

**Allen County, Kansas
PERSONNEL POLICIES & GUIDELINES**



*APPROVED BY ALLEN COUNTY COMMISSIONERS
THIS 13TH DAY OF NOVEMBER 1996
JEAN M. BARBER, CHAIRMAN
DICK WORKS, MEMBER
THOMAS B. WOOD, MEMBER*

*REVISED JULY 2002 BY ALLEN COUNTY COMMISSIONERS
THIS 2nd DAY OF JULY, 2002
WALT REGEHR, JR., CHAIRMAN
DICK WORKS, MEMBER
KENT THOMPSON, MEMBER*

*REVISED OCTOBER 2010 BY ALLEN COUNTY COMMISSIONERS
THIS 19th DAY OF OCTOBER, 2010
GARY G. MCINTOSH, CHAIRMAN
DICK WORKS, MEMBER
ROBERT A. FRANCIS, MEMBER*

*REVISED NOVEMBER 15, 2016 BY ALLEN COUNTY COMMISSIONERS
THIS 15TH DAY OF NOVEMBER, 2016
JERRY DANIELS, CHAIRMAN
THOMAS WILLIAMS, MEMBER
JIM TALKINGTON, MEMBER*

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RECEIPT AND EMPLOYEE ACKNOWLEDGEMENT FORM

The personnel policies describe important information about Allen County, and I understand that I should consult my department head regarding any questions not answered in the policies. I have entered into my employment relationship with Allen County voluntarily and acknowledge that there is no specified length of employment. Accordingly, either Allen County or I can terminate the relationship at will, with or without cause, at any time, as long as there is no violation of applicable federal or state law.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the manual may occur, except to Allen County's policy of employment-at-will. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the County Commissioners of Allen County have the ability to adopt any revisions to the policies in this manual.

Furthermore, I acknowledge that this manual is neither a contract of employment nor a legal document. I have received the manual, read the manual, and I understand that it is my responsibility to comply with the policies contained in this manual and any revisions made to it.

Confidential Information

I am aware that during the course of my employment confidential information may be made available to me; for instance, tax information, bid information, arrest records, personnel information, and other information. I understand that this information is confidential and must not be given out or used outside of Allen County's premises or with non-Allen County employees. In the event of termination of employment, whether voluntary or involuntary, I hereby agree not to utilize or exploit this information with any other individual or against Allen County. I also understand that there is an open records policy and procedure that I should be aware of and follow in the distribution of information.

Drug Testing

I acknowledge and consent to random and unannounced substance abuse testing if my position falls into the category that is drug tested.

Sexual Harassment/Harassment Policy

I acknowledge that I have read the sexual harassment/harassment policy and will bring to the appropriate party's attention any and all issues involving harassment. I further acknowledge that I understand my rights in bringing issues forward and will use those avenues if an issue arises.

EMPLOYEE'S NAME (printed): _____

EMPLOYEE'S SIGNATURE: _____

DATE: _____

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PERSONNEL POLICIES AND GUIDELINES, ALLEN COUNTY, KANSAS

ARTICLE A. GENERAL

A-1. Policies Established. The following policies, guidelines and other provisions for personnel administration in the County of Allen are established to:

- (a) Promote and increase the efficiency and effectiveness of County service.
- (b) Develop a program of recruitment, advancement and tenure that will make County service attractive as a career.
- (c) Establish and maintain a plan of performance evaluation and compensation based upon the relative duties and responsibilities of each position to assure a fair wage or salary to all employees.
- (d) Establish a workplace that insures equality of opportunity for all of its employees without consideration of race, color, sex, disability, religion, age, national origin, ancestry, military status or genetic information, or any other protected characteristic. Further, these policies establish that the County will not tolerate any acts of harassment or retaliation for making a good-faith report of harassment or violation of County policies.
- (e) These policies and guidelines are to be considered administrative procedures for the convenience of Allen County and do not create any contractual employment rights. **All employees are considered to be at-will employees for the purpose of County employment both during their designated training period and at all times thereafter. At-will employee means that the employee is hired with the understanding that the employee's job may be terminated (with or without cause) at any time by the employee or by the employer.**
- (f) For the purpose of this policy the term supervisor shall be used in reference to any elected or appointed official who actively supervises employees.

A-2. Application of Policies. These policies and guidelines shall apply to all employees in the service of the County unless otherwise provided by law.

A-3. Departmental Guidelines. The head of any County department may formulate in writing reasonable guidelines for the conduct of the operations of his or her department, such as those relating to safety or operational procedures, which shall be available to all departmental employees. Such departmental guidelines shall not be less stringent than, in violation of, or in conflict with any personnel guidelines adopted by the County Commission.

A-4. Payroll Records. The County Clerk shall keep records of all persons employed, their pay scale, time worked, accrued vacation and sick leave, all absences for vacation, sick or other leave, accrued overtime, and all other records directed to be made and maintained under these policies and guidelines or under applicable state or federal law. An employee's payroll file shall be available during the normal office hours of the County Clerk for inspection by that employee, and said employee may view and/or copy their own file under the supervision of the Clerk or her designated

staff members.

A-5. Personnel Records.

(a) The head of any county department shall keep adequate personnel records of all persons employed within the department in a secure location. These files should include but are not limited to the following:

- 1) copy of employee's application;
- 2) job description;
- 3) corrective actions and performance-related issues;
- 4) awards and acknowledgments.

(b) The County Clerk shall maintain all official records relating to the application, hiring, promotion and termination of all employees in a secure location. These files should include but are not limited to the following:

- 1) employee's application;
- 2) job description;
- 3) any correspondence relating to interview(s), hiring, and promotion;
- 4) test results if any tests are part of the interview process for hiring or promotion;
- 5) performance reviews;
- 6) corrective and disciplinary actions;
- 7) awards and acknowledgments.

(c) Individuals with authorization to view employee payroll or personnel records maintained in the Clerk's office (but not medical records) are as follows:

- 1) the employee whose information is in that specific file;
- 2) the employee's department head;
- 3) the County Clerk.

(d) The employee may copy his or her own personnel file under the supervision of the County Clerk, or the Clerk's designated staff member.

(e) The County Clerk shall establish and maintain confidential individual medical files for all employees. The only persons who have authorization to view employee medical files are:

- 1) The County Clerk and the clerk's designee;
- 2) County Counselor or physician to support accommodations requested by the employee;
- 3) First aid and safety personnel if necessary to render aid;
- 4) Government Officials investigating compliance with the law; and
- 5) The employee, if requested, as provided in the Health Insurance Portability and Accountability Act.

A-6. Drug & Alcohol Testing Records and Employee Assistance Program Records. These employee records shall be kept by the County Clerk in accordance with the following requirements.

(a) *Type of information to be kept in an employee's specific information file.* Employees' Specific Information is drug and alcohol testing information and medical information that relates directly to any one of Allen County's Employees. Information

is to be kept in the specific information file of each safety sensitive employee; each newly hired employee; or any other employee who meets the qualification of the Drug and Alcohol Testing program or the Employee Assistance Program. This information, along with any other medical or medically related information, shall be kept in separate files for each employee, locked in a separate file cabinet within the County Clerk's Office. Files for employees shall be made on an as needed basis.

ARTICLE B. POSITION CLASSIFICATIONS

B-1. Objectives and Purpose. Position classification is a system of identifying and describing different kinds of work in the organization in order to permit equal treatment in employment practices and compensation. Each County position shall, on the basis of the duties, responsibilities, skills, experience, education and training required of the position, be allocated to an appropriate class, which may include either a single position or two or more positions.

B-2. Job Descriptions. Each position shall have a concise descriptive title, a description of the essential and marginal functions (tasks) of the position and a statement of the minimum qualifications for filling such positions. Such descriptions shall be approved by the Allen County Commission and shall be kept on file in the office of the County Clerk, with a copy provided to supervisors, and shall be open to inspection by any interested party during regular office hours.

B-3. Pay Plan. The Allen County Commission shall approve all pay rates for County employees.

B-4. Maintenance of the Classification Plan. It shall be the duty of each supervisor to report to the Allen County Commission any and all organizational changes that will significantly alter or affect changes in existing positions or proposed positions. The Allen County Commission shall approve all new or revised job descriptions and pay ranges for such positions.

ARTICLE C. RECRUITMENT AND PROMOTION

C-1. Definitions.

(a) Full-Time Employee is one employed to work a normal work week of at least 30 hours on a regular and continuing basis, or those employees scheduled to work in the Sheriff's department at least 171 hours over a 28-day period. The work week is any consecutive seven-day period, except as otherwise provided in ARTICLE E-1.

(b) Part-Time Employee is one employed to work less than 30 hours in a normal work week on a regular and continuing basis.

(c) Seasonal Employee is one employed to work on a regular and/or recurring basis during a specific season or portion of a year but not more than 120 days in any one calendar year. A seasonal employee shall not become a full-time employee simply by working beyond their regular season. Seasonal employees may only become full-time employees if their supervisor designates them as such, subject to budget approval.

(d) Volunteer is a non-paid individual in the position he or she holds. When acting as

a volunteer, an individual is not an employee regardless of other County employment unless they are performing the same kind of work they would normally perform.

C-2. Recruitment. It shall be the policy of the County to provide equal opportunity to all qualified persons to enter County employment on the basis of demonstrated merit and fitness without regard to race, color, sex, disability, religion, age, national origin, ancestry, military status, genetic history, or any other protected characteristic. The laws also prohibit employers from retaliating against employees who file discrimination complaints. Separately, employers are prohibited from discriminating or retaliating against an employee who is a victim of domestic violence or sexual assault. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment. Whenever there are vacancies, the County shall first seek to fill said vacancies by promotion in accordance with the terms of ARTICLE C-5. If said vacancies cannot be filled by promotion, then the County shall advertise those vacancies and give everyone, including current employees, a chance to apply.

(a) To ensure that all Allen County residents have an equal opportunity to apply for all County positions that are open to the public, an advertisement must be published at least once either in the official County newspaper, or by other means chosen by the County such as the County's website.

(b) This advertisement must disclose the following:

- 1) the title of the position and department,
- 2) the range of entry pay rate,
- 3) that Allen County is an equal opportunity employer,
- 4) the time and place that applications are to be obtained and accepted, and
- 5) that drug testing, physicals, and background check must be completed as a condition of employment after an offer of employment is made by the County.
- 6) that hiring and promotion preference will be given to veterans pursuant to K.S.A. 73-201

(c) A copy of the advertisement, the job description and the County personnel policies and guidelines will be made available at the place applications are obtained and accepted by the supervisors responsible for the hiring.

Applications previously submitted to the County to fill one position may be used to fill a different position.

C-3. Qualifications of Employment. All applicants for any position with the County shall meet the minimum qualifications established for that position. Each applicant shall complete a job application that can be used to fill similar positions during a six-month period. A medical examination, drug testing and other testing as required by Allen County may be required only after an offer of employment has been made, provided that such exams or testing are required of all applicants who are offered employment. The offer of employment is contingent upon the applicant passing **all** required tests. A summary of required drug testing and medical

examination are as follows:

CDL Employee	CDL Drug Screen	CDL Physical
New	Yes	Yes, unless they provide a copy of their current physical, then just a regular physical required.
Rehired w/in 30 days	No, if not taken off roster	No*
Rehired over 30 days but less than 1 year	Yes	No*
Rehired over 1 year	Yes	Yes
Non-CDL Employee	Drug Screen	Physical
New	Yes	Yes
Rehired within 6 Mos.	No	No
Rehired within 1 year but over 6 months	Yes	No
Rehired over 1 year	Yes	Yes

*All CDL employees must maintain a current CDL physical to continue employment. Any prior employee hired after being gone 2 for more years must retake the on-line Drug Class.

C-4. Training Period.

- (a) Each employee, following initial employment, shall undergo a training period in order to achieve a minimum level of competency.
- (b) Each employee promoted to a classification with higher pay shall also undergo a training period in order to achieve minimal competency in the new position. An employee may be returned to the pay and position he or she held immediately prior to the promotion or to a position with equal pay and responsibility if a minimal level of competency cannot be demonstrated, and if there is an opening.
- (c) Time frame for training periods are as follows:
 - 1) Full-time, part-time, seasonal employee is six months.
 - 2) Appointed elected official's deputy is 18 months.
 - 3) 6 months for all other officials appointed by the Board of County Commissioners unless specifically addressed by statute
- (d) The training period is to be considered a probationary period. During the training period, employees are expected to learn and perform their jobs in a manner that is satisfactory to their supervisors. During the training period, employees in training may be terminated by their supervisors at any time without benefit of the procedures set forth in **ARTICLE G. CORRECTIVE ACTION** or **ARTICLE H. GRIEVANCES AND HEARINGS**. Despite completion of the training period, all employees remain at-will employees during the entire term of their employment, and no contractual employment rights are created thereby.

C-5. Promotion. All vacancies occurring in Allen County employment shall,

whenever possible, be filled by promotion of a qualified employee of the County. However, County supervisors may recruit applicants from outside current Allen County employees whenever they have reason to believe that better qualified applicants are available.

(a) Promotion within the County shall be based on the qualifications of the person being promoted.

(b) First consideration in the filling of vacancies will be given to the most qualified applicant(s) in the department in which the vacancy exists. Where two people share equal qualifications within a department vacancy, preference may be given to the more senior person. If no qualified person within the department exists or a good fit is not deemed to exist, consideration may be given to the most qualified applicant from outside the department.

(c) Full-time, part-time and seasonal employees will be allowed to apply for posted jobs.

(d) If no acceptable applicant is found in County employment, the vacancy will be filled from outside.

(e) The criteria used in the selection of the most qualified applicant shall be based upon experience, performance, evaluation, and where feasible, examination.

(f) Transfer between departments within the same position classification will be considered when a vacancy occurs, but first preference will be given to promotion within the department.

(g) Department heads will not be required to post job openings for more than one business day before seeking and accepting applicants outside of current County employment.

(h) A medical examination or other testing, including drug testing, may be required only after an offer of promotion has been made, provided that, such exams or testing are required of all such employees who are offered promotions in similar positions or position classifications. The offer of promotion is contingent upon applicant passing required tests.

(i) An employee's application for promotion or lateral move within the County shall have no effect on their job evaluations or possibility for future pay increases.

(j) Job openings will be posted at all County time clocks.

C-6. Nepotism. In order to avoid favoritism or the appearance of favoritism based on family relationships, no one shall be employed in a department where the supervisor is a member of their immediate family. "Immediate family" is defined to include only an employee's parents, step parent, spouse, children, step child, sister or brother, step sister or step brother, grandparents, grandchildren, mother or father-in-law and brothers- or sisters-in-law, or dependents living with the employee.

C-7. Eligibility Verification. All employees initially hired after November 7, 1986, for any position with the County shall complete an employment eligibility verification statement in compliance with the federal Immigration Reform and Control Act of 1986. Employees are responsible for providing accurate employment eligibility information to the County and are responsible for updating such information when necessary. All offers of employment are contingent on verification of your right to work in the United States. On your first day of work you will be asked to provide original documents verifying your right to work and, as required by federal law, to sign Federal Form I-9, Employment Eligibility Verification Form, and/or provide documents for e-Verify, if appropriate. If at any time you cannot verify your right to work in the United States, Allen County may be obligated to terminate your employment.

ARTICLE D. COMPENSATION

D-1. Pay Plan.

(a) The salary of each employee of the County, except those elected and appointed officers whose salary is specifically set, shall be set by the Allen County Commission, with the advice of the appropriate supervisor, and in accordance with fiscal conditions.

(b) Employees working on a part-time basis shall receive that portion of the salary assigned to their position to be determined by the actual time they work. For full-time employees, the hourly wage for an individual employed on a semi-monthly salary basis is computed as follows: Semi-Monthly wage times 24 divided by 2,080, or that employee's schedule if less than 2,080 equals wage per hour. Public safety employees' semi-monthly wage times 24 divided by 2223.

(c) County employees, particularly those involved in maintenance and public safety, are sometimes called in to work after normal hours or on days off. Any such hours worked will be compensated in the same manner as regular hours, provided that any employee so called in to work shall be entitled to clock in a minimum of one hour of work whether a full hour is needed to complete the necessary work or not.

(d) A condition of any appointment above the minimum rate of pay will depend upon the department's budgeted wage line item, the employee's documented experience and/or documented education, or documented certifications that make the employee's training time in the job minimal. Documentation should establish that the applicant clearly exceeds the minimum requirements for the position as set out in the official position description and clearly meets all of the preferred requirements for the position as set out in the official position description.

- Two years of additional education and/or job-related experience – 0-7.5% above the range minimum.
- Three years of additional education and/or job-related experience – 5-15% above the range minimum.
- Five years of additional education and or job-related experience – 10-50% above the range minimum.
- Appointment may be made below the minimum rate for the position if the person does not have the qualifications for the position. In those cases the

appointment may be made at 10 percent below the minimum. When the person attains the qualifications outlined in the position, then the rate of pay will be adjusted to the minimum.

D-2. Overtime Work.

(a) Compensation for authorized overtime work shall be at the rate of one and one-half times the employee's regular rate of pay. Overtime compensation shall be paid not later than the first payday following the pay period in which it was earned. At the discretion of the supervisors, an employee may be given compensatory time off in lieu of cash payments for the overtime worked. Any compensatory time off shall be at the rate of one and one-half times the hours of overtime worked and may be accrued up to 50 hours for public safety employees. Any non-public safety employee may accrue compensatory time of up to 40 hours. Compensatory time of non-public safety employees must be used within 90 days after it is accrued. The only exception to this will be in the case of an emergency.

(a) No person employed in an administrative, executive, professional or computer position that meets the qualifications of an exempt position as defined by the federal Fair Labor Standards Act shall be eligible for overtime compensation.

(c) Employees shall be eligible to receive overtime compensation for all hours worked in excess of their work week, except for full-time public safety employees. A work period for the Sheriff's department employees must be established under the Fair Labor Standards Act 7(k) exemption. A "work period" may be from seven consecutive days to 28 consecutive days in length. For work periods of at least seven but less than 28 days, overtime pay is required when the number of hours worked exceeds the number of hours that bears the same relationship to 212 (fire) or 171 (police) as the number of days in the work period bears to 28. For example, fire protection personnel are due overtime under such a plan after 106 hours worked during a 14-day work period, while law enforcement personnel must receive overtime after 86 hours worked during a 14-day work period.

(d) The work week for County employees who do not fall under the 7(k) exemption is:

- 1) 40 hours or as otherwise designated if under 40 hours;
- 2) begins each Sunday at 12:01 A.M.;
- 3) ends each Saturday at 12:00 Midnight;
- 4) is not affected by the beginning or ending of any particular pay period;
- 5) Base Holiday pay is credited as worked hours toward overtime;
- 6) Sick Leave, Funeral Leave, Personal Leave and Vacation Leave are not credited as hours worked toward overtime except when an employee works hours as a result of an *emergency callout*.
- 7) The total hours and minutes that an employee works a day will be calculated by the County Clerk's office. Regular employees whose actual hours worked and base holiday hours equal more than 40 hours per work week will receive overtime payment or comp time to be taken within the pay period.

(e) The normal work week for County employees who are public safety employees:

- 1) does not exceed 171 hours in a 28-day period;
- 2) is not affected by the beginning or ending of any particular pay period;
- 3) Base Holiday pay is credited as worked hours toward overtime;
- 4) Sick Leave, Funeral Leave, Personal Leave and Vacation Leave are not credited as hours worked toward overtime except when an employee works hours as a result of an *emergency callout*.
- 5) The total hours and minutes that an employee works a day will be calculated by the County Clerk's office. Eligible public safety employees shall be eligible to receive overtime compensation only for hours worked or received as base holiday, which exceed 171 hours per 28-day work period or for any proportionate number of hours worked in a fewer number of days. The starting and ending date for each 28-day pay period are established by the County Sheriff.

(f) An *emergency callout* is when an off-duty employee is called to duty for the purpose of working during a period deemed an emergency by the employee's supervisor. An emergency may involve severe weather, serious accidents, acts of terrorism or other unusual occurrences involving a significant threat to public safety. *Emergency callout* does not include any callouts that are solely for the convenience of the employee or the employer. If an employee has taken Sick Leave, Funeral Leave, Personal Leave, or Vacation Leave during the pay period in which the *emergency callout* occurred, the aforementioned leave will count toward overtime for that pay period.

(g) Upon termination of employment, the accrued compensatory time will be paid to the employee at the rate equal to the employee's final regular rate of pay.

D-3. Pay Periods; Paydays.

(a) The County's first semi-monthly pay period shall start at midnight the last day of the previous month running to midnight on the 15th day of that month. The County's second semi-monthly pay period shall start at midnight the 15th day of the month running to midnight on the last day of that month.

(b) The County shall pay all employees on the 5th and 20th day of each month for work performed the previous half month. Should the regular payday fall on a Saturday, Sunday or County holiday, pay shall be distributed on the working day immediately preceding that day.

D-4. Pay Increases.

(a) Pay increases shall not be routine or automatic and are subject to approval by the Allen County Commission.

(b) Annual cost-of-living pay increases may be given as approved by the Allen County Commission and are not routine or automatic.

(c) Subject to the approval of the Allen County Commission, a supervisor may award a pay increase to an employee based on an annual performance evaluation submitted by the employee's supervisor.

(d) Annual longevity pay may be given at the discretion of the Allen County Commission and is tied to employee performance. These discretionary payments are

not routine or automatic and are tied to factors such as performance and funding.

D-5. Performance Evaluations.

(a) An evaluation of the performance of each employee shall be prepared by the employee's immediate supervisor or department head annually and within 30 days of January 1. The evaluation shall be in writing. An employee-in-training shall be evaluated on the completion of his or her training period. The supervisor shall present the evaluation to the employee and allow the employee the opportunity to respond. The employee will be requested to acknowledge that he or she has viewed the evaluation by signing the evaluation form. By signing this form the employee is in no way automatically agreeing or disagreeing with the evaluation; only acknowledging that they have viewed the completed evaluation. Employees who choose not to sign their form shall have that noted by the supervisor on the form.

(b) Employee performance evaluations will be considered in the following:

- 1) determining salary increases and decreases within the limits established in the pay plan.
- 2) as a factor in promotions.
- 3) as a factor in determining the order of layoffs.
- 4) as a means of identifying employees who should be promoted or transferred, or who, because of their low performance, should be demoted or dismissed.

(c) All evaluations shall be kept by the supervisor performing the evaluation with a copy to the county clerk. The forms will become a part of each employee's personnel file. These files will be kept in a private and secure manner.

D-6. Pay on Termination.

(a) An employee, when terminated, shall receive his or her final paycheck on the first regularly scheduled payday following his or her termination.

(b) Employees discharged for cause, and those who voluntarily terminate without giving a minimum of two weeks notice, shall not be eligible to receive pay for any accrued benefits other than unused vacation.

(c) An employee who is newly elected to a position of County official or newly appointed to a position of an elected County position, shall be paid for all unused vacation leave along with any sick leave (for which they are eligible according to the provisions of paragraph F-6 (f)) they may have accrued with the County prior to assuming the newly elected or appointed office. This shall be paid at the rate the employee was paid prior to taking elected office.

ARTICLE E. ATTENDANCE AND LEAVE

E-1. Hours of Work.

(a) *General Employees.* The normal work week for general employees, which includes all employees other than public safety employees, shall be 40 hours consisting of five eight-hour days, unless otherwise noted. Exceptions to this are allowed with approval of the supervisor and County Commission such as working four ten-hour days during the summer or working during peak customer-service hours.

(b) Normal Work Hours. No employee shall be permitted to work in excess of their normal work week except when so directed by the employee's supervisor.

E-2. Rest Breaks. Employees may be allowed a rest break of not more than 15 minutes for each four hours of work. The time and frequency of the rest break, usually mid-morning and mid-afternoon, shall be determined by the employee's immediate supervisor. All rest breaks must be taken on County property or on the work site.

E-3. Lactating Mothers Time Off.

As part of our family-friendly policies and benefits, Allen County supports breastfeeding mothers by accommodating the mother who wishes to express breast milk during her workday when separated from her newborn child. For up to one year after the child's birth, any employee who is breastfeeding her child will be provided reasonable break times to express breast milk for her baby. The County will designate a room for this purpose. A small refrigerator reserved for the specific storage of breast milk is available. Any breast milk stored in the refrigerator must be labeled with the name of the employee and the date of expressing the breast milk. Any nonconforming products stored in the refrigerator may be disposed of. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration and tampering. Nursing mothers wishing to use this room must request/reserve the room by contacting the County Clerk or, if off site, the employee's department head.

E-4. Holidays.

(a) The Allen County Commissioners shall establish holiday dates for the following year. The following days may be established as paid holidays for County employees subject to modification from time to time for special occasions or where holiday dates fall in such a way to warrant the change.

Presumed holidays are as follows:

- 1) New Year's Day, January
- 2) Martin Luther King, Jr. Day, third Monday in January
- 3) Memorial Day, last Monday in May
- 4) Independence Day, July 4
- 5) Labor Day, first Monday in September
- 6) Veterans' Day, November 11
- 7) Thanksgiving Day, fourth Thursday and fourth Friday in November
- 8) Christmas Day, December 25 and another date near the 25th

Possible substitute holidays are as follows:

- 1) Presidents Day
- 2) Good Friday
- 3) Columbus Day

(b) When New Year's Day, Independence Day, Veterans' Day or Christmas falls on a Saturday or Sunday, the preceding Friday or following Monday may be declared a holiday by the Allen County Commission.

(c) Full-time employees shall be credited straight time for the base eight (8) hours. Part-time employees shall be credited straight time for the hours actually missed during the holiday as determined by the employee’s supervisor. Employees who work a holiday shall be credited straight time for the hours that would normally be paid for the holiday, plus Holiday Pay for those hours actually worked **during the holiday period**. Holiday Pay for hours worked will be paid at the rate of one and one half the employee’s normal rate. Employees working a 12-hour shift will be paid in this example 12 hours of straight time according to the hours that would normally be paid for the holiday, plus holiday pay for those hours actually worked during the holiday period. Holiday pay is paid at a rate of one and one half the employee’s normal rate of pay. In this example the 12-hour shift employee would receive a total of 30 hours pay for working a 12-hour shift during a holiday. If a full-time employee works a shift that causes their regular day off to fall on a holiday, the supervisor will attempt to reschedule the regular day off so as not to fall on a holiday. However, if rescheduling does not work, the employee will be paid holiday pay as follows – 8 hours or 12 hours of holiday pay, as determined by their regular schedule shift.

(d) Seasonal and temporary employees shall not receive pay for the base holiday hours not worked. Any hours a seasonal and temporary employee works shall be subject to holiday pay.

E-5. Vacation Leave.

(a) *Full-Time employees.* Full-time employees are entitled to paid vacation leave according to the following schedule provided no paid vacation leave may be taken without approval during the first twelve months of employment.

Years of continuous employment at anniversary date (regular shifts):

1	2 to 9	10 or more
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Vacation hours vesting on anniversary:

40	80	120
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Maximum accumulation of hours (at six months after anniversary):

80	120	160
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Years of continuous employment at anniversary date (12-hour shifts):

1	2 to 9	10 or more
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Vacation hours vesting on anniversary:

42	84	126
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Maximum accumulation of hours (at six months after anniversary):

84	126	168
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Years of continuous employment at anniversary date (24-hour shifts):

1	2 to 9	10 or more
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Vacation hours vesting on anniversary:

56	112	168
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Maximum accumulation of hours (at six months after anniversary):

112	168	224
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(b) *Scheduling.* The dates for the taking of vacation leave shall be scheduled in

consultation with the employee's supervisor or supervisors. In cases where the requested vacation schedules of two or more employees would adversely affect the efficient operation of the County, vacation leave shall be granted at the discretion of the supervisor.

(c) *Holiday During Vacation.* County holidays that occur during the taking of an employee's authorized vacation leave will not be counted as a day of vacation.

(d) *Minimum Hours.* Employees may use vacation leave in units of not less than 15 minutes, subject to the approval of their supervisor.

(e) *Termination.* Upon termination, an employee shall be compensated for all earned but unused vacation leave at their final rate of pay, subject to the maximum hour accumulation authorized in the schedule in ARTICLE E-4(a).

(f) *Carry over.* Employees who are unable to use accrued vacation time which is above the carryover limits allowed in paragraph E-5(a) may be allowed to carry the following number of hours over into the first six (6) months of the next year:

Full-time employees: 40 hours

12-hour shift employees: 42 hours

24-hour shift employees: 56 hours

Such carry over must be approved by the employee's supervisor. Carry over of vacation time in excess of the amounts set out above or for more than six months into the next year must be approved by the employee's supervisor **and by the County Commission. Supervisors are not required to approve carry over of excess hours and may direct that their employees take mandatory time off to use the excess hours.**

(g) Elected officials are not eligible for vacation leave.

E-6. Sick Leave. Full-time employees can earn eight (8) hours of sick leave monthly, prorated for employees under 40 hours. Upon completion of the first calendar month an employee shall have accrued eight (8) hours of sick leave. Sick leave will pay for employee absences resulting from illness, injuries, accidents or other physical incapacity, occurring either on or off the job, physical examinations, and dental work. Sick leave will pay for medical absences resulting from illness, injuries, accidents or other physical incapacity, physical examinations and dental work affecting an employee's immediate family (to include only the spouse, children, step-children, mother, father, step-parents, brother, sister, step-brother, step-sister, grandparents, grandchildren, mother-in-law, father-in-law, brother-in-law, sister-in-law, or grandparents of the employee's spouse, or other dependents living in the home). No employee shall be permitted to use sick leave for any non-medical reasons. The provisions of the Family and Medical Leave Act may apply in some circumstances. (Please see E-12.)

(a) *Amount of Sick Leave.* An employee who works or who is on unpaid leave, or donated leave fewer than 12 days in any month shall not accrue sick credit for that month of service, provided that this restriction of 12 days shall not apply where the employee has worked fewer than 12 days due to authorized vacation or sick leave.

(b) *Accumulation of Sick Leave.* No employee may accrue more than 720 hours of sick leave.

(c) Computing Sick Leave. Any absence that is chargeable to sick leave shall be charged in increments of not less than one-quarter hour (15 minutes).

(d) Doctor's Certificate. A supervisor may require a signed statement from a healthcare provider verifying the employee's inability to perform his or her assigned duties because of illness if the employee misses 3 or more consecutive shifts.

(e) Notification. Unless incapacitated, to be eligible for paid sick leave, an employee or his or her representative shall notify his or her immediate supervisor and give the reason for the absence as required by each department's policies.

(f) Termination of Employment. An employee shall be paid for 50% of any unused sick leave upon termination of his or her employment with the County up to half of **720** hours if they have completed five (5) years of service with the county, given two weeks notice, and leave in good standing.

(g) In December of any given year; commissioners have approved to pay back half of the sick leave accumulated over 720 hours. Example: If an employee has 720 hours of sick leave at the first of the year and does not use any during that year they would end up with 816 hours of sick leave. They would have 96 hours over the required 720 hours; therefore, they would be paid for 48 hours of sick leave on their paycheck on December 5, which is half of the 96 hours accumulated during the year.

(h) Elected officials are not eligible for sick leave.

(i) Employees who have completed at least five years of service with the County may transfer up to 16 hours of their accumulated sick leave and/or vacation leave hours to any other County employee upon approval of his/her Department head. The Department heads of both the transferor and the transferee must approve the transfer if more than one department is involved. Hours may be transferred only if the transferor has at least 160 hours of accumulated sick leave and/or vacation leave hours available and only after the transferee has exhausted all of his/her sick leave, personal leave and vacation leave. Except as provided below, no employee may receive more than 16 hours in total transferred sick leave in any 12-month period.

In the event that an employee must take an extended leave of absence and requests and qualifies for leave under the Family Medical Leave Act, *the Allen County Commissioners* may, upon approval of the employee's Department head(s), permit employees with at least five years of service with the County to transfer additional accumulated sick leave and/or vacation leave hours to the employee claiming Family Medical Leave. Hours may be transferred only if the transferor has at least 160 hours of such leave time available and only after the transferee has exhausted all of his/her sick leave, personal leave and vacation leave. In no event may any employee transfer more than 20 hours to another employee, nor may the employee on leave receive more than 480 hours in total transferred hours in any 12-month period.

In the event that the hours transferred hereunder come from a different department than that of the employee on leave, then and in that event, the hours transferred shall be charged against the budget of the department from which the hours are transferred.

E-7. Personal Leave. On January 1 of each year, all full-time employees shall accrue personal time according to the following schedule. All personal leave is to be used in the calendar year in which it is awarded:

- (a) Employees with a daily 8-hour work shift shall receive 16 hours.
- (b) Employees with a daily 12-hour work shift shall receive 24 hours.
- (c) Employees with a daily 24-hour work shift shall receive 24 hours.
- (d) Elected officials are not eligible to accrue personal leave.

In addition to the personal leave provided above, Employees shall be entitled to additional person leave based on longevity as follows:

- (e) Employees with four years or more service receive eight hours.
- (f) Employees with eight years or more service receive 16 hours.
- (g) Employees with 12 years or more service receive 24 hours.
- (h) Employees with 16 years or more service receive 32 hours.
- (i) Employees with 20 years or more service receive 40 hours.
- (j) Employees with 24 years or more service receive 48 hours.
- (k) Employees with 28 years or more service receive 56 hours.
- (h) Newly hired employees hired between January 1st and June 30th of any year shall receive the full amount of personal leave set out above. New employees hired between July 1st and November 30th of any year shall be given one-half of the personal leave set out above. New employees hired after December 1st of any year shall receive no hours of personal leave for that calendar year.

E-8. Maternity Leave. Pregnancy and birth of a child may be covered by the FMLA and qualify for up to 12 weeks of leave (ARTICLE E-12). An employee who becomes pregnant shall use accrued sick leave and accrued vacation leave during time off to the extent that they are available. When the foregoing accrued leaves are exhausted, the employee, if qualified, will be allowed to continue on leave without pay under the FMLA for the balance of the 12-week leave period. See also P-2 concerning reproductive health.

E-9. Funeral Leave. In the case of death of a member of an employee's immediate family (to include only the spouse, children, step-children, mother, father, step-parents, brother, sister, step-brother, step-sister, grandparents, grandchildren, mother-in-law, father-in-law, brother-in-law, sister-in-law, or grandparents of the employee's spouse, or other dependents living in the home), full-time employees shall be granted funeral leave *not to exceed twenty-four (24) consecutive working hours*.

E-10. Injury Leave.

- (a) All injuries occurring on the job shall be reported as soon as possible to the employee's immediate supervisor.
- (b) Any employee injured on the job shall be eligible to receive injury leave with pay during the seven-day waiting period for worker's compensation claims.
- (c) When an employee receives compensation under the worker's compensation act beyond the initial 7-day waiting period referred to above, the pay he or she receives from the county while on injury leave and (while an employee of the county) shall be

the difference between his or her regular rate of pay **at the time of the injury** and the amount he or she receives from worker's compensation for a period of up to 6 weeks. Thereafter, the employee shall receive only those amounts payable pursuant to worker's compensation until said employee returns to work.

(d) The purpose of a modified duty policy is to provide a means whereby an injured employee who is temporarily unable to perform his regular job can safely perform services for the County. Modified duty is defined as the primary duties of an existing or transitional position. In some cases, it may be simply a temporary alteration of the employee's regular job duties. A job may be modified in terms of task (regular duty with another employee picking up tasks the injured employee is unable to perform), time (work schedule more flexible to allow rest periods or reduced time), equipment (equipment restructured to enable employee to perform the job) and work performed (another job the employee can do – preferably in the employee's own department).

Modified duty will only be granted for the period of time the employee is medically restricted from performing all of the duties of his regularly assigned job. The County Commissioners and the Department Head or elected official will consider placing an employee on modified duty when feasible. However, the County is neither obligated to place an employee on modified duty, nor to create a new position to accommodate the employee in this respect. If no duty can be found to conform with the physician's requirements (or no Department Head or elected official is able to offer modified duty assignments), then no modified duty may be offered.

E-11. Military Leave. Military duty means training and service performed by a member of the armed forces of the United States, including time spent to report for and return from such training and service. It also includes active duty and training as a reservist in the Armed Forces of the U.S.A. or as a member of the National Guard.

(a) An employee shall be granted military leave without pay, provided the employee gives advance verbal or written notice of the leave except when such notice is precluded by military necessity, impossibility, or unreasonableness. In the granting of such leave, the County may require verification of an employee's military orders.

(b) Following release from military service, an employee shall have such right to return, and only such right, as may be required by State and Federal law in effect at the time the employee applies for reinstatement.

(c) An employee granted military leave shall receive health plan coverage **at the employee's request and expense** for a limited period of time as prescribed by law (currently 24 months).

(d) Provided the employee returns to County service at the conclusion of the leave in accordance with applicable Federal and State laws, such employee shall be reemployed in the job that they would have attained (or an equivalent alternative job) had they not been absent for military service with the same seniority, status and pay as well as other rights and benefits determined by seniority. During military leave, as with all leave without pay, no sick leave or vacation leave will accrue.

E-12. Civil Leave.

- (a) *Civil Leave With Pay.* An employee shall be given necessary time off with pay:
- 1) when performing jury duty up to 14 days,
 - 2) when appearing in court as a witness in answer to a subpoena or as an expert witness when acting in an official connection with the County,
 - 3) when performing an emergency civilian duty in connection with national defense,
 - 4) when coming to the aid of another community during emergency as approved by the Board of County Commissioners, or
 - 5) for the purpose of voting when the polls are not open at least two hours before or after the employee's scheduled hours of work.
- (b) *Civil Leave Without Pay.* If an employee is involved in a personal lawsuit either as plaintiff or as a defendant in an action not related to his or her duties with the County, the employee may take leave without pay unless he or she elects to utilize any accumulated vacation leave.

E-13. Family and Medical Leave. It is the policy of Allen County to provide unpaid leaves of absence to qualified employees in accordance with the Family and Medical Leave Act (FMLA). FMLA leave is calculated on a rolling 12-month basis.

- (a) An employee may request a leave of absence, or may provide a department with sufficient information to make the department aware of an absence that may be eligible for FMLA protection. The department may seek additional information from the employee to determine whether FMLA applies. Employees must provide at least 30 days advance notice of an anticipated FMLA leave. It is understood that under some circumstances it is not practical to provide 30 days notice. In these cases, employees must provide notice as soon as practicable. In all cases, employees must provide the department with sufficient information and must cooperate fully with the department or risk having the FMLA delayed or denied. If employees do not give proper notice of a clearly foreseeable leave or do not cooperate fully with the department, the department can delay the leave for up to thirty (30) days after receiving notice of the need for an FMLA leave.
- (b) If a department is aware that the reason for an absence from work qualifies under FMLA, and the absence is expected to last ten or more days, the absence **should** be designated as FMLA leave, *even if the employee does not request it*. Complete the required forms and provide copies as noted. An FMLA leave may be initiated by the employee or the department at any point in a calendar year when the need for the leave arises.
- (c) In accordance with the FMLA, eligible employees may receive up to a total of 12 weeks of leave in a 12-month period with additional leave available if the leave involves a military-service member. Employees will be entitled to return to the same or an equivalent position at the conclusion of the leave, if they are able to perform the essential functions of the position. Health benefits will be maintained during the leave so long as the employee intends to return and does actually return to work. Employees on FMLA leave continue to be responsible for paying their share of premiums for health coverage.

(d) To be eligible to take an FMLA leave, an employee must meet *all* of these criteria: **(1)** the employee must have been employed by Allen County for at least 12 months. Any portion of a week that the employee is on the payroll counts as a full week for FMLA eligibility. Employment does not have to have been continuous. Separate periods of employment in which the break in service exceeds seven (7) years will not be used to determine FMLA eligibility; **(2)** For the 12 months immediately preceding the first day of the FMLA leave, the employee must have worked at least 1,250 hours. *These hours must be actual work hours, not compensated hours.* Hours using any type of paid time off benefits or holiday time do not count. The 1,250 work-hours requirement also exists when an employee is reapplying for a new 12-month FMLA period; **(3)** Time in the military service covered under the Uniformed Services Employment and Reemployment Rights Act (USERRA) will count towards fulfilling the length of employment and hours work requirements to be eligible for an FMLA leave.

(e) The following reasons qualify an employee for FMLA: **(1)** Birth of a child, and to care for a newborn child of the employee or placement with the employee of a child through adoption or foster care of a child; **(2)** Care for any of the following who has a serious health condition: the employee's spouse or the employee's child under 18, or the employee's parent; **(3)** Care for the employee's child 18 or older who has a serious health condition and is incapable of self-care because of a mental or physical disability; **(4)** A serious health condition that renders the employee unable to perform the functions of his or her job; **(5)** A qualifying exigency that occurs while the employee's spouse, child or parent is a member of a Reserve component or a retired member of the regular Armed Forces or Reserves and is on active duty or on a Federal call to active duty.

(f) A serious health condition for purposes of the FMLA means: An illness or injury that involves an overnight stay in a health care facility and any subsequent treatment in connection with such stay; or, continuing treatment by a health care provider including any one or more of the following: **(1)** a period of incapacity of more than three (3) consecutive, full-calendar days and subsequent treatment by a healthcare provider in-person two or more times within 30 days of the first day of incapacity; **(2)** treatment by a healthcare provider in-person on at least one occasion that results in a regimen of continuing treatment; **(3)** pregnancy and prenatal care; **(4)** a chronic condition that requires visits at least twice a year for treatment by a healthcare provider over an extended period of time and may cause episodic rather than a continuing period of incapacity; **(5)** permanent or long-term conditions; **(6)** conditions requiring multiple treatments by a health care provider including recovery time.

(g) If the purpose of the leave is to care for a sick family member or one's own serious health condition, the employee may take the leave intermittently or by means of a reduced work schedule. Such leaves are subject to the qualifications and limitations set forth in the FMLA federal regulations. Under certain circumstances, departments may place employees who are on an intermittent leave or a reduced work schedule in another position with equivalent pay and benefits. This placement is considered to be a temporary transfer and should be discussed with the employee's

department head. Such employees must make a reasonable effort to schedule the intermittent leave so it does not disrupt operations.

(h) Beginning on the first day of the leave, employees must use all time-off accruals as part of the 12-week FMLA leave. An employee's compensatory time must be used prior to the use of any other time-off accruals. After all compensatory time is used, the employee's remaining time-off accruals must be expended. Time off accruals that must be used during FMLA leave include sick leave, personal time and vacation, to be used in that order unless otherwise specified by the employee or the Department Head. The requirement that an employee must use time-off accruals to cover FMLA leave applies to any FMLA leave, including a leave that is taken either intermittently or through a reduced work schedule. All time missed in a work day due to an FMLA leave must be charged to time-off accruals. Prior to the start of FMLA leave or as soon as it is feasible to do so, the employee must decide and notify the supervisor as to which time-off accruals he or she wants to use after compensatory time is exhausted, if different than set out above. When the time-off accruals are exhausted, the remainder of the FMLA leave is without pay. During FMLA leave without pay, employees will not accrue any seniority, sick leave or vacation benefits.

(i) Prior to reinstatement, all employees returning from medical leave as a result of their own illness may be required by their supervisor or department head to obtain a medical certificate from a healthcare provider designated by Allen County that the employee is able to resume work. At the conclusion of the leave, the employee will be returned to the same position held at the time the leave began or to an equivalent position with equivalent pay, benefits, and working conditions, e.g., the same shift or the same or an equivalent work schedule. Employees on FMLA leave are still subject to a reduction in force or reassignment that would have occurred otherwise had the employee been working.

(j) Under certain conditions, employees who are designated "key" may be denied job restoration rights. These employees must be in the highest paid ten percent of the work force and their absence must present the likelihood of a substantial economic loss to Allen County. Supervisors are urged not to use a "key" person designation unless absolutely necessary. If a person designated as "key" still takes family leave, Allen County will pay the healthcare premiums but no guarantees are made about returning the key employee to the job he or she left. Allen County will not attempt to recover healthcare premiums from such employees who do not return to work. An elected official cannot have the designation of "key."

(k) In cases where an FMLA leave is to care for the serious health condition of the employee, or a spouse, child or parent of the employee, the employee must provide medical certification. The department should request the certification at the time the employee gives notice of leave or within five (5) business days thereafter. Once requested, it is the employee's responsibility to provide the department with the medical certification within 15 calendar days. If the certification is incomplete or unclear, the employee is to be given seven additional calendar days to provide more complete information of the employee's medical certification. The County may require a second opinion from a healthcare provider designated by the County. The

employee's department will pay the cost of the second opinion, if required. Employees may be asked to recertify the need for the FMLA after 30 days from receipt of past medical certification and in less than 30 days in certain circumstances such as a change in the employee's condition. All medical certifications and related information that describe the health or medical history or condition of the employee or family members must be handled as confidential medical information. Such information must be stored in a locked file separate from the personnel file. When certification is requested, it is the employee's responsibility to provide the employer with timely, complete, and sufficient certification, and failure to do so may result in delay or denial of FMLA leave.

(l) In cases where an FMLA leave is for a qualifying exigency, the department should provide the employee with a copy of the proper forms to be completed by the employee. The completed form, along with the documentation that the employee provides, will be used to determine if the leave request qualifies and the length of the leave. When certification is requested, it is the employee's responsibility to provide the employer with timely, complete, and sufficient certification, and failure to do so may result in delay or denial of FMLA leave.

(m) Employees who fraudulently obtain FMLA leave are subject to corrective action, up to and including termination.

(n) It is the department's responsibility to designate any absence that meets the eligibility requirements of the FMLA as family/medical leave. The designation of FMLA will occur either as a result of an employee request for FMLA leave or when the department becomes aware that the employee's absence qualifies as FMLA leave, even though the employee may not have requested FMLA leave.

(o) Within five business days of receipt of a request for Family Medical Leave, the department head or designee is to notify the employee whether the leave qualifies and will be counted as FMLA leave. The department will complete the applicable forms. An employee's rights to FMLA may be denied or delayed for the following reasons: **(1)** timely advance notice of foreseeable leave is not given; **(2)** timely submission of required and sufficient medical certification is not made by the employee; **(3)** the employee fails to provide required fitness to return to work certification; **(4)** the employee expresses an intention not to return to work; **(5)** the employee is employed elsewhere while on FMLA leave without the written approval of the department head. FMLA leave should start immediately if an FMLA-eligible employee who is under Worker's Compensation for a work-related injury declines a modified position assignment offered under Worker's Compensation.

(p) If the department fails to designate an employee's eligible absence as FMLA, it may retroactively designate the absence as FMLA leave if: 1) the employee has been given notice; and 2) either the retroactive designation does not harm the employee, or the department and employee have mutually agreed to retroactively designate the absence as FMLA.

(q) Some employees may be eligible for up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness. To be eligible an employee must have worked for the County for at least 12 months or 52 weeks (not continuously provided the break is not longer than seven years unless the employee is

in the reserve military or National Guard); have worked at least 1,250 hours (excluding vacations, holidays, sick leave and leaves of absence) during the immediately preceding 12-month period. FMLA leave is available for leave outlined above, plus a qualifying exigency leave (short-notice deployment, military events and activities, child care and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and additional activities that arise out of active duty).

Eligible employees are entitled to FMLA leave to care for a current member of the Armed Forces, including a member of the National Guard or Reserves, or a member of the Armed Forces, the National Guard or Reserves who is on the temporary disability retired list, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status; or otherwise on the temporary disability retired list. Eligible employees may not take leave under this provision to care for former members of the Armed Forces, former members of the National Guard and Reserves, and members on the permanent disability retired list.

(r) The department is to provide the employee with the proper forms to be completed by the employee and an authorized military healthcare provider of the covered service member. The employee may present certain military certifications such as “Invitational Travel Orders” or “Invitational Travel Authorizations” for purposes of certification that must be accepted by the department. In all instances when certification is requested, it is the employee’s responsibility to provide the employer with complete and sufficient certification, and failure to do so may result in delay or denial of FMLA leave.

E-14. Other Leave.

(a) *Meetings, Seminars.* Any employee may be granted leave with pay to attend meetings, seminars and conventions, and to travel to and from such meetings, seminars and conventions related to the employee's work for the County when such attendance is authorized by the employee's supervisors. The employee shall be paid for all hours spent traveling to and from the seminar and spent in classes and meetings that are a part thereof. No compensation will be paid for time outside of travel or class attendance even if the employee stays overnight. Employees wishing to take off-the-job education courses that are not required for employment but which would serve to increase their ability to do their jobs may ask their supervisor to have the County pay for said education courses. Where the fees for the education courses are less than \$500.00 the supervisor may approve the same without consulting the County Commission. If the fees for the education courses will exceed \$500.00, the courses must be approved by a majority of the County Commission. In determining whether to grant an employee’s request, consideration should be given to the extent of the education offered, the costs thereof, and the expected benefit to the County. No compensation or travel expenses will be paid to employees for attending such classes. From time to time extended training opportunities may become available that will provide employees with opportunities for advance positions. While the County wishes to encourage participation in such training, the County also desires to protect

itself from financial loss stemming from employees taking extended courses at County expense and then leaving the County to work elsewhere. As such, employees seeking to participate in extended training may be required to enter into an agreement with the County providing for reimbursement of all or part of the training expenses if said employee leaves the County's employment within the first three years after the training is complete. Any such agreement will be prepared at the direction of the employee's supervisor and approved by the County Commissioners. Terms of each agreement shall depend upon the extent, cost and value of the training to the County. Approval of the County Commission must be obtained prior to any travel outside the State of Kansas.

(b) Leave of Absence. An employee, upon written request and with the commendation of his or her supervisors, may be granted a leave of absence without pay for a period of up to six months, subject to the approval of the Allen County Commission.

E-15. Request for Leave. Except in a medical emergency situation as provided in ARTICLE E-5 (e) as to sick leave and ARTICLE E-12 as to family medical leave, all other leave must be authorized by the employee's supervisor prior to leave time being taken. A copy of each leave record, including records of sick leave taken, shall be maintained in the payroll files. Any written documentation containing medical information must be maintained in the employee's confidential medical file.

E-16. Credits for Paid Leave. An employee, while on paid sick leave, vacation leave or other leave with pay shall continue to earn credit for sick leave and vacation leave. No leave credit shall be earned by any employee while on suspension without pay or on any leave without pay.

E-17. Absent without pay. An employee who has no accumulated vacation or personal leave may, with the approval of their supervisor, be absent without pay. Sick leave may only be used pursuant to ARTICLE E-6.

E-18. Weather-related absence. Employees are requested to listen to local radio stations and TV for announcements of Courthouse closings due to stormy conditions. If the Courthouse opens and is forced to close early because of the weather, all employees who reported for work will be paid for the remainder of their shift. Employees who do not report to work can take the day as a vacation day if the employee has vacation time available. If the employee has no vacation time available, he will not be paid for that day. All employees are urged to make every possible effort to get to work during inclement weather.

ARTICLE F. OTHER EMPLOYEE BENEFITS

F-1. Retirement - OASDI Benefits. All eligible employees of the County are under the federal Old Age, Survivors', and Disability Insurance (Social Security)-system, and receive the benefits thereof in accordance with federal laws and guidelines. The cost of this benefit is paid equally by the County and the employee, with the employee contribution subject to payroll deduction.

F-2. Retirement - KPERS Benefits. All eligible employees of the County are members of the Kansas Public Employees Retirement System (KPERS) and receive the benefits thereof in accordance with state laws and guidelines. Employees must work 1,000 hours and be in a KPER's covered position to be KPERS eligible. For eligibility information, see the County Clerk.

F-3. Workers' Compensation Benefits. All employees of the County receive the benefits of the Kansas Workers' Compensation Act, in accordance with such law and guidelines. The cost of this benefit is paid entirely by the employer.

F-4. KPERS Death and Disability Benefits. All employees who are contributing members of KPERS are eligible for the insured death and disability benefits provided by KPERS, which is supplemental to the regular KPERS benefits. The cost of this benefit is paid entirely by the employer.

F-5. Unemployment Compensation. All employees receive the benefits of the Kansas Employment Security (unemployment compensation) Act, in accordance with such law and guidelines. The cost of this benefit is paid entirely by the employer. Under the Kansas Employment Security Act, all elected officials are not eligible for this benefit.

F-6. Life Insurance.

(a) In addition to the death benefits provided under KPERS, the County makes available to each employee the option of purchasing group life insurance, administered by KPERS, on a payroll-deduction basis. The cost of this additional life insurance is paid by the employee and varies with the options selected by the employee.

(b) All full-time County employees will be provided an additional life insurance policy with a company chosen by the commission, at the expense of the County.

(c) Elected officials shall be eligible for the County's group life insurance program upon taking office. This is at each official's choice.

F-7. Deferred Compensation. All County employees may participate in the deferred compensation plan offered by the County. Under this plan, amounts determined by the employee are withheld by the County and paid to the plan manager. The amount selected is invested for the employee and is not subject to federal income tax until withdrawn. The maximum contribution that can be made to the plan can be determined by contacting the plan manager through the Allen County Clerk. The enrollment date(s) for the deferred compensation program will be established by the Allen County Commission.

F-8. Health Care Program.

(a) All full-time employees shall become members of the County's group healthcare insurance program after a **90-day** waiting period that commences with the initial date of employment. All part-time or seasonal employees of the County who

become full-time employees shall become eligible for the County's group health care insurance after a 90-day waiting period that commences with the date of change of employment status. The group healthcare insurance coverage so provided shall begin on the first day of the first month which is nearest to but not later than the end of the 90-day waiting period as described above.

(b) Employees other than those described in (a) above may not participate in the County's group healthcare insurance program.

(c) Elected officials shall be eligible for the County's group healthcare insurance program upon taking office. This is at the official's choice.

(d) On an annual basis the County Commissioners will decide how the County will provide health insurance. As a part of its employee wellness plan, Allen County currently provides to its employees an annual blood test and credits employees with a portion of the employee share of the cost of the county healthcare insurance program.

(e) When an individual employee is required to contribute because of participation in the County's group healthcare program the amount of such contribution shall be a payroll deduction. One-half of the payroll deduction shall be made from the paycheck dated the 5th of each month and one-half shall be made from the pay check dated the 20th.

(f) All costs for healthcare insurance shall be paid by the employee during any period the employee is on a leave without pay (excluding the Family Medical Leave Act provisions); is on suspension without pay; is on unauthorized leave; or is participating in any unlawful work stoppage.

(g) Healthcare insurance coverage shall be extended to an individual who is temporarily disabled and drawing Workers' Compensation while serving as a County employee. The employee's share of the cost shall be deducted from any compensation due the employee in addition to Workers' Compensation payments. In the event no additional compensation is due, insurance may be extended at the option of the employer.

(h) No employee shall be entitled to a cash payment in lieu of healthcare insurance coverage.

(i) Retirees of the County who are under age 65 shall be eligible for continued participation in the County's healthcare plan upon payment of all the costs thereof in accordance with the provisions of K.S.A. Supp. 12-5040. In addition, the County complies with those provisions of the federal Consolidated Omnibus Reconciliation Act of 1986 (COBRA) relating to the extension of group healthcare plan coverage upon termination of County employment.

(j) From time to time, supplemental employee health-benefit products that provide additional coverage for cancer, hospitalization, etc. may be obtained through the County at the employee's expense. The enrollment dates for such products will be established by the Allen County Commission.

F-9. Garnishments. It is the policy of Allen County to enforce all wage garnishments as may be required by state and federal law. The administration of this policy is the responsibility of the County Clerk's office. This policy applies to all employees. Wage garnishment orders are processed immediately by the payroll system in accordance

with federal and state guidelines. Employees are notified when a federal wage garnishment order has been received. In order for an employee to stop a payroll deduction for wage garnishments, a release of the wage garnishment must be presented to the County Clerk.

An employee may receive a copy of the wage garnishment order by contacting the County Clerk.

F-10. Use of County-owned Vehicles. County-owned or leased vehicles shall be used only by County employees for official County business and must be authorized by an employee's Department Head. All County vehicles shall display the proper markings as outlined in K.S.A. 8-305. Certificates of insurance are provided for all County vehicles, and employees who operate these vehicles are responsible for having this proof of insurance in the vehicle while operating the vehicle. Approval of the County Commission must be obtained prior to any travel outside the State of Kansas. Whenever a County vehicle is damaged or involved in an accident, the Department Head must be notified immediately, and drug testing must be arranged in accordance with ARTICLE K-11.

F-11. Travel Expense for County Business. Allen County will reimburse employees for all reasonable and necessary expenses related to travel on County business under the following conditions:

- (a) All vouchers submitted for reimbursement of expenses must be accompanied by receipts.
- (b) All travel shall receive prior approval from Department Heads or County Commissioners.
- (c) Hotel or motel accommodations for the employee shall be reasonable and shall be reimbursed on an actual cost basis consistent with facilities available in proximity to the location of the conference or business meeting attended.
- (d) All employees' meal expenses that occur as a result of overnight travel will be reimbursed by voucher through payroll at rates not to exceed the following per meal: \$10 breakfast, \$15 lunch and \$25 dinner. Reimbursement shall be based on receipts. If the meals are included in registration fees, no reimbursement for meals shall be made. If travel does not require an overnight stay, meals will be reimbursed through payroll and will be subject to payroll taxes. In addition, employees will be reimbursed for a gratuity not to exceed 15% of the total meal expense. Proof of tip is required.
- (e) Registration fees will be reimbursed. Advance registration should be used when it provides a cost savings.
- (f) The County will reimburse for the use of a private vehicle on County business at a rate determined by the Allen County Commissioners. The appropriate mileage must be submitted to the County Clerk's Office in order to obtain reimbursement. Approval of the County Commission must be obtained prior to any travel outside the State of Kansas. Parking and turnpike fees will also be reimbursed. Receipts are required.
- (g) Airfare will be reimbursed at the rate of coach fare. The use of special discount fares is encouraged.

ARTICLE G. CORRECTIVE ACTION

G-1. Authority to Take Corrective Action. Supervisors are responsible for the conduct and effective performance of all employees under their supervision and shall have the authority and the responsibility to take corrective actions when employees violate the County's personnel policies and any departmental guidelines. This ARTICLE G, regarding Corrective Action, and the following ARTICLE H, regarding Grievances and Hearings set forth administrative procedures for resolving employment-related problems in an orderly manner. Nothing stated herein or in any part of these personnel policies may be construed to grant any employee an employee contract or employment contractual rights. All employees are considered to be at-will employees for the purpose of County employment both during their designated training periods and at all times thereafter.

G-2. General Policy. The purpose of taking corrective action is to ensure high standards of performance and efficiency, to maintain good working relationships among employees, and to provide the citizens of the County with the highest possible level of courteous and professional public service. Discipline in the County organization is for the most part "self" discipline. It is the duty of employees to make conscientious effort to work and behave in accordance with the values, service standards, policies and guidelines of the County and the department in which they work. Each employee is expected to be self-disciplined and to work hard at being the best at what he or she does, and in helping the County provide a high level of public service. When an employee does not exercise adequate self-discipline or is not successful in meeting the requirements of their job, it may be necessary for his or her supervisors or supervisor to consider corrective actions to remedy the problem. An employee is subject to corrective action if:

- (a) The employee violates these personnel policies and guidelines, or any other written guidelines or procedures applicable to the department in which the employee works.
- (b) The employee's conduct reflects discredit to the County or hinders the effectiveness or efficiency of county operations.
- (c) The employee has performed an act of misconduct.
- (d) The employee fails to perform an act, which results in misconduct.
- (e) The employee fails to perform his/her job duties to the satisfaction of his/her supervisor.

G-3. Corrective Actions Authorized. The following types of corrective actions are officially recognized by the Allen County Commission:

- (a) *Verbal Warning.* A verbal warning is an oral reprimand given to an employee by his or her supervisor or supervisors. A record of the warning shall be recorded in the employee's personnel file.
- (b) *Reprimand.* A reprimand is a written censure to an employee by his or her supervisor or supervisors, a copy of which shall be recorded in the employee's personnel file.

(c) *Training.* Training is a trial period of a specific length of time during which an employee is required to fulfill a set of conditions, or to improve work performance, or to improve on-the-job behavior. Failure to meet the training requirements may result in further corrective actions.

(d) *Salary Reduction.* A salary reduction is the lowering of an employee's rate of pay within the pay range to which the employee's position is assigned.

(e) *Demotion.* A demotion is the placement of an employee into a position of a lower pay range and lowered or altered responsibilities.

(f) *Suspension.* A suspension is the removal of an employee from service, with or without pay, for a specific period of time.

(g) *Termination.* Termination is the removal of an employee from County employment.

The foregoing corrective actions are not required to be applied in a “progressive” manner (that is, applied in order from least serious to most serious). In some cases, progressive application of corrective measures may be proper but in other cases, more serious corrective actions, including termination, may be the appropriate choice. Supervisors shall strive to use such corrective actions as will best remedy the problems at hand.

G-4. Procedure for Corrective Action. Whenever the misconduct of an employee occurs that in the judgment of the employee's supervisor or supervisors justifies the application of corrective actions other than a verbal warning, the supervisor or supervisors shall:

(a) Document the misconduct in writing.

(b) Determine the appropriate corrective action to remedy the problem.

(c) Meet with the employee to review the problem and the proposed corrective action. The meeting should be private and include only the employee, supervisor, supervisors or other persons requested to be present by the supervisors.

(d) Give the employee an opportunity to refute the allegations or argue against the proposed corrective action. The employee may submit comments in writing to be attached to the record of the corrective action.

(e) Make a final decision as to the corrective action.

(f) Notify the employee of the action in writing, except for verbal warnings. The employee shall be required to sign the notification to acknowledge that he or she has been notified. This signature shall not indicate that the employee agrees or disagrees with the action. A copy of the documentation of misconduct and a note as to the form of corrective action taken shall be filed in the employee's personnel file.

(g) At the time a corrective action is implemented, the employee's supervisor(s) shall notify the employee in writing of his or her right to file a grievance under the County's grievance procedure as set out in ARTICLE H. The employee shall be required to sign the notification to acknowledge that he or she has been notified. This signature shall not indicate that the employee agrees or disagrees with the action.

G-5. Conduct Subject to Corrective Action. The following is a list of examples

of misconduct that may subject an employee to one or more of the corrective actions listed in ARTICLE G-3 above.

This list is not all-inclusive; it is only representative of the types of misconduct that subject an employee to corrective action.

- (a)** Conviction of a violation of any state or federal criminal law.
- (b)** Conviction of a violation of any County law.
- (c)** Failure to follow prescribed safety procedures including failure to notify his or her supervisor of unsafe working conditions.
- (d)** Violation of personnel or departmental policies and guidelines.
- (e)** Inattention to duty, carelessness, negligent or willful damage to, or loss of public property or funds.
- (f)** Taking or using any funds or property of the County for personal use or for sale or gift to others, or the making of any false claim against the County.
- (g)** Incompetence or inefficiency in the performance of the duties of his or her position. Generally failing to perform his or her duties in a manner satisfactory to his or her supervisor.
- (h)** Insubordination or other breach of conduct including failure to obey any proper order or directive made by a supervisor or knowingly making a false statement to any employee or officer of the County.
- (i)** Discourteous or disruptive conduct or other offensive behavior in public, to the public or to the employees and officers of the County.
- (j)** Abuse of leave, absent without leave, tardiness, claiming leave time under false pretenses or falsifying attendance records for oneself or another employee.
- (k)** Failure to give proper notice of absence or temporarily leaving the workplace without the approval of his or her supervisor.
- (l)** Sleeping on the job.
- (m)** Possession or use of alcohol or drugs while on duty except where prescribed by a physician; Sale of or offering for sale or giving away alcohol or drugs while on duty or at the workplace; Use of alcohol or drugs, off the job, to the extent that the employee's job performance or effectiveness as a County employee is impaired; Driving any county vehicle while the employee has any alcohol in their system.
- (n)** Inducing or attempting to induce any officer or employee of the County to commit an unlawful act or to act in violation of any lawful or official order or regulation.
- (o)** Unauthorized possession of firearms or other weapons on the job.
- (p)** Sexual harassment or other harassment.
- (q)** Disclosing confidential records or information unless directed to do so by his or her supervisors or supervisor.
- (r)** Revocation or suspension of a certification or license, including a driver's license, when such is required as a condition of County employment.
- (s)** Material falsification of application or other County documents for employment or conducting business, or making a false statement or report in regard to any test, certification or appointment or any attempt to commit any fraud.
- (t)** Giving or attempting to give any monetary consideration or the delivery of undeserved service to or from any person or organization for, or in connection with, any test or appointment.

(u) Taking or offering to take from any person for the employee's personal use, any fee, gift or other thing or service of value, in the course of his or her work or in connection with it, when such gift or other valuable thing or service is given in the hope or expectation of receiving a favor or better treatment than accorded any other person; accepting a bribe, gift, money or other thing of service or value intended to perform or refrain from performing any official act; engaging in any act of extortion or other means of obtaining money or other things or service of value through his or her position in the service of the County.

(v) Discharge of duties in a manner that results in discrimination to any person on the basis of race, color, religion, sex, age, disability, national origin, ancestry, military status, genetic information, or any other consideration made unlawful by federal, state or local laws.

(w) Any other conduct that impairs or is detrimental to the conduct of County business and/or the working relationships between County employees

In the case of acts of violence or other flagrant misconduct, serious safety violations, or criminal offense, any employee may be suspended immediately without pay, pending an investigation and review of the matter. An employee may be suspended with or without pay when he or she has been arrested for a crime and is awaiting legal adjudication. An employee may be suspended with or without pay when he or she has been charged with misconduct while on the job and an internal investigation is being conducted. Whether a suspension is with or without pay will be decided by the employee's supervisor.

ARTICLE H. GRIEVANCES AND HEARINGS

H-1. General Policy. Any employee has the right to present a grievance concerning his or her job's, working conditions, salary, relationship between employees and co-workers, supervisor, or department head, and application of policies. A sincere attempt should always be made by each employee and supervisor to resolve any grievance before it becomes necessary to resort to the grievance procedure.

H-2. Grievance Procedure. The following grievance procedure is established:

(a) **Any grievance shall initially be filed in writing** by the employee with the employee's supervisor. **A written answer to the grievance shall be provided by the supervisor to the employee** within seven working days (this time shall be extended for up to 20 days if the supervisor is on leave when the grievance is filed).

(b) Grievances that involve complaints about corrective action taken against an employee must be filed with the employee's supervisor **within ten days after the corrective action takes effect.**

(c) If the employee and the supervisor cannot resolve the grievance to their mutual satisfaction, the employee may forward his or her written grievance to the Allen County Clerk specifying the nature of the grievance, and request that the Board of County Commission review the complaint. The Clerk shall advise the Commission of the complaint and shall schedule a time for the Commission to consider the complaint. The Commission shall provide an answer to the complaint within 20 days.

Grievances must be filed with the County Clerk within ten days after the employee receives his or her supervisor's written response from their supervisor, as described above.

(d) If the employee is not satisfied with the Commission's written response, he or she may file a request for a hearing only for unpaid suspensions or terminations with the County Clerk within ten days after the employee receives the Commission's written response. For all other matters the Commission's written response concludes the grievance procedure.

H-3. Hearing Procedure for unpaid suspensions or terminations. The Allen County Commission may conduct hearings in accordance with the following procedures:

(a) The hearing shall be held within 30 calendar days from receipt of the employee's request for such a hearing unless continued by the Commission for good cause.

(b) At the hearing, all concerned parties shall be given an opportunity to present their respective side of the grievance together with any pertinent evidence or witnesses as deemed relevant by the Allen County Commission. All parties shall have the right to cross-examine adverse witnesses and evidence.

(c) All parties shall be allowed the right to have legal counsel present.

(d) The Allen County Commission may call for additional evidence as it deems proper.

(e) The Allen County Commission shall not be bound by any legal policies of evidence.

(f) No County employee, serving as a witness, shall be subject to any restraint, interference, discrimination or reprisal for any of his or her testimony in such hearing.

ARTICLE I. VOLUNTARY SEPARATION

I-1. Resignation. An employee who terminates his or her employment voluntarily shall be terminated in good standing, providing the employee gives a minimum of two weeks written notice to his or her immediate supervisor or supervisors. Under appropriate circumstances, a shorter period of notice may be approved by the employee's supervisors.

I-2. Reinstatement. An employee who was terminated in good standing and who is re-employed within a period of 120 calendar days following separation may be reinstated at not more than the salary he or she was receiving at the time of his or her termination. Upon reinstatement within 120 calendar days following separation, an employee shall receive credit for all unused or unpaid sick leave he or she had accrued as of the time of separation.

ARTICLE J. SEXUAL HARASSMENT OR HARASSMENT

J-1. Purpose. It is the policy of the County to maintain a work environment free of intimidation, insult, and harassment based upon race, color, religion, sex, age, national origin or ancestry, disability, military status or genetic information. To ensure that this policy is strictly adhered to, the County will not tolerate sexual harassment or

harassment of any of its employees, and will take immediate corrective action if such behavior occurs.

J-2. Definition. Sexual harassment is defined as unwelcome sexual advances for sexual favors, and other verbal or physical conduct of a sexual nature when

- (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- (b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such; or
- (c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment

Other harassment consists of physical or verbal conduct relating to an individual's race, color, gender, disability, religion, age, national origin, ancestry, military status or genetic history when the conduct:

- (d) has the purpose or effect of creating an intimidating, hostile or offensive working environment;
- (e) has the purpose or effect of substantially or unreasonably interfering with an individual's work; or
- (f) otherwise unlawfully and adversely affects an individual's employment.

J-3. Policy.

(a) No employee, whether supervisory or non-supervisory, may sexually harass or otherwise harass another employee. In addition to the items listed in ARTICLE J-2 above, sexual harassment includes but is not limited to:

- 1) Unwelcome touching, propositions, or advances;
- 2) Abusive and/or vulgar language of a sexual nature;
- 3) Suggestive jokes or comments about an employee's body or clothing;
- 4) Displaying of sexually graphic or suggestive pictures, photos, cartoons, etc.

(b) Any employee who believes that he/she is the victim of unwelcome behavior that would constitute sexual harassment and any employees who witness such conduct shall immediately report all incidents to any supervisor. Supervisors are required to report any indications or complaints (written or oral, formal or informal) of harassment to the County Counselor.

(c) All complaints involving claims of sexual harassment shall be promptly and confidentially investigated.

(d) Any employee, supervisory or non-supervisory, found to have engaged in the sexual harassment of another employee will face corrective action, up to and including discharge.

J-4. Complaint Procedure. Any employee who feels he/she is being subjected to sexual harassment or harassment should immediately contact one of the persons listed below with whom the employee feels the most comfortable. Complaints may be made orally or in writing to:

- (a) Employee's immediate supervisor

- (b) County Department Heads
- (c) County Counselor
- (d) Other supervisory personnel
- (e) County Clerk

The employee should be prepared to provide the following information:

- (a) Employee's name, department and position title.
- (b) Name of the person or persons committing the harassment,
- (c) Date(s) and approximate time(s) of the harassment.
- (d) The specific nature of the sexual harassment or harassment, how long it has gone on, and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee as a result of the harassment, or any other threats made against him/her as a result of the harassment.
- (e) Witnesses to the harassment, if any.
- (f) Whether the employee has previously reported such harassment and, if so, when and to whom.

After receiving a sexual harassment or harassment complaint, the person receiving the complaint shall assist the employee filing the complaint by documenting the incident in writing. The employee shall sign the written complaint, attesting to the accuracy and truthfulness of the incident. All information disclosed in the complaint procedure will be held in strictest confidence and will be disclosed only on a need-to-know basis in order to investigate and resolve the matter. Allen County will not tolerate any retaliatory action aimed at the complainant or any witnesses.

J-5. Review of a harassment complaint. It is the responsibility of the County counselor to coordinate the investigation of sexual harassment or harassment complaints. If the County Counselor is the subject of the complaint, the County Clerk shall coordinate the investigation. All employees of Allen County have a duty to cooperate in any investigation conducted hereunder. The following procedures shall apply to the handling of such complaints:

- (a) The person to whom the complaint is made shall immediately present it to the County Counselor.
- (b) An investigation of the alleged incident shall be promptly started.
- (c) The investigator shall make and keep a written record of the investigation, including notes of verbal responses made to the investigator by the person complaining of harassment, witnesses interviewed during the investigation, the person against whom the complaint of harassment was made, and any other person contacted by the investigator in connection with the investigation.
- (d) The investigator shall notify the employee accused of the harassment of the complaint and the severity of the allegations (immediate notification is not necessary if such notification would jeopardize the investigation).
- (e) The employee accused of the harassment shall be given appropriate opportunity to refute the allegation and present information and/or witnesses on their behalf.
- (f) Based upon the investigative report, the County Counselor shall determine whether the conduct of the person against whom a complaint has been made

constitutes harassment. In making that determination, the County Counselor shall look at the record as a whole and the totality of circumstances, including the nature of the conduct in question, and the context in which the conduct, if any, occurred. Determination of whether harassment occurred will be made on a case-by-case basis.

(g) If the County Counselor determines the complaint of harassment is founded, he/she shall recommend to the employee's supervisor that immediate and appropriate corrective action be taken against the employee guilty of harassment.

(h) The corrective action shall be consistent with the nature and severity of the offense. This shall include whether a supervisory relationship exists, and any other factors the County Counselor believes relate to efficient administration of the County, including the effect of the offense on employee morale, public perception of the offense, and the light in which it casts the County. The corrective action may include demotion and/or suspension, dismissal, warning or reprimand. A determination of the level of corrective action shall also be made on a case-by-case basis.

(i) If the County Counselor determines the complaint of harassment is unfounded, he/she shall notify the employee accused of harassment of the determination and advise that no corrective action is warranted.

(j) The employee making the complaint shall be notified of the results of the investigation.

(k) If the County Counselor determines after reviewing the investigation report that the complaint was intentionally falsified by the employee filing the complaint, the County Counselor shall report such action to the employee's supervisor for immediate and appropriate corrective action.

J-6. Appeal of the decision. Within ten (10) working days of written notification to the employee of the County Counselor's decision, the complainant or respondent may make a written request for a final review of the record by the County Commission. The County Commissioners, in response to a timely appeal, will either:

(a) Review the record and provide a final decision within fifteen (15) working days of the receipt of the appeal, or

(b) Schedule a hearing with the appealing party to hear his/her appeal, within fifteen (15) working days following the receipt of the appeal.

1) The hearing date can be scheduled at any time, convenient to all parties, with mutual consent (including beyond the fifteen (15) day period).

2) A final decision will be made by the County Commission within 30 days after the hearing.

3) Copies of the decision shall be sent to the complainant and respondent by registered mail, return receipt requested, and a copy will be given to the County Counselor.

J-7. Records of a harassment complaint. All records concerning a harassment complaint shall be confidential and kept in a separate locked file except those affected by Kansas Open Records Act. Access to these records shall be given only with the County Clerk's approval to parties that have a direct and relevant need to know.

ARTICLE K. DRUG & ALCOHOL TESTING POLICY

Allen County recognizes the significant threat that a drug-impaired employee working in the transportation and law enforcement industries can pose to the safety of the worker, co-workers and the general public. Thus Allen County has adopted an Anti-Drug Plan to specify the circumstances under which drug and alcohol testing may be required, the procedures for conducting such testing, and the methods and procedures for complying with the requirements of the regulations. Allen County's drug and alcohol testing program is incorporated in an overall Anti-Drug Plan that is designed to create drug-free transportation and law enforcement industries and provide help to those employees who may suffer from problems with substance abuse. The Plan has been developed in compliance with existing federal regulations in a manner that ensures accurate and reliable test results, and thereby contains procedures designed to recognize and respect the dignity and privacy of all of our employees. More importantly, we recognize that our employees are our most valuable resource, and we want to assist any employee who feels that he or she may have a problem with substance abuse.

K-1. Policy. The use, possession, sale or distribution of illegal drugs or drug paraphernalia, or the improper or abusive use of legal drugs, alcohol or other intoxicating substances while on County property or other work locations and/or during work hours is strictly prohibited by all Allen County employees.

(a) Cooperation and compliance with Allen County's Drug and Alcohol Testing Policy (as with all other County policies and procedures) is a condition of continued employment for all employees.

(b) Allen County's Drug and Alcohol testing Policy is in compliance with the Federal Drug Free Workplace Act of 1988; the Federal Motor Carrier Safety Regulations (49CFR Part 391); Federal Highway Administration (FHA) Part 382; and, the Motor Carrier Regulations of the Transportation Division of the Kansas State Corporation Commission (82-4-3). All collection and testing procedures will specifically follow the regulations set forth in 49CFR Part 40 for drugs and alcohol.

K-2. Circumstances under which Drug and Alcohol Testing may be Required.

(a) All employees will be subject to pre-employment, reasonable suspicion, post-accident, and follow-up testing.

(b) Employees and applicants for safety-sensitive positions will also be subject to random drug testing.

(c) Employees within safety-sensitive positions are employees who hold the following positions or perform the following tasks:

1) Law Enforcement positions including:

Undersheriff,
Sheriff Deputy,
Transport Officer, and
Jailer.

2) Drivers of vehicles:

A. with a gross vehicle weight rating of 26,001 pounds or more, or

- combination vehicles weighing at least 26,001 pounds; or
- B.** designated to transport 12 or more passengers including the driver; or
- or
- C.** transporting hazardous materials in amounts requiring placarding.

3) Emergency Medical Service Employees.

K-3. Responsibilities

(a) Commissioners.

1) The Board of County Commissioners of Allen County is responsible for the implementation and conformance of Allen County's drug and alcohol testing policy to 49CFE Parts 40, 391. 382 (This includes any contractor personnel, including subcontractors, and anyone employed by a subcontractor is subject to drug and alcohol testing if they perform a covered function.); and for recordkeeping and confidentiality of the drug-testing process.

2) The Board of County Commissioners is responsible for observing the behavior of employees and supervisors in relation to reasonable suspicion testing.

(b) Supervisors.

1) Supervisors are responsible for observing the behavior and performance of employees and other supervisors in relation to reasonable suspicion testing.

2) Unless a supervisor's physician has advised the supervisor that the controlled substance they are taking does not adversely affect their ability to safely operate a commercial motor vehicle, a supervisor should not drive under the influence of a prescribed controlled substance.

(c) Employees.

Unless an employee's physician has advised the employee that the controlled substance they are taking does not adversely affect their ability to safely operate a commercial motor vehicle, an employee should not drive under the influence of a prescribed controlled substance. An employee must report the use of all therapeutic controlled substances and provide their supervisor with a written release from their physician that states it is safe to perform the safety-sensitive function.

(d) Medical Review Officer

1) The Medical Review Officer is an agent of TMHC Services, Inc. The qualifications and functions of the Medical Review Officer are contained in the Consortium's Protocol on Medical Review Officer Responsibilities and Qualifications, which is available upon request from the Consortium.

2) All drug test results, whether positive or negative, will be reviewed by the Medical Review Officer of the Consortium, in accordance with 49CFR Part 40.33.

3) In the event of a presumptive positive test the Medical Review Officer will contact the person whose specimen was tested to determine what medications might be involved and to obtain any other information that might explain the reason the test was returned positive. The Medical Review Officer, based on his/her review of the information, will make the final determination of confirmed positive or negative results. It is only after the Medical Review

Officer's review is completed that Allen County will be notified of the outcome of the test. Failure to comply with this policy may lead to corrective action up to and including termination.

K-4. Substances that are Tested for.

(a) Drug screening will be conducted for the following chemicals: marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines. A drug immunoassay screen will have the following thresholds for positive verification:

Chemical NG/ML
Marijuana Metabolite 50
Cocaine Metabolite 300
Opiates 300
Phencyclidine 25
Amphetamines/Methamphetamine 1000

(b) When the initial screen is positive (has exceed the established screening threshold) a second confirmation test (GC/MS) will be completed. The thresholds for positive confirmation for GC/MS are as follows:

Chemical NG/ML
Marijuana Metabolite 15
Cocaine Metabolite 150
Opiates 300
Phencyclidine 25
Amphetamines/Methamphetamine 500

(c) Alcohol testing will be conducted by utilizing an evidential breath-testing device that meets the requirements established by the conforming products list published in the Federal Register. A reading of .04 or greater on the evidential breath-testing device will result in the necessity of a second test occurring within 20 minutes in order to make a determination of positive.

(d) A second evidential breath-testing device test result of .04 or greater will result in the removal of the individual from the safety-sensitive position.

(e) An initial evidential breath-testing device reading of .02 to .0399 will result in a second evidential breath-testing device test within the time frame noted in **ARTICLE K-4(c)**. If the second test falls within the same range, the individual will be removed from the safety-sensitive position until the start of the next regularly scheduled duty period, but not less than 24 hours following the administration of the test.

K-5. Testing Process.

(a) The primary collection site for pre-employment drug screening specimen collection is the offices of The Family Physicians &/or Community Health Center of Southeast Kansas, 1408 East Street, Iola, Kansas; collection of specimens for random tests will be done at the location designated by the County Clerk in cooperation with the TMHC Services Inc.; post-accident specimen collection is done at The Family Physicians &/or Community Health Center of Southeast Kansas or, if they are unavailable, at the Allen County Regional Hospital. Other sites may be designated by the County Commissioners and department heads as circumstances make necessary.

- (b) Alcohol testing will be conducted by a certified Breath Alcohol Technician (BAT).
- (c) Strict chain-of-custody practices will be adhered to regarding urine specimen collection, transportation to the laboratory, during laboratory analysis, Medical Review Officer's review, and reporting to Allen County.
- (d) All urine specimens collected will be split-samples.
- (e) Negative drug testing report results will be reported to the Consortium within 24 hours of specimen receipt at the laboratory. Positive drug testing results will be reported to the Consortium within 48 hours of receipt at the Laboratory (unless there is difficulty reaching the person being tested by the Medical Review Officer). All tests will be reported by the Consortium to the primary contact person or secondary contact person. In no instance will the test go unreported longer than five days from the time the specimen is received from the laboratory by the Consortium.
- (f) Reports of breath alcohol tests will be reported immediately to the safety sensitive employee (SSE) and primary contact person or secondary contact person.
- (g) An applicant or employee will be required to sign the necessary drug/alcohol screening consent forms established by the County or authorized by the collection site agency. Refusal to sign required drug/alcohol screening consent forms will be considered refusal to submit to a drug/alcohol screening test as a condition of employment and will be considered the equivalent of receiving a confirmed "positive" result for purposes of continued employment.
- (h) An applicant or employee shall be informed of the drug/alcohol screening specimen collection location and time. The applicant or employee shall be responsible for reporting to the collection site at the scheduled time, with a photo ID, and comply with the directions of the specimen collector.
 - 1) An employee who is requested to submit to a drug specimen collection shall be given time off with pay for that purpose.
 - 2) Failure by an applicant or employee to report to the collection site at the scheduled time will be considered refusal to submit to a drug/alcohol screen as a condition of employment or continued employment, and will be considered the equivalent of receiving a confirmed "positive" result. The applicant or employee shall not be utilized in a safety-sensitive capacity until cleared by the Medical Review Officer or Substance Abuse Professional.
- (i) Any current employee who intentionally tampers with a sample provided for drug screening violates chain-of-custody or identification procedures, or falsifies a test result, shall be subject to dismissal.

K-6. Use of Sick Leave. Any employee who is removed from the work site pending the results of a drug screening test because the employee is deemed by their immediate supervisor to pose a threat to safety or health may use accumulated sick leave until exhausted. All remaining time away from work will be non-compensable. In the event the test returns negative, all time away from work will be reinstated.

K-7. Confidentiality. Confidentiality will be applied to every aspect of the anti-drug program.

(a) After the Medical Review Officer contacts the employee to discuss a positive confirmatory test result and a final decision is reached regarding the positive result, the County Clerk shall serve as the primary contact person and the County Treasurer shall serve as the secondary contact person with Allen County's Employee Assistance and Drug/Alcohol Testing Program.

(b) All drug and alcohol testing information will receive the highest level of respect in relation to confidentiality. Information regarding an individual's testing results or rehabilitation may be released only upon written consent of the individual. The exception is that such information must be released regardless of consent to the Administrator or the representative of a state agency upon request as part of an accident investigation. Statistical data related to testing and rehabilitation that is not name-specific, and training records, must be made available to the Administrator or the representative of a state agency upon request.

(c) All records relating to drug and alcohol testing will be kept in a locked file separate from other employee records within the County Clerk's office.

K-8. Notification. Notification of the County's drug and alcohol testing requirements shall be included in announcements or advertisements seeking applicants for all designated safety-sensitive positions. The Board of Commissioners of Allen County under its own authority will test all applicants/employees for pre-employment purposes.

K-9. Employee Advisement. An applicant or employee required to submit to a drug screen will be advised of the following:

(a) methods of drug/alcohol screening that will be used;

(b) substances that may be identified;

(c) consequences of refusal to submit to a drug screening test or of a confirmed positive result, and;

(d) reasonable efforts to maintain the confidentiality of results and any medical information that may be provided.

K-10. Conditions for Testing. Drug and Alcohol screening may occur under the following conditions:

(a) An individual who is offered employment and/or is re-assigned to a position designated in ARTICLE K-2(c) shall be required to take and pass a drug screening test as a condition of employment or continued employment.

(b) Any employee may be required to submit to a drug screening test by the primary contact person or secondary contact person, based upon reasonable suspicion of drug use by the employee as reported by the employee's supervisor. All supervisory employees are required to notify the primary contact person or secondary contact person when reasonable suspicion is presumed;

1) Reasonable suspicion involves a judgment made regarding the employee's behavior, appearance, speech or body odor, or evidence found or reported and/or may be based on, among other circumstances, one or more of the following:

- a.** Direct observation of specific contemporaneous, articulable behaviors exhibited by the employee that may impair the employee's ability to perform his/her duties or pose a threat to safety or health.
- b.** Physical on-the-job observation of drug and/or alcohol use by the employee.
- c.** Documented deterioration in the employee's job performance that is likely to be attributed to drug or alcohol use by the employee.
- d.** An on-the-job incident or occurrence where there is evidence to indicate the incident or occurrence was in whole or in part the result of the employee's actions or inactions and/or the employee exhibited behavior indicating illegal drug or alcohol use.

2) Supervisors have the right to ask a current employee to submit to a drug/alcohol screening test under the circumstances of reasonable suspicion. Refusal may be grounds for termination. In no instance of refusal for testing shall an individual be allowed to perform any job functions described in ARTICLE K- 2(c).

3) Any employee requested to provide a drug specimen under the auspices of reasonable suspicion will be transported to the collection site. All time away from work will be charged to accumulated sick leave until exhausted. All remaining time away from work will be non-compensable. In the event the test returns negative, all time away from work will be reinstated.

4) Under no circumstances will an employee described in ARTICLE K-2(c) be allowed to perform their duties if they have consumed alcohol within four hours of reporting for duty.

5) If an alcohol test is not administered within two (2) hours of this determination, a record should be prepared stating the reasons for not administering the test. Attempts to test should cease at eight (8) hours and the individual should be removed from duties until they test less than .02 or 24 hours has passed.

(c) Random Testing

1) At least 50% of the average number of employees described in ARTICLE K-2(c) will be drug tested on a random basis annually.

2) At least 25% of the average number of employees described in ARTICLE K-2(c) will be alcohol tested on a random basis annually.

3) Random selection will be made through a computerized program provided by the consortium contractor.

- a.** By the 5th of each month Allen County will make available to the Consortium the names and social security numbers of all employees to be covered in the random program for the next month.

- b.** The list of person to be tested for the next month will be created through the Consortium's computerized random number program.

- c.** The name of the person identified to be tested will be relayed to the contact person of the employer by the afternoon prior to the test date. The Employee will be notified on the morning of the drug test to report to the collection site not more than 30 minutes plus travel time, prior

to the scheduled test time in the case of a drug collection. In the case of an alcohol test, the individual shall be tested within 15 minutes prior, during or 15 minutes after performing a safety sensitive function.

K-11. Testing related to an Accident. The following parameters will require drug testing for **each county employee** involved in an accident whether or not the employee's actions contributed to the accident. Drug testing shall be done as soon as possible and not later than 24 hours after an accident.

(a) The following are the times when drug testing must occur:

- 1) If the accident involved the loss of a human life;
- 2) If the accident involves personal injury to the county employee or any other person.
- 3) If the accident involves property damage to county property or the property owned by any other person.
- 4) If the accident involves a motor vehicle and the driver receives a citation under State or local law for a moving traffic violation arising from the accident.

(b) Following an accident all reasonable steps to obtain a urine sample for an employee should be implemented after treating the injury first.

- 1) In the case of a conscious but hospitalized employee, the coordinator of Drug/Alcohol Testing at Allen County should notify the hospital or medical facility of the need for a sample and, if necessary, refer to the DOT drug testing requirements (Title 49 CFR Part 40).
- 2) If an employee is injured or unconscious and unable to consent to the drug test, the medical facility should collect the sample, and retain it until the employee is able to consent. If the employee gives his consent, the sample should be sent to the laboratory for testing. If the employee refuses to be tested, the sample should be discarded and the incident will be treated as a refusal to test. The treating physician should determine if the employee is able to understand a request to provide a sample.
- 3) If an employee is conscious, able to understand a request for a sample and able to urinate normally (in the opinion of the medical professional) and refuses to be tested, that person must be suspended indefinitely pending further review.

(c) A breath alcohol test should also be administered in these same circumstances. An Evidential Breath Testing Device test can occur up to eight hours after the accident/incident and should be obtained as early as possible, preferably within two hours of the accident.

(d) Failure to obtain a breath alcohol test within 2 hours and a drug test within 32 hours will result in the employer preparing and maintaining on file a record stating the reasons for not promptly administering a test. Records will be submitted upon request to the Department of Transportation.

(e) Results of a breath test for the use of alcohol or a urine test for the use of controlled substances, conducted by Federal, State or local officials having independent authority for the test, shall be considered to meet the requirements of this

article, provided such tests conform to applicable Federal, State or local requirements, and that the results are obtained by the employer.

(f) No driver required to take a post-accident test shall use alcohol for 8 hours following an accident or until a breath alcohol test occurs.

(g) The safety sensitive employee who is subject to post-accident testing shall remain readily available for testing but shall secure any necessary medical attention. Failure to remain available can be interpreted as a **positive test result**.

K-12. Applicant for a County Position. Any applicant for a county position, who intentionally tampers with a sample provided for drug screening, violates the chain-of-custody or identification procedures or falsifies test results shall have the conditional offer of employment withdrawn. Such actions will be grounds for disqualification for all positions in county service.

K-13. Positive Test Results. An employee testing positive under the category of random selection, reasonable suspicion, post-accident or return-to-duty will be immediately removed from performing safety sensitive duties until they have passed a drug and alcohol test and are cleared to return to duty by the Medical Review Officer or Substance Abuse Professional.

(a) An applicant who receives a confirmed positive drug screen result or the equivalent shall have the offer of employment withdrawn and shall be subject to disqualification from application for county employment for a period of two years from the effective date of the disqualifying action.

(b) An employee who receives a confirmed positive drug screen result or the equivalent and who has not previously had a confirmed positive result shall be directed to utilize the Allen County's Employee Assistance Program for referral to an appropriate drug assessment and education or treatment program; provided, however the employer reserves the right to terminate an employee receiving a first time confirmed positive drug screen result if in addition:

1) the employee was involved in an accident or incident caused in part or in total by drug/alcohol use and injury to person/persons or property was involved, or;

2) the employee's personnel file reflects previous corrective actions which, when combined with positive drug/alcohol testing screen results, in the opinion of the employer justifies termination.

(c) An employee who receives a confirmed positive alcohol test shall be referred to a Substance Abuse Professional for appropriate assessment, education and treatment. The employer retains the same right to terminate as is provided in ARTICLE K-10(b) 1 and 2.

(d) A second positive test, whether alcohol or drug, will result in immediate termination of employment.

(e) Any employee who receives a confirmed positive drug or alcohol screen result shall be subject to dismissal:

1) if the employee has previously had a confirmed positive result; or

2) if the employee fails to successfully complete an appropriate and

approved drug/alcohol assessment and recommended education and treatment program.

(f) An employee will not be subject to dismissal solely on the basis of a confirmed positive result if the employee has not previously had a confirmed positive result, and the employee successfully completes an appropriate and approved drug/alcohol assessment and recommended education or treatment program.

(g) If any employee or applicant challenges the validity of accuracy of the confirmed positive result, they may appeal in writing to the Medical Review Officer within 72 hours of the employee/applicant having been notified of the positive result. All positive urine samples will be kept at the laboratory for a period of one year, and at the employees request may be kept longer. The Medical Review Officer and Drug Screening Coordinator should be notified of the appeal request so that arrangements for a second analysis process can be initiated on the split sample.

(h) The employee will be responsible for paying any costs associated with retesting the split sample in advance and will be reimbursed by Allen County if the retest is negative.

(i) Requirements for retention of samples and retesting are specifically spelled out in The Consortium's Protocol for Drug Testing.

K-14. Education and Treatment Program. The employee who has a positive test result will be required to provide verification to the primary contact person or secondary contact person that he/she is participating in an appropriate and authorized education and treatment program, prior to returning to duty in a safety sensitive position. In addition the employee must pass a return to duty drug and/or alcohol test.

(a) For absences during regular hours to receive substance abuse education or treatment, the employee may use accumulated sick leave and/or vacation. When accumulated sick leave and/or vacation are exhausted, time away from work will be non-compensable.

(b) Employees should consult their insurance policy for extent of nervous, mental and substance abuse coverage.

(c) If the employee's supervisor determines the employee poses a threat to safety or health at the work site while undergoing out-patient or post-care treatment, the employee may be relieved of his/her duties until such time as he/she is deemed capable to return to regular duty by the Medical Review Officer or the Substance Abuse Professional, and successfully passes a drug and/or alcohol test. For all time away from work for undergoing treatment, the employee may use any accumulated sick leave and/or vacation. When accumulated sick leave and/or vacation is exhausted, time will be non-compensable.

(d) Refusal by an employee to fully cooperate with a mandatory referral or with any recommended education or treatment program resulting from a mandatory referral or approved drug or alcohol assessment shall be grounds for employee corrective action including termination.

1) After completion of the recommended education or treatment program, the employee is required to provide or release verification to the Primary

contact person or secondary contact person that they have successfully completed the recommended education or treatment program.

2) Subsequent drug or alcohol screens will be scheduled by the Medical Review Officer or Substance Abuse Professional in consultation with Allen County, as necessary, during the authorized education or treatment program and for a period of up to 60 months after the program ends to determine or verify that the employee remains drug/alcohol free. All expenses for testing in the rehabilitation process will be the responsibility of the employee.

3) The employee will be tested a minimum of six times in the first year of follow-up.

K-15. Return to Duty Testing. An employee who refuses to take or fails a drug or alcohol test may not return to duty until the employee passes a drug or alcohol test administered as described in the county's drug testing policy and the Medical Review Officer or Substance Abuse Professional have determined that the employee may return to duty. An employee who returns to duty shall be subject to a reasonable program of follow-up drug/alcohol testing without prior notice of up to six unannounced drug/alcohol tests per twelve months for up to 60 months after return to duty. The Medical Review Officer or Substance Abuse Professional will determine the schedule of unannounced testing.

K-16. Records of Drug and/or Alcohol Testing. Any reports and documentation relating to the testing of a county employee for drugs and/or alcohol shall be maintained in the County Clerk's office in the manner specifically described in General, Drug & Alcohol Testing Records/Employee Assistance Program Records (ARTICLE A-6).

ARTICLE L. EMPLOYEE ASSISTANCE PROGRAM

L-1. Purpose. The goal of the Employee Assistance Program (referred to as EAP) is to assist employees of Allen County, who may experience personal or emotional difficulties, which may affect job performance. The EAP is available to all employees to all employees of Allen County and their immediate family members.

L-2. Policy.

(a) Allen County recognizes that personal and emotional difficulties, which may include alcohol and drug problems, marital and family difficulties, stress, anxiety, depression, financial issues, and work place conflicts, may affect any employee.

(b) Allen County recognizes personal and emotional difficulties can contribute to deterioration job performance

(c) Allen County encourages employees to utilize the services available through "SupportLine". 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) Allen 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; participation will not, however, protect the employee from corrective action for substandard job performance or rule infractions.

(f) Allen County recognizes and encourages employees to use the EAP on a voluntary basis. Allen County therefore agrees to help promote the EAP for employees and immediate family members who seek assistance with personal and emotional difficulties.

(g) The primary EAP Coordinator & Designated Employer Representative shall be the County Clerk. The Secondary EAP Coordinator & Designated Employer Representative shall be the County Treasurer.

L-3. Confidentiality Statement.

(a) Allen County recognizes that the success of the EAP will be enhanced by protecting the confidentiality of those employees utilizing the program.

(b) The "SupportLine" will not reveal the name of employees who self-refer to the EAP.

(c) Information supplied to Allen County on employees referred to the EAP, by a supervisor, will be limited to the following:

1) acknowledgment of failed or kept appointments and acknowledgment of treatment compliance.

2) 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.

(d) All information, regarding an employee's participation in the EAP, is part of the clinical record maintained by "SupportLine" and is subject to all state and federal confidentiality laws governing such medical records.

L-4. Procedure.

The EAP "Support Line" will be coordinated by an external agency, The Consortium, Inc. This program will include a toll - free 800 number, available 24 hours a day, 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 (**1-800-999-1196**). The 1-800 "SupportLine" number will be provided to each individual employee and will be posted on Allen County employee area bulletin boards.

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 would include coordination of the time, date, therapist, and location. A face-to-face contact, with a therapist, will be assured within specific time frames, according to the level of urgency.

L-5. Voluntary Referral.

The EAP 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 “SupportLine”.

L-6. Mandatory Referral

Mandatory referrals may be made to the EAP by supervisors of Allen County. 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 by a supervisor, the referral form shall be completed by the supervisor, signed by the employee and the form forwarded to the EAP coordinator of Allen County (see Exhibit A). The EAP coordinator of Allen County will contact the EAP counselor to alert them to the required contact. The employee will have 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 EAP coordinator of Allen County. Failure to contact the EAP counselor within 48 hours, without just cause, may be grounds for corrective actions, including termination.

L-7. Records of Employee Assistance Program Referrals.

Any reports and documentation relating to referrals of county employees to the Employee Assistance Program shall be maintained in the County Clerk’s office in the manner specifically described in General, Drug & Alcohol Testing Records and Employee Assistance Program Records (ARTICLE A-6)

ARTICLE M. POST ACCIDENT PROCEDURE

M-1. Purpose. It is the policy of the county to provide a safe work environment for all employees. The county is, however, aware that from time to time accidents will occur. In order to ensure protection of county employees and property, and service to the public the county commission requests this policy be adhered to.

M-2. Policy. If, while operating a county owned vehicle, or a privately owned vehicle on county business, an employee is involved in an accident that results in personal injury or any property damage, the following steps should be taken:

- (a) Notify the appropriate Law Enforcement Department *immediately*.
- (b) If needed, and if possible, assist in obtaining and/or administering medical attention for anyone injured in the accident.
- (c) Ask that all parties, property, and concerned persons remain at the scene of the accident until a law enforcement officer investigates.
- (d) Report the accident, no matter how small, to your supervisors. Appropriate notes or reports should be completed as soon as possible.
- (e) Do not discuss the accident with anyone at the scene of the accident except the investigating officer or supervisors.
- (f) Comply with all requirements of ARTICLE K-11.

M-3. Leave. Procedures for this are described in Attendance and Leave, Injury

Leave (ARTICLE E-9) and Other Employee Benefits, Workers' Compensation Benefits (ARTICLE F-4).

M-4. Corrective Action.

(a) If the conduct of a county employee involved in an accident is described in Conduct Subject to Corrective Action (ARTICLE G-5), corrective actions may be taken.

(b) If the situation described in this ARTICLE M-2(f) arise and the test results are positive the policy described in the article on Drug and Alcohol Testing (ARTICLE K-11) shall be followed.

ARTICLE N. POLITICALACTIVITY

N-1. Political Activity. It is the right of every employee to register and vote on all political issues. Employees are permitted to join political organizations, civic associations or groups and to become involved in political activities subject to the restrictions of this ARTICLE.

(a) As private citizens, employees may participate in all political activities, including holding public office, except for activities involving the holding of an appointive or elective public office incompatible with the employee's county employment.

(b) County employees are not prohibited from supporting candidates for office or from contributing labor to candidates and organizations that endorse candidates.

(c) Political activity must not interfere with job attendance or performance. Employees are not permitted to solicit or handle political contributions in county elections during on-duty hours. They are not permitted to wear or display political badges, buttons or signs on their person or on county property during on-duty hours.

(d) No supervisor or other person in authority shall solicit any county employee for contributions of money or labor for any candidate for elective office, or otherwise compel, or attempt to compel, any employee to support a candidate for elective office or to engage in any political activity.

(e) The purpose of this policy is to prevent and avoid the appearance of impropriety on the part of any county employee. County employees are neither appointed to, nor retained in, the county's service on the basis of their political affiliations or activities.

ARTICLE O. OUTSIDE EMPLOYMENT

O-1. Outside Employment. Outside employment constitutes a county employee holding a second job with another employer. Outside employment by a full-time employee is permitted only when such outside employment:

(a) is considered secondary to service with the county;

(b) does not interfere with the performance of duties for the county;

(c) no legal, financial or ethical conflict of interest results from such dual employment.

(d) is in full compliance with any departmental policies and approved by the employee's supervisor.

(e) Outside employment is not allowed during any FMLA leave, sick leave, or workers compensation leave.

ARTICLE P. WORKER SAFETY

P-1. General Safety. All employees are required to wear appropriate safety equipment and follow appropriate safety precautions according to county and/or departmental policy at all times. Failure to comply with safety policies may result in corrective action.

ARTICLE Q. RESIDENCY

Q-1. Residency. Allen County encourages all of its employees to reside within Allen County and reserves the right to require in-county residence for all or some of its employees in the future. Department heads may, at any time, require in-county residence for any employees who have any emergency related duties.

ARTICLE R. EXIT INTERVIEW

R-1. Process. At the time any employee terminates his or her employment with the County, an exit interview may be conducted by the employee's supervisor if the supervisor determines that such an interview will promote better understanding of the grounds for termination. Those who must be present at this interview are the supervisor, the employee who is leaving and, if the supervisor deems it necessary, one witness. Upon request of the employee, one other individual may be present for this exit interview. The employee will be requested to complete a form that contains the employees name, social security number, reason for leaving the county (i.e. employee terminated employment, employee retired, or employer terminated employment), date employee last worked, date of separation, supervisors name and the employee's opinion of the reason(s) for the employment being terminated. At time of termination the employee's copy of this personnel manual shall be returned to Allen County. Whether or not an exit interview is conducted, the employee's supervisor will prepare a termination summary containing as much of the information provided above as is available.

R-2. Other Required Forms. There will be other required forms to be completed upon termination. These forms are to be obtained by the supervisors from the Clerk's Office or a member of the Clerk's Office may be requested to attend the exit interview to assist in the completion of these forms. The following is a partial list of the forms that may be required:

- (a) Cobra Health Insurance form
- (b) KPERS withdrawal form
- (c) forwarding address

ARTICLE S. RECOMMENDATIONS OR EVALUATIONS

S-1. Recommendations or Evaluations of Former or Current Employees.

Allen County will provide only the following information regarding current and former employees when requested per K.S.A. 44-119a: Date of employment, pay level, job description and duties, and wage history. Upon the written request of an employee or an employee's prospective employer accompanied by a release signed by the employee, Allen County may also disclose, in writing, written evaluations

conducted prior to the employee's separation and whether the employee was voluntarily or involuntarily released from service and the reasons for the separation. Any information provided under this Article shall be disclosed by the county clerk. Department heads will supply the County clerk with any information necessary to fulfill any such information requests.

ARTICLE T. COMPUTER SYSTEM, FAX & INTERNET USAGE

T-1 Computer System & Fax Usage. Unless permitted by an employee's department head, use of the county's computer system and fax capabilities for personal purposes is not permitted. Employees should not consider as their own any files stored or maintained on county computers. All records stored on any county computer or on any part of the county computer system are county property. As a condition of initial and continued employment, all employees consent to Allen County's review and disclosure of e-mail and fax messages, internet records and all documents stored on their computer and the county computer system. There is no right to privacy in such files and messages and they may be accessed, read, downloaded or deleted in the county's regular course of business. Allen County reserves the right to disclose employee e-mail and fax messages, internet records and computer files to law enforcement personnel, government officials or to any other parties without notification to or permission from any employee. However, such information should not be disclosed without prior review by the department head or county counselor to assure that privileged information is not disclosed in violation of law. Use of county computers and the computer system must be consistent with county policies concerning professional conduct, harassment, discrimination and other work conduct policies. At no time may county resources be used to convey or communicate obscene, threatening, harassing or abusive messages to others either inside or outside the county. Failure to abide by these e-mail, fax or computer system policies through excessive personal use or use in violation of law or county policy will result in corrective action, up to and including termination of employment.

T-2 Internet Postings Policy. This policy applies to the use of multimedia and social network websites such as MySpace, Facebook, Yahoo! Groups and YouTube; Blogs; Wikis and any other site where text can be posted. While such sites generally provide a positive medium for self-expression and increased opportunities for communication, they also create new responsibilities for county employees, particularly those working in safety sensitive areas and those having access to confidential information. As a condition of employment, Allen County requires that employees observe the following policies when referring to Allen County, its programs or activities and to its employees on any internet posting site. Common sense is the best guide in deciding what to post. If you are unsure about any particular posting, contact your department head or the county counselor:

(a) In all communications and postings related to or referencing Allen County or its employees, employees must be respectful and refrain from using obscenities, profanity, or any vulgar, disparaging or threatening remarks;

- (b) Employees must not use these sites to harass or intimidate Allen County employees or any other persons whether residing inside or outside of Allen County. Behaviors that constitute harassment and intimidation include but are not limited to comments that are derogatory with respect to race, religion, gender, sexual orientation, color or disability; sexually suggestive, humiliating or demeaning comments; and threats to stalk, haze or physically injure another person;
- (c) Pictures of any safety sensitive or secured area or office may not be posted without the permission of the department head;
- (d) Private, privileged, confidential or other business related information may not be posted without the permission of the department head.

ARTICLE U. CELL PHONES

U-1. POLICY STATEMENT. County cell phones are provided to employees who, by the nature of their jobs, have a routine and continuing business need for cell phone use for official county business. The county expects appropriate and responsible use of county phones. Elected officials and department head are expected to ensure that: (1) the need for each phone is clearly justified for county business purposes; (2) that alternative solutions for work production and communication have been considered; (3) that employees are advised of this cell phone policy; (4) that employees reimburse the county for non-business use; and (5) that the use of county-owned cellular equipment is terminated when no longer justified by job requirements or when the employee has demonstrated a disregard for this policy or has terminated employment with the county.

U-2. PHONE USAGE. County cell phones are provided for official county business. The county expects appropriate and responsible use. Employees are responsible for understanding and following this policy. All county cell phone records, statements, invoices and payment documents are public record and may be subject to disclosure and review. Cell phones are intended for special applications involving safety and security or to aid in the completion of an assigned task. Phones are not intended to be used for personal convenience. Employees shall have their work phone charged and ready for use during normal working hours and at all times when work communication is anticipated or required.

U-3. UNAUTHORIZED USAGE. The following are unauthorized uses of county cell phones or personal cell phones on county time:

- (a) usage (calls or texting) in relation to an employee's personal business other than in an emergency or minimal usage;
- (b) usage for the purpose of personal entertainment such as 900 numbers or movie links;
- (c) any usage of unreasonable duration.

Employees shall reimburse the county for the cost of unauthorized usage.

U-4. PERSONAL CELL PHONE. In lieu of accepting a county cell phone and with the approval of the department head and Board of County Commissioners, an

employee may use his or her personal cell phone for county business. Department heads provide requests for approval from the Board of County Commission to receive a monthly stipend from the county. Employee shall be responsible for all of the costs associated with any personal cell phone and county shall not be required to contribute anything toward the cell phone expense other than the monthly stipend determined by the County Commission. The employee's cell phone number must be provided to the department head.

U-5. CELL PHONE SAFETY. When at all possible, employees shall refrain from placing cell calls or using a cell phone while driving a county vehicle or while on county business. If a cell phone is to be use while driving the following safety rules shall be followed:

- (a) Immediately determine if the vehicle can be safely driven to the side of the road and parked in an appropriate location for the remainder of the conversation.
- (b) Never take notes, look up phone numbers, look away from traffic or be distracted in any way.
- (c) Immediately suspend any call if driving in heavy traffic or hazardous weather conditions.

U-6. CELL PHONE BENEFIT. The reasonable value of an employee's personal use of an employer-provided cell phone and the amount of any employer-provided cell phone stipend are considered taxable income. In order to comply with current tax rules and regulations without imposing an undue burden on the county and its employees, it is the policy of Allen County that all of the stipend paid to employees for cell phone usage shall be reported on the employees W-2 as income. The county reserves the right to terminate the cell phone stipend or county-issued phone at any time.

V-1. SMOKING (SMOKING, VAPING, SMOKELESS DEVICES, CHEWING TOBACCO)

Policy. Smoking, vaping, smokeless devices and chewing tobacco are permitted only in designated areas that are outside of any county building or facility and more than 10 feet beyond the entrance to the facilities. Please be courteous and concerned about the needs of your fellow employees and others. Do not smoke, vape, or chew tobacco in restricted areas. Employees may not smoke, vape or chew in county equipment or vehicles.

ARTICLE W. PROPERTY INSPECTION POLICY.

W-1. PROPERTY INSPECTION ON EMPLOYER'S PREMISES. The County provides offices and other work space, desks, lockers, computers, and other property for employees' use while employed by the County. These items are the property of the county. Employees must not place any personal locks on any office door, desk, file cabinet, locker or other property without their supervisor's approval. The county can make no assurances about the security or privacy of any office, desk, locker, file cabinet, computer or other facility and discourages the storage of valuables,

perishables or other personal items in them. The county reserves the right to open and inspect any office, work space, desk, locker, computer, file, file cabinet or other property and its contents at any time with or without notice.

ARTICLE X. ACCOUNTING PROCEDURES.

X-1. ACCOUNTS. The Allen County Treasurer and Allen County Clerk shall maintain such separate line item accounts for county funds as may be required by law and/or any grant agreements in order to provide a record of receipts and expenditures for each such account.

X-2. RECEIPTS AND DEPOSITS. Unless otherwise provided by law, monies received by Allen County or any of its departments whether in the form of taxes, service fees, penalties, grant funds, sales proceeds or from any other source are to be delivered daily to the Allen County Treasurer for same-day deposit. All such monies shall be properly coded for allocation to the proper accounting fund. The Treasurer shall make daily deposits of all monies received into the county depository bank and shall credit the proper accounts on the Treasurer's books and records. The Treasurer's records shall reflect the amount and source of all receipts and the date of deposit.

X-3. PAYABLES. Except for the issuance of Treasurer's checks and tax disbursements as provided by law, Allen County shall pay its obligations on the 5th and 20th of each month. Vendors must submit detailed vouchers to the Allen County Clerk who shall review the vouchers and prepare them for submission to the Board of County Commissioners for final approval. After approval by the Board, such vouchers will be paid by checks issued by the Clerk and Treasurer with their facsimile signatures and signed by one of the commissioners (generally the chairperson)

ARTICLE Y. CONCEALED CARRY

Y-1. POLICY. Under Kansas law, employees of Allen County may carry a concealed handgun on their person at their work site and while on duty. Other than for law enforcement officers who are required to carry a gun, whether or not an employee of Allen County chooses to carry a concealed handgun while on duty is a personal decision for each individual. Individuals choosing to carry a concealed handgun must use all reasonable care to protect themselves and their coworkers from any harm caused by their gun. In addition to the restrictions set out below, the Allen County Sheriff may prohibit concealed or unconcealed carry into any area deemed secure pursuant to K.S.A. 75-7c20 (g) and the Chief Judge of the District Court may prohibit concealed or unconcealed carry into a courtroom or ancillary areas pursuant to K.S.A. 75-7c20(h).

with Employees choosing to carry a concealed handgun shall be required to comply the following rules:

- a. Employees on duty may not carry a concealed handgun while under the influence of alcohol or any other drug or substance. Employees on duty may not conceal carry a handgun if there is reasonable suspicion that they pose a threat to themselves or others.
- b. Employees on duty who choose to conceal carry a handgun will maintain positive control of the handgun at all times. The handgun shall be kept holstered, with safety on, concealed on the body or concealed within reach of the employee (as in a purse in possession of the employee) and shall not be left unsecured in a backpack, desk, etc. or out of reach of the employee at any time. Employees on duty who choose to conceal carry will not display, exhibit, brandish, clean or draw the handgun from its holster at any time except to use the handgun in self-defense based on a reasonable belief that deadly force is immediately necessary to protect themselves or others from an unlawful threat of deadly force.
- c. Employees who choose to conceal carry while on duty must know and understand all federal and state laws applicable to concealed carry. Areas of frequent concern include concealed carry in an around federal and state government buildings, private property and school zones. Violations of such laws can result in criminal charges and/or adverse corrective action.
- d. **All employees electing to conceal carry while on duty (other than law enforcement officers) must understand that this choice, although authorized by state law, is not within the scope of their official duties as employees of Allen County. As such, all employees choosing to conceal carry must understand that they assume all risk and liability that may result from this decision. Employees who injure themselves as a result of any accidental, negligent or intentional discharge of their handgun may not be covered by applicable workers compensation or other insurance policies. Additionally, liability for any injuries to other personnel, the public or any property damage caused as result of accidental, negligent or intentional discharge of their handgun shall be the sole responsibility of such employees.**
- e. Failure to abide by the foregoing policies shall be grounds for corrective action including termination.

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