

# **ROOKS COUNTY**

## **PERSONNEL POLICY MANUAL**

**EFFECTIVE - January 31, 2012**

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## SECTION 1 - PURPOSE AND APPLICATION OF POLICY

1.1 Intent. The Rooks County Personnel Policy has been designed to provide all County employees with a consistent set of regulations for the administration of all employee related matters. It is the intent of this policy to fulfill the requirements of all federal, state and local laws governing public employment regulations. Any questions regarding this policy should be directed to the County Commission.

As a condition of your employment it is your responsibility to read, understand and abide by the contents of this handbook. You must sign the acceptance and acknowledgment form provided herewith and return it to your department head within ten (10) days.

The information contained in this handbook applies to all employees of Rooks County, unless otherwise noted herein. It is presented as a matter of information only and its contents should not be interpreted as a contract between the county and any of its employees. **This handbook is not intended to and does not constitute any sort of contract of employment, either express or implied.**

1.2 Employment Relationship. No contract, either express or implied, exists between Rooks County and you. Accordingly, either Rooks County or you may terminate the employment relationship at any time, either with or without cause. **Employee understands and agrees that he/she is an employee-at-will under the laws of the state of Kansas and that no contract of employment exists between the employee and Rooks County.**

All employees must be able to work with and communicate with the general public and be able to work with and cooperate with all other county employees.

1.3 Amendments; Enforcement. Any amendments to this policy shall be approved by the Board of County Commissioners. All approved changes shall be communicated by the Commissioners through a memo to Department Heads and Elected Officials and posted on all employee bulletin boards which are located on the first floor of the Courthouse, the road and bridge department, shop, the health department, and the road and bridge department. It shall be the responsibility of the County Clerk to provide the necessary revisions to holders of the personnel policy manuals. If any provision of this policy (or the application of it) is held invalid, the remainder of the policy and the application of it shall not be affected. Department Heads and Elected Officials are responsible for compliance with the Rooks County Personnel Policy for employees within their respective department, including any policies additionally specified within their department.

1.4 Objectives. The following rules, regulations and other policies for personnel administration are established to:

(a) Promote and increase efficiency and economy in the County Service.

(b) Provide fair and equal opportunity to all qualified citizens to enter county employment in all occupations on the basis of demonstrated merit and fitness as ascertained through fair and practical methods of selection without regard to race, color, age, sex, religion, national origin or ancestry.

(c) Establish and maintain a uniform plan of evaluation and compensation based upon the relative duties and responsibilities or positions in the county service to assure a fair and equitable wage or salary to all employees based on a merit concept.

(d) Establish and promote high employee morale by providing good working relationships, uniform personnel policies, and opportunity for advancement without regard to race, color or sex, religion, national origin or ancestry.

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

1.6 Equal Employment Opportunity. Rooks County is an equal opportunity employer. Rooks County maintains a policy of non-discrimination with employees and applicants for employment. No aspect of employment with the County will be influenced in any manner by race, color, religion, sex, age, national origin, disability, or any other basis prohibited by law. Nothing in the previous paragraph is meant to limit or expand the county's obligation pursuant to all state, local and federal laws, rules, and regulations in all phases of employment including, but not limited to, recruitment, hiring, training, promotion, compensation, benefits, transfers and dismissals.

## SECTION 2 - ATTENDANCE, BREAKS, HOLIDAYS, AND LEAVE

2.1 Working Hours. All employees will abide by the hours set for their department. All employees shall report to work on time and work until quitting time unless excused by the department head or his/her designee. All employees reporting for work and sent home for whatever reason, except for disciplinary action, will receive 2 hours check-in time. If an employee is late due to circumstances beyond his/her control, such as inclement weather, he/she may make up the late time by working additional time at the direction and discretion of the department head.

