceed their approved authorized budget for intermittent employees.

4.2 COMPENSATION.

Compensation of an employee may be based on exceptional qualifications directly related to the vacant position. Exceptional qualifications shall be based on the employee's education, training, experience, skills, and other qualifications. An appointing authority must have authorization from the Board of County Commissioners to compensate an employee for exceptional qualifications as stated in the following sections.

A. New Employees.

1. Each new hire shall be paid at step one (1) of the range for the class.
2. New hires may be paid at steps two (2) through five (5) in the range when a department has an eligible candidate with exceptional qualifications directly related to the vacant position and the department cannot employ the person at step one (1). With the approval of the Board of County Commissioners, the appointing authority may begin pay at steps two (2) through five (5) of the applicable range.

B. Reinstated/Recalled Employees.

1. Any person hired by reinstatement within six (6) months of leaving Shawnee County service or recalled after a layoff may be placed on a pay step according to the following circumstances:
 - a. Any person reinstated/recalled at the same range as previously held may be placed on the step for which the employee was previously paid.
 - b. Any person reinstated/recalled at a lower range than previously held may be paid at higher steps in the new range not to exceed the rate for which the employee was previously paid.
 - c. Any person reinstated at a range greater than previously held may be placed on a range and step under the same criteria established for promoted employees. Recalled employees may not be placed in positions in higher ranges than their current range on the effective date of the layoff.
 - d. Any employee reinstated with a time lapse of greater than thirty (30) days shall have their anniversary date adjusted accordingly.
2. Any person re-hired by Shawnee County after more than six (6) months shall be treated as a new hire. Layoffs are not considered a termination and shall be treated according to our Reduction in Force Policy.
3. Nothing in this subsection shall prevent a person from accepting reinstatement at a range or step lower than what the employee was previously paid.

C. Promoted Employees.

1. When an employee is promoted, the appointing authority shall place the employee on one (1) of the following pay steps:
 - a. Any lower step of the range for the new class that gives the employee an increase in pay, or,
 - b. The same step of the new class as the step on which the employee was being paid in the lower class, if the employee to be promoted has exceptional qualifications.
2. The effective date of the promotion shall serve to establish a new anniversary date.

D. Demoted Employees.

1. Each employee who is demoted shall be paid at the same step of the range of the lower class, as the step on which the employee was being paid on the higher class, or at any higher step so long as there is a decrease in compensation.
2. Any employee voluntarily demoting may be paid at a step of the new range that does not result in a decrease in pay rate if:
 - a. The employee has exceptional qualifications for the new position;
 - b. The action is in lieu of a layoff; or
 - c. The employee is accepting an accommodation in accordance with the Americans with Disabilities Act.
3. Any employee taking a voluntary demotion must remain in the demoted position for one (1) full year.
4. Demotions shall establish a new anniversary date for the demoted employee.

E. Transferred Employees.

An employee who is transferred shall be paid at the same step as the step on which the employee was paid before the transfer. An employee may transfer to a lower step within the range, if this is agreed upon by the employee and the appointing authority. A transfer does not establish a new anniversary date.

F. Reclassified Employees.

1. An employee whose position is reclassified to a class with a lower range shall be placed on the same step of the new range. The appointing authority may pay at a higher step in the new range if the employee has exceptional qualifications for the new class.
2. An employee whose position is reclassified to a class with a higher range shall be placed on the same step of the new range.
3. Reclassification does not establish a new anniversary date.

G. Reallocated Employees.

1. An employee whose entire classification is to be reallocated to a different pay range shall be placed on the same step of the new range.
2. Reallocation does not establish a new anniversary date.

H. Intermittent Employees.

Intermittent employees may be paid at any rate of pay that falls into the appropriate range of pay established on the current approved "Intermittent Employee Pay Plan".

I. Unclassified Employees Attached to the Classified Pay Scale.

1. New hire Unclassified employees are attached to the classified pay scale for pay administration purposes. These employees will receive a step increase upon six (6) months initial service, and annually thereafter upon their anniversary date.
2. Employees promoted to an Unclassified position will be placed on the Classified Scale range appropriate to the position and one (1) step below the employees current step, as long as there is an increase in pay. The date of the promotion will establish a new anniversary date. The promoted Unclassified employee will receive a step increase at six (6) months service and thereafter annually on their adjusted anniversary date.

4.3 ADJUSTMENTS TO THE COMPENSATION PLAN.

The Director of Human Resources shall recommend adjustments to the Classified and Unclassified pay plan to the Board of County Commissioners. Human Resources will post the approved Classified Pay Plan to the HR Forms page on the Shawnee County Intranet. Employees covered by a Union Memorandum of Understanding will be paid under the applicable pay scale. Individual bargaining unit pay scales are included as a part of individual bargaining unit Memorandums of Understanding (MOU) or Addendums to the MOUs.

4.4 MAINTENANCE AND SERVICE COMPENSATION.

In each case where an employee is provided with full or partial maintenance consisting of one (1) or more meals per day, lodging or living quarters, and domestic or other personal services, or a Shawnee County automobile for personal use, such compensation in kind shall be treated as part payment for work performed, except where exemptions exist under IRS regulations.

4.5 OUT OF CLASS PAY.

- A. When employees are assigned to perform work, over a period of time, of a higher level than required by their current classification, they are considered to be working 'Out of Class'. Out of Class pay will commence on the eighth (8th) consecutive working day of the assignment.

- B. An Out of Class assignment is designed to allow supervisors to cope with a temporary absence or vacancy on an emergency basis. It is not a way to pre-select a candidate for the vacancy or to financially reward an employee. The time spent in an Out of Class assignment may not be utilized to fulfill the experience requirements of any position.
- C. In order to make an Out of Class assignment, the appointing authority must be actively recruiting for the position or the position has been temporarily vacated as a result of an extended leave of absence.
- D. Out of Class assignments are limited to six (6) months in duration. "Out of Class" pay for the employee fulfilling the vacancy shall not extend beyond six (6) months without the written approval of the Director of Human Resources. If the situation is not corrected or the position is not filled within six (6) months, then the appointing authority needs to review the situation and either recruit for the position or change some other condition of employment to allow the employee to work within their classification.
- E. Employees working in Out of Class assignments should be compensated on the higher range at least two (2) steps below their current step in the regular position. If placing them two (2) steps below their current step results in no increase in pay, they may be moved up to the first step that does provide an increase. In no case shall an employee in an Out of Class assignment be paid a wage that is not on the range for the Out of Class position.
- F. An appointing authority may select any full-time, permanent County employee in their department, who is not on initial-hire probationary status, for the Out of Class assignment. The appointing authority should select the employee who, in their judgment, can best fulfill the duties of the position, until a qualified candidate fills it. Since the assignment is a temporary one, there is no need for interviews or pre-qualification.
- G. The appointing authority must coordinate the Out of Class assignment with Human Resources and submit a Personnel Status Change form to temporarily change the pay for the employee.

4.6 MOVING EXPENSES.

When an employee is appointed to a permanent position, the Board of County Commissioners may approve payment for moving expenses per the guidelines below:

- A. The expenses of transporting, packing, crating, temporarily storing, driving and unpacking of household goods and personal effects and for transit insurance thereon.
- B. Authorized costs for a self move may be paid when deemed desirable by the Board of County Commissioners and may include:
 - 1. Rental costs plus insurance of a van, truck or trailer; or
 - 2. Private car mileage one (1) way for one (1) personally-owned conveyance at Shawnee County's current mileage rate.

3. Payments for moves by a commercial carrier shall be based upon firm rate bids to the Shawnee County Purchasing Department. Self-moves are authorized when deemed desirable by the Board of County Commissioners but the cost of such moves shall be within the limitation established by comparable cost of commercial carrier moves. Employees shall be responsible upon completion of commercial carrier moves to inspect, note damages on the shipper's bill of lading and sign the bill of lading.
- D. The amount to be paid for moving expenses may not in any case exceed the amount of the actual reimbursable moving expenses verified by receipts or the amount of moving expenses for moving twelve thousand (12,000) pounds of household goods by commercial carrier, whichever is the lesser amount.
- E. Moving expenses may be paid only after the employee completes the Moving Expense Agreement agreeing to remain in County service for twelve (12) months after the date of appointment, unless separated for reasons beyond the employee's control or at the discretion of the Board of County Commissioners. If the employee violates the agreement, the money spent by Shawnee County for the moving expenses and travel allowances is recoverable from the employee as a debt to Shawnee County. It is the responsibility of the Board of County Commissioners to maintain the signed agreement and to collect any amounts spent by Shawnee County in the event of an employee's early termination.
- F. Expenses of the sale of the employee's residence, losses on the sale of an employee's residence, the settlement of an unexpired lease by the employee or the purchase of a home are not allowable expenses.
- G. No provision is made for reimbursement for shipment of an automobile. An automobile is not considered a "household furnishing" or a "personal effect" for purposes of this procedure.

4.7 ADVANCEMENT WITHIN A SALARY RANGE.

- A. Completion of Probationary Period. Classified employees shall receive increases of one (1) step upon satisfactory completion of the probationary period and/or any extensions. Employees covered by a bargaining unit Memorandum of Understanding shall follow the Memorandum of Understanding guidelines.
- B. Longevity Step Wage Increases. Longevity step wage increases are movements along the pay range assigned to a particular classification based on completion of an additional year of County service, and are awarded on the employee's anniversary date. The Board of County Commissioners may suspend, delay or withhold step increases for covered employees.
- C. Continuous Service. Service requirements for advancement within salary steps shall have the implication of continuous service, which means employment with Shawnee County without break or interruption. Voluntary leaves without pay (LWOP) of thirty (30) days or less shall not interrupt continuous service. Voluntary leaves without pay in excess of thirty (30) calendar days shall be deducted in computing continuous service.
- D. Trainee Positions. No employee in a trainee position may advance beyond Step 3 of the assigned salary range.

4.8 HOURS OF WORK.

- A. Work Week. The pay week shall be Saturday through Friday. The pay week shall start at 12:01 a.m. Saturday, or as defined in applicable Memorandums of Understanding. Hours of work shall be reasonable as to fit the needs of the department. All non-exempt employees shall be required to complete a record of their pay week in a manner directed by Human Resources, which accurately portrays the hours actually worked, and any other pay status time for the pay period. Falsification of any time record shall result in disciplinary action as addressed in Policy 8.0 - Disciplinary Actions.
- B. Flexitime. Employees may request flexible work (flexitime) schedules, i.e., four (4) ten-hour days, early start or late finish, etc. The appointing authority must approve in advance any flexitime schedules. Flexitime schedules may be discontinued or altered at any time by the appointing authority.

4.9 COMPUTATION OF PAY.

Shawnee County follows the federal Fair Labor Standards Act (FLSA), and any applicable state regulations on the computation of pay, as well as any specific bargaining unit MOUs. The basic FLSA rules governing the computation of pay state that all hours worked over forty (40) in a pay week shall be paid at an overtime rate of one and one half (1.5) times the basic rate of pay. Shawnee County has added an employee benefit by paying all employees who actually work on a holiday at the rate of one and one-half (1.5) times their basic rate of pay for all hours worked.

Shawnee County uses a standardized system of pay computation that has proven to reduce payroll errors. What is offered here will accommodate any work schedule, any labor contract (MOU), any pay period, meet all the federal and state legal requirements and has been proven on the largest and the smallest departments/offices in the County. The federal Fair Labor Standards Act (FLSA) classifies employees as being exempt from the payment of overtime pay, or non-exempt, overtime pay is required. There are certain tests that Human Resources apply to each County employee position to determine which are exempt and which are non-exempt. Very few County employees positions are exempt and not eligible for overtime. Primarily, only elected officials, department heads and direct- reports to department heads are exempt employees. All other employees are non-exempt employees and are eligible for payment of overtime. This manual and the various bargaining units MOUs define what types of pay status or hours not actually worked, are used in the computation of overtime. It varies among the different bargaining units, and classified employees. Exempt employees are paid on a salary basis, not an hourly wage basis; therefore, they do not receive overtime, and they do not accrue or use compensatory time. Since exempt employees cannot accrue or use compensatory time, any non-exempt employee promoted into an exempt position, must have any accrued compensatory time paid to him at the pay rate of the non-exempt position they were promoted from, on the last day as a non-exempt employee, in the applicable pay period.

A. Computation Of Hourly Wages.

The following examples illustrate the pay computation system. For each pay week and pay period, just ask these two (2) questions.

How many hours were worked on a holiday? Shawnee County provides eight (8) hours of holiday pay at a full-time employee's regular wage rate for each approved holiday, regardless of the number of hours regularly scheduled for a workday. If a non-exempt employee has to work on a holiday, they are also paid one and one-half (1.5) times their hourly wage rate for all hours worked on the holiday. Again, there are some exceptions by bargaining unit MOUs, but primarily this applies to every County employee.

How many hours were worked over forty (40) each week of the pay period? Answering this question is a little more complicated than it first appears. The object is to find out how much overtime a person must be paid. Adding up the hours actually worked in a week is simple. But there are other pay status hours that apply or don't apply, to the computation of overtime depending on if an employee is in a bargaining unit or not, and if so, which bargaining unit, and if there were hours worked on a holiday, and how many hours. Since each department has only one (1) or two (2) bargaining units, plus classified and unclassified employees, computing payroll is manageable but care must be taken to apply the rules correctly to each type of employee.

Here is a basic example of computing an employee's pay for a week with a holiday. The employee worked eight (8) hours on the Memorial Day holiday, and thirty-two (32) more hours during the pay week. The employee's hourly wage is \$12.50 per hour.

Questions #1 – How many hours were worked on a holiday?

8 Hours x \$12.50 (Normal Hourly Wage) x 1.5 times = \$150.00

Questions #2 – How many hours were worked over forty (40) for the week?

0 Hours 0.00

The full-time employee received eight (8) hours of holiday pay at their normal rate, regardless of the number of hours normally scheduled per work day.

8 Hours x \$12.50 100.00

The employee worked thirty-two (32) additional regular hours.

32 Hours x \$12.50 = 400.00

GROSS TOTAL PAY FOR THE WEEK \$650.00

Human Resources can advise on individual situations, for more information, for examples for your department/office, training classes, etc.

4.10 OVERTIME.

- A. Positions covered by the overtime provisions of the Fair Labor Standards Act (FLSA) and found to be non-exempt, are eligible for overtime. Positions exempted from the overtime provisions of the FLSA are not eligible for overtime. The Director of Human Resources or designee shall make the determination of exempt or non-exempt status of any class or position.
- B. Employees who are classified as non-exempt shall receive compensation at the rate of one and one-half (1.5) times the normal hourly rate for any hours in excess of forty (40) worked in one (1) work week. Overtime shall be computed and paid in units of one-quarter (.25) hour. Hours included in the computation of overtime shall be hours actually worked, vacation leave, personal days, and holiday leave. Overtime pay computation shall NOT include sick leave, funeral leave, compensatory time, on-call pay, show-up pay, call-in pay, etc. Overtime pay computation shall not include accrued vacation leave if the use of vacation leave is approved to provide the employee paid time off when sick leave has been exhausted.
- C. In lieu of cash overtime payment, compensatory time may be accrued up to a maximum of eighty (80) hours. Compensatory time accrual must be mutually approved by the appointing authority and the employee, and a compensatory leave agreement must be completed and signed prior to start of the compensatory work assignment. The employee shall receive one and one-half (1.5) hours of compensatory time for every hour of overtime worked. Compensatory time is accrued and used in one-quarter (.25) hour increments. The Compensatory Leave section governs compensatory time usage.

4.11 MAINTENANCE OF THE COMPENSATION PLAN.

- A. Duties of the Director of Human Resources. The Director of Human Resources shall review the compensation plan when conditions require. Such review may include a survey of the compensation and fringe benefit practices of other employers in the appropriate labor markets, the development and recommendation of any required revisions in the Compensation Plan, and all related provisions of these Policies.
- B. Adjustments in the Compensation Plan by the Board of County Commissioners.
 - 1. Percentage Adjustment. Based on any increases in the overall levels of prevailing compensation rates, percentage adjustments may be made in the Compensation Plan so as to maintain the established percentage relationships among the various classes and salary ranges.
 - 2. For Specific Occupations. Based on the prevailing rates of specific common occupations, range changes may be made for individual classes in order that Shawnee County may continue to obtain and retain competent employees with regard to relative values and occupational relationships among the classes.

3. Fringe Benefits. Based upon any significant change in the predominant benefit practices of other employers in the appropriate labor markets, indicated changes in fringe benefits and working conditions may be reflected in revisions of the pertinent compensation regulations and/or benefit plans.
 4. Implementation of Adjustments. All changes resulting from such reviews, shall be implemented by the Director of Human Resources after consultation with the Financial Administrator and approval by the Board of County Commissioners.
- C. Limitation of Available Funds. No provision of these Policies shall be construed as authorizing any expenditure of funds in excess of those appropriated for the respective purposes.

4.12 EMPLOYEE NEW HIRE AND MOVEMENT FACTORS.

When employees are initially hired into Shawnee County service, or move from one (1) position in the County to another position in the County, several factors of their employment come into play depending on the classification of the position they are going into and whether or not the new position is in a bargaining unit represented by a Union. These factors include initial wage step placement on the applicable pay range chart, whether or not a probationary period is applicable and what length, if the probationary period can be extended and if so, what length, whether or not there is a pay step increase at the end of the probationary period, and if there is a change in their anniversary date. This information is charted in the Employee Movement Information Sheet that is posted in the HR Forms section of the Shawnee County Intranet. While employees are in a probationary period they may not be transferred, promoted, reclassified or be assigned any different duties. Probationary periods must be successfully completed before any of the above actions may be made. The only exception to this Policy is if the probationary employee is not successful in the probationary period, in which case they could be returned to their previous position, or terminated, depending on the situation.

4.13 ADDITIONAL COMPENSATION.

The Director of Human Resources shall develop and implement provisions for other compensation including call-in pay, on-call pay, shift differential, and others as deemed necessary.

POLICY 5.0 - RECRUITMENT, HIRING AND PLACEMENT

5.1 APPROVAL OF POSITIONS.

All employment positions within Shawnee County are approved every year through the budget process. No one may be employed by Shawnee County in a regular employment position unless they occupy an approved position with a position number from Human Resources. The Board of County Commissioners may authorize additional permanent positions. Such authorization shall be granted only upon written request and justification by the appointing authority requesting the new position. Replacements for existing permanent positions and temporary employees may be hired only with the coordination of the Director of Human Resources or designee and the approval of the Board of County Commissioners.

5.2 OFFICIAL POSITION ROSTER.

Once the appointing authority has submitted a budget and has received Board of County Commissioners approval, a roster is compiled of all approved positions for the department. The Director of Human Resources keeps the official approved position roster for the department/office and periodically sends updated rosters to the appointing authority. Appointing authorities may obtain a copy of their department/office roster at any time from Human Resources.

5.3 PERSONNEL REQUISITION FORMS.

After the appointing authority receives approval to fill a vacant position, a Personnel Requisition form must be completed and forwarded to Human Resources. These forms can be found on the HR Forms page on the Shawnee County IntraWeb. Check the Human Resources Forms section on the Shawnee County IntraWeb for current information.

5.4 ADVERTISEMENTS AND POSTINGS.

After the Personnel Requisition form has been approved, Human Resources will create a Job Posting from the Position Description. All positions actively being recruited will be posted on the Human Resources website and in the Human Resources office on a posting board designated by the Director of Human Resources, for at least seven (7) calendar days, and will remain posted until 5:00 p.m. on the closing date, unless cancelled. Appointing authorities may cancel an advertised vacancy prior to 5:00 p.m. on the day the posting closes. This same procedure would apply with each individual posting period, i.e., in department/office, in county, outside county. After the posting for the vacancy closes, the vacancy can only be cancelled with the approval of the Director of Human Resources due to exceptional circumstances. Appointing authorities will have the option of advertising vacant positions open to outside applicants, through commercial sources with the coordination of Human Resources. All costs associated with advertising vacant positions will be borne by the department/office requesting the advertisement. Each appointing authority will designate a bulletin board or other means of having an established location in their organization for employees to be notified of open positions within Shawnee County. Facilities with multiple offices and/or buildings may use a central board(s) for each building instead of individual information boards in each department/office.

5.5 APPLICATIONS.

- A. Accepting Applications For Open Positions. Original applications will be accepted only for open positions as they are posted and advertised. All other applications and résumés shall be returned to the applicant at the address listed on the application with a letter indicating such. Any member of the public wishing to be considered for employment must submit a completed application for a specific recruitment with appropriate documentation. Applications are valid only for the advertised position being applied for.
- B. Deadline To Submit An Application. Applications will be accepted from all interested parties until 5:00 p.m. on the date the position closes. No late or incomplete applications will be accepted. Complete applications must include completing all sections, answering all questions, attaching all required documentation, and signing the application.
- C. Minimum Requirements. Applicants must indicate on the application, and be prepared to provide the proper proof of minimum requirements when requested. Below is a table of a few selected minimum requirements and their alternate acceptable proof of completion:

High School Diploma

- College transcripts of fifteen (15) hours or more.
- College diploma indicating Associates, Bachelor, Master or Doctorate Degree.
- DD Form 214 indicating High School Diploma or equivalent.

Associates Degree

- College transcripts of sixty (60) hours or more with nine (9) hours or more in a related field.
- College diploma indicating Bachelor, Master or Doctorate Degree in a related field.

Bachelor Degree

- Transcripts/Diploma.
- Master or Doctorate Degree in a related field.

Master Degree

- Transcripts/Diploma.
- Doctorate Degree in a related field.

Driver's License

- Current Kansas Driver's License.
- Current Driver's License from any state and the ability to obtain a Kansas Driver's License within ninety (90) days of hire.

The above is not an exhaustive list and the Director of Human Resources reserves the right to determine if proper documentation has been presented.

- D. Signatures. Applications must have an original manual signature, or be signed electronically in the case of on-line applications, in order to be accepted.

- E. Correcting Applications. An applicant shall not be permitted to correct or change any part of the application after 5:00 p.m. on the closing date, except for changes in contact information or address.
- F. Incomplete Applications. Human Resources will attempt to contact applicants submitting incomplete applications. Those not corrected by the closing date will be screened and disqualified for the incomplete status.
- G. Inclusion Of Recruitment Numbers. Applications must have the recruitment number indicating the position for which they are applying.
- H. Applications Kept On File. The Director of Human Resources shall keep applications of individuals not hired for three (3) years. After the three (3) years has elapsed, all applications will be destroyed.

5.6 SCREENING APPLICATIONS.

- A. Screening Deadline. Within five (5) business days after the position closes, Human Resources will screen all applicants for the position.
- B. Applicant Tracking Log. The Director of Human Resources will establish an effective means of tracking applicants through the recruitment process.
- C. Willful Omissions And Consequences. Applicants who omit information, falsify information or misrepresent themselves will be disqualified for consideration for the position. This will include, but is not limited to:
 - 1. Using false names.
 - 2. Including or omitting jobs relevant to the position, dates or other information.
 - 3. Omitting felony convictions.
- D. Former Employment Check. Applicants will be checked for former employment with Shawnee County. Any employee who was dismissed from permanent employment for cause within the last ten (10) years will not be considered for employment. Any former employee that has been declared not eligible for rehire will not be considered for employment. The applicant will be notified of such within five (5) working days after they have been screened.
- E. Applicants Not Meeting Minimum Qualifications. Applicants not meeting minimum qualifications will be sent a letter within five (5) working days after they have been screened indicating they did not meet the minimum qualifications.
- F. Referral To Departments. Only applicants who indicate they fulfill the minimum requirements for the position will be referred to the department for consideration. Once the application has been screened, all supporting materials indicating race, religion, creed, national origin, ethnic background, veteran status or disability shall be removed prior to referral to the department, except for identifying information required for background investigations.
- G. EEO Documentation. Applicants completing the voluntary EEO page of the application will have the information entered into a confidential database. The information will then be forwarded to the EEO Officer of Shawnee County for reporting purposes.

5.7 APPLICATION REVIEW / INTERVIEWS.

- A. Requirement To Review Applications. All applications, indicating the minimum requirements and referred to the department as qualified, will be reviewed in the same manner as other qualified applications, at the same point in the application process. Each application should be treated in the same manner at each step in the department/office review process. The preferred process is to give personal interviews to all applicants. Sometimes, because of the large number of qualified applicants, this is not possible. In such cases, alternate procedures may be used.

Use the following chart to determine at which point to start the application review/interview process:

NUMBER OF APPLICATIONS	ACTIONS REQUIRED
Ten (10) Or Less Applications	Personal interviews required.
More Than Ten (10), Less Than Twenty-Five (25) Applications	Telephone interviews to reduce down to ten (10) or less, then personal interviews.
Twenty-Five (25) Or More Applications	Application reviews to reduce down to less than twenty-five (25), then telephone interviews to reduce down to approximately ten (10) applications, then personal interviews.

A set list of telephone and/or personal interview questions must be prepared in advance and asked of all applicants at each step of the process. Telephone and personal interview questions should not be the same. All applicants at each step of the process must be asked the same questions. Spontaneous follow-up questions based on the particular answers given by the applicant are allowed, and are not necessarily required to be asked of the other applicants. The person performing the basic application review should keep notes of each application denoting strengths/weaknesses, and whether passed on to a telephone interview or not. Separate notes should be taken for the telephone interview and personal interview steps also. Copies of the application review notes and interview notes must be attached to the interview record and returned to Human Resources.

- B. Scheduling Of Interviews. Applicant interviews, either telephone or in person, will be scheduled by the department at mutually convenient times. If unable to schedule a personal interview with an applicant, a telephone interview may be conducted as an alternate, as long as the applicant is aware that others are getting personal interviews and the telephone interview is only an alternate process due to the schedule conflicts.
- C. Prohibited Subjects. A brief guide to prohibited subjects for interviews is listed on the HR Forms page on the Shawnee County IntraWeb, provided by the County Counselor's office. For more information on interviewing or interview strategies, contact Human Resources.
- D. Interview Record. After all personal interviews are completed, an Interview Record form must be completed and submitted to Human Resources, along with any other application review or telephone interview notes, before an applicant may be hired. Submit this form with the Personnel Status Change form.

- E. Required Applicant Documentation. Original copies of any documentation the department/office requires the applicant to provide should be forwarded to Human Resources along with the Interview Record and Personnel Status Change form.
- F. Letters Of Non-Selection. Appointing authorities will send a letter to those applicants who were not successful in being hired after the step in the process in which they were eliminated.
- G. Classification Vacated Within Thirty (30) Days Of Posting. Positions vacated in the same department, within the same classification, within thirty (30) days of the closing date of a previous posting need not be re-posted. The previous recruitment and applicant list may be used to select another candidate. The appointing authority may re-post the vacancy at their option. The department has the option of re-interviewing everyone on the list or offering the position to the next qualified candidate. After thirty (30) days, the position must be re-posted.

5.8 PRE-EMPLOYMENT PHYSICAL AND DRUG SCREEN.

- A. Positions Covered. The Director of Human Resources will designate those permanent positions requiring a pre-employment physical and drug screen. Drug screen procedures are defined in the Shawnee County Drug and Alcohol Policy. Certain intermittent positions, due to the responsibilities of the position, will require pre-employment physicals and/or drug screens prior to hire. Human Resources will coordinate with the department to determine which intermittent positions will require physicals and/or drug screens, and their scheduling.
- B. Scheduling Of Pre-Employment Drug Screens And Physicals. Human Resources shall schedule pre-employment physicals and/or drug screens with the contracted provider(s).
- C. Receipt Of Results. Human Resources will receive the results for the pre-employment physical and/or drug screen. The original will be placed in the employee's official medical file. Only in instances when a physical or drug screen is required by law to be kept at the work site, will a copy be given to the departments. All medical information required to be kept at the work site due to statutory requirements, must be kept in a separate file from other personnel records of the employee, and must be treated as confidential with limited access. Human Resources must be in receipt of the results before the individual may commence employment.

5.9 NEW EMPLOYEE ORIENTATION.

All new employees, and previous employees returning after a break in service, must attend the new employee orientation briefing. The orientation briefing covers several important subjects such as getting the employee entered into the payroll system so they can get paid, providing personal identification required by law, and information on employee benefits. Once the interview process is completed and all the necessary paperwork has been completed and forwarded to Human Resources, the employee will be scheduled for orientation.

Orientation must be completed on the new employee's first official workday. Human Resources offers the new employee orientation in the Shawnee County Courthouse normally on the first workday of each week at 8:30 a.m. This is normally Monday, but may be on other days of the week depending on holidays. Each department/office is responsible to insure that new employees report to the orientation briefing on their first day at work. Employees may not start work prior to completing the new employee orientation process.

All new employees must provide identification to prove they are legal to work in the United States during the orientation briefing. If the employee cannot provide the required proof within three (3) working days, the employee must be terminated until they can produce the documentation.

5.10 QUALIFICATIONS.

Newly hired employees must provide proof of legal status to work in the United States per immigration and naturalization regulations. Applicants for any Shawnee County position shall meet the minimum qualifications for the position as set forth in the Position Description. Substitution of experience for education or vice-versa may be allowed if deemed equivalent by the Director of Human Resources. If no qualified applicants can be found, the appointing authority, with the approval of the Director of Human Resources, may hire a trainee at a salary range below that specified in the Classification Plan. The Director of Human Resources, in conjunction with the appointing authority, shall establish the minimum qualifications and pay range for all approved positions.

5.11 AUTHORIZATION TO UTILIZE TEMPORARY HELP SERVICES.

Temporary help services may be utilized only through procedures established by Human Resources. Such utilization shall conform to all applicable purchasing procedures.

5.12 PROMOTION.

It is the policy of Shawnee County to fill all vacancies from the ranks of present employees whenever possible. The Director of Human Resources shall develop procedures to give first consideration to current qualified Shawnee County employees. All employees seeking promotion are required to meet the minimum qualifications for the classification to which they seek promotion.

The following language in this paragraph only pertains to promotions within the same department. In the filling of vacancies, employees seeking a voluntary demotion or a transfer shall be given priority, in that respective order, over promotions for the vacancy. If, at any time before the promotional probation period ends, the appointing authority determines that the employee cannot satisfactorily perform the job, the appointing authority shall have the right to return the employee to the job from which they were promoted or to a job of substantially equal duties and responsibilities without loss of seniority in such job. The promoted employee may disqualify himself/herself before the end of the fourteenth calendar day after the effective date of the promotion and return to the employee's previous position if it is still vacant or, with approval of the appointing authority, to a job of substantially equal duties and responsibilities with all corresponding rights.

5.13 VOLUNTARY DEMOTION.

Any employee shall have the right to voluntarily seek demotion to a vacancy in a lower classification when that vacancy is actively being advertised to fill. The appointing authority for the department has approval/disapproval authority for any such move. In no case shall an employee be allowed to demote into a position for which they do not possess the minimum qualifications.

5.14 TRANSFER.

An employee shall have the right to request a transfer to a vacant position that is actively being advertised. The transfer request may be to a vacant position in the same class or to a vacant position in another class having the same salary range in any department within Shawnee County. The appointing authority for the hiring department has approval/disapproval authority for any such move. In no case shall an employee be allowed to transfer into a position for which they do not possess the minimum qualifications.

5.15 REINSTATEMENT.

An employee who has resigned from Shawnee County employment in good standing; and it has been less than six (6) months since they left the County, may request to be reinstated. The appointing authority must approve reinstatement of a former employee. If the reinstatement is approved, the employee shall receive credit for all unused sick leave he/she had accrued at the time of resignation, and the original hire date shall be restored. The reinstated employee's anniversary date will be adjusted for periods of absence greater than thirty (30) days. In all cases, the employee must still meet all qualifications for the position.

5.16 NEPOTISM.

No person shall be employed where he/she is supervised by a member of his/her immediate family. Supervision means direct supervision as well as indirect supervision. This includes situations whereby one (1) employee may have the authority to direct the work of another employee. Under no circumstances shall any employee or elected official be involved in the discipline of an immediate family member or others with whom there is a close, personal relationship.

5.17 PERSONNEL RECORDS.

- A. Official employee personnel records shall be kept in Human Resources. Personnel records are confidential and shall be kept secured and the information contained in the records may only be released outside of Shawnee County to the employee or to someone with the written consent of the employee, or as required by a subpoena or an appropriate Court Order.
- B. The Director of Human Resources shall develop policies and procedures for the maintenance of personnel files.

5.18 INTERMITTENT APPOINTMENTS.

Departments wishing to hire intermittent employee(s) shall notify Human Resources who shall assist the requesting department with the recruitment of qualified applicants. Departments/Offices may accept intermittent position applications at their locations with the coordination of Human Resources. Human Resources shall maintain original applications. There shall be no minimum length of time that an intermittent vacancy announcement must be posted before an applicant may be hired. Applicants for intermittent positions must meet all minimum qualifications established for the position.

5.19 PLACEMENT IN VACANT POSITIONS.

The Director of Human Resources may transfer current qualified County employees to any vacant position within Shawnee County, as a function of accommodation as required by law, or other appropriate reasons. These programs include, but are not limited to, the Americans with Disabilities Act, the Kansas Workers Compensation Statutes, and the Shawnee County Discrimination and Harassment Policies. The Director of Human Resources shall coordinate with effected departments/offices to minimize adverse consequences.

5.20 PROBATIONARY PERIODS.

The probationary period shall be considered a working test of the employee's ability to perform adequately in the position to which he/she is appointed. In order to aid the department in developing efficient employees, the supervisor will review the Position Description with the employee and provide instruction and training as may be required throughout the probationary period to insure the employee is successful. The brief, written progress report in a letter format, utilizing the position description items, will be provided to the probationary employee approximately half way through the probationary period. This report will indicate progress in achieving performance standards for the position. Any areas rated at less than acceptable will require specific improvement guidance to assist the employee in achieving acceptable performance. Acceptable performance levels for probationary employees and new hires are obviously not going to be at the same level as employees with years of experience performing the same duties. Probationary employees performance, and potential, should be compared to other probationary employees the evaluator has experienced.

At least seven (7) days, and not more than fourteen days (14) prior to the end of the probationary period, the supervisor shall complete an overall Performance Evaluation utilizing the approved County Performance Evaluation Form and present it to the employee. If the overall Performance Evaluation given to a probationary employee is 'Unacceptable', the employee shall not be granted permanent status. This requirement in no way requires that a probationary employee be retained until the end of the probationary period, if the supervisor decides to terminate the probationary employee early. If the probationary employee is terminated, the supervisor should be able to explain to the employee the reasons and have some documentation to support the decision. A supervisor is not required to provide written reasons to the probationary employee why he or she is being terminated. If the supervisor is providing appropriate feedback to the probationary employee all along, the decision to terminate the employee should not come as a surprise. The costs involved in recruiting, hiring and training a new employee require that supervisors invest sufficient time with probationary employees to ensure they successfully complete their probationary period. If the employee is unable or unwilling to successfully complete the tasks assigned for their level of experience, then they should be dismissed.

5.21 PROBATION EXTENSIONS.

Normally, probationary periods are not extended. The probationary employee must be provided training and counseling sufficient to gain an understanding of the requirements of the position and the knowledge to complete the assigned tasks during the probationary period. If the probationary employee is unable or unwilling to follow County behavior standards, or is unable or unwilling to perform assigned duties to a level expected from an average person, they should be terminated. If the appointing authority feels that circumstances provide justification for an extension, they must coordinate the extension request with the Director of Human Resources. The supervisor shall furnish the employee with a letter not less than seven (7) days prior to the end of the probationary period,

notifying them of the extension of the probationary period and the new ending date. The letter should contain a brief explanation of the reasons for the extension and the requirements for the employee to successfully complete the probation. The original of the letter shall be sent to the Director of Human Resources with copies made for the employee and the department/office. Both the employee and the employee's supervisor must sign the letter.

5.22 DURATION OF PROBATIONARY PERIOD.

- A. New Hires. All individuals not currently permanent Shawnee County employees hired to fill a permanent position shall be subject to a probationary period of one hundred and twenty (120) days. This probationary period may be extended by the appointing authority with the approval of the Director of Human Resources for up to an additional sixty (60) days provided the appropriate action to extend the probationary period is taken prior to the end of the probationary period. Any alternate probationary periods or extensions required by Memorandums of Understanding will apply. The Director of Human Resources must approve longer probationary periods.
- B. Promotional Appointments. Promotional appointments shall be subject to a probationary period of sixty (60) days, unless the Director of Human Resources has approved different periods. Probation extensions to promotion appointments will only be granted under extenuating circumstances and only with the approval of the Director of Human Resources.
- C. Recalled Employees. Any person recalled from layoff status in the same classification shall have permanent status effective on the date of re-employment. No probationary period is required.
- D. Reinstatement Appointments. All persons appointed by reinstatement shall be subject to a probationary period of sixty (60) days. The reinstated employee's anniversary date will be adjusted for periods of absence greater than thirty (30) days. A step increase is not authorized at the end of the probationary period.
- E. Transferred Permanent Employees. Any permanent employee who is transferred from one department/office to another shall continue to have permanent status. No probationary period is required.
- F. Temporary Or Intermittent Appointments. There is no probationary period for employees serving in temporary or intermittent appointments. Such appointments may be discontinued at any time at the discretion of the appointing authority.
- G. Prohibited Probationary Actions. Employees in probationary status cannot be transferred, promoted, given out of class pay, or reclassified unless such action is taken under the auspices of a reduction in force procedure.

5.23 NOTICES RELATING TO PROBATIONARY PERIODS AND EXTENSIONS.

Prior to the expiration of an employee's probationary period, the appointing authority shall notify the employee and the Director of Human Resources of one (1) of the following options:

- A. New Hire.
 - 1. Authorize permanent status.

2. Extend probationary period for sixty (60) days. Such extension will be for cause only, and supporting documentation must be provided to the Director of Human Resources prior to the expiration of the primary probationary period. This extension shall be in writing, signed by both the employee and the employee's supervisor.
 3. Dismiss employee.
- B. New Hire Extended Probation.
1. Authorize permanent status.
 2. Dismiss employee.
- C. Promotional Probation.
1. Authorize permanent status.
 2. Extend probation under extenuating circumstances with approval from the Director of Human Resources. Such extension will be for cause only, and supporting documentation must be provided to the Director of Human Resources prior to the expiration of the probationary period. This extension shall be in writing, signed by both the employee and the employee's supervisor.
 3. Demote employee and return to previous position in same department, if vacant, with supporting documentation provided to Human Resources.
- D. Promotional Extended Probation.
1. Authorize permanent status.
 2. Dismiss employee.
 3. Demote employee and return to previous position, if vacant, in same department/office with supporting documentation provided to Human Resources.

POLICY 6.0 - PERFORMANCE EVALUATION

6.1 PURPOSE.

All personnel actions shall be based upon an employee's job performance and effectiveness and all employees shall meet acceptable levels of competence in performing their duties. Properly documenting performance is essential to maintaining a qualified work force. Performance Evaluations shall be used as a management tool by supervisors to show employees how they are performing during a specific time period. The official Position Description for the employee's position is the basis for structuring the evaluation. For this reason, current accurate Position Descriptions are essential to successful performance by the employee and result in meaningful evaluations and feedback to the employee.

6.2 PROCEDURE.

All employees shall be evaluated on the standard Shawnee County Performance Evaluation form provided by the Director of Human Resources. The current copy of the evaluation form is available on the IntraWeb, on the HR Forms page.

A. Types Of Evaluations.

1. Initial Hire Probationary. The initial hire probationary period shall be 120 days unless designated different by Human Resources. A brief , letter format progress report shall be given to the probationary employee approximately half way through the probationary period. A final probationary Evaluation shall be given to all new employees not earlier than fourteen (14) days prior to the end of the probationary period using the County Performance Evaluation Form. A rating of "Acceptable" or higher will entitle an employee to be eligible for permanent status. A probationary period may be extended for a period not to exceed sixty (60) days by the appointing authority with proper documentation to the Director of Human Resources.
2. Promotion Probationary. Promoted employees shall be given a Performance Evaluation fourteen (14) days prior to the end of a sixty (60) day period following the effective date of their promotion. A rating of "Acceptable" or higher will entitle an employee to be eligible for permanent status. An appointing authority may extend a probationary period for up to sixty (60) days with proper documentation to the Director of Human Resources.
3. Special Or Performance. Employees can be given special Performance Evaluations at any time during their employment. Evaluations are used as a management tool to document performance. If an employee's overall performance is "Unacceptable", the employee shall be placed on a Performance Improvement Plan (PIP). Instructions for completing a PIP are found on the IntraWeb, in the HR Forms page.
4. Annual Performance Evaluations. All permanent employees shall be given Performance Evaluations at least annually. One (1) of the Evaluations shall coincide with the employee's anniversary date to allow the Evaluation to be completed not more than thirty (30) days prior to and not later than the anniversary date.

B. Preparing, Presenting And Filing Performance Evaluations.

1. If the department/office has multiple layers of supervision, the supervisor performing the evaluation must coordinate the evaluation with the higher supervisors prior to presenting it to or discussing it with the employee. All necessary levels of supervision must be comfortable with an employee's evaluation and any comments made in the evaluation. It is important that higher levels of management be given an opportunity to review and provide additional information to the supervisor, prior to finalizing the evaluation and presenting it to the employee.
2. It is helpful to have a copy of the employee's position description available during the discussion with the employee on the evaluation to show how the evaluation was completed, and how it ties back to the position description. After the evaluation discussion is completed, have the employee sign the evaluation and provide a copy to the employee for their records.
3. The original evaluation, along with a Personnel Status Change Form, if applicable, shall be filed in the official personnel record in Human Resources.

6.3 EMPLOYEES ENTITLED TO GRIEVE PERFORMANCE EVALUATIONS.

- A. Any classified employee with permanent status may grieve an overall Performance Evaluation rating of Unacceptable. Overall ratings of Acceptable or Exceptional may not be grieved. An employee on new hire probation, or on new hire probation extension shall not have the right to grieve an Evaluation.
- B. An employee serving a probationary period on a promotional appointment or reinstatement shall have the same right to grieve an Evaluation as an employee with permanent status if the employee had permanent status prior to promotion or reinstatement.
- C. Grievance forms must be completed with full information and documentation provided.

6.4 UTILIZATION OF EVALUATION RATINGS.

- A. Employee performance evaluations shall be considered as a factor in determining training needs, as a means of documenting employees' performance, the order of layoffs, who should be promoted or who, because of their low performance, should be given additional training or dismissed.
- B. A current performance evaluation rating of 'Unacceptable' in a critical area, or an overall evaluation of 'Unacceptable' shall require the employee to be placed on a Performance Improvement Plan (PIP). Performance Improvement Plans will be from thirty (30) to sixty (60) days in duration. Information on PIPs may be found on the IntraWeb, in the HR Forms page.

- C. When placing an employee on a PIP, the supervisor shall complete a special evaluation notice letter including a Performance Improvement Plan (PIP) showing what areas of improvement are needed and minimum achievement standards required. The appointing authority shall coordinate the Performance Improvement Plan with the Director of Human Resources prior to implementation. The Performance Improvement Plan shall be detailed on the special evaluation notice letter and discussed with the employee. At the end of the special evaluation period, a follow-up special evaluation shall be conducted. If the Performance Improvement Plan is not successfully completed as indicated on the follow up special evaluation, the employee may be subject to dismissal.

- D. If the Performance Evaluation rating of an initial hire probationary employee at the end of the employee's probationary period or extension is 'Unacceptable', the employee shall be terminated.

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POLICY 7.0 - ATTENDANCE AND LEAVE

7.1 VACATION LEAVE.

- A. All full-time permanent employees shall earn vacation leave in accordance with the following schedule. Part-time permanent employees shall earn vacation leave at the same percentage, as they are eligible for benefits, based on their number of years of service.

YEARS OF CONTINUOUS SERVICE	HOURS EARNED PER TWO-WEEK PAY PERIOD	MAXIMUM ACCRUED LEAVE PAYOUT
Less Than Five (5) Years	Four (4) Hours	144 Hours
Five (5) Or More Years But Less Than Ten (10) Years	Five (5) Hours	160 Hours
Ten (10) Or More Years But Less Than Fifteen (15) Years	Six (6) Hours	192 Hours
Fifteen (15) Or More Years But Less Than Twenty (20) Years	Seven (7) Hours	216 Hours
Twenty (20) Years Or More	Eight (8) Hours	240 Hours

- B. Official holidays declared by the Board of County Commissioners occurring within the period of an employee’s vacation shall not be charged against the employee’s accumulated vacation credits, except when that employee’s section is subject to a 24-hour/7-day schedule. If the 24/7-employee is scheduled to work the holiday and wishes to be off for the holiday, the employee may request leave. If the leave is approved, it will be charged against the employee’s vacation leave balance.
- C. During the initial hire probationary period, employees shall not accrue vacation leave. Employees shall be credited with vacation leave after the successful completion of the initial hire probationary period, by pay period, at the rate specified above.
- D. The appointing authority or designee shall approve or deny vacation requests based on the needs of the department or office. The appointing authority’s action shall not be arbitrary and shall not unreasonably defer the taking of vacations. The appointing authority and supervisors shall encourage employees to take vacation leave periodically to refresh and revitalize the employee.
- E. Any permanent employee who terminates employment for any reason shall receive pay for accumulated vacation time up to the maximum payout amounts indicated in the chart in Section 7.1 A. Any remaining vacation leave balance is forfeited.
- F. Employees transferring from one (1) department to another department shall retain all accumulated vacation leave.

- G. Vacation leave accruals may only be used once they appear on the employee's current earnings statement.

7.2 **SICK LEAVE.**

- A. All full-time permanent and full-time probationary employees shall earn four (4) hours sick leave per two-week pay period. Part-time permanent and part-time probationary employees shall earn sick leave in proportion to hours worked.
- B. Official holidays declared by the Board of County Commissioners, occurring within a period of sick leave, shall not be charged against the employee's accumulated sick leave, except when that employee's section is subject to a 24-hour/7-day schedule. If the 24/7-employee is scheduled to work the holiday and is sick during the holiday, the sick leave time will be charged against the employee's sick leave balance.
- C. Sick leave shall begin to accrue upon employment. Reinstated employees (returning within six (6) months) will have their forfeited sick leave balances restored.
- D. Sick leave shall be granted for the necessary absence from duty because of the personal illness or injury of the employee or immediate family member, or for medical provider appointments. The employee shall coordinate medical provider appointments with the employer so as to provide for the least amount of disruption to the operations of the department.
- E. The appointing authority may, at any time, require that an employee requesting use of sick leave submit a medical statement from the attending physician or designated person licensed to practice medicine or submit to a medical examination scheduled at Shawnee County's occupational health provider.
- F. Employees who improperly claim sick leave or who abuse the provisions of this Policy shall be subject to disciplinary action, which may include discipline up to and including termination.
- G. Upon retirement, any employee who has accumulated eight hundred (800) hours or more of sick leave shall receive pay for the equivalent of thirty-five percent (35%) of the unused sick leave at his/her current rate of pay.
- H. Employees changing from one (1) department to another department shall retain all accumulated sick leave.
- I. Any employee who accumulates at least an additional ninety-four (94) hours of sick leave in a payroll year shall be paid an incentive of One Hundred Twenty-Five Dollars (\$125.00). Any employee who accumulates an additional eighty-four (84) hours of sick leave in a payroll year shall be paid an incentive of Seventy-Five Dollars (\$75.00). Any employee who accumulates an additional seventy-four (74) hours of sick leave in a payroll year shall be paid an incentive of Twenty-Five Dollars (\$25.00). Requests for such payment must be made in writing by the employee to his/her appointing authority during the last payroll period of the year and shall be paid during the first payroll period of the succeeding year.

- J. Sick leave accruals may only be used once they appear on the employee's current earnings statement.
- K. Employees may not use sick leave once a resignation notice is given, unless there are pre-approved medical appointments.

7.3 MILITARY LEAVE.

- A. All employees of Shawnee County who are members of the Reserve Forces of the United States shall be granted a maximum of twelve (12) working days per payroll year of military leave with pay, for active duty for training purposes as defined in K.A.R. 1-9-7b (as it may be amended in the future). The maximum military leave with pay allowed shall be the difference between the base pay the employee would have normally received from Shawnee County during the specific period of military leave and the amount base pay actually received from the military during the same period. If the employee's military base pay is equal to or greater than their Shawnee County base pay, then said period of military leave shall be without pay. To be allowed military leave with pay, employees must provide military active duty training orders for the period of absence, and a pay document for the period, to the employee's department or office after the employee returns to Shawnee County.
- B. Employees shall be granted leave without pay to cover active duty in military service, if requested. At the employee's request, properly made pursuant to the vacation leave regulations applicable to the employee, accrued vacation leave may be used in lieu of military leave without pay. A copy of the appropriate military orders shall accompany each request for military leave. Military leave for reserve forces members who are ordered to active duty shall be limited to the period of active duty.
- C. An employee who receives an honorable discharge from initial or extended active duty military service shall be reinstated according to the provisions of the Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA), (USC 43, Part III, Title 38), as amended. His/her status upon reinstatement shall be the same as it was at the time the leave was granted and with all normal increases in benefits, wages, status, and seniority that would have accrued if he/she had never been absent. After reinstatement from active duty military leave, in all actions where employee status is affected by length of service, the time that the employee served with the military shall be considered as time served with Shawnee County.

7.4 FUNERAL LEAVE.

- A. Immediate Family. In the event of a death in the immediate family (see Section 2.1 for definition) of an employee, the appointing authority may authorize a leave of absence with pay, of up to five (5) working days. The number of funeral leave days approved shall be commensurate with distance traveled, type of service, arrangements to be made, etc. Funeral leave may be augmented with accrued sick, compensatory or vacation leave at the discretion of the appointing authority.
- B. In the case of death of anyone other than the immediate family, an employee wishing to attend the funeral may use any type of accrued leave or compensatory time approved through the appointing authority.

7.5 JURY / WITNESS DUTY.

- A. Permanent or probationary employees, who are not parties to the action being heard, shall be granted leaves of absence for required duty as a juror or witness before any court, board, or other body possessing the power to compel attendance. Said period of service is to be confirmed by the court or other body requiring the appearance. Any employee on other than day shift shall have their work schedule adjusted to correspond to the period of the required action. Any employee so required to attend such proceedings shall report back to their department for assignment or other instructions upon release by the court or other body compelling such attendance.
- B. Such employee may either use vacation leave and retain the pay received for serving as a juror or witness, or may turn over to the County Clerk the pay received for serving as a juror or witness and receive his/her regular salary.

7.6 LEAVE WITHOUT PAY.

- A. Permanent employees may be granted leave without pay for a reasonable period of time not to exceed six (6) months consistent with the effective fulfillment of his/her department's duties. Such leave may be granted for a good or sufficient reason that is considered to be in the best interest of Shawnee County and the department. Under no circumstances shall leave without pay be granted to allow an employee to take a position with another employer. Leave without pay, if it is to exceed thirty (30) calendar days, shall be requested in writing by the employee and shall require written approval of the appointing authority and the Director of Human Resources. No leave without pay shall be granted to an employee so long as he/she has vacation leave credits.
- B. Time elapsed during an employee's leave of absence, if greater than thirty (30) days, shall not count toward that employee's length of service.
- C. If the interests of Shawnee County and the employee's department make it necessary, the appointing authority may terminate a leave of absence by giving written notice to the employee at least five (5) days prior to the termination date. With the approval of the appointing authority, an employee may return from leave on an earlier date than originally scheduled.
- D. When an employee returns at the expiration of an approved leave of absence or upon written notice by an appointing authority that a leave of absence has been terminated, he/she shall be returned to a position in the same class as the position which the employee held at the time the leave was granted, or in another class in the same salary range for which he/she meets the qualifications.
- E. Failure to return to work at the expiration of an authorized leave of absence, or upon notice by the appointing authority that a leave has been terminated, shall be deemed a resignation. Before terminating an employee for failure to return from leave, the appointing authority shall make a reasonable effort to contact the employee. If the appointing authority is unable to contact the employee, Human Resources shall make a last attempt by sending a certified return receipt notification to the employee's home address of record.

- F. An employee currently serving a probationary period from a promotion, or reinstatement may be granted leave without pay. The employee's probationary period shall be continued effective with his/her return from leave until the total probation is actually served.

7.7 HOLIDAY LEAVE.

- A. Recognized Holidays. All full-time permanent and probationary employees shall receive eight (8) hours of regular pay for any official holiday declared by the Board of County Commissioners. The holiday shall start at 12:00 a.m. and end at 11:59 p.m. on the designated day. Holidays not taken before termination shall be forfeited.
- B. Eligibility Requirements. Employees shall be eligible for holiday pay under the following conditions:
1. The employee would have been scheduled to work on such day had it not been observed as a holiday; and
 2. The employee worked or is in pay status for their entire last scheduled work shift prior to and the first scheduled work shift after the holiday.
- C. Holiday Pay. Non-exempt employees shall be compensated for the holiday in one (1) of the following ways.
1. The employee does not work the designated holiday or the actual holiday. The employee shall be paid for eight (8) hours of holiday pay.
 2. The employee is on vacation on the designated holiday. The employee shall be paid eight (8) hours of holiday pay. No deduction from vacation accruals shall be made for this time.
 3. The employee works on the designated holiday. The employee shall be paid for eight (8) hours of holiday pay plus one and one-half (1.5) times his/her regular rate for all hours worked.
 4. The employee is scheduled off for the designated holiday. The employee shall be paid eight (8) hours of holiday pay.
 5. Employees working in positions where schedules are considered 24/7. These employees shall receive eight (8) hours of holiday pay for the actual holiday, plus one and one-half (1.5) times his/her regular rate for all hours worked on the actual holiday only. No additional holiday pay shall be granted for these employees on the Shawnee County designated holiday.
 6. Employees receiving temporary total disability Workers Compensation shall receive holiday pay in an amount which when added to the amount received from Workers Compensation shall equate to a full eight (8) hour day's pay for the employee without charging the employee's other leave accounts.
 7. Exempt employees do not receive holiday pay, but continue to receive their regular salary. Designated holidays are not charged to leave balances.

D. Holiday Pay and Part-Time Employees or Non-Eight (8) Hour Shifts.

Permanent part-time employees shall receive holiday pay on a pro rata share based on the portion of a full-time equivalent (FTE) position assigned to their position. Full-time employees working shifts over eight (8) hours shall only be entitled to eight (8) hours of holiday pay. Employees may use accumulated vacation or compensatory time to equal a complete shift.

E. Holiday Pay as Overtime.

Holiday pay shall not be considered as hours worked when computing overtime when an employee works eight (8) hours or more on a holiday. An employee not working or working less than eight (8) hours on a holiday shall be allowed to use holiday pay toward the computation of overtime if the employee would have regularly been scheduled for the day. If the holiday falls on the employee's scheduled day off, the holiday shall be paid at the employee's regular rate and shall not be counted as hours worked for the computation of overtime.

7.8 PERSONAL LEAVE DAY.

- A. All full-time permanent employees, who are on the payroll the first day of the first pay period, of the payroll year shall accrue one (1) eight (8) hour personal leave day per payroll year. Permanent part-time employees shall accrue said leave in the same percentage of their part-time employment benefits, i.e., fifty percent (50%) or seventy five percent (75%).
- B. New hire probationary employees shall not accrue a personal leave day, nor be granted a personal leave day until such time as they become permanent employees. If the new hire probationary employee was in pay status on the first day of the first pay period of the payroll year, they shall be credited with a personal leave day for that payroll year upon successful completion of the probationary period.
- C. Any employee who terminates employment for any reason; or whose employment is terminated by the appointing authority for any reason; or who fails for any reason to take the personal leave day by the end of the payroll year, shall forfeit their personal leave day. A personal leave day may not be converted to cash.
- D. Personal leave days shall not accrue from payroll year to payroll year.
- E. The personal leave day shall only be granted in a block of eight (8) hours for fulltime employees and a proportionate amount for part-time employees (4 hours for 50% employees and 6 hours for 75% employees). The appointing authority shall have the sole discretion in granting a personal leave day but shall not be arbitrary in making such decisions, nor shall the granting of a personal leave day be unreasonably deferred.

7.9 COMPENSATORY LEAVE.

- A. Appointing authorities may authorize or not authorize compensatory time on a department-wide basis. If authorized, compensatory leave may be accrued up to eighty (80) hours. The Director of Human Resources may authorize exceeding the eighty (80) hour limitation as provided for in the Fair Labor Standards Act.
- B. The appointing authority shall determine the time at which compensatory leave may be taken in the same manner they approve the use of other leave. The appointing authority's action shall not be arbitrary and shall not unreasonably defer the taking of compensatory leave.
- C. Compensatory time may only be used once it appears on the employee's current earnings statement.
- D. Probationary employees may accrue compensatory leave but may only use such leave during their probationary period if that use is determined by the appointing authority to be in the best interest of the department.
- E. Any employee who terminates employment for any reason shall receive pay for accumulated compensatory leave.

7.10 FAMILY AND MEDICAL LEAVE ACT (FMLA).

The Board of County Commissioners of Shawnee County has an interest in promoting the stability and economic security of its employees and their families. Also, Shawnee County fully intends to implement and follow the rules and procedures established by the Family and Medical Leave Act of 1993, as amended, and the Support for Injured Servicemembers Act of 2008. The Director of Human Resources shall develop and implement procedures to provide FMLA protections to all eligible County employees to assure compliance with all federal and/or state statutory requirements.

Any eligible employee will be granted up to twelve (12) weeks of unpaid family and medical leave during any payroll year, consistent with the terms of the Family and Medical Leave Act (FMLA) of 1993, as amended, and the Support for Injured Servicemembers Act of 2008, and other applicable leave policies of Shawnee County. Such leave will be available for the birth of the employee's child and in order to care for the child; the placement of a child with the employee for adoption or foster care; to care for a spouse, child or parent ("parent" does not include a parent-in-law) who has a serious health condition; or, a serious health condition that renders the employee incapable of performing the functions of the employee's job. The entitlement to leave for the birth or placement of a child for adoption or foster care will expire twelve (12) months from the date of the birth or placement. Where possible, employees are required to provide a minimum advance notice of thirty (30) days before the beginning of their leave.

Limitations And Conditions. The FMLA leave shall run concurrently with the use of the employee's own leave balances. Leave taken under this Policy may be paid to the extent the employee has vacation, sick leave or compensatory time accrued. The use of any sick leave, vacation, compensatory time or shared leave does not extend the twelve (12) week entitlement in any payroll year.

Serious Health Condition Defined. "Serious health condition" entitling an employee to FMLA leave means an illness, injury, impairment or physical or mental condition that involves: Inpatient care (i.e., an overnight stay) in a hospital, hospice or residential medical care facility, including any period of incapacity (for purposes of this section, defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery there from), or any subsequent treatment in connection with such inpatient care; or continuing treatment by a health care provider.

A. A serious health condition involving continuing treatment by a health care provider includes any one (1) or more of the following:

1. A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery there from) or for more than three (3) consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - a. Treatment two (2) or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or
 - b. Treatment by a health care provider on at least one (1) occasion that results in a regimen of continuing treatment under the supervision of the health care provider.
2. Any period of incapacity due to pregnancy, or for prenatal care.
3. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition.

B. A chronic serious health condition is one which:

1. Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
2. Continues over an extended period of time (including recurring episodes of a single underlying condition); and
3. May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).
4. A period of incapacity that is permanent or long term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.
5. Any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would

likely result in a period of incapacity of more than three (3) consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

- a. Treatment includes (but is not limited to) examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations. A regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen). A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.
- b. Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not “serious health conditions” unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, earaches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met. Mental illness resulting from stress or allergies may be serious health conditions, but only if all the conditions of this section are met.
- c. Substance abuse may be a serious health condition if the conditions of this section are met. However, FMLA leave may only be taken for treatment for substance abuse by a health care provider of health care services on referral by a health care provider. On the other hand, absence because of the employee’s use of the substance, rather than for treatment, does not qualify for FMLA leave.
- d. Absences attributable to incapacity due to pregnancy or a chronic serious health condition qualify for FMLA leave even though the employee or the immediate family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three (3) days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee’s health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

Eligibility.

An employee must have worked for Shawnee County for at least twelve (12) months (need not be consecutively), and for a minimum of one-thousand two-hundred and fifty (1,250) hours during the previous year to be eligible to take FMLA.

Where a husband and wife both work for Shawnee County, each employee may make application for leave to the Director of Human Resources. At the discretion of the Director, in consultation with each employee's appointing authority, each employee may be granted an entire twelve (12) weeks of leave. If the Director of Human Resources determines that granting the entire leave is not in the best interest of Shawnee County, the Director of Human Resources may limit leave time to not less than six (6) weeks for each employee.

Medical Certification Of Leave.

Where leave is requested as a result of a serious health condition of the employee or the employee's spouse, child or parent (not including parent-in-law), the employee must also provide a "Medical Certification Statement" completed by the applicable health care provider. Shawnee County will allow the employee at least fifteen (15) calendar days from the date of the request for leave to obtain the medical certification. The certification must state the date on which the health condition commenced, the probable duration of the condition, and the appropriate medical facts regarding the condition. If the employee is needed to care for a spouse, child or parent, the certification must so state along with an estimate of the amount of time the employee will be needed.

- A. If the employee has a serious health condition, the certification must state that the employee cannot perform the functions of the employee's job.
- B. Should there be a question of validity of the certification provided by the employee, Shawnee County may, at its own expense, require an opinion from a second health care provider. Where there is a conflict between the two (2) opinions, Shawnee County may pay for the opinion of a third provider who must be approved jointly by the employee and Shawnee County. The opinion of the third provider is binding on both the employee and Shawnee County.
- C. Each employee returning from FMLA as a result of his or her own serious health condition will be required to obtain medical certification from the employee's health care provider stating that the employee is able to resume work. Shawnee County reserves the right to refer the employee to a health care provider, at Shawnee County's expense, to receive a second opinion as to the employee's fitness for duty. Where there is a conflict between the two (2) opinions, Shawnee County may pay for the opinion of a third provider who must be approved jointly by the employee and Shawnee County. The opinion of the third provider is binding on both the employee and Shawnee County.

Notification.

Employees are expected to provide a minimum advance notice of thirty (30) days of the need for leave for birth, adoption, or planned medical treatment. No advance notice is required for unforeseen events such as premature birth or sudden changes in a covered patient's condition that require a change in scheduled medical treatment. Shawnee County also recognizes that persons who are waiting to adopt a child are often given short notice of the adoption; therefore, no advance notice is required in short-notice cases. Similarly, no advance notice is required for employees who face emergency medical conditions or unforeseen changes in medical condition.

If leave is to begin within thirty (30) days, employees must give notice to their appointing authority and to Human Resources as soon as the necessity for the leave arises.

Application For Leave.

Employees requesting leave must complete the “Application For Family And Medical Leave” and return it to Human Resources as soon as the necessity for the leave arises.

Support For Injured Servicemembers Act Of 2008.

The Support for Injured Servicemembers Act grants additional leave under the FMLA to employees who have family members in the military. The Legislation created two (2) new categories of FMLA leave:

- A. Active Duty Family Leave – Employees with a spouse, parent, or child who is on, or has been called to active duty in the Armed Forces may take up to twelve (12) weeks of FMLA leave when they experience a qualifying exigency.
- B. Injured Servicemember Leave – Employees who are the spouse, parent, child, or next of kin of a servicemember who incurred a serious injury or illness on active duty in the Armed Forces may take up to twenty-six (26) weeks of leave in a twelve (12) month period (including regular FMLA leave).

Employees may take Injured Servicemember Leave intermittently, but must use it up within twelve (12) months. There is no twelve (12) month time limit on Active Duty Family Leave, which is more akin to traditional FMLA leave.

FMLA And Workers Compensation.

When an employee is injured on the job, and the injury qualifies the employee for benefits under the FMLA, the employee shall be placed on FMLA leave by notification of the Director of Human Resources. After notification, any qualifying time shall be counted towards the entitlement of FMLA leave.

Restoration To Employment.

An employee eligible for FMLA – with the exception of those employees designated as “key employees” (see paragraph below) – will be restored to the employee’s old position OR to an equivalent position. Shawnee County cannot guarantee that an employee will be returned to the employee’s original job. The Director of Human Resources will make a determination as to whether a position is “an equivalent position”.

Return From Leave.

An employee must complete a “Notice Of Intention To Return From Family And Medical Leave” before the employee can be returned to full duty. If an employee wishes to return to work prior to the expiration of a family or medical leave of absence, notification must be given to the employee’s appointing authority at least five (5) working days prior to the employee’s planned return.

Failure To Return From Leave.

The failure of an employee to return to work upon the expiration of a family or medical leave of absence will subject the employee to immediate termination.

Key Employees.

Under certain conditions, employees who are designated as “key” may be denied job restoration rights.

- A. A “key employee” is a salaried FMLA-eligible employee who is among the highest paid ten (10) percent of all the employees employed by Shawnee County.
- B. The term “salaried” means paid on a “salary basis,” as defined in 29 CFR 541.118. This is the Federal Department of Labor regulation defining employees who may qualify as exempt from the minimum wage and overtime requirements of the FLSA as executive, administrative and professional employees.
- C. A “key employee” must be “among the highest paid ten (10) percent” of all the employees—both salaried and non-salaried, eligible and ineligible.
 - 1. In determining which employees are among the highest paid ten (10) percent, year-to-date earnings are divided by weeks worked by the employee (including weeks in which paid leave was taken). Earnings include wages, premium pay, incentive pay and non-discretionary and discretionary bonuses. Earnings do not include incentives whose value is determined at some future date (e.g., stock options, or benefits or perquisites).
 - 2. The determination of whether a salaried employee is among the highest paid ten (10) percent shall be made at the time the employee gives notice of the need for leave. No more than ten (10) percent of Shawnee County’s employees may be “key employees.”

If an employee designated as “key” still takes leave under this Policy, no guarantees are made about returning the key employee to employment.

Benefits Coverage During Leave.

During the period of the FMLA leave, an employee will be retained on Shawnee County’s health plan under the same conditions that applied before the leave commenced. To continue health coverage, the employee must continue to make any contributions that the employee made to the plan before taking the leave. Arrangements to make these contributions must be made directly by the employee with the County Clerk’s office.

The employee’s participation in Shawnee County’s health insurance program may be terminated if the employee’s contribution to the employee’s premium payment is more than thirty (30) days late. The employee’s health insurance benefits will resume upon return to work. The employee’s participation also ceases if the employee fails to return from leave or clearly states that the employee does not intend to return.

SHAWNEE COUNTY IS ENTITLED TO RECOVER HEALTH INSURANCE PREMIUM PAYMENTS MADE DURING THE LEAVE, IF THE EMPLOYEE DOES NOT RETURN TO WORK.

If failure to return to work is due to the continuation, recurrence or onset of a serious health condition beyond the employee’s control, the employee will not be liable for health care premiums paid while on family or medical leave. In such cases, a certification issued by a health care provider will be required.

In order to drop the coverage for an employee whose premium payment is late, Shawnee County must provide written notice to the employee that the payment has not been received. The cancellation notice must be mailed to the employee at least fifteen (15) days after the date of the late premium notice letter, unless the payment has been received by that date. If Shawnee County has established policies regarding other forms of unpaid leave that provide for Shawnee County to cease coverage retroactively to the date the unpaid premium payment was due, Shawnee County may drop the employee from coverage retroactively in accordance with that policy, provided the fifteen (15) day notice was given. In the absence of such a policy, coverage for the employee may be terminated at the end of the thirty (30) day grace period, where the required fifteen (15) day notice has been provided.

Shawnee County has no obligation regarding the maintenance of a health insurance policy, which is not a "group health plan." See 29 CFR 825.209.

All other obligations of an employer under FMLA would continue; for example, Shawnee County continues to have an obligation to reinstate an employee upon return from leave.

Shawnee County may recover the employee's share of any premium payments missed by the employee for any FMLA leave period during which Shawnee County maintains health coverage by paying the employee's share after the premium payment is missed.

If coverage lapses because an employee has not made required premium payments, upon the employee's return from FMLA leave, Shawnee County must still restore the employee to coverage/benefits equivalent to those the employee would have had if leave had not been taken and the premium payment(s) had not been missed, including family or dependent coverage. See 29 CFR 825.215(d)(1)-(5). In such case, an employee may not be required to meet any qualification requirements imposed by the plan, including any new preexisting condition waiting period, to wait for an open season, or to pass a medical examination to obtain reinstatement or coverage.

The length of service (seniority/longevity) will be interrupted if the employee is on unpaid leave for more than thirty (30) consecutive days. Employees who take family or medical leave will not lose any employment benefits that otherwise accrued before the date the leave began.

Report Requirements.

Employees on FMLA may be required to report their status on a weekly basis. The employee's estimated date of return to work will be communicated to the Director of Human Resources as far in advance as practical so that scheduling can be facilitated. Human Resources may be in communication with the employee during the leave and should be informed immediately if the medical condition changes, or the employee states that the employee will not be returning to work.

Reduced Or Intermittent Leave.

The employee and Shawnee County may work out an agreement by which leave may be taken intermittently or on a reduced leave schedule. While this would not reduce the employee's twelve (12) week entitlement for the payroll year, it would enable the employee to spread the leave over a longer period of time.

Employees who take intermittent leave may be transferred temporarily to another position that would better accommodate a part-time schedule. They would receive equivalent pay and benefits during the temporary transfer.

Reduction In Force.

Employees who are on FMLA leave during a layoff will be treated in exactly the same way as they would have been treated if they were not on leave. However, should the layoff occur while the employee has been on leave for greater than thirty (30) days, their classification seniority date will be changed and their layoff score recomputed. They will not be given preferential treatment because of the leave, nor will it be held against them in the layoff selection. Similarly, they will be recalled to work in the same manner as they would have been under normal circumstances.

Responsibility Of Appointing Authority.

It is the responsibility of the employee's appointing authority to advise the employee of the opportunity to take leave under the auspices of the FMLA Policy. In the case of intermittent leave, the appointing authority has the responsibility to pre-designate the leave as FMLA leave and notify the employee and the Director of Human Resources. The appointing authority shall notify the Director of Human Resources the number of hours designated and taken in the preceding pay period. This report shall be made no later than Tuesday following the pay period ending date.

Responsibility Of The Director Of Human Resources.

The Director of Human Resources shall provide oversight to all leave taken under the FMLA Policy. Human Resources shall codify additional rules and regulations to implement the FMLA Policy including, but not limited to, posting of all notices, notification requirements and all appropriate documentation and record keeping.

7.11 SHARED LEAVE.

Under Shawnee County's Shared Leave Policy, each employee in a permanent position who has worked for Shawnee County for twelve (12) months, and for a minimum of one-thousand two-hundred and fifty (1,250) hours during the previous year may be eligible to receive shared leave if the employee has exhausted all leave (sick, vacation, compensatory and personal leave days), and the employee has completed the "Application For Shared Leave" as directed by the Director of Human Resources, and meets one (1) of the following criteria:

- A. The employee has been approved for FMLA leave under the Shawnee County's FMLA Policy; or
- B. The employee is receiving temporary total disability payments as a result of a covered injury under the Shawnee County's Workers Compensation program.

Who May Pledge Shared Leave.

An employee shall be eligible to pledge vacation leave or sick leave to another employee if:

- A. The pledge of vacation leave does not cause the accumulated vacation leave balance of the pledging employee to be less than eighty (80) hours; and

- B. The pledge of sick leave does not cause the accumulated sick leave balance of the pledging employee to be less than four hundred eighty (480) hours.

Any employee wishing to pledge shared leave must complete a “Shared Leave Pledge Form” as directed by the Director of Human Resources.

Shared Leave Procedures.

- A. At any time during the use of shared leave, an employee may be required by the Director of Human Resources to provide a physician’s statement or other medical evidence necessary to establish that the employee qualifies for leave under the Shawnee County’s Shared Leave Policy.
- B. If the employee fails to provide the required evidence, the use of shared leave may be denied or terminated by the Director of Human Resources.
- C. Human Resources shall notify the employee if the employee has been approved for shared leave.
- D. The amount of shared leave when combined with the temporary total disability payments under Shawnee County’s Workers Compensation program shall not exceed the employee’s base rate for a pay period.
- E. County employees shall not be notified of an employee’s need for shared leave, until the Director of Human Resources has approved the request for shared leave.
- F. No employee shall be coerced, threatened, intimidated, or financially induced into donating leave for purposes of the shared leave program. Any employee found to have violated this Policy shall be subject to discipline up to and including termination.
- G. Shared leave may be used only for the duration of the serious health condition for which it was collected.
- H. Shared leave shall not be transferable to any employee other than the employee for which it was requested and donated.
- I. Shared leave may not be applied retroactively.
- J. The employee shall no longer be eligible to receive shared leave for a particular occurrence if:
 - 1. In the case of use of shared leave for Workers Compensation, the employee is no longer eligible for temporary total disability under the Shawnee County Workers Compensation program;
 - 2. The recipient terminates employment or retires; or
 - 3. The employee is no longer eligible for leave under Shawnee County’s FMLA Policy.

- K. If the employee has exhausted his/her entitlement of leave under the FMLA, and has an unused balance of pledged shared leave and the employee or immediate family member continues to have a serious health condition, the employee may continue to use the pledged shared leave until the current shared leave pledges are exhausted or the serious health condition is alleviated, whichever ever comes first. Under this situation, no additional pledges of shared leave will be allowed past the twelve (12) week FMLA limit.
- L. An employee that does not return at the end of shared leave shall be dismissed, unless protected under the provisions of Shawnee County's FMLA program or eligible for temporary total disability under the Workers Compensation program.
- M. Shared leave shall be pledged and used in full-hour increments. The rate of pay of the pledging or receiving employee shall not be considered in the Shared Leave program. Shared Leave hours are transferred on an hour-for-hour basis.
- N. Overview of the Shared Leave Process: A County employee wanting shared leave completes the Shared Leave Application and turns it in to Human Resources. Human Resources verifies eligibility, and if eligible, notifies Shawnee County employees of the name of the employee requesting shared leave and the number of hours requested. Employees wishing to pledge shared leave to this person complete the Shared Leave Pledge Form on the IntraWeb and forward it to Human Resources, listing the amount and type of leave they are wishing to pledge. If there is more than one (1) person pledging shared leave to a single County employee, Human Resources attempts to equalize the number of pledged hours used among the number of employees pledging to a person. Shared leave hours used are deducted from pledged amounts only as they are used each pay period. Employees who receive shared leave hours will be credited with those hours, as they are needed, each pay period. Employees who pledge shared leave hours will notice their sick and vacation leave balances are reduced, as pledged hours are used each pay period. If more shared leave hours are pledged than are used, the remaining pledged hours are left in the pledging employee's account.

POLICY 8.0 - ETHICAL CONDUCT / EMPLOYEE BEHAVIOR

8.1 ETHICAL CONDUCT.

- A. No Shawnee County official or employee shall handle the affairs of any private enterprise or business of their own or of any other Shawnee County official or employee or of any other person during the course of his/her working hours as a Shawnee County employee and during which time said official or employee is being compensated by Shawnee County.
- B. No Shawnee County official or employee shall utilize the personnel, equipment, supplies, or physical plant of Shawnee County in the operation of his/her private enterprise or business or the private enterprise or business of another.
- C. No Shawnee County official or employee may be appointed to or serve in more than one (1) full-time Shawnee County position at the same time. Shawnee County officials or employees are not prohibited from other employment with an employer other than Shawnee County provided there is no conflict in working hours, the employee's efficiency is not reduced, and there is no conflict of interest that could cause embarrassment to Shawnee County, or the employee, provided however, that no Shawnee County employee may engage in other employment while on sick leave, shared leave, Family and Medical Leave Act status, or leave without pay, if the leave is taken for the personal illness or injury of the employee. If a Shawnee County employee participates in a non-fulltime position with Shawnee County, such employment must constitute a different general occupational category than the primary employment per Department of Labor guidelines.
- D. Shawnee County personnel shall not use, directly or indirectly, inside information to further a private gain for themselves or others if that information is not generally available to the public and was obtained by reason of their Shawnee County position.
- E. Shawnee County personnel are prohibited from using their Shawnee County positions to induce, coerce, or in any manner influence any person, including subordinates, to provide any benefit, financial or otherwise, to themselves or others.
- F. All Shawnee County personnel who have affiliations or financial interests, which create conflict or appearances of conflict of interest with their official duties, must disqualify themselves by written notice to the appointing authority from any official activities that are related to those affiliations or interests or the entities involved.
- G. Shawnee County personnel shall not accept any fee for service that is performed on behalf of Shawnee County.
- H. Shawnee County personnel shall not accept or agree to accept any economic opportunity, gifts not to exceed a nominal value, loan, gratuity, special discount, favor, hospitality, or service from any person or company known to have a special interest, under circumstances where he/she knows or should have known that a major purpose of the donor is to influence him/her in the performance of his/her official duties. Hospitality in the form of food or beverages is presumed not to be given to influence a Shawnee County employee in the performance of his/her official duties.

- I. Shawnee County personnel will be good stewards of public funds and resources. Appointing authorities shall notify the Board of County Commissioners and the County Counselor immediately upon receiving indications of possible fraud, theft or dishonesty by any employee. Employees shall immediately report any indications of possible fraud, theft or dishonesty to their appointing authority.

8.2 EMPLOYEE BEHAVIOR.

Employees are expected at all times to conduct themselves in a positive manner in order to promote the best interests of Shawnee County, its citizens and its employees. It is the policy of Shawnee County that certain rules regarding employee behavior are necessary for efficient operations and for the benefit and safety of all employees. The following is a list of appropriate and inappropriate behaviors that all employees are expected to follow.

Employees are expected to:

- A. Treat all citizens, visitors, and co-workers in a courteous manner;
- B. Refrain from behavior or conduct that is offensive or undesirable, or which is contrary to Shawnee County's best interest;
- C. Report to management all suspicious, unethical, or illegal conduct by co-workers, citizens, or suppliers;
- D. Report to management any threatening or potentially violent behavior by co-workers;
- E. Cooperate with Shawnee County investigations;
- F. Comply with all Shawnee County safety and security policies;
- G. Wear clothing appropriate for the work being performed;
- H. Perform assigned tasks efficiently and in accord with established quality standards;
- I. Report to work punctually as scheduled and be at the proper work station, ready for work at the assigned starting time;
- J. Give proper advance notice whenever unable to work or report on time;
- K. Smoke only at times and in places not prohibited by Shawnee County Policy or local ordinances;
- L. Eat meals only during established meal periods and only in the designated eating areas;
- M. Maintain cleanliness and order in the workplace and work areas.

The following conduct is prohibited and individuals engaged in it will be subject to discipline, up to and including dismissal.

Employees shall not:

- A. Engage in or threaten acts of violence, including but not limited to: Possessing unauthorized firearms or other weapons on Shawnee County property; Fighting or assaulting a coworker, guest, or citizen; Threatening or intimidating a coworker, guest, or citizen;
- B. Engage in any form of sexual or other harassment;
- C. Report to work, or perform Shawnee County duties under the influence of alcohol, illegal drugs, or narcotics or using, selling, dispensing, or possessing alcohol, illegal drugs, or narcotics on Shawnee County property;
- D. Disclose confidential information;
- E. Falsify or alter any Shawnee County record or report, such as an employment application, medical reports, time records, material usage records, absentee reports, etc.;
- F. Steal, destroy, deface, or misuse Shawnee County property, or another employee's or citizen's property;
- G. Misuse Shawnee County communications systems, including electronic mail, computers, Internet access, and telephones;
- H. Refuse to follow management's instructions concerning a job-related matter or being insubordinate;
- I. Fail to wear assigned safety equipment or failing to abide by safety rules and policies;
- J. Solicit or distribute materials without obtaining prior permission from management;
- K. Smoke where prohibited by Shawnee County Policy or local ordinance;
- L. Use profanity or abusive language;
- M. Sleep on duty without authorization;
- N. Gamble on Shawnee County property;
- O. Play pranks or engage in horseplay; and
- P. Wear improper attire or have an inappropriate personal appearance.

The examples of impermissible behavior described above are not intended to be an all-inclusive list. At management's discretion, any violation of Shawnee County's Policies or any conduct considered inappropriate or unsatisfactory may subject the employee to disciplinary action. Questions about this section should be directed to Human Resources.

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POLICY 9.0 - DISCIPLINARY ACTIONS

9.1 GENERAL.

Shawnee County has established a policy of progressive discipline for employees. The Board of County Commissioners recognizes that the two (2) primary aspects of employees fulfilling their assigned duties are Performance and Behavior. Poor performance is improved, primarily, by training. Behavior is normally a conscious decision by an employee to act in a certain way. Poor or inappropriate behavior can and does impact performance and is dealt with, and hopefully improved, with discipline. Failing that, ultimately, the employee may be removed from the work place with a dismissal. Poor performance that is unable to be improved with training may also result in dismissal of the employee, even though it is not a discipline action but an inability to perform to a required level.

The appointing authority shall have the responsibility to discipline employees for the willful and/or repeated violation of Shawnee County Human Resources Policies, departmental/office written policies, contract provisions, or other just cause. Appointing authorities shall promptly investigate any incidents or issues that could result in discipline and either issue discipline or dismiss the incident/issue quickly. Any employee involved in an interview or the appointing authority conducting the interview, may record the interview as long as all parties agree in advance.

9.2 APPLICATION.

This section primarily applies to classified employees; however, bargaining unit employees are covered where the MOU for the bargaining unit is silent on specific issues. Disciplinary actions do not necessarily apply to unclassified employees. Unclassified employees do not have property rights to the position they hold, and therefore most parts of this section do not apply. Unclassified employees may be dismissed at any time, with or without notice, and with or without cause. However, the Board of County Commissioners and/or the appointing authorities may take other censure actions against unclassified employees.

In general terms, discipline is warranted when an employee exhibits inappropriate behavior. Inappropriate behavior is almost always the result of a conscious decision by the employee. Issuing discipline to an employee is an attempt to correct the behavior and encourage the employee to make better decisions. Performance is normally improved with training, not discipline. Obviously, however, inappropriate behavior can cross over the line and affect performance. In that case, both discipline and training might be appropriate. Shawnee County has instituted a system of progressive steps of discipline. The four (4) steps of progressive discipline in Shawnee County, from the lowest to the highest, are: documented verbal reprimand, written reprimand, suspension and dismissal.

Employees counseling sessions, or conversations by a supervisor about performance or behavior issues, are not considered a disciplinary action. Supervisors must have conversations with employees as a matter of course in carrying out daily duties. Verbal corrections, instructions and suggestions do not rise to the level of discipline. Any discipline issued to an employee must be a written document signed by management, and the employee given a chance to acknowledge and sign the document. If the employee refuses to sign, a witness other than the management person signing the discipline must sign that the employee refused to sign the discipline form. After all signatures are secured on the discipline form, a copy is given to the employee, management keeps a copy and the original is forwarded to Human Resources. The suggested discipline form can be found on the HR Forms page on the Shawnee County IntraWeb.

9.3 DISCIPLINARY MEASURES.

Disciplinary measures shall include documented verbal reprimand, written reprimand, suspension without pay (for a period not to exceed ten (10) working days) and dismissal. The seriousness of the offense, the employee's past work record, length of service, past disciplinary record and any mitigating or extenuating circumstances shall be considered in determining which of the above disciplinary actions should be taken. All disciplinary actions shall be subject to the provisions of the grievance procedure. The seriousness of an offense will often vary with the circumstances prevailing at the time of the occurrence. Related and mitigating factors shall be considered when determining the appropriate action to be taken. The disciplinary process involves four (4) steps of progressive discipline for infractions of a similar nature and which are of a nature not serious enough to constitute just cause for immediate suspension or discharge. The level of discipline to be applied is at the sole discretion of the appointing authority and need not be progressive in nature if the situation warrants. The progressive steps are:

- A. First Offense - Documented Verbal Reprimand
- B. Second Offense - Written Reprimand
- C. Third Offense - Suspension
- D. Fourth Offense - Termination

The progressive disciplinary system listed above is intended to serve as a warning to the employee that their behavior needs to improve in the specified area and that repeated incidents may result in additional discipline up to and including termination. The steps of progressive discipline are intended as a guideline for the application of discipline but Shawnee County may apply any level of discipline commensurate with the seriousness of the offense committed.

9.4 DISCIPLINARY ACTION AND DUE PROCESS HEARINGS.

The appointing authority shall have the right to discipline employees up to and including termination. If the appointing authority has reason to discipline an employee, it shall be done in a manner that will not embarrass the employee before other employees or the public. Investigation and issuance of discipline shall normally be within ten (10) workdays of the time the supervisor first had knowledge of the infraction. Delays beyond the ten (10) day time frame require the approval of Human Resources.

Prior to dismissal or suspension of a permanent employee, the appointing authority will conduct a Due Process Hearing. The Director of Human Resources will publish guidelines on Due Process Hearings on the HR Forms page on the Shawnee County Intranet. In the written notice to the employee of the proposed discipline and the Due Process Hearing, the appointing authority shall furnish the employee a statement specifically setting forth the reasons for the proposed dismissal or suspension. The appointing authority shall offer the employee who is proposed to be suspended or dismissed, an opportunity to reply in writing, appear in person, or both, before the appointing authority makes a final decision on the issue of the proposed suspension or dismissal. This paragraph does not limit the appointing authority from immediately suspending (with or without pay), and removing an employee from County property, or terminating an employee for cause if the situation warrants.

In situations where the possibility of dismissal or suspension of a permanent employee is indicated, but the appointing authority needs time to conduct an investigation, the appointing authority may place the employee on administrative leave with or without pay until a decision regarding disciplinary action can be made. In such situations, appointing authorities should coordinate with Human Resources prior to taking action.

9.5 OFFENSES CONSIDERED GROUNDS FOR SUSPENSION OR DISMISSAL.

Grounds for suspension or dismissal of a permanent employee include, but are not limited to, the following:

- A. Negligence in the performance of duties;
- B. Careless, negligent or improper use of Shawnee County property;
- C. Improper use of leave privileges;
- D. A habitual pattern of failure to report to work at the assigned time and place, or to remain on duty;
- E. Gross misconduct by a Shawnee County employee, or violating the Ethical Conduct/Employee Behavior Policy;
- F. Conviction of a criminal act;
- G. Willful abuse or misappropriation of Shawnee County funds, materials, property or equipment;
- H. Making a false statement of material fact in the employee's application for employment, in any employment documentation or in any testimony or statement for record given;
- I. Willfully claiming or showing more hours worked on time sheets than hours actually worked;
- J. Willful endangerment of the lives and/or property of others, or gross disregard for established safety procedures;
- K. Possession of unauthorized firearms, explosives, concealed weapons or other weapons while on the job;
- L. Performing duties in a threatening manner, or mistreating other employees or citizens;
- M. Insubordination: Refusal to accept a reasonable or proper assignment from an authorized supervisor;
- N. Possession, sale, consumption of or being under the influence of alcohol, drugs, narcotics or other controlled substances, while on duty, on the work site or in a Shawnee County vehicle;
- O. Knowingly releasing confidential information from official records;
- P. Exhibiting other personal conduct detrimental to Shawnee County service that could cause undue disruption of work or endanger the safety of persons or property of employees or others, as may be determined by the appointing authority;
- Q. Theft of Shawnee County property;
- R. Unreasonable or abusive treatment of a client, citizen, Shawnee County employee or other individual in the community;
- S. Verbal or non-verbal harassment;
- T. Disregard for Shawnee County's EEO/Affirmative Action Policy prohibiting discrimination;
- U. Dishonesty in any form or degree;

V. Repeated or habitual failure to wear or use required personal protective equipment.

9.6 DEMOTION.

Involuntary demotion is not considered appropriate as a disciplinary tool because it normally pertains to performance, not behavior. Demotions are appropriate in the case of an employee who is unable to perform at a higher level required during a promotional probation period. Voluntary demotions may be accomplished in certain situations when an employee recognizes their inability to adequately perform the required duties in their current position. Appointing authorities may approve demotion requests when it is in the best interest of the department/office, and a vacant position exists. The demoted employee must still meet all position qualification requirements.

POLICY 10.0 - TERMINATION PROCESSING

10.1 GENERAL.

Upon separation, the employee is responsible for the return of all property belonging to Shawnee County on or before the last day worked. Upon termination, employees shall receive pay for any unused accrued vacation leave up to the maximum payout amount and any compensatory time on the next regularly scheduled payday. An employee who terminates employment shall receive his/her final paycheck from the appointing authority. Shawnee County cannot withhold a final paycheck for the return of County property. However, Shawnee County does reserve the right to prosecute a former employee for failure to return County property.

10.2 DISMISSAL.

Dismissal of a permanent employee shall be immediate and all benefits other than accumulated vacation days and compensatory hours shall be forfeited. An employee terminated "for cause" shall not be eligible for re-hire by Shawnee County for ten (10) years. An appointing authority terminating an employee for cause shall characterize on the Personnel Status Change form that the employee is not eligible for rehire.

10.3 RESIGNATION.

If the employee intends to resign, the employee shall provide the employer with not less than two (2) weeks notice of their intent. Employees providing at least two (2) weeks notice shall be considered to have left Shawnee County employment in "good standing". The appointing authority shall determine an appropriate final date of employment. If notice of resignation is less than two (2) weeks, without approval of the appointing authority, the employee may be considered to have not left in good standing, and may not be eligible for rehire for a period of ten (10) years. (See Section 9.10 below.) The appointing authority shall indicate on the form provided by Human Resources if they are requesting that the individual not be eligible for rehire. Use of sick leave, after notice of resignation, may be denied by the appointing authority except for pre-approved scheduled physicians appointments. The appointing authority may make a tendered advance resignation notice effective immediately if he/she determines it is in the best interest of Shawnee County.

10.4 RESCISSION OF RESIGNATION OR RETIREMENT.

With the approval of the appointing authority, an employee may withdraw a resignation or retirement prior to the effective date of the resignation/retirement.

10.5 ABSENT WITHOUT AUTHORIZATION.

Any employee who is absent without authorization/notification for a period of three (3) consecutive working days may be considered as having abandoned his/her position and such absence may be treated as a dismissal. Absent without authorization shall mean any absence in which the employee has failed to secure prior approval or, in the case of illness or injury, has failed to notify his/her immediate supervisor of such absence on the day it occurs. Mitigating circumstances may be considered in cases of extreme illness or injury.

10.6 TEMPORARY / INTERMITTENT EMPLOYEES.

Temporary and intermittent employees may be terminated at any time without prior notice. Such termination shall not be subject to appeal through the grievance procedure.

10.7 NEW HIRE PROBATIONARY EMPLOYEES.

New hire probationary employees may be terminated at any time without prior notice. Such termination shall not be subject to appeal through the grievance procedure.

10.8 RETIREMENT.

Employees shall be considered eligible for retirement when they have satisfied one (1) of the following conditions:

- Twenty (20) years of employment with Shawnee County.
- Eligible for retirement benefits under the Kansas Public Employees Retirement System, or Kansas Police and Fire Retirement System, or other retirement system approved by the Board of County Commissioners.
- Reached eligible retirement age under the Social Security Administration rules.
- As agreed to in a settlement of contract or other legal issues.
- As approved by the Board of County Commissioners.

All eligible Shawnee County employees shall be members of the Kansas Public Employees Retirement System or where applicable, the Kansas Police and Fire Retirement System, or other retirement system approved by the Board of County Commissioners for employees and shall be subject to all laws and regulations governing such membership.

10.9 REDUCTION-IN-FORCE.

The Board of County Commissioners, or an appointing authority with the approval of the Board of County Commissioners, may call for a reduction-in-force in any position or classification of positions as a result of a shortage of work or funds, abolishment of a position, organizational changes, or a reinstatement of an employee returning from authorized military leave. Such a reduction-in-force shall be accomplished in accordance with the following rules:

- A. The Director of Human Resources, in coordination with the appointing authority, shall designate the specific classification, or classifications, and number of positions in a department, or departments, in which the reduction-in-force is proposed to occur, and the effective date of the reduction-in-force; and make recommendations to the Board of County Commissioners for approval.
- B. Employees shall be laid off/terminated in the following order by classification:
 - 1st - Intermittent Employees (terminated)
 - 2nd - Temporary Employees (terminated)
 - 3rd - Initial Hire Probationary Employees (part-time first, then full-time) (terminated)
 - 4th - Permanent Part-Time Employees (laid off)
 - 5th - Permanent Full-Time Employees (laid off)

No permanent full-time employee in the specified class of the affected department shall be laid off until all intermittent, temporary, initial hire probationary and part-time employees of the classification are terminated/laid off. Permanent part-time and permanent full-time employees identified to be laid off, may transfer/demote to any advertised vacant position that the employee is qualified for, within the affected department/office. Human Resources shall make every effort to find appropriate vacant positions for permanent full-time and permanent part-time employees subject to layoff both in the affected department/office and in other Shawnee County departments/offices. Employees may not displace (bump) other employees out of their positions.

- C. Among an affected classification, employees shall be laid off in inverse order based on their Shawnee County hire date. If hire dates are equal, then in inverse order of department seniority. If department seniority is equal, then classification seniority shall prevail. If classification seniority is equal, then the average of up to the last three (3) performance evaluations shall be ranked in inverse order.
- D. The Director of Human Resources shall certify to the appointing authority and affected employee(s) the layoff order. The Director of Human Resources shall provide a ranked list to the appointing authority indicating the order of layoff.
- E. Any employee who is to be laid off shall be so notified in writing by Human Resources at least thirty (30) calendar days before his/her scheduled layoff. Employees laid off shall receive payment for all accrued vacation leave and compensatory time.
- F. Any employee notified of his/her impending layoff may, in lieu of layoff, elect voluntary demotion within the department to an advertised vacant position in any classification that the employee has previously held or is qualified to hold. To exercise the right of voluntary demotion, the employee must notify the appointing authority of such election within three (3) work days after receiving notice of layoff.
- G. Employees last laid off, or who elect voluntary demotion, shall be first recalled to the classification they were laid off from, any classification that they previously held, or to a position with like minimum qualifications. Said employees shall have the right to recall for a period of two (2) years or a period equal to their total County service, whichever is less.
- H. It shall be the responsibility of the employee to provide Human Resources with a written list of the positions the employee would accept as a recall position. Said list shall not contain positions of a higher range than their current classification. Recall shall be made by Human Resources, with notice being sent by certified mail, return receipt requested, to the last address furnished by the employee. Such notice shall be conclusively presumed to have been received four (4) days from the date of the postmark. The employee eligible for recall shall have four (4) work days to respond in writing to the Director of Human Resources. Late responses or no response shall be presumed to be a refusal.

- I. Employees shall be removed from recall eligibility under the following conditions:
 - 1. Refusal of a recall offer.
 - 2. Acceptance of a position listed by the employee as an acceptable recall position.
 - 3. Acceptance of a recall offer for a position within the same classification, or equivalent.
 - 4. Expiration of time limitations.
 - 5. Employee notifies the Director of Human Resources of voluntary removal from the recall list.
- J. The appointing authority and the recalled employee shall mutually agree on a start date. Policy 4.2 B shall govern the rate of the recalled employee's wages. An employee who was laid off, and who is recalled by Shawnee County shall receive credit for all unused sick leave he/she had accrued at the time of layoff.
- K. The layoff procedure shall not be used to avoid removing a permanent employee by dismissal when dismissal is the appropriate procedure under these regulations.

10.10 NOT ELIGIBLE FOR REHIRE.

Shawnee County reserves the right to classify a former employee as not being eligible for rehire within Shawnee County. A former employee classified as not eligible for rehire, may not be hired within Shawnee County for ten (10) years after their termination date. Most reasons for a former employee to not be eligible for rehire are behavior based. They can vary from no-notice resignations, to dismissal for improper behavior or poor performance. Appointing authorities wishing to classify a former employee as not eligible for rehire shall mark the termination on the Personnel Status Change form in the box marked "Request Not Eligible For Rehire", and attach sufficient comments to provide Human Resources with information to make a determination. Human Resources will make the final determination as to whether a former employee is not eligible for rehire within Shawnee County, and in any appeal by a former employee.

POLICY 11.0 - GRIEVANCE PROCEDURE

11.1 GRIEVANCE PROCEDURE.

A grievance is a statement alleging a misinterpretation or misapplication of a practice, regulation or policy under the Shawnee County Human Resources Policy Manual, and/or departmental regulations, including disciplinary actions. Any classified or bargaining unit employee may file a grievance for a perceived misinterpretation, misapplication, or violation of a Shawnee County Policy, rule, etc. Bargaining unit employees must file their grievances under the applicable terms of their particular Memorandum of Understanding with the County. Classified employees must file their grievance under the guidance in this Policy Manual. Grievance procedures are not applicable to unclassified employees.

- A. Step One. Any employee who feels aggrieved shall first discuss the grievance with his/her supervisor. A sincere attempt should be made by the supervisor and employee to resolve any grievance at this initial step.

- B. Step Two. Step two involves presenting the grievance to the supervisors and managers up the chain of command in the department/office of the grieving employee. If the grievance is not resolved at the first step, the employee shall complete the Shawnee County Grievance Form and submit it to their supervisor within ten (10) working days after the employee knew or should have known of the cause of such grievance. The written Grievance Form shall contain the name of the grievant, a clear and concise statement of the grievance, the issue involved, the rule or regulation allegedly violated or misapplied, the relief sought, the date the incident or violation or misapplication took place, and the signature of the grievant and the date the form was completed. The supervisor shall immediately notify the Director of Human Resources and obtain a grievance number, which shall be entered on the grievance form and referred to on all subsequent correspondence from all parties.

The supervisor shall investigate the written grievance and respond to the employee in writing within ten (10) working days. At the expiration of the ten (10) days, if no reply has been received, the employee must appeal the grievance to the next level of supervision. If the employee fails to appeal the grievance within five (5) work days following the expiration of the ten (10) day supervisory investigative period or five (5) work days after receipt of a written reply, the grievance is considered adjusted. If the employee is not satisfied with the reply, the employee must appeal the grievance to the next higher level of supervision. This process is repeated up to and including action by the appointing authority.

If, at any point in this process, the grievance is adjusted (settled) to the satisfaction of the grievant, or by expiration of time limits, the grievance and all supporting documentation shall be forwarded to the Director of Human Resources.

- C. Step Three. If the grievance is not resolved at the second step, the employee may appeal the grievance within five (5) working days of the appointing authority's reply, or within five (5) work days after the expiration of the ten (10) work day investigative period if the appointing authority does not reply. Such appeal shall be filed with the Director of Human Resources who, within ten (10) working days, shall cause a grievance committee to be appointed by the Board of County

Commissioners. Such committee shall consist of three (3) members: the first member shall be a Shawnee County employee of a classification level comparable to the grievant, the second member shall be an appointing authority, and the final (3rd) member shall be chosen at large from among Shawnee County employees. No member of the grievance committee shall be employed in the department/office in which the grievance occurred, or in which the employee was previously employed. Human Resources will impartially select, and recommend the grievance committee members to the Board of County Commissioners.

After being appointed, the grievance committee shall schedule the hearing within ten (10) working days to consider said grievance. The committee shall give not less than five (5) working days notice in writing to the grievant and all other interested parties of the time and place of such meeting. The grievant or any interested party to the grievance may be represented at the grievance hearing by legal counsel or any representative of his/her choosing. The grievance committee shall give no weight or consideration to any matter except the facts and evidence presented to them at the grievance hearing. The Director of Human Resources, or designee, shall provide administrative and subject matter assistance as needed.

After hearing the grievance, the committee shall submit written findings of fact and its decision within five (5) working days to the grievant, the appointing authority, and the Director of Human Resources. Such decision shall be binding on all parties to the grievance and shall not be subject to further administrative appeal. The decision of the grievance committee shall be limited to the subject matter of the grievance and the grievance committee shall not modify, add to or delete from the express terms of these rules.

- D. Time Limits. The time limits specified in the grievance procedure may be extended with the mutual consent of the parties or by the Director of Human Resources. Any grievance that is not filed or appealed within the established time limits shall be considered adjusted and binding on all parties.
- E. Reprisal. No employee shall be subject to harassment, reprisal, or retaliation for utilizing the grievance procedure.
- F. Participation. All employees of Shawnee County shall be required to cooperate with the Director of Human Resources and the grievance committee as needed in attending all hearings conducted under this regulation, and to provide the Director of Human Resources and the grievance committee with such information as is necessary in rendering decisions on grievance matters.

11.2 THE COMMITTEE CHAIRPERSON.

The committee chairperson conducts the meeting and acts as the spokesperson for the grievance committee. Any member of the grievance committee may be selected by the committee members to be the chairperson. The chairperson is like a "referee" for the meeting and should be fair to both parties. The goal of the chairperson is to conduct a meeting in such a way that allows both the grievant and management a fair opportunity to present their respective positions.

11.3 HUMAN RESOURCES ASSISTS THE COMMITTEE.

Human Resources will act as advisors and administrative support for the grievance committee. They may provide copies and County interpretations of any policies, rules, practices, procedures, documents, etc., needed by the committee. Human Resources will not provide any opinions as to the merits of either side of the grievance.

11.4 COMMITTEE MEETING PROCEDURES.

There are no established rules regarding procedure; however, the following are some suggested guidelines:

- A. Commence the meeting. Introduce the members of the grievance committee and ask both sides of the grievance to make introductions.
- B. The grievant, or grievant's representative, should go first and explain the substance of the grievance.
- C. Management (usually with the assistance of the County Counselor) then explains management's position.
- D. The grievant then calls witnesses, if any are desired, for questioning. Each side is allowed to ask questions of the witness, taking turns, until there are no more questions. The grievance committee can also ask questions of any witness.
- E. Management then calls witnesses, if any are desired, for questioning. Each side is allowed to ask questions of the witness, taking turns, until there are no more questions. The grievance committee can also ask questions of any witness.
- F. Each side of the grievance is responsible for securing and notifying their witnesses of when and where to appear. County employees who are called as a witness are required to appear and shall be in pay status.
- G. Each side should be given copies of any documents or exhibits entered into evidence by the opposing side.
- H. After the presentation of the positions and witnesses for each side, each side can make a closing statement, if allowed by the grievance committee.
- I. Announce when the committee expects to issue its written decision.
- J. Thank both sides of the grievance for their participation and close the committee meeting.
- K. After hearing the grievance, the committee shall deliberate and reach a decision. The committee shall submit written findings of fact and its decision within five (5) working days to the grievant, the appointing authority, the County Counselor and the Director of Human Resources. Such decision shall be binding on all parties to the grievance and shall not be subject to further administrative appeal. The decision of the grievance committee shall be limited to the subject matter of the grievance and the grievance committee shall not modify, add to or delete from the written grievance or the express terms of these policies.

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POLICY 12.0 - OCCUPATIONAL HEALTH

12.1 EMPLOYEE HEALTH.

The Director of Human Resources shall establish rules and procedures concerning fitness for duty for all employees. These rules and procedures shall comply with the provisions of the Americans with Disabilities Act, the U.S. Department of Transportation rules, Shawnee County Commercial Driver's License policies, and all other relevant policies, laws and statutes.

- A. All Shawnee County positions will have the physical requirements included in the Position Description for the position. All employees shall be subject to the fitness-for-duty requirement and must be able to safely perform the physical requirements of their position.
- B. The Director of Human Resources will coordinate with the Purchasing Department to contract with providers for all Shawnee County physicals. Human Resources will schedule physicals with applicants and employees for all new hire and periodic physical examinations. Human Resources will receive the consolidated billing statements from the provider and send the individual departments' bills to them for payment.

12.2 PRE-EMPLOYMENT HEALTH EXAMINATIONS.

- A. All applicants will receive post-offer health examinations to assess their fitness for duty and physical ability to perform the functions required by the position.
- B. The Director of Human Resources in consultation with the Shawnee Occupational Health Provider and the appointing authority will determine the composition of the examination. Shawnee County will pay for the costs of the basic examination to determine the physical qualifications for duty.
- C. The physical examination must be successfully completed prior to the first day of work. If the results of the exam disqualify an applicant as not being fit for duty, the applicant will not be eligible for employment with Shawnee County for that position.
- D. The Director of Human Resources will send the applicant a letter notifying them of their disqualification for the position and a copy of the information provided to us from the physical examination.

12.3 OCCUPATIONAL HEALTH PROGRAM.

- A. The Director of Human Resources in coordination with the Shawnee County Workers Compensation Coordinator and the Occupational Health Provider shall develop rules and procedures establishing an occupational health program for Shawnee County employees which include, but are not limited to, provisions for providing the following services:

1. **Mental Or Other Health Services Referrals:** The Director of Human Resources will coordinate for an Employee Assistance Program (EAP) referral for those who need help coping with family, work, personal or financial problems. The EAP shall consist of arranging referrals, counseling or otherwise assisting employees with problems related to, but not limited to: family, job, alcohol/drug abuse and stressful life events. This EAP is strictly confidential, available twenty-four (24) hours a day, and free to employees or family members living in the employee's household for initial consultations. See details about the EAP program in Section 11.8 Employee Assistance Program.
2. **Management And Supervisor Health Education:** The Director of Human Resources will conduct management/supervisor training classes to familiarize Shawnee County supervisors of health issues pertinent to the workplace.
3. **Medical Treatment Of Injuries Or Diseases Related To Work:** ALL INJURIES MUST BE IMMEDIATELY REPORTED TO THE APPROPRIATE SUPERVISOR. Any health condition suspected of being caused by the working environment must be immediately reported to the supervisor. Employees injured on the job will notify their supervisor immediately. For all injuries other than minor first aid type injuries, the employee will be transported to the emergency medical treatment facility designated by Human Resources. The supervisor will immediately notify the Safety Coordinator and Workers Compensation Coordinator in the County Counselor's office on all injuries requiring more than first aid treatment, a lost-time injury or a vehicle accident.
4. **Immunizations That May Be Appropriate For Positions:** The Director of Human Resources, in coordination with the Occupational Health Provider, and the applicable appointing authority will establish which immunizations are appropriate for County employees in the various classes. The approved immunizations will be offered to County employees at no cost. Employees declining to take a recommended immunization will sign a release form.
5. **Health History Review:** The Director of Human Resources will insure that a health history review is included in the new hire fitness-for-duty examination.
6. **Periodic Health Screenings:** Appointing authorities, in conjunction with the Director of Human Resources, may require periodic health screenings for all employees. Employees who are required to hold a Kansas Commercial Driver's License, work with hazardous waste materials, or whose duties require them to work in potentially contagious conditions, must meet health screening requirements under the applicable regulations.
7. **Employee Medical Records:** Shawnee County is required to maintain all medical information items relating to employment in a separate medical file. The Director of Human Resources in cooperation with the Shawnee County Health Insurance Portability And Accountability Act (HIPAA) Officer shall issue rules concerning the keeping of medical records for each employee in compliance with all HIPAA guidance. Those records in the medical file are confidential information and will only be viewed by the Director of Human Resources and staff, or the County Counselor or designee in the course of County business. They will only be released at the written request of the employee, or by court order under the Health Insurance Portability And Accountability Act (HIPAA).

- B. Requests for Release of Medical Information. Procedures for securing a medical information release from an employee shall be determined by the Director of Human Resources in coordination with the Shawnee County Health Insurance Portability And Accountability Act (HIPAA) Officer.
- C. Physical and/or Mental Examinations. The Director of Human Resources, in coordination with the Occupational Health Provider, shall issue rules regarding physical and/or mental examinations generally, providing for such things as the location of, timing of and any special requirements for reporting of physical or mental examinations. These examinations may be used to determine the ability of the employee to safely perform the duties assigned to their position. For examinations deemed mandatory by the Director of Human Resources, any failure by the employee to comply with the instructions given for the exam or to present themselves for the exam, at the designated time and location, shall be considered grounds for termination.
- D. Scheduling Health Services. Human Resources shall schedule personnel for initial employment physical examinations and health history reviews.
- E. Removal for Cause. Among those things considered removal for cause shall be any employee who:
 1. Fails to report for or submit to a physical examination, at the appointed time, within fourteen (14) days of receipt of notification to do so; or
 2. Makes a false, inaccurate or misleading statement or fails to make a material statement which relates to any health problems which may affect work performance or safety; or
 3. Is not found to be in such physical or mental condition as would enable the employee to perform all requirements of his or her job without the possibility of injury to themselves or other persons or property, or unduly restrict the employee in the performance of his/her position.

12.4 DRUG AND ALCOHOL FREE WORKPLACE.

- A. Policy. It is the policy of Shawnee County to provide and maintain a drug and alcohol free workplace in all County facilities. A program has been established that balances respect for individuals with the need to maintain a drug and alcohol free environment for the safety of all employees and the public. Shawnee County employees, under certain circumstances, may be required to submit to a drug and/or alcohol test. The Director of Human Resources shall develop rules, practices, and guidelines which implement this Policy, and shall include, but not be limited to: pre-employment, post-accident, post-injury, DOT, random and reasonable suspicion testing.

Shawnee County recognizes that employee involvement with alcohol and other drugs can be very disruptive, adversely affect the quality of work and performance of employees, pose serious health and safety risks to users and others, and have a negative impact on productivity and morale. Employees whose drug or alcohol use impacts the workplace shall be subject to disciplinary action up to and including termination of employment and/or may be offered an opportunity to participate in rehabilitation subject to a Return-To-Work Agreement. Shawnee County encourages employees to voluntarily seek help with drug and alcohol problems.

Employees are expected to report ready to work in a condition that enables them to properly and safely perform the functions of their positions. If an employee's ability to perform his/her job duties is impaired, whether from the use of alcohol, illicit drugs, prescribed medications or over-the-counter medicines, he/she should immediately notify his/her supervisor of the impairment.

Employees who serve in safety-sensitive or security-sensitive positions must be particularly vigilant with regard to the effects of alcohol or drug use. Employees in those positions must also be aware of the effects of prescription or over-the-counter medications on their ability to safely perform their job duties. Any employee in a safety-sensitive or security-sensitive position is required to advise his/her supervisor if he/she is taking any over-the-counter medication or medication prescribed by a health care provider that may impair his/her ability to safely and effectively perform assigned duties.

It is the policy of Shawnee County to comply with the federal requirements for the testing of employees who are required to maintain a Commercial Driver's License (CDL). The minimum sanctions in this Policy and federal law shall not lessen Shawnee County's ability to impose greater sanctions, up to and including termination of employment under Shawnee County's disciplinary policies. Shawnee County shall comply with all provisions of the U.S. Department of Transportation's CDL requirements including, but not limited to, the drug and alcohol testing requirements mandated by the Department of Transportation.

- B. **Applicability.** This Policy applies to any individual who conducts business for Shawnee County, is applying for a position, or is conducting business on County property. The Drug-Free and Alcohol-Free Workplace Policy is intended to apply whenever anyone is representing or conducting business for Shawnee County. Therefore, this Policy applies during all working hours, whenever conducting business or representing Shawnee County, while on call, paid standby, while on Shawnee County property, and at Shawnee County-sponsored events.
- C. **Prohibited Behavior.** It is a violation of this Policy to use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs, intoxicants, or drug paraphernalia in the workplace, including prescription drugs prescribed for another individual. It shall also be a violation of this Policy to work or report to work while under the influence of illegal drugs or alcohol, regardless of where consumed. If an employee violates the Policy, he/she shall be subject to disciplinary action, up to and including termination of employment, and/or may be required to enter rehabilitation or seek treatment to remain employed. If an employee is required to enter rehabilitation and fails to successfully complete rehabilitation or treatment or repeatedly violates this Policy, they shall be terminated from employment. Nothing in this Policy prohibits the employee from being disciplined or discharged for a first violation of this Policy or for other violations and/or performance problems.
- D. **Notification of Convictions.** Any employee who is convicted of a criminal drug violation must notify Shawnee County in writing within five (5) calendar days of the conviction. Shawnee County shall take action as appropriate under the circumstances and as required by the Drug and Alcohol Free Workplace Policy within thirty (30) calendar days of notification. Departments which have been awarded federal grants or contracts shall notify the appropriate contracting agencies as required by law as well as notifying Human Resources if they become aware of a drug or alcohol related issue. Human Resources shall create procedures for establishing the manner and process for employees to report all criminal drug convictions or other alcohol or drug-related charges.

- E. Drug and Alcohol Testing Participation. Each employee, as a condition of employment, shall be required to participate in drug and/or alcohol testing under circumstances involving reasonable suspicion and/or following a work-related motor vehicle accident, or work-related injury. Shawnee County shall conduct additional drug and/or alcohol tests if required by law. Any applicant who violates the Drug and Alcohol Free Workplace Policy shall have his/her offer of employment withdrawn. Human Resources shall develop procedures setting forth the standards and processes for such drug testing consistent with this Policy.

All drug and/or alcohol information shall be maintained in separate confidential medical records. Samples used for testing shall be used solely for the purpose of drug and/or alcohol testing. No other tests shall be conducted or permitted. Samples shall be destroyed or retained in a manner consistent with all applicable federal, state and local laws, and administrative regulations and industry standards.

In the event of a conflict between this Policy (and its procedures) and any other policies or procedures that cover employees who are subject to the U.S. Department of Transportation (DOT) drug and alcohol regulations, or State or County Commercial Driver's License regulations, DOT regulations take precedence except where supplemented for local conditions. Shawnee County may then apply this Policy based on the same facts and circumstances.

- F. Return-To-Work Agreements. Following a violation of this Policy, an employee may be required to participate in a rehabilitation program as a condition of continuing employment. In such cases, the employee must sign and abide by the terms set forth in a Return-To-Work Agreement.
- G. Assistance. Shawnee County recognizes that alcohol and drug abuse and addiction are treatable illnesses. One (1) of the goals of this Policy is to encourage employees to voluntarily seek help with alcohol and/or drug problems. Early intervention and support improves the success of rehabilitation. To support Shawnee County employees, Shawnee County encourages employees to seek help if they are concerned that they or their family members may have drug and/or alcohol problems through the Employee Assistance Program (EAP), and allows the use of accrued paid leave while seeking treatment for alcohol and other drug problems. Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.
- H. Confidentiality. All information received by Shawnee County in the process of administering the terms and provisions of this Policy shall be considered confidential communications. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and Shawnee County policies.

12.5 DRUG AND/OR ALCOHOL TESTING PROCEDURES.

- A. Overview. This Policy sets forth the standards and processes for Shawnee County's drug and/or alcohol testing of employees involved in work-related motor vehicle accidents, work-related injury incidents or based upon reasonable suspicion of violation of Shawnee County's Drug and Alcohol Free Workplace Policy. Drug and/or alcohol testing costs under this Policy are the responsibility of the applicable department/office.
- B. Testing Procedures. To ensure the accuracy and fairness of Shawnee County's testing program, all drug testing shall be conducted according to DHHS/SAMHSA guidelines, where applicable, and shall include: a screening test; a confirmation test; the opportunity for a split sample; review by a Medical Review Officer, including the opportunity for the employee who tests positive to provide a legitimate medical explanation, such as a physician's prescription, for the positive result; and a documented chain of custody. All alcohol testing shall be conducted in a manner consistent with the guidelines for alcohol testing issued by the Kansas Department of Health and Environment or by the U.S. Department of Transportation.

Testing for the presence of alcohol may be conducted by analysis of breath and/or blood. Testing for the presence of the metabolites of drugs may be conducted by the analysis of urine, blood, and/or hair samples.

- C. Post-Accident/Injury Testing. The purpose of this Policy is to advise managers and supervisors of the process to follow for drug and/or alcohol testing when an employee is involved in a motor vehicle accident as a pedestrian on County business or while driving a County-owned or leased vehicle or driving a personal vehicle, while on County business, consistent with Shawnee County's Drug and Alcohol Free Workplace Policy. Post-accident testing may also be required for any work-related injury incident. If an employee is involved in a work-related motor vehicle accident, or work-related injury incident, the first priority shall always be the health and safety of the employee and any other persons involved in the accident/incident. All other considerations shall be secondary.

This Policy includes provisions for employees who are required to hold a Commercial Driver's License (CDL) as a part of their job, and for employees who do not hold a Commercial Driver's License.

Supervisors should follow the appropriate process any time an employee is involved in a motor vehicle accident while operating a County-owned or leased vehicle or his/her personal vehicle on County business. In the event of a conflict between this practice and U.S. Department of Transportation (DOT) drug and alcohol regulations (49 CFR Part 383, 390, 391 and 392) when CDL drivers are involved, DOT regulations take precedence. When appropriate, Shawnee County may then apply its separate post-accident testing requirements as described in this Policy, based on the same facts and circumstances.

The employee's supervisor or the employee who responds on behalf of their department to the accident shall immediately notify the appointing authority, the County Counselor's office, and Human Resources of the circumstances related to the accident. The normal procedure is to test employees after all vehicle accidents and any injury or incident under suspicious circumstances. Human Resources, or the appointing authority, may direct testing appropriate to the circumstances of the accident/incident.

D. Testing Process.

1. Non-CDL Drivers. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care. The health and safety of our employees and the public are always the first and foremost consideration.
 - a. Any employee who is involved in any work-related motor vehicle accident as a pedestrian, or while operating a County-owned or leased vehicle, or operating a personal vehicle on County business, regardless of whether any injury or property damage results, shall be tested for alcohol and controlled substances. Employees involved in any physical injury incident may also be tested for alcohol and controlled substances.
 - b. For purposes of this process, a “motor vehicle” does not include lawn and landscaping equipment, but it does include motor vehicles that are not required to be licensed for operation on a public road but are operated both on County premises and public roads to perform County operations, i.e., motor graders, front-end loaders, backhoes, excavators, track-hoes, tractors, etc.
 - c. Any employee, who is in an accident, or physical injury incident, shall immediately report the accident/incident to his/her supervisor/manager or to another supervisor/manager specifically designated by his/her department/agency for the reporting of work-related accidents and injury incidents. Any delay in reporting may subject the employee to disciplinary action, up to and including termination.
 - d. The supervisor/manager shall immediately notify the County Counselor’s office if there is a fatality, serious injury to any party involved, or disabling damage to any involved vehicle.
 - e. In certain exigent circumstances and if: 1) there is no bodily injury; 2) the vehicle is not disabled, and 3) there is no cause to believe there is a violation of County Policy, the supervisor may allow the employee to proceed to his/her destination. Exigent circumstances may include but are not limited to transporting clients or consumers, emergency vehicles responding to calls, extreme time-sensitive schedules (such as court appearances), and such similar emergency circumstances. As soon as practical within eight (8) hours of the accident, the driver shall be tested for alcohol and controlled substances. Any individual who is subject to post-accident testing shall remain readily available for such testing or he/she may be deemed to have refused to submit to testing. An employee shall be subject to the same consequences of a positive test if he/she refuses to complete the screening test or refuses to cooperate in the testing process in such a way that prevents completion of the test, including a retest for negative dilute results.

- f. If the employee does not require medical treatment or evaluation, he/she must be referred or transported within eight (8) hours of the accident to one (1) of the collection sites established by Human Resources for testing. If there is reason to believe that the employee may be under the influence of alcohol or drugs, the supervisor/manager must transport the employee to the test site. The supervisor must advise the Authorized Collector whether the employee is being tested under Department of Transportation (DOT) requirements and/or County Policy prior to the actual test.
- g. If the employee requires non-emergency medical evaluation, Workers Compensation procedures would apply and the employee is to be referred or transported to Shawnee County's designated worker's compensation medical provider and collection site. If there is reason to believe that the employee may be under the influence of alcohol or drugs, the supervisor/manager must transport the employee to the test site. The supervisor/manager must authorize medical treatment and testing of the employee. The supervisor must advise the Authorized Collector whether the employee is being tested under Department of Transportation (DOT) requirements and/or County Policy prior to the actual test.
- h. If the employee requires emergency medical treatment and is transported to an emergency room, the supervisor/manager shall request the testing be done at the emergency facility and then call the County's designated collection site to arrange for coordination of the testing. The supervisor must advise the Authorized Collector whether the employee is being tested under Department of Transportation (DOT) requirements and/or County Policy prior to the actual test.
- i. Human Resources shall notify the employee, the County Counselor's office, and the appointing authority or designee of the test results.
- j. If an employee tests positive for alcohol or drugs, before they will be allowed to return to work, the employee must be evaluated by a Substance Abuse Professional. The employee is required to successfully complete recommended rehabilitation or treatment, required to pass a Return-To-Duty test and sign a Return-To-Work Agreement. The employee shall be terminated from employment immediately if he/she tests positive a second time or violates the Return-To-Work Agreement. All costs of the rehabilitation treatment and follow up testing are the responsibility of the employee. An employee who tests positive for alcohol and/or drugs is subject to disciplinary action up to and including termination of employment.
- k. Under no circumstances will an employee be allowed to operate their own vehicle, or any County vehicle if there is reasonable suspicion of being under the influence of alcohol or drugs. The supervisor/manager will arrange for transportation to the employee's residence following treatment and/or testing.

2. CDL Drivers. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care. The health and safety of our employees and the public are always the first and foremost consideration. Shawnee County follows the Department of Transportation's (DOT) rules for CDL drivers even though Shawnee County is exempt as a local government. In certain instances Shawnee County may issue different guidance than required by the Department of Transportation (DOT), if it is determined to be in the best interest of Shawnee County.

The Department of Transportation (DOT) mandates that CDL drivers who are involved in an accident be tested for drugs and alcohol as provided below.

The following table notes when a post-accident test is required to be conducted by the Department of Transportation (DOT) under Department of Transportation (DOT) rules:

Type Of Accident Involved	Citation Issued To The CMV Driver	Test Must Be Performed By Employer
Human Fatality	Yes	Yes
	No	Yes
Bodily Injury With Immediate Medical Treatment Away From The Scene	Yes	Yes
	No	No
Disabling Damage To Any Motor Vehicle Requiring Tow Away	Yes	Yes
	No	No

- a. Alcohol.

As soon as practical following an accident involving a CDL driver, Shawnee County shall test for alcohol for each of its surviving drivers:

- i. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life;

OR

- ii. Who receives a citation within eight (8) hours of the accident under state or local law for a moving traffic violation arising from the accident, if the accident involved:

Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

One (1) or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

b. Controlled Substances.

As soon as practical following an accident involving a CDL driver, Shawnee County shall test for controlled substances for each of its surviving drivers:

- i. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life;

OR

- ii. Who receives a citation within thirty-two (32) hours of the accident under state or local law for a moving traffic violation arising from the accident, if the accident involved:

Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

One (1) or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

Any individual who is subject to post-accident testing shall remain readily available for such testing or he/she may be deemed to have refused to submit to testing. An employee shall be subject to the same consequences of a positive test if he/she refuses to complete the screening test or refuses to cooperate in the testing process in such a way that prevents completion of the test, including a retest for negative dilute tests.

If the employee requires non-emergency medical evaluation, Workers Compensation procedures would apply and the employee is to be referred or transported to Shawnee County's primary care clinic and collection site. If there is reason to believe that the employee may be under the influence of alcohol or drugs, the supervisor must transport the employee to the test site. The supervisor must authorize medical treatment. The supervisor must advise the Authorized Collector whether the employee is being tested under Department of Transportation (DOT) requirements and/or County Policy.

If the employee requires emergency medical treatment and is transported to an emergency room, the supervisor will call the County's designated collection site to arrange for subsequent testing. The supervisor must advise the Authorized Collector whether the employee is being tested under Department of Transportation (DOT) requirements and/or County Policy prior to the test.

The supervisor shall immediately notify the Shawnee County Counselor's office if there is a fatality, serious injury to any party involved, or disabling damage to any involved vehicle.

CDL drivers involved in an accident where none of the Department of Transportation (DOT) conditions are applicable shall be tested for drugs and alcohol as described in Section (a) above.

CDL drivers who are tested under the Department of Transportation (DOT) post-accident requirements shall also be tested for drugs and alcohol as described in Section (a) above.

Human Resources shall notify the employee, the County Counselor's office, and the appointing authority or designee of the test results.

If an employee tests positive for alcohol or drugs, before they will be allowed to return to work, the employee must be evaluated by a Substance Abuse Professional. The employee is required to successfully complete recommended rehabilitation or treatment, required to pass a Return-To-Duty test and sign a Return-To-Work Agreement. The employee shall be terminated from employment immediately if he/she tests positive a second time or violates the Return-To-Work Agreement. All costs of the rehabilitation treatment and follow up testing are the responsibility of the employee. An employee who tests positive for alcohol and/or drugs is subject to disciplinary action up to and including termination of employment.

- E. Reasonable Suspicion Testing. Shawnee County may take such action as it deems appropriate or necessary whenever it has reasonable suspicion that an employee may be in violation of Shawnee County's Drug and Alcohol Free Workplace Policy, including relieving an employee from duty and requiring the employee to submit to drug and/or alcohol testing.

"Reasonable suspicion" is a belief that can be articulated based on objective facts sufficient to lead a reasonable person to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of his/her job is impaired or that the employee's ability to perform his/her job safely is reduced. Human Resources shall provide guidance and training for Shawnee County management and supervisors on "reasonable suspicion" determination and procedures.

1. Determination of Reasonable Suspicion. It is the responsibility of each employee to notify his/her department/agency leader if he/she reasonably believes that an employee may be under the influence of alcohol and/or drugs or otherwise in violation of this Drug and Alcohol Free Workplace Policy.

If a supervisor reasonably believes that an employee may be under the influence of alcohol and/or drugs or otherwise in violation of this Drug and Alcohol Free Workplace Policy, he/she should require the employee to remain on the job site but cease working. The supervisor, in coordination with the appointing authority or another supervisor if the appointing authority should not be available, should complete the Reasonable Suspicion Checklist found on the HR Forms page of the Shawnee County Intranet. The supervisor is to then immediately contact Human Resources.

If reasonable suspicion exists, the Director of Human Resources, in consultation with the County Counselor's office and appointing authority, when practical, may require the employee submit to drug and/or alcohol testing. In addition, the Director of Human Resources or appointing authority may remove the employee from the worksite, and take other reasonable steps to remedy the situation and prevent disruption to or dangerous conditions in the workplace.

Factors that Shawnee County may consider in determining “reasonable suspicion” include without limitation:

- a. Performance signs (e.g., abnormal, unusual, impaired, or erratic performance; frequent trips away from work area; poor attention to detail; accident-prone behavior; unreasonable conflicts with others; excessive absences or extended meal/break periods; etc.);
 - b. Appearance or behavioral signs (e.g., difficulty walking and standing; slow, slurred, or loud speech; fighting or hostility; fumbling or nervous movements; blood shot, watery or dilated eyes; flushed, pale or sweaty face; messy or dirty appearance; abnormal, unusual, impaired, or erratic behavior);
 - c. Physical evidence or observation of drug/alcohol use, possession, transfer, or sale;
 - d. Information provided by one (1) or more credible or reliable witnesses;
 - e. Work-related accidents, dangerous behavior, or near misses for which the cause is unknown or cannot be reasonably explained;
 - f. Admission by the employee when confronted, or in conjunction with or after Shawnee County has identified that a drug or alcohol issue may exist, or as an explanation for inappropriate behavior or unacceptable performance; and,
 - g. Any other factors which would reasonably indicate the use, possession, transfer, sale, or influence of drugs or alcohol.
2. Reasonable Suspicion Procedures. A supervisor or manager must have received the drug and alcohol awareness training before he/she can recommend that an employee be tested for reasonable suspicion as provided in the County’s Policy. When a supervisor or manager trained in drug and alcohol signs and symptoms observes behavior in an employee that may indicate drug and/or alcohol use/misuse, he/she must complete Reasonable Suspicion forms that documents the observed behavior.
- a. The supervisor or manager shall contact the appointing authority or designee. If the appointing authority names a designee to act on his/her behalf, the name of the designee must be on file with Human Resources.
 - b. The appointing authority or designee shall contact Human Resources, if possible. Human Resources, in consultation with the County Counselor’s office, and the appointing authority or designee, when practical, may require the employee submit to drug and/or alcohol testing. In addition or in the alternative, the appointing authority or designee may remove the employee from the worksite, issue discipline, and take other reasonable steps to remedy the situation and prevent disruption to or dangerous conditions in the workplace.

- c. If the appointing authority or designee is unable to contact Human Resources, the appointing authority or designee, if he or she has received drug and alcohol awareness training, may require the employee to submit to drug and/or alcohol testing after reviewing the completed Reasonable Suspicion forms and concurring with the supervisor or manager that reasonable suspicion exists.
 - d. The employee shall be escorted to the designated collection site for testing and then provided transportation home. NOTE: Prior to testing, it is important to notify the collection site if the employee is being tested under Department of Transportation (DOT) requirements and/or the County's Drug and Alcohol Free Policy.
 - e. The employee shall be placed on administrative leave with pay until Human Resources obtains test results.
 - f. Human Resources shall notify the employee and appointing authority or designee of the test results.
 - g. An employee who tests positive for drugs and/or alcohol is subject to disciplinary action up to and including termination of employment.
 - h. If an employee tests positive and is allowed to continue employment, then the employee is required to be evaluated by a Substance Abuse Professional. The employee is required to successfully complete recommended rehabilitation or treatment, required to pass a Return-To-Duty test and sign a Return-To-Work Agreement, and shall be terminated from employment immediately if he/she tests positive a second time or violates the Return-To-Work Agreement. All costs of the rehabilitation treatment are the responsibility of the employee.
- F. Positive Tests. Any employee who tests positive shall be removed from duty and shall be subject to disciplinary action, up to and including termination of employment. Also, an employee who tests positive may be referred to a substance abuse professional for assessment and recommendations, required to successfully complete recommended rehabilitation or treatment, required to pass a Return-To-Duty test and sign a Return-To-Work Agreement, and may be terminated from employment immediately if he/she tests positive a second time or violates the Return-To-Work Agreement.

Any new hire applicant who violates the Drug and Alcohol Free Workplace Policy shall have his/her offer of employment withdrawn.

An employee shall be subject to the same consequences of a positive test if he/she refuses to complete the screening test or refuses to cooperate in the testing process in such a way that prevents completion of the test, including a retest for negative dilute results.

12.6 DRUG AND/OR ALCOHOL TESTING SITES.

Human Resources shall establish drug and alcohol testing sites and publish the locations on the HR Forms page on the Shawnee County IntraWeb and provide to departments/offices to be placed on County workplace information boards.

12.7 VOLUNTARY ADMISSION.

- A. Overview. This Policy covers Shawnee County's process for handling voluntary admissions of a drug and/or alcohol problem.
- B. Standards. Shawnee County recognizes that alcohol and/or drug abuse and addiction are treatable illnesses. Shawnee County encourages employees to voluntarily seek help with alcohol and/or drug problems. Early intervention and support improve the success of treatment and rehabilitation.

Shawnee County will work with and assist any employee who voluntarily admits that he/she may have a drug and/or alcohol problem and needs professional assistance. For the purposes of this Policy, the term "voluntarily" means that the employee makes the disclosure or admission before reasonable suspicion exists and before Shawnee County has any reason to believe that the employee is or may be in violation of this Policy.

- C. Procedures.
 - 1. An employee who voluntarily admits that he/she may have a drug or alcohol problem may be granted a leave of absence, and may use accrued paid leave when appropriate, to seek professional assistance.
 - 2. Shawnee County offers all employees, and their family members, assistance with alcohol and/or drug problems through the Employee Assistance Program (EAP).
 - 3. Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.
 - 4. An employee who voluntarily admits that he/she has a drug and/or alcohol problem and seeks treatment may return to work upon verification that he/she has received an evaluation by a Substance Abuse Professional, has successfully completed all recommendations of the Substance Abuse Professional (including, without limitation, any recommended treatment and rehabilitation), and has successfully passed a Return-To-Duty drug/alcohol test. The employee may be subject to such follow-up testing as is recommended by the Substance Abuse Professional.

12.8 EMPLOYEE ASSISTANCE PROGRAM.

The goal of the Employee Assistance Program (referred to as EAP) is to assist employees of Shawnee County who may experience personal or emotional difficulties, which may affect job performance. Shawnee County has contracted with a local provider of employee assistance programs to provide this service. The EAP is available to all employees of Shawnee County and their immediate family members.

- A. Shawnee County recognizes that personal and emotional difficulties that may include alcohol and drug problems, marital and family difficulties, stress, anxiety, depression, financial issues, and workplace conflicts, may affect any employee.

- B. Shawnee County recognizes personal and emotional difficulties can contribute to deteriorating job performance.
- C. Shawnee County encourages employees to utilize the services available through the "Employee Assistance Program". In addition, supervisors may utilize the resources of the EAP as an integral part of an intervention program when personal problems are suspected of causing poor job performance.
- D. Shawnee County acknowledges that use of the EAP does not in any way alter management's responsibility or authority as an employer.
- E. Participation in the EAP will not in any way jeopardize future employment or career advancement; however, participation will not protect the employee from disciplinary action or substandard job performance or rule infractions.
- F. Shawnee County recognizes and encourages employees to use the EAP on a voluntary basis. Shawnee County therefore agrees to help promote the EAP for employees and immediate family members who seek assistance with personal and emotional difficulties.
- G. Shawnee County recognizes that protecting the confidentiality of those employees utilizing the program will enhance the success of the EAP.
 - 1. The name of the employee, who self-refers to the EAP, will not be revealed by the EAP contractor.
 - 2. Information supplied to Shawnee County on employees referred to the EAP, by a supervisor, will be limited to the following: acknowledgment of failed or kept appointments and acknowledgment of treatment compliance. Additional information, including specific diagnosis or treatment, will not be released unless the employee signs a release specifying the information to be released and to whom.
 - 3. All information, regarding an employee's participation in the EAP, is part of the clinical record maintained by the EAP and is subject to all state and federal confidentiality laws governing such medical records.
- H. An external provider will coordinate the EAP "Employee Assistance Program". This program will include a toll free 1-800 number, available twenty-four (24) hours a day, seven (7) days a week, answered by licensed or certified master's level mental health professionals who will provide crisis intervention, telephone assessment, and assistance with a referral to community resources if appropriate. The 1-800 "Employee Assistance Program" number will be provided to each individual employee and be available on the Shawnee County information boards and on the HR Forms page on the IntraWeb. All referrals for face-to-face counseling will be directed to the nearest community mental health center or appropriate agency for assessment and determination of the most appropriate level of care. These referrals will include coordination of the time, date, therapist, and location according to the caller's convenience. A face-to-face contact with a therapist will be assured within specific time frames, according to the level of urgency. The number of visits as provided by agreement with Shawnee County will be at no expense to the employee. A visit is described as "per member per problem per year" for the employee and their immediate household members. Expenses incurred for all following visits whether voluntary or mandatory will be the responsibility of the employee.

- I. Voluntary Referral. The EAP “Employee Assistance Program” provides unlimited access to all employees and immediate family members, for use at their own discretion as needed. A mental health professional will listen and offer suggestions that might help. Crisis intervention, telephone assessment, and timely access to ongoing treatment resources if appropriate are available through the EAP.
- J. Mandatory Referral. The Director of Human Resources may make mandatory referrals to the EAP. A mandatory referral shall be the result of a documented problem or problems related to poor job performance on the part of the employee. If a mandatory referral is made, the referral form shall be completed by Human Resources, signed by the employee, and the form forwarded to the EAP provider. The EAP DER of Shawnee County will contact the EAP counselor to alert them to the required contact. The employee will have forty-eight (48) hours after signing the referral form to contact an EAP counselor by calling the 1-800 number and setting up a face-to-face meeting. The EAP counselor will confirm contact from the employee by notifying the Shawnee County Director of Human Resources. Failure to contact the EAP counselor within forty-eight (48) hours, without just cause, may be grounds for disciplinary action, including termination.

12.9 FITNESS-FOR-DUTY EXAMINATION.

For the protection of employees and citizens alike, Shawnee County requires that all employees submit to mandatory physical/mental examinations as a condition of employment. If the appointing authority has concerns for an employee’s health or safety, co-workers’ safety, or the ability of the employee to perform their duties, they may request a fitness-for-duty determination through Human Resources.

- A. Department heads may require employees to report to Human Resources in order to obtain a medical release for duty if the appointing authority has reason to believe that the employee is unable to perform any or all of the duties assigned to the position in which the employee is employed.
- B. Human Resources may require a referred employee to report to the contracting medical provider for an evaluation prior to releasing the employee to return to duty.
- C. Human Resources may require the employee to provide a medical certificate from the employee’s regular physician, prior to releasing the employee for duty.
- D. Employees who have been referred to the Director of Human Resources pursuant to the provisions of paragraph A., B. or C. of this section, shall be considered to be in Administrative Leave With Pay status until released to work or notified that they have been found unable to complete the required duties of this position.
- E. The Director of Human Resources will review the fitness-for-duty request for compliance with all applicable laws and regulations and will coordinate the mandatory referral examination. Upon a mandatory referral, the employee will meet with the Director of Human Resources for an explanation of the process involved and financial obligations. Shawnee County will pay for all initial referrals or fitness-for-duty determinations. Subsequent treatment to return the employee to a fit-for-duty status is the responsibility of the employee. If the employee is found to be not fit for duty, they will not return to work until they have been found fit for duty. Employees found not fit for duty shall be addressed in one (1) or more of the following ways:

1. Be issued protection under Shawnee County's Family And Medical Leave Policy.
2. Use accrued leave balances.
3. Apply to the appointing authority for a leave of absence.
4. Be dismissed from employment.

In addition to the above Policy, employees who must maintain a Commercial Driver's License (CDL) as a condition of employment are subject to further medical reviews under the Shawnee County Commercial Driver's License Policy.

12.10 RETURN-TO-WORK AUTHORIZATION.

Employees who have had a serious health condition or injury that would require a doctor's release to return to work, must report to Human Resources for a return-to-work authorization, prior to reporting to their department/office. The employee must present the original of the doctor's release to Human Resources, so it can be compared to the physical requirements of their position, to determine if they can perform all the required tasks. If there is any doubt about the employee's ability to perform the required tasks safely, Human Resources will coordinate with the appointing authority of their department/office for a determination of the physical requirements of the position and if any medical restrictions placed on the employee would prevent them from returning to work. If required, the employee may be referred to Shawnee County's occupational health professional or other competent medical authority to determine the employee's fitness to return to work.

12.11 RESTRICTIONS TO RETURNING TO REGULAR DUTIES.

If an employee is unable to return to work to perform their assigned regular duties and the incapacitation is of a temporary duration, Human Resources shall coordinate with the employee and the appointing authority, or a designee, to provide one (1) of the following options for the employee to follow:

- A. The employee may choose to utilize accrued sick leave until such time as the employee is able to return to work;
- B. The employee may choose to request a leave of absence as provided for in these Policies;
- C. The appointing authority may offer limited duty that would not exceed any medical restrictions, if available, on a temporary basis to allow the employee to complete their recovery. This limited duty is, by necessity, very limited in duration due to the needs of the department/office.
- D. If the employee has semi-permanent or permanent physical restrictions:
 1. The Director of Human Resources and/or the appointing authority or designee, may agree to make reasonable accommodations, if available, to allow the employee to continue in the employee's regular position; or

2. The Director of Human Resources and/or the appointing authority may transfer the employee to a vacant position in that department/office which would not exceed the medical restrictions; or
3. An employee may request to demote to a lower vacant position in the same classification or to a different classification, if qualified, which does not require the employee to perform duties exceeding his/her restrictions; or
4. The appointing authority may choose to provide alternative duty that does not exceed the restrictions; or
5. The Director of Human Resources may transfer the employee to a vacant position in the same or different classification, if qualified, or to a position in a different department/office in Shawnee County, which does not require the employee to perform duties which exceed his/her restrictions; or
6. If, in the judgment of the contracting medical provider or the employee's medical provider, an employee will not, within the foreseeable future, be able to return to work to perform regular duties, Human Resources shall assist the employee and the appointing authority by explaining the options above, or the employee may choose to retire, if eligible, or the employee may resign, or they may be terminated.

**POLICY 13.0 - HARASSMENT / DISCRIMINATION /
EQUAL EMPLOYMENT OPPORTUNITY (EEO) / AFFIRMATIVE ACTION**

13.1 HARASSMENT POLICY.

It is the policy of Shawnee County to promote and support the individual human dignity of all its employees. It is the intent of Shawnee County to provide a work environment free from all verbal, physical and visual forms of harassment. All employees are expected to be sensitive to and respectful of their co-workers and others with whom they come into contact while representing Shawnee County.

Shawnee County prohibits all forms of harassment, whether due to race, religion, creed, color, national origin, sex, marital status, age, or the presence of any physical, mental or sensory handicap. Harassment of any employee is a serious violation of Shawnee County Policy and shall not be tolerated.

Definitions.

Harassment. Harassment can take many forms and can include slurs, comments, jokes, innuendoes, unwelcome compliments, pictures, cartoons, pranks or other verbal or physical conduct which is based upon a person's protected status: i.e., race, religion, creed, color, national origin, sex, marital status, age, or the presence of any physical, mental or sensory handicap.

Harassment based upon a person's protected status, is prohibited by federal and state anti-discrimination laws and violates Shawnee County Policy where it:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
2. Has the purpose or effect of unreasonably interfering with an individual's work performance; or
3. Otherwise unreasonably affects an individual's employment opportunity.

Sexual Harassment. Sexual harassment occurs when the verbal and physical conduct described above is sexual in nature or is gender-based, i.e., directed at a person because of his/her gender. Sexual harassment does not refer to casual conversation or compliments of a socially acceptable nature.

Sexual harassment violates federal and state law and is prohibited under Shawnee County's Harassment Policy. Sexual harassment exists in the workplace when:

1. Submission to the conduct is either explicitly or implicitly a term or condition of employment;
2. Submission to or rejection of the conduct is used as a basis for an employment decision affecting such individual;
3. The conduct unreasonably interferes with the individual's job performance or creates a work environment that is intimidating, hostile, or offensive.

Sexual harassment includes but is not limited to:

1. Unwelcome verbal behavior such as comments, suggestions, jokes, or derogatory remarks based on sex;
2. Physical behavior such as pats, squeezes, repeatedly brushing against someone's body, or impeding or blocking normal work or movement;
3. Posting of sexually suggestive or derogatory pictures, cartoons, or drawings, even at one's workstation;
4. Unwanted sexual advances, pressure for sexual favors and/or basing employment decisions (such as an employee's performance evaluation, work assignments, advancement) upon the employee's acquiescence to sexually harassing behavior in the workplace.

Workplace Misconduct. Workplace misconduct, which does not meet the definition of harassment as described above, is inappropriate or offensive conduct and is unwelcome, unsolicited and disrespectful of the individual. Workplace misconduct is prohibited by Shawnee County and can result in discipline, up to and including termination. Examples of workplace misconduct would be joking, teasing, spreading rumors, yelling, cursing, threatening, or conduct which has not become pervasive or egregious enough to meet the legal definition of harassment or sexual harassment. Chronic rudeness and other unprofessional behavior toward co-workers can also constitute workplace misconduct.

Harassment, particularly sexual harassment, can be difficult to define. MISCONCEPTIONS ABOUND. For this reason, Shawnee County strongly urges employees to use the harassment reporting procedures in this section to report all incidents of harassment, sexual harassment or other inappropriate behavior as soon as possible. This Policy is intended to assist Shawnee County in addressing not only illegal harassment, but also any conduct that is otherwise offensive and inappropriate and to support Shawnee County's commitment to maintain a respectful and productive workplace for all employees.

13.2 DISCRIMINATION POLICY.

- A. Policy. Shawnee County recognizes that it has a responsibility to provide equal employment opportunities regardless of race, color, national origin, religion, physical or mental handicaps and disabilities, sex, age, or marital status. Employees who have a complaint relating to discrimination are entitled to a review of the complaint by management.
- B. Complaint Resolution. It is the policy of Shawnee County to provide for an orderly process whereby employees may have their complaints considered as fairly and rapidly as possible without fear of repercussion. The complaint resolution procedure is confined to violations of Shawnee County Policy affecting the individual complainant. Every effort shall be made to find an acceptable solution by informal means at the lowest possible level of supervision.

13.3 EQUAL EMPLOYMENT OPPORTUNITY / AFFIRMATIVE ACTION POLICY.

It is the policy of Shawnee County to take affirmative action to assure equal opportunities in employment to individuals regardless of race, sex, age, religion, color, creed, veteran status, physical or mental disability—which is unrelated to the ability to perform a particular job or occupation—national origin or ancestry, in all personnel actions and procedures including, but not limited to, recruitment, hiring, termination, training, transfer, promotion, compensation and other benefits in any field of work or labor for which that person is equally qualified.

It is the policy of Shawnee County to conform to Title VII, Equal Employment Opportunity of the Civil Rights Act of 1964, and amendments thereto; the Equal Pay Act of 1963, and amendments thereto; the Age Discrimination in Employment Act of 1967 (ADEA) amendments thereto; The Rehabilitation Act of 1973, and amendments thereto; the Americans With Disabilities Act of 1990, and amendments thereto, and the Civil Rights Act of 1991, and amendments thereto. It is also the policy of Shawnee County to comply with all Kansas laws pertaining to equal employment opportunity.

The basic EEO/Affirmative Action Policy was adopted by Shawnee County Home Rule Resolution No. 96-36, February 15, 1996. This Policy, as well as the required periodic updates to the plan, is to be posted in all Shawnee County offices so it is accessible to all employees. For this reason and to minimize changes to this Policy manual, the entire resolution, policy statement, and updates to the plan are not incorporated into this document. For additional information about the EEO plan, contact the EEO Officer in the County Counselor's office.

13.4 SEXUAL ORIENTATION.

The sexual orientation of any person shall not be a factor in the recruitment, hiring, training, transfer, promotion and termination and other forms of discipline. Any person that has a complaint relating to sexual orientation in the factors above shall use the complaint resolution process detailed in the section below.

13.5 COMPLAINT REPORTING AND INVESTIGATION.

Shawnee County is committed to diligently enforcing its harassment/discrimination policy by promptly and impartially investigating all complaints. When harassment or discrimination is discovered, Shawnee County shall take appropriate disciplinary action, up to and including termination. The complaint procedure is designed to deal with complaints in a fair, discreet and timely manner to:

- A. Decide if the behavior alleged in the complaint took place and constitutes harassment/discrimination that violates federal and/or state law and County Policy; or constitutes harassment/discrimination in the form of inappropriate or offensive behavior that violates County Policy.
- B. Stop the offending behavior.
- C. Restore the complainant's working environment.
- D. Take steps to prevent retaliation and repetition of the harassment.

- E. Educate, sanction or discipline the harasser/discriminator consistent with the seriousness of the offense.

13.6 REPORTING AND INVESTIGATION PROCEDURES.

The following procedures are to be used for reporting and investigating harassment/discrimination complaints:

- A. Any employee who feels victimized by harassment/discrimination should report, verbally or in writing, the harassment/discrimination to his/her supervisor immediately. If the employee's immediate supervisor is the source of the alleged harassment, or is so closely associated with the source of the harassment that the employee does not feel comfortable reporting to that person, the employee may report the complaint, in writing, to the department head, Human Resources, or the County Counselor's office.
- B. Any supervisor or department head that learns of, or receives a complaint of harassment/discrimination is obligated to report it to Human Resources and the County Counselor's office.
- C. If the complaint alleges harassment/discrimination, Shawnee County will conduct a prompt and impartial investigation.
- D. Management, upon being informed about a harassment/discrimination complaint, shall take immediate and appropriate action to ensure any inappropriate behavior is not repeated during the investigation.
- E. The investigation shall be conducted by the Director of Human Resources or designee. The Director of Human Resources or designee may refer the investigation to the County Counselor's office and/or a qualified independent investigator.
- F. The investigation may include, but is not limited to, obtaining all factual evidence, conducting interviews and obtaining witness statements, determining whether a reasonable basis exists for the allegations of harassment, determining if there has been a violation of federal or state law and/or Shawnee County Policy, and affording the accused the opportunity to respond verbally or in writing to the allegations. The investigation should include a written report, if determined necessary by the County Counselor's office. If harassment is found to have occurred, recommendations for remedial action shall be made.
- G. The investigation should be conducted carefully and discreetly to protect all employees questioned and all information gathered. Confidentiality during an investigation is not guaranteed, but the investigator, to the extent possible, shall conduct the investigation to protect the privacy of those involved and relate facts only on a need-to-know basis. Every effort shall be made to conduct the investigation promptly so as to respect the rights of all individuals involved.
- H. Upon completion of the investigation and based upon the findings of the investigation and the conclusions of the investigator, Human Resources or designee shall promptly relay the results of the investigation to the accused and the complainant.

- I. If the investigation finds that harassment/discrimination has occurred, Shawnee County shall take appropriate corrective disciplinary action, which may include but not be limited to: verbal reprimand, written reprimand, suspension and/or termination. Shawnee County is obligated and shall take all steps necessary to effectively remedy harassment/discrimination that was found during an investigation.
- J. No employee shall be subject to any form of retaliation or discipline for pursuing a harassment/discrimination complaint. Shawnee County shall insure that complainants and witnesses shall suffer no retaliation as a result of their involvement in the investigation.
- K. If the investigation does not find that harassment/discrimination occurred or that the alleged incident(s) did not constitute harassment/discrimination, the matter shall be referred back to the department head or elected official for further appropriate action. For example, if workplace misconduct may have occurred but not harassment/discrimination, the department head or elected official shall act upon the findings of the Director of Human Resources.
- L. An employee found to have reported harassment/discrimination in bad faith or intentionally or willfully falsely reported harassment shall be subject to disciplinary action.

13.7 COUNTY POLICY COMPLAINT RESOLUTION.

It is the policy of Shawnee County to provide for an orderly process whereby employees may have their complaints considered as fairly and rapidly as possible without fear of repercussion. The complaint resolution procedure confined to violations of Shawnee County Policy is applicable only to situations affecting an individual complainant. Every effort shall be made to find an acceptable solution by informal means at the lowest possible level of supervision. The Director of Human Resources shall insure that all Shawnee County employees are educated on their rights and responsibilities. Further, the Director of Human Resources shall provide initial and recurring harassment and discrimination training for all Shawnee County employees. Appointing authorities shall insure all their personnel receive the training per Human Resources guidance.

13.8 COMPLAINT RESOLUTION PROCEDURE.

The complaint resolution procedure for employees is as follows:

- A. Shawnee County encourages employees to promptly report any complaint in writing to his/her immediate supervisor. In the event the employee cannot start with the immediate supervisor, he/she shall be entitled to commence the process at whatever level of supervision is most appropriate. The complaint shall refer to Shawnee County Policy alleged to have been violated, the remedy or correction requested and shall adequately set forth the facts pertaining to the alleged violation.
- B. The supervisor and/or department head should meet with the employee/employees involved and attempt to resolve the situation in the simplest and most direct manner and should respond in writing to the employee/employees with his/her decision within thirty (30) days.

- C. If no resolution is achieved within the department, within thirty (30) days, the complaining party may file the complaint in writing with Human Resources, who will conduct an investigation. The Director of Human Resources may refer the investigation to the County Counselor's office and/or a qualified independent investigator.
- D. The Director of Human Resources or designee shall review the complaint and all relevant materials and responses. The Director of Human Resources or designee may meet with the complainant to gather more information and/or to attempt to resolve the situation. If deemed necessary by the County Counselor's office, a written final decision as to the validity of the complaint and description of the recommended resolution, if any, shall be issued by the Director of Human Resources or designee within thirty (30) days of the conclusion of the investigation, and a copy forwarded to the department head or elected official and complainant. If the investigation finds that harassment/discrimination has occurred, Shawnee County shall take appropriate corrective action. Shawnee County is obligated and shall take all steps necessary to effectively remedy any unlawful harassment/discrimination that was found during an investigation.
- E. No employee shall be subject to any form of retaliation or discipline for pursuing a complaint. Shawnee County shall insure that complainants and witnesses shall suffer no retaliation as a result of their involvement in the investigation.
- F. An employee found to have reported discrimination in bad faith or intentionally or willfully falsely reported discrimination shall be subject to disciplinary action.

**POLICY 14.0 - OPERATION OF COUNTY-OWNED VEHICLES, AND
PERSONAL-OWNED VEHICLES ON COUNTY BUSINESS**

14.1 GENERAL.

Shawnee County has established policies, rules and regulations regarding the operation of County-owned vehicles, and personal-owned vehicles used on County business in order to preserve the public health, safety, and welfare of its employees and citizens.

14.2 COUNTY-OWNED VEHICLES.

The following policies shall apply to all County employees and all County-owned vehicles:

- A. No employee shall use a County-owned vehicle except in connection with official County business. Employees may use a County-owned vehicle for commuting purposes only where a bona fide non-compensatory business purpose exists.
- B. County employees shall request and make arrangements through their appointing authority or supervisor for the use of County-owned vehicles, as per department procedure.
- C. Any employee using a County-owned vehicle for any purpose shall:
 - 1. Be fully qualified to operate the specific vehicle;
 - 2. Have a valid Kansas Driver's License in effect and such license shall be of the proper type and class for the vehicle(s) being operated by the employee;
 - 3. Comply with all traffic laws, rules and regulations, including the use of seat belts, as required by K.S.A. 8-2503;
 - 4. Exercise due care and diligence in operation of the vehicle;
 - 5. Not permit any unauthorized person to operate the vehicle;
 - 6. Not operate the vehicle when under the influence of alcohol or any controlled substance;
 - 7. Promptly notify appropriate persons of any maintenance problem, accident, or other problem with the vehicle;
 - 8. Have no misdemeanor or felony convictions for traffic or vehicular offenses (DUI, vehicular homicide, reckless driving, hit and run, etc.) on their driving record that are less than five (5) years old at the time the County-owned vehicle is being operated by the employee;
 - 9. Have no more than two (2) at fault or chargeable accidents on their driving record that are less than five (5) years old at the time the County-owned vehicle is being operated by the employee.

10. Have no more than two (2) traffic infractions (speeding, failure to yield right of way, etc.) that are less than one (1) year old at the time the County-owned vehicle is being operated by the employee.
- D. For the purposes of this Policy, the term “driving record” shall mean an individual employee’s driving record as obtained by the Shawnee County Department of Human Resources and Facilities Management from the Kansas Department of Revenue. For the purposes of this Policy, whether an entry on an individual employee’s driving record is classified as an “infraction”, “misdemeanor”, or “felony” and whether an accident is considered “at fault” and/or “chargeable” to the employee shall be conclusively determined in accordance with the court system’s adjudication of the underlying case.
 - E. Any employee whose driving record makes them ineligible to operate a County-owned vehicle under the provisions of these Policies shall immediately report that fact to the their appointing authority and shall refrain from operating a County-owned vehicle until such time as they become eligible to do so.
 - F. The appointing authority shall have the responsibility of verifying that employees who operate County-owned vehicles and equipment have a valid Kansas Driver’s License. Further, each appointing authority is responsible for maintaining enforcement of this Policy within their respective departments.
 - G. Any employee who violates the provisions of these Policies shall be subject to discipline up to and including termination.
 - H. Human Resources shall conduct driving records checks on all new hire applicants, if the position applied for requires them to drive County-owned vehicles. Human Resources will conduct annual driving records checks on all County employees who drive County-owned vehicles and report the results of these checks to the applicable appointing authorities.

14.3 PERSONAL-OWNED VEHICLES USED ON COUNTY BUSINESS.

Shawnee County employees who use their personal vehicles on Shawnee County business may be compensated for the actual mileage used in the performance of County business at the current rate established by the Shawnee County Board of County Commissioners.

Any use of personal vehicles must be approved by the department head in advance of any such use.

County employees who use their personal vehicles in the performance of Shawnee County business must have a valid Kansas Driver’s License in effect, current required insurance in place, and obey all traffic laws of the State of Kansas.

Any violations of Kansas traffic laws, and any subsequent convictions for traffic offenses are the sole responsibility of the employee.

County employees shall maintain any personal vehicles used in the performance of County business in a safe operating condition at all times.

POLICY 15.0 - COMMERCIAL DRIVER'S LICENSE (CDL) POLICY AND PROCEDURES

15.1 GENERAL.

Shawnee County, as a local government entity, does not fall under the jurisdiction of the Kansas Corporation Commission (KCC) for the operation of the County's large Commercial Driver's License (CDL) type vehicles (defined as vehicles with a gross vehicle weight rating of 26,001 pounds or more). However, Shawnee County desires to maintain high standards of safety for all employees driving CDL vehicles and the public at large. In doing so, Shawnee County has adopted the Federal Motor Carrier Safety Administration (FMCSA) regulations as guidelines for Shawnee County. Shawnee County uses FMCSA regulations in 49 CFR 391 as the source for our CDL rules. Where 49 CFR 391 and subsections are referenced in these Policies, it is to be used as Shawnee County Policy and CDL regulations, except where modified to accommodate local procedures. Shawnee County departments having vehicles that require CDL authorized drivers will provide copies of the FMCSA Regulations Pocketbook to all CDL drivers. The Pocketbooks will be periodically re-issued to CDL drivers as significant updates are published.

Employees of Shawnee County who operate vehicles with a gross vehicle weight rating of 26,001 pounds or more are required to have on their person a valid Kansas Commercial Driver's License (CDL) and medical certification of their fitness to operate CDL required vehicles. As a responsible employer, Shawnee County recognizes it has obligations to protect the public through ensuring our drivers are medically fit and maintain a clean driving record. This Policy is a local supplement to 49 CFR 391. Additional information may be found in the Code of Federal Regulations.

15.2 APPLICATION FOR CDL REQUIRED EMPLOYMENT.

All applicants for positions that require a CDL shall complete a regular Shawnee County position vacancy application. The application form can be found on the Human Resources website, or on the HR Forms page of the Shawnee County Intranet. Each application form must be completed by the applicant and signed by him/her. An additional sheet from the regular application shall be used to gather the necessary information for the purposes of this Policy. This CDL Driver Information Sheet will contain and have space for the following information:

- A. The name and address of Shawnee County Human Resources;
- B. The applicant's name, address, date of birth and Social Security Number;
- C. The addresses at which the applicant has resided during the three (3) years preceding the date on which the application is submitted;
- D. The date on which the application is submitted;
- E. The issuing state, number and expiration date of the unexpired commercial motor vehicle operator's license or permit that has been issued to the applicant;
- F. The nature and extent of the applicant's experience in the operation of motor vehicles, including the type of equipment (such as buses, trucks, truck tractors, semi-trailers, full trailers and pole trailers) which he/she has operated;

- G. A list of all motor vehicle accidents in which the applicant was involved during the three (3) years preceding the date the application is submitted, specifying the date and nature of each accident and any fatalities or personal injuries they caused;
- H. A list of all violations of motor vehicle laws or ordinances (other than violations involving only parking) of which the applicant was convicted or forfeited bond or collateral during the three (3) years preceding the date the application is submitted;
- I. A statement setting forth in detail the facts and circumstances of any denial, revocation or suspension of any license, permit or privilege to operate a motor vehicle that has been issued to the applicant, or a statement that no such denial, revocation or suspension has occurred;
- J. A list of the names and addresses of the applicant's employers during the three (3) years preceding the date the application is submitted, together with the dates he/she was employed by, and his/her reason for leaving the employ of, each employer;
- K. For those drivers applying to operate a commercial motor vehicle, as defined by Part 383, a list of the names and addresses of the applicant's employers during the seven (7) year period preceding the three (3) years for which the applicant was an operator of a commercial motor vehicle, together with the dates of employment and the reasons for leaving such employment; and
- L. The following certification and signature line, which must appear at the end of the application form and be signed by the applicant:

"This certifies that this application was completed by me, and that all entries on it and information in it are true and complete to the best of my knowledge."

_____ (Date) _____ (Applicant's Signature)

- M. A statement informing the applicant that the information he/she provides may be used and the applicant's prior employers may be contacted, for the purpose of investigating the applicant's background.

This supplemental sheet will be separated from the application and used to comply with the provisions of this Policy and 49 CFR 391. This CDL Drivers Information Sheet along with a copy of the application for employment shall be placed in the driver's qualification file.

15.3 NEW HIRE OR PROMOTION INTO A CDL POSITION: BACKGROUND CHECK.

Shawnee County shall conduct the following background checks of all CDL drivers:

- A. Request the driving record from the appropriate state agency in which the applicant held a motor vehicle operator's license or permit during the preceding three (3) years. The request must be made within thirty (30) days of hire or promotion into a position requiring a CDL. The form will be made on any form the state agency requires. A copy of the response by each state agency, showing the driver's driving record or certifying that no driving record exists for that driver, shall be retained in the carrier's files as part of the driver's qualification file. The cost of the inquiry shall be borne by the employing department.

- B. Investigate the driver's employment record during the preceding three (3) years. The investigation shall commence within thirty (30) days of hire or promotion into a position requiring a CDL. A form shall be sent to all employers with a copy of the form being placed in the driver's qualification file. When a former employer returns the completed form, the old one shall be destroyed and the completed one placed in the driver's qualification file. The form shall include the past employer's name and address, the date he/she was contacted and his/her comments with respect to the driver.

15.4 LICENSE MAINTAINED.

It is the responsibility of the employee in a CDL position to maintain a current valid CDL. A copy of the valid CDL shall be maintained in Human Resources and department driver's qualification file.

15.5 QUALIFICATION OF DRIVERS.

Employees who are required to possess a CDL shall meet the following requirements:

- A. Must be twenty-one (21) years of age.
- B. Can read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquires and to make entries on reports and records.
- C. Can, by reason of experience, training or both, safely operate the type of commercial motor vehicle he/she drives.
- D. Is physically qualified to drive a commercial motor vehicle.
- E. Has a current valid commercial motor vehicle operator license issued by the State of Kansas.
- F. Has prepared and furnished Shawnee County with the list of violations or the certificate as required by 49 CFR 391.27.
- G. Is not disqualified to drive a commercial motor vehicle.

15.6 DISQUALIFICATION OF DRIVERS.

An employee who has been disqualified as a CDL driver shall not drive a commercial motor vehicle. Shawnee County shall not require or permit a CDL driver, who is disqualified, to drive a commercial motor vehicle.

- A. Disqualification for loss of driving privileges. A driver who receives a notice that his/her license, permit or privilege to operate a commercial motor vehicle has been revoked, suspended or withdrawn shall notify Shawnee County of the contents of the notice before the end of the business day following the day the driver received it. Failure to notify the appointing authority shall result in immediate termination. If the employee notifies the appointing authority in the time frame indicated above, the employee may be demoted into a non-CDL required position in the same department, at the discretion of the appointing authority, for a period not to exceed six (6) months. If no position is vacant, the driver does not qualify for the position, or it is the decision of the appointing authority that a temporary demotion is not in the best interest of the County, the employee may be terminated.

- B. Disqualification for criminal and other offenses. Any employee disqualified to be a driver as a result arising from criminal and/or other offenses shall be terminated immediately except in the case of a positive drug screen. In the event of a positive drug screen, the employee will follow the Drug and Alcohol Free Workplace Policy for Shawnee County.

15.7 ANNUAL INQUIRY AND REVIEW OF DRIVING RECORD.

No later than July 1, or on the first subsequent workday of July each calendar year, each CDL required driver will prepare and furnish the Director of Human Resources with a list of all violations of motor vehicle traffic laws and ordinances (other than violations involving only parking) of which the driver has been convicted, or on account of which he/she has forfeited bond or collateral during the preceding twelve (12) months. The Director of Human Resources shall publish a form on the HR Forms page of the Shawnee County IntraWeb to expedite this process. Included on this form will be space for the driver to list violations and a place for the employee to certify their driving record during the past year. Human Resources shall place the completed form in the driver's qualification file.

On July 1, or on the first subsequent workday of July every calendar year, the Director of Human Resources will contact the State of Kansas to obtain a driving record for each employee required to possess a CDL. If an employee holds a CDL in more than one (1) state, the employee shall notify Human Resources of such and Human Resources will obtain a driving record for each state. A copy of the results of this inquiry shall be placed in the driver's qualification file. Any costs for these record requests shall be borne by the employing agency. The Director of Human Resources shall review the records to determine if the driver meets minimum requirements for safe driving or is disqualified to drive a commercial motor vehicle pursuant to 49 CFR 391.15. The Director of Human Resources, in considering if the employee is to be disqualified, shall review the following information:

- A. Any evidence that the driver has violated any applicable Federal Motor Carrier Safety Regulations or Hazardous Materials Regulations (49 CFR Chapter I, Subchapter C).
- B. The driver's accident record and any evidence that the driver has violated laws governing the operation of motor vehicles, and must give great weight to violations, such as speeding, reckless driving, and operating while under the influence of alcohol or drugs, that indicate that the driver has exhibited a disregard for the safety of the public.

Human Resources shall complete a form indicating if the driver is qualified or not. The Director or designee will sign the form and note the date the review took place. This note will be placed in the driver's qualification file.

15.8 PHYSICAL QUALIFICATIONS FOR DRIVERS.

Shawnee County will not allow an employee to drive a commercial motor vehicle unless he/she is physically qualified to do so and has on his/her person the original, or a photographic copy, of a medical examiner's certificate that he/she is physically qualified to drive a commercial motor vehicle. The Director of Human Resources shall devise a procedure to ensure all employees have the opportunity to obtain a medical certificate. Employees who allow their medical certification to lapse or who do not successfully pass

the physical will be placed in a non-safety sensitive position for a period not to exceed five (5) working days. If, after the five (5) working days, the employee cannot provide a medical certificate, the employee will be placed on a leave of absence of not greater than sixty (60) days. The employee may use sick and vacation leave during this leave of absence. If, after the sixty (60) days, the employee cannot provide medical certification, the employee shall be terminated immediately. Shawnee County follows the physical qualifications listed in 49 CFR 391.41. Human Resources will provide a copy of 49 CFR 391.41 to employees upon request. A copy of the medical certificate shall be placed in the driver's qualification file. The Director of Human Resources will assist the employee in filing for a waiver under Section 14.11. If the application for waiver is unsuccessful, the employee shall be terminated immediately.

15.9 MEDICAL EXAMINATION; CERTIFICATE OF PHYSICAL EXAMINATION.

The Director of Human Resources shall ensure the medical examination is in compliance with 49 CFR 391.43. Upon completion of the examination, the medical examiner must date and sign the medical examiner's form, provide his/her full name, office address and telephone number. The completed medical examination form shall be placed in the employee's medical file.

If the medical examiner finds that the person he/she examined is physically qualified to drive a commercial motor vehicle, the medical examiner shall complete a certificate in the form prescribed and furnish one (1) copy to the person who was examined and one (1) copy to the Director of Human Resources.

15.10 PERSONS WHO MUST BE MEDICALLY EXAMINED AND CERTIFIED.

Employees who are required by their Position Description to maintain a CDL will be subject to medical examination and their physical qualifications determined under the following conditions:

- A. Any employee who has not been medically examined and certified as qualified to operate a commercial motor vehicle during the preceding twenty-four (24) months; or
- B. Any driver whose ability to perform his/her normal duties has been impaired by a physical or mental injury or disease.
- C. Any employee who exhibits a condition that might reasonably interfere with the safe operation of the commercial vehicle.

15.11 WAIVER REQUESTS AND RESOLUTION OF CONFLICTS OF MEDICAL EVALUATION.

Employees requesting a waiver for a medical disqualification of CDL driver status must submit a properly completed CDL Medical Qualification Waiver Request to the Director of Human Resources with all required medical certifications attached.

- A. The medical certifications must be from qualified health care providers specializing in the particular medical issue(s) involved in the disqualification.
- B. Two (2) certifications from health care providers are required for each medical issue involved.

- C. The costs of medical certifications for waiver requests will be the responsibility of the employee requesting the waiver.
- D. Shawnee County will forward the waiver request, with certifications, to an independent medical examiner for review. If the waiver is approved, the employee will be allowed to operate CDL required vehicles for the period of time recommended in the report by the medical examiner. The cost for this last provider's review will be paid for by Shawnee County. Human Resources will notify the employee at least sixty (60) days prior to the expiration of the waiver period that the waiver must be renewed, via the same process, prior to expiration of the waiver. If the waiver is denied, the employee will not be allowed to operate CDL required vehicles for Shawnee County. In such an event, Human Resources will assist the employee to try to find a position that does not exceed their restrictions.
- E. If the medical certification lapses during this waiver process, the employee will be subject to the same procedures as employees who are not qualified or allow their medical certification to lapse.

15.12 ALTERNATIVE PHYSICAL QUALIFICATION STANDARDS FOR THE LOSS OR IMPAIRMENT OF LIMBS.

Any employee who is not physically qualified because of loss or impairment of limbs may pursue alternative standards under 49 CFR 391.49. If the medical certification lapses, the employee will be subject to the same procedures as employees who are not qualified or allow their medical certification to lapse.

15.13 GENERAL REQUIREMENTS FOR DRIVER'S QUALIFICATION FILES.

The Director of Human Resources shall maintain a driver's qualification file. The qualification file shall include:

- A. The driver's application for employment;
- B. A written record with respect to each past employer who was contacted and a copy of the response by each state agency;
- C. A copy of the Commercial Driver's License;
- D. The response of each state agency to the annual driver record inquiry;
- E. A note relating to the annual review of the driver's driving record;
- F. A list or certificate relating to violations of motor vehicle laws and ordinances;
- G. The medical examiner's certificate of the driver's physical qualification to drive a commercial motor vehicle; and
- H. A letter from an appropriate authority granting a waiver of a physical disqualification, if a waiver was issued under 49 CFR 391.49 guidelines or Shawnee County Rules.

15.14 RETENTION OF DRIVER'S RECORDS.

Except as provided below, each driver's qualification file shall be retained for as long as the driver is employed by Shawnee County, and for three (3) years thereafter. The following records may be removed from a driver's qualification file three (3) years after the date of execution:

- A. The response of each state agency to the annual driver record inquiry;
- B. The note relating to the annual review of the driver's driving record;
- C. The list or certificate relating to violations of motor vehicle laws and ordinances;
- D. The medical examiner's certificate of the driver's physical qualification to drive a commercial motor vehicle or the photographic copy of the certificate; and
- E. The letter issued under 49 CFR 391.49 guidelines granting a waiver of a physical disqualification.

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POLICY 16.0 - INSURANCE

All employees shall be eligible to participate in any health and life insurance programs as authorized by the Board of County Commissioners.

16.1 LIFE INSURANCE.

As determined and set by the Board of County Commissioners, Shawnee County provides paid life insurance to full-time permanent or probationary employees and to part-time permanent or probationary employees who are expected to work one-thousand and forty (1,040) hours or more annually.

16.2 HEALTH INSURANCE.

- A. As determined and set by the Board of County Commissioners, a portion of the health insurance premium shall be paid by Shawnee County for all full-time permanent or probationary employees and all part-time permanent or probationary employees who are expected to work one-thousand and forty (1,040) hours or more annually.
- B. Shawnee County shall provide the same level of health benefits to a public safety officer who is separated from service due to personal injury suffered as a direct and proximate result of action in the line of duty while responding to a hot pursuit or emergency situation, as the public safety officer was receiving while on active status.

16.3 DISABILITY BENEFITS.

If an employee suffers total disability, as defined by the Kansas Public Employee Retirement System (KPERs), Shawnee County shall then pay fifty percent (50%) of that employee's current wage or salary for a maximum six (6) month period preceding the start of KPERs payments. Shawnee County shall base the decision to pay the percentage of salary on a properly filed KPERs claim for disability benefits, and submission to Shawnee County of a physician's statement that the employee suffers total disability. The fifty percent (50%) Shawnee County payment shall commence after the employee's accumulated sick leave, approved shared leave, and vacation leave are used in full. Shawnee County's payment shall apply only to the period between the time the employee left Shawnee County service and the time the KPERs disability payments either start or are denied. The Shawnee County fifty percent (50%) payment shall be paid for a maximum of six (6) months and shall cease upon the employee being approved or denied KPERs disability status. Shawnee County's disability payment shall not apply to any period of time otherwise covered by paid leave of any kind. If such disability arises from a job-related accident or injury and the employee receives Workers Compensation benefits as a result, such Workers Compensation benefits shall be offset against any Shawnee County payment. Total disability is defined as a disability that prevents the employee from performing each and every duty of any occupation for which one is reasonably qualified by education, training or experience for a period of one hundred eighty (180) continuous days and in any case, disability that requires the regular and continuous care of a physician unless such care would serve no useful purpose. The employee must provide supporting documents from a qualified health care provider to support this condition.

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RULE 17.0 - PERSONNEL FILES AND RECORDKEEPING

17.1 FILE COMPOSITION AND HANDLING.

Official personnel files are maintained in Human Resources and are confidential records of employee information. An employee's official personnel file will consist of:

- A. The original application and supporting documents
- B. The originals of the employee's performance evaluations;
- C. All transactions affecting an employee's status or pay; and
- D. All disciplinary actions (excluding verbal reprimands).

Current employees shall have the right to see their records and make copies of any documents contained therein. The employee must make an appointment with Human Resources to review their personnel record. Human Resources shall be allowed up to three (3) days to provide the personnel record for the employee.

17.2 OFFICIAL PERSONNEL RECORDS.

The personnel files and records in the Human Resources office are designated the official personnel files for Shawnee County. The Director or Human Resources is the official custodian of personnel files and records in Shawnee County. Official employee personnel records shall not leave Human Resources except in the custody of the Director of Human Resources or his/her designee, the County Counselor or his/her designee, or as required by a subpoena or an appropriate court order, or other official requests.

17.3 REVIEW OF PERSONNEL RECORDS.

Contents of personnel records shall be confidential. Personnel records may be reviewed by the Director of Human Resources or his/her designee, the appointing authority or his/her designee, the Board of County Commissioners as a body in executive session, or the County Counselor or his/her designee, or by other official requests. No other person may examine or copy personnel records without written consent of the employee, a subpoena or an appropriate court order. The Director of Human Resources shall keep an access register of those authorized individuals outside of Human Resources who review individual employees' official personnel files.

17.4 INCLUSION IN PERSONNEL RECORDS.

No documentation of disciplinary actions or performance evaluations shall become part of the record until the employee has seen such record and has indicated so by signing. If an employee refuses to sign such documentation, refusal to sign should be indicated and signed by a witness and then it may be placed in the record.

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SHAWNEE COUNTY HUMAN RESOURCES POLICY MANUAL EMPLOYEE ACKNOWLEDGEMENT

I, _____, acknowledge receipt of the Shawnee
(PRINT FULL NAME)
County Human Resources Policy Manual dated December 2008. I understand that I must read and understand the rights and responsibilities of Shawnee County employees as explained in this manual. I further understand that I am held accountable for my actions and may be disciplined under these policies and/or any applicable bargaining unit memorandum of understanding for violations. I also understand that I should contact Shawnee County Human Resources if I have any questions about these policies at (785) 233-8200, extension 4435.

(EMPLOYEE SIGNATURE)

(DATE)

Note: This is a copy of the acknowledgement that you were shown and signed during your new employee orientation briefing. It is your responsibility to read and be aware of the policies and procedures that effect your employment with Shawnee County.