Courthouse working hours are: 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m. for all county offices, except offices on the second floor of the Courthouse which shall remain open to the public during the noon hour. The County Treasurer's Office will close to the public at 4:30 p.m. each day. Custodian working hours will be from 7:30 a.m. to 11:30 a.m. and 1:00 p.m. until 5:00 p.m. The work week shall begin at 12:01 a.m. on Monday and end at 12:00 p.m. on Sunday.

a. Road and Bridge and Noxious Weed. Working hours for the Road & Bridge and the Noxious Weed Departments are 7:30 a.m. to 12:00 p.m. and 12:30 p.m. to 4:00 p.m. During daylight savings time each year, Road & Bridge and Noxious Weed Departments will observe summer hours: 7:00 a.m. to 12:00 p.m. and 12:30 p.m. to 5:30 p.m. All employees will be based out of the shop. Employees may or may not be required to come into the shop. Employees should be ready to start working promptly at the above designated time. Road & Bridge, Sanitation and Noxious Weed employees shall take one-half hour for lunch. Employees shall return to the shop or section area by the appropriate time.

b. Sanitation Department. Working hours for the Sanitation Department are as follows:

|           |                       |
|-----------|-----------------------|
| Monday    | 7:00 a.m. – 3:30 p.m. |
| Tuesday   | 7:00 a.m. – 3:30 p.m. |
| Wednesday | 7:00 a.m. – 3:30 p.m. |
| Thursday  | 8:00 a.m. – 12 Noon   |
| Friday    | 7:00 a.m. – 3:30 p.m. |
| Saturday  | 8:00 a.m. – 12 Noon   |

c. Sheriff On-Call Policy. Sheriff's Deputies shall be on-call once their shift is complete. They shall be on-call until the midway point of the next shift following their shift, when the Deputy next coming on duty will be considered on-call. If there is no Deputy scheduled for the next shift, the Deputy of the preceding shift will take the calls. It is the intent of this policy to provide professional law enforcement within the County and at the same time allow all officers to enjoy their off-duty time to the greatest extent possible given the duties of law enforcement.

When the Deputy on-call receives a call they will respond to the call. If the Deputy that is to take calls has personal matters to attend to, then they shall make arrangements with the Sheriff or Undersheriff to allow him/her to take care of them. Deputies are on-call during meal breaks.

Deputies called out by the Sheriff, Undersheriff, or Central Dispatch will be paid for time worked from the time called until the officer goes off-duty. Deputies called out will receive a minimum of one (1) hour's pay. When the Deputy has completed the call they must write in the time they were called out and the time they returned to off-duty status. If a Deputy is called out again it must be more than one (1) hour from the last call-out in order to receive the minimum call-out pay again.

2.2 Work Week and Pay Period. All wages and salaries are based upon a 40-hour week. Any time worked in excess of the normal work week is overtime (See §5.4). Pay period is from the 25<sup>th</sup> of one month through the 24<sup>th</sup> of the next month. Paychecks will be available after 3:00 p.m. on the last workday of the calendar month.

2.3 Breaks. Employees are customarily allowed two (2) fifteen-minute breaks for each full time tour of duty, within the discretion of the department or elected official.

2.4 Time Records. All employees shall keep an accurate record of the time worked. All employees shall have their time cards turned into his/ her department head, who shall forward same to the County Clerk as he/she directs.

Road and Bridge Department employees shall have daily time cards correctly filled out at the end of the work day. A permanent monthly time record summarizing the daily time cards will be kept at the County Road and Bridge along with daily time cards. Time cards from the Road and Bridge Department will also be taken to the County Clerk's Office for filing. All time and payable items; e.g. use of heaters, personal vehicle mileage when used on the job, etc., not reported on the time cards will not be paid.

2.5 Holidays. Full-Time employees shall receive paid holidays as the Commissioners establish each year.

a. Birthday. Full-Time employees will be allowed one (1) day paid leave for his/her birthday each year. This day may be used at any time during the year, but must be used in a full day increment.

2.6 Vacation Full-Time Employees. All Full-Time employees shall earn paid vacation time as follows:

a. New employees. New employees earn one-half (½) day of paid vacation for each month worked during their first year of employment. An employee must work six (6) months before they take any vacation leave. If an employee terminates employment before completion of six (6) months of continuous service, he/she shall receive no vacation pay.

b. Employees with 1 – 10 Years of Service earn one (1) day of vacation per month.

- c. Employees with 11 – 15 Years of Service earn 1.1666 days of vacation per month for a total of fourteen (14) days per year.
- d. Employees with 16 – 20 Years of Service earn 1.333 days of vacation per month for a total of sixteen (16) days per year.
- e. Employees with 21 – 25 Years of Service earn 1.5 days of vacation per month for a total of eighteen days (18) per year.
- f. Employees with 26 plus Years of Service earn 1.75 days of vacation per month for a total of twenty-one (21) days per year.

g. Taking Leave. Vacation time will be allowed in hourly increments. No employee may take more vacation time than they have actually accumulated. In other words, no employee may have a negative vacation day balance. Any leave taken in excess of accrued vacation time will be without pay. Employees must use any available vacation leave before they will be allowed leave without pay.

Vacation days shall be applied for and must be scheduled in advance with the department head or elected official. Emergency vacation leave shall be applied for as soon as possible upon returning. Approval of vacation leave will be at the discretion of the department head. Multiple applications for the same dates of vacation will be prioritized by earliest date of application and seniority.

h. Accumulation. A maximum of ten (10) days vacation leave can be accumulated and carried over to the next calendar year.

i. Vacation Buy-Back. Rooks County will pay \$30.00 per day to buy back an employee’s vacation not used in a calendar year. The maximum to be paid is:

|                              |    |          |
|------------------------------|----|----------|
| After 1 year of employment   | -- | 48 hours |
| After 10 years of employment | –  | 56 hours |
| After 15 years of employment | –  | 64 hours |
| After 20 years of employment | –  | 72 hours |
| After 25 years of employment | –  | 84 hours |

When the county buys back the vacation leave, the employee receives the pay only. The employee must first carry forward ten (10) days of vacation leave to the next year, before being paid for any unused vacation days.

j. Holiday During Vacation. County holidays, which occur during the taking of an employee’s authorized vacation leave, will not be counted as a day of vacation.

2.7 Benefits - Part-Time Employees with 12 Years Employment. All part time employees with at least twelve (12) years of continuous service shall receive vacation and sick leave. The amount of sick and vacation leave earned by an eligible part-time employee is based upon the number of hours worked each month divided by 173.33 hours. *For example*, if an eligible part-time employee works 80 hour per months divided by 173.33 hours, then he/she would earn 46% of the leave earned by a full-time employee with the same years of service (longevity) to the county. In posting, sick leave is rounded to the nearest quarter hour. Vacation is posted as exact.

Eligible part-time employees shall also earn pro-rated hours for personal leave. Sixteen (16) hours will be pro-rated based on the total number of hours worked the previous year. *For example*, if an eligible employee worked 405 hours the previous year; divide 405 hours by 2080 hours to earn 19% of sixteen hours or 3.00 hours of personal leave for the year.

Eligible part-time employees shall NOT earn any holidays, funeral, jury or civil leave, birthdays or maternity leave.

2.8 Personal Leave. Full time employees will earn personal leave as follows: a pro-rated percentage of eight (8) hours from the date of employment through the end of the year. Starting January 1 of the following year each employee shall be granted sixteen (16) hours of personal leave. Personal leave may be granted the same day as requested and must be taken in fifteen (15) minute increments.

2.9 Sick Leave. Full-Time employees shall be entitled to paid sick leave for absences resulting from illness, injuries, accidents or other physical incapacity, occurring either on or off the job. Sick leave is intended for use by the employee in cases of illness, injury, accidents or other physical incapacity or doctor appointments for the employee, employee's spouse or dependents. No employee shall be permitted to use sick leave for any period spent on unauthorized leave. No employee shall be entitled to sick leave until they have worked one (1) month. No employee may take more sick leave than they have actually accumulated. In other words, no employee may have a negative sick leave balance. Any leave taken in excess of accrued sick leave time will be without pay. The provisions of the Family and Medical Leave Act may apply in some circumstances, please see 2.15 below. Sick leave must be taken in 15 minute increments.

a. Amount of Sick Leave. Full-Time employees shall earn one (1) day of sick leave for each month of service.

b. Accumulation of Sick Leave. Sick leave may be accumulated. No employee may accumulate more than ninety (90) days of sick leave. Full-Time employees with over ninety (90) days sick leave will be paid \$30.00 for each day above the ninety (90) days, but limited to a maximum of twelve (12) days buy-back per year. Sick leave cannot be used for vacation leave. Sick leave with pay may be granted only for absence from duty because of personal illness of the employee or employees may be granted the use of sick leave to care for their husband, wife, children, father, mother, brothers, sisters, grand-parents, grand-children, and in-laws.

c. Doctor's Certificate. A department head may require a signed statement from a health care provider verifying the employee's inability to perform his or her assigned duties because of illness. The county shall pay any doctor's charges for this report.

d. Notification. 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 within a reasonable time before the beginning of the first workday for

which sick leave is taken.

e. Abuse of Sick Leave. Sick leave cannot be used for vacation leave. An employee who improperly claims sick leave shall be subject to disciplinary action, including loss of pay or dismissal. Sick leave hours may not be used for purposes other than the purposes outlined in this section.

f. Donated Sick Leave. An employee who has accumulated 90 days of Sick Leave may completely at his/her discretion donate all or part of his/her accumulated Sick Leave to another employee. The decision to donate Sick Leave to another employee is entirely discretionary. The donator must maintain 90 days of Sick Leave to carry forward to the next year. In other words, the donator may only transfer his/her accumulated Sick Leave in excess of 90 days.

2.10 Funeral Leave. In the case of death of a member of an employee's immediate family (to include only the spouse, children, parent, sibling, grandparents, grandchildren, or close-relatives by marriage of the employee or employee's spouse), a Full-Time employee shall be granted funeral leave not to exceed three consecutive working days.

2.11 Injury Leave/Workers Compensation. All injuries occurring on the job shall be reported immediately, in writing, to the Rooks County Clerk's Office by the injured employee and their supervisor or department head. The Rooks County Clerk's Office and injured employee shall complete *Employers Report of Accident* within ten (10) day of the injury. Any employee injured on the job shall be eligible to receive injury leave with pay during the seven-day waiting period for workers' compensation claims.

2.12 Civil Leave.

a. Civil Leave With Pay. An employee shall be given necessary time off with pay (1) when performing jury duty, (2) when appearing in court as a witness in answer to a subpoena or as an expert witness when acting in an official capacity in connection with the County, (3) when performing emergency civilian duty in connection with national defense, (4) 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, or (5) when providing military services at funeral ceremony, not to exceed four (4) hours paid leave.

b. Civil Leave Without Pay. If an employee is involved in a personal lawsuit either as a plaintiff or as 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.

2.13 Blood Donation. Employees may, at the discretion of the department head or elected official, be allowed one and one-half (1.5) hours of paid leave for the purpose of donating his or her blood.

2.14 Cutoff. Vacation, sick leave and personal leave will be cut off on the 24<sup>th</sup> of December for the end of the year.

2.15 Family and Medical Leave Act (FMLA). Upon advance written request, any eligible employee will be granted up to 12 weeks of unpaid family and medical leave during any 12-month period. Such leave will be available as the result of the birth, adoption or placement of a child for foster care, to care for a spouse, child or parent with a serious health condition or disabling illness of the employee. "Serious health condition" shall be defined as an illness, injury, impairment, or physical or mental condition involving inpatient care or continuing treatment or supervision by a health care provider.

Employees should have his/her health care provider complete a special certification form for FMLA leave. FMLA leave is to be used only for the birth, adoption or placement of a child for foster care, to care for a spouse, child or parent with a serious health condition or due to a serious health condition or disabling illness of the employee. It is not to be used in lieu of any other kind of leave as designated in this Handbook.

a. Notice. Eligible employees are required to provide at least thirty (30) days advance written notice of the need for leave for birth, adoption, or planned medical treatment. Notice shall be given to the employee's department head. No notice is required for unforeseen events such as premature birth or sudden changes in the patient's condition that requires a change in scheduled medical treatment. Rooks County also recognizes that parents who are waiting to adopt a child are often given short notice. Notice is waived for employees who face emergency medical conditions or unforeseen changes.

b. Eligibility. An employee eligible for leave under the Family and Medical Leave Act must have worked for a covered employer who employs fifty (50) or more employees. An eligible employee must have worked also for the employer at least 12 months and for a minimum of 1250 hours during the previous year. Where a husband and wife work for the employer, the total number of weeks leave to which both are entitled will be limited to 12 weeks during any 12 month period. Where leave is requested as a result of a serious health condition, the employee will provide the employer a certification statement issued by a health care provider. Should there be a question of validity of the certification provided by the employee the covered employer, at its own expense, may require an opinion from a second health care provider. Where there is a conflict between the two opinions, the employer may pay for the opinion of a third provider. The opinion of the third provider is binding on both the employee and employer.

c. Certification. Employees must provide certification explaining their own serious health condition or that of a family member. It should detail the date on which the condition began; the probable duration of the condition; appropriate medical facts regarding the parent or child; a statement that the employee's own health condition makes it impossible for him or her to work.

d. Certification for Return to Work. All employees returning from medical leave caused by their own illness will be required to obtain medical certification from employee's health care provider that the employee is able to resume work.

e. Reporting Requirements. Employees on leave status will be required to report their status on a weekly basis. The employee's estimated date of return to work will be communicated to the appropriate Rooks County compliance officer or supervisor as far in advance as practical so that scheduling can be facilitated. Supervisors will communicate with employees during the leave to determine the employee's intention to return to work, and they should be informed immediately if the medical condition changes or the employee states that he or she will not be returning to work.

f. Vacation and Sick Leave. Employees on family leave will not accrue any seniority, vacation or sick leave benefits.

g. Health Insurance Coverage. Rooks County will continue to provide health care coverage under the same provisions as prior to the leave. Where the employee fails to return to work from leave or fails to work 120 days following returning to work, Rooks County can recover the premium(s) that have been paid on behalf on the employee to maintain health care coverage. If failure to return to work is due to the continuation, recurrent, or onset of a serious health condition beyond the employee's control, the employee will not be liable for health care premiums paid while on family leave. In such cases, a

certification issued by a health care provider will be required.

h. Reduced or Intermittent Leave. The employee and Rooks County may work out an agreement by which leave may be taken intermittently or on a reduced leave schedule. While this would not change the employee's 12-week entitlement for the full-year period, it would enable him or her to spread the leave over a longer period of time. Employees who take intermittent leave may be transferred to another position that would better accommodate a Part-Time schedule. They would receive equivalent pay and benefits during the temporary transfer.

i. Restoration. An employee returning from family leave will be entitled to return to their position or to a position with equivalent benefits, pay and other terms and conditions of employment. Employees who are on a family or medical leave during a lay-off will be treated in exactly the same way as they would have been treated if they were not on leave. They will not be given preferential treatment because of the leave nor will it be held against them in the lay-off selection. They will be recalled to work in the same order as they would have been under normal circumstances.

j. Key Employees. Under certain conditions, employees who are designated as "key" may be denied job restoration rights. These employees must be in the highest paid ten (10) percent of the work force, and their absence must mean a substantial economic loss to Rooks County. Supervisors are urged not to use a "key" person designation unless absolutely necessary. If a person designated as "key" still takes family leave, Rooks County will pay the health care premiums, but no guarantees are made about returning the key employee to the job he or she left. Rooks County will not attempt to recover health care premiums from such employees who do not return to work.

2.16 Soliciting. Employees are expected to work while on duty. All soliciting on county property is expressly prohibited, except when such solicitation is directly related to county business. For the safety of employees, no unauthorized persons will be allowed on county property in places designated as "employees only" and signs will be posted clearly indicating the same.

### SECTION 3 - RECORDS AND REPORTS

3.1 Personnel Forms. Personnel related forms are maintained in the County Clerk's Office. Processing of these forms will be addressed under the appropriate section relating to the specific action.

3.2 Records. The County Clerk shall maintain the following records for each Rooks County employee, unless preempted by federal law:

1. Vacation leave earned, used and unused.
2. Sick leave earned, used and unused.
3. Employee name, address, telephone number.
4. Title of position.
5. Date employed.
6. Social Security number.
7. Department.
8. Appointment status.
9. Salary rate.

10. Change in status, transfer.
11. Application form, resume, transcripts and letters of recommendation.
12. Retirement forms and information.
13. Other records as required.
14. Disciplinary action forms.
15. Performance evaluations.
16. All personnel forms.

### 3.3 Availability of Employee Records.

a. Employee's Rights. Employees have the right at any time to inspect their own official employee files within either the County Clerk's Office or their Department Head or Elected Official's office.

b. Kansas Open Records Act. Under K. S.A. 45-215 et seq., the Kansas Open Records Act, any member of the public may request, and shall be provided, the names, positions, salaries and length of service of officers and employees of the County once they are employed as such. No other information shall be provided without the express permission of the employee or officer.

c. Other Access. Employee records may not be inspected except by the Department Head, the Board of County Commissioners, (or by the employee) unless the employee provides written permission for the inspection. Any request to inspect records shall be made to the County Clerk, Department Head or Elected Official during normal working hours. Records may not be removed during inspection from the office in which they normally reside.

3.4 Protection of Confidential Information. Each Department Head or Elected Official is responsible for authorizing the release of any information from County records. Employees shall request such authorization prior to the release of information from County records. Requests for information from public records must be honored within three working days of the request.

## SECTION 4 - RECRUITMENT AND PROMOTION

### 4.1 Definitions.

a. Full-Time Employee is one employed to work a normal week of at least forty (40) hours on a regular and continuing basis. The work week is any consecutive seven day period, except as otherwise provided.

b. Part-Time employee is one employed to work less than forty (40) hours per 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.

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.

e. Probationary Employee is a Full-Time or Part-Time employee that has not completed the prescribed initial probationary period.

f. Permanent Employee is a Full-Time or Part-Time employee who has satisfactorily completed the prescribed initial probationary period.

4.2 Recruitment. It shall be the policy of the County to provide fair and equal opportunity to all qualified persons to enter County employment on the basis of demonstrated merit and fitness determined by fair and practical methods of selection, without regard to race, color, sex, disability, religion, age, national origin or ancestry.

4.3 Qualification of Employment. All new applicants for any position with the County shall meet the minimum qualifications established for that position. Each applicant shall complete a job application form. A medical examination or other testing, including drug testing, may be required only after an offer of employment has been made, provided that, such exams or testing are required of all such applicants who are offered employment in similar positions or position classifications. The offer of employment is contingent upon applicant passing required tests.

4.4 Probationary and Training Period. Each employee, following initial employment, shall satisfactorily complete a three (3) month probationary period before being granted permanent employee status.

a. Purpose. The probationary period is to be used as an evaluation process for new employees, employees who have been separated from County service for more than 180 days, and employees who have been transferred or demoted. An employee may be dismissed at any time during the probationary period without the right of appeal or hearing, except in cases of alleged discrimination.

b. Period of Probation. The probationary period for new employees shall be three (3) months in length. At the end of three (3) months, an evaluation of the employee's performance shall be performed. Immediately following the three month evaluation the Department Head or Elected Official shall dismiss the employee or request permanent status.

4.5 Promotion. It is the policy of the County to fill vacancies for supervisory, skilled and upper-level positions from within the ranks of present employees whenever possible. All employees seeking promotion shall be expected to meet the minimum qualifications for the class to which they seek promotion. 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 offered promotions in similar positions or position classifications. The offer of promotion is contingent upon applicant passing required tests.

a. Probation and Performance Evaluations for Employees Who Have Been Promoted, Transferred or Demoted.

(1) Probationary Period. A three (3) month probationary period shall be imposed for employees who have

been promoted, demoted, or transferred laterally into a different position. This probationary period shall not interfere with the employee's ability to utilize any benefits (such as accumulated vacation leave). At the end of three (3) months, an evaluation shall be performed of the employee's performance, and the employee shall be terminated or the employee's probation shall end.

(2) Performance Evaluation. Employees who have transferred (either laterally or promotional) from one department to another or within a department shall be subject to a three (3) month probation period. The performance evaluation shall continue to be completed on the employment anniversary date.

4.6 Citizenship 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.

4.7 Minimum Age Employment Policy. Employees shall be at least eighteen (18) years of age except in the case of temporary appointments and except where age requirements constitute a bona fide occupational qualification. Temporary employees shall be at least sixteen (16) years of age. Employees under sixteen (16) years of age shall require special consideration and approval by the Department Head or Elected Official.

4.8 Hiring and Promotion Procedures.

a. Advertising. Job vacancy notifications will be published in the both newspapers and posted on all Rooks County bulletin boards, located on the first floor of the courthouse, the road and bridge department, shop, and the health department. Department Head or Elected Official may also publish or post notices with such other sources as he/she determines will be useful in notifying the public of the opening. All advertisements must include the job title, the required and preferred qualifications, the application process, the deadline for application, and the phrase "EOE". The application process shall be open for at least ten (10) calendar days from when the ad first appears; exceptions may be approved by the Department Head or Elected Official. In an emergency situation, the Department Head or Elected Official may hire someone on a temporary basis during the advertising period.

(1) Internal Notices. These notices shall be posted in a visible location, and shall include the job title, required qualifications, grade level, and deadline for application.

(2) Exceptions. At the discretion of the Department Head or Elected Official, positions and promotions which are routinely filled internally may be exempt from external advertisement, however they shall be subject to internal notices as set forth above.

b. Application Process. All candidates for County positions must submit applications/resumes to the respective Department Head or Elected Official.

c. Employment Physical Examination. Employment physical examination and inquiries can only be used to determine the ability of an applicant to perform job related functions.

d. Records. All applications, interview notes, and other information relating to the hiring process shall be filed

together by the Department Head or Elected Official for a period of two (2) years, if not chosen for employment, and permanently if employed.

e. Begin Work. All newly hired employees will begin work on the first day of the pay period. In other words, no new employee will begin working during a pay period.

## SECTION 5 - COMPENSATION

5.1 Positions and Wages. Except for the offices of the County Clerk, Treasurer, Sheriff and Register of Deeds, all positions and wages shall be established by the Commissioners. Each county position shall have a written job description approved by the Commissioners. An employee's continued employment at the wage rate within the position assigned to him or her shall be contingent upon the provisions outlined in 5.2 below.

a. Part-Time Employees. Employees working on a Part-Time basis shall receive that portion of the wage assigned to their position to be determined by the Commissioners based upon actual time worked. The hourly wage for persons employed on a monthly wage basis is computed as follows: Monthly wage times 12 divided by (hours worked per week x 52) equals wage per hour for Full-Time employees.

b. Longevity. Employees with continuous employment are eligible for longevity raises. The longevity raise is calculated as a percent of the base pay figured as follows:

- (1) During the first year of employment, the employee will receive the base pay for his/her position.
- (2) Beginning the second year of employment, the employee will receive 105% of base pay for his/her position.
- (3) Beginning the fourth year of employment, the employee shall receive a three percent (3%) raise.
- (4) Beginning the seventh year of employment, the employee shall receive a three percent (3%) raise.
- (5) Beginning the tenth year of employment, the employee shall receive a two percent (2%) raise.
- (6) Beginning the twelfth year of employment, the employee shall receive a two percent (2%) raise.
- (7) Beginning the seventeenth year of employment, the employee shall receive a two percent (2%) raise.
- (8) After twenty-one (21) years of employment, the employee shall receive a two percent (2%) raise every five (5) years.

5.2 Performance Evaluations. Employee performance evaluations will be considered in determining: (1) wage increases and decreases within the limits established by the Commissioners, (2) as a factor in promotions, (3) as a factor in determining the order of layoffs, and (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.

An evaluation of the performance of each Full-Time and Part-Time employee based on his or her duties and responsibilities shall be prepared by the employee's immediate supervisor at least annually. The evaluation shall be in writing on forms approved by the Commissioners. The supervisor shall evaluate at least quarterly for any employee who has received a poor performance rating. A probationary or training employee shall be evaluated upon completion his or her probationary or training period. The supervisor shall present the evaluation to the employee and allow the employee the opportunity to respond.

Evaluations, upon review by the supervisor and after the employee has had an opportunity to respond, shall be placed in the employee's personnel file.

5.3 Pay on Termination. An employee, whose termination with the County is not for cause, shall receive his or her final paycheck on the first regularly scheduled payday following his or her termination. Employees discharged for cause will receive their final paycheck not later than the close of their final day of employment or as soon thereafter as is practical. 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.

5.4 Overtime. Compensation for authorized overtime work shall be at the rate of one and one-half (1½) times the employee's regular rate of pay. Hours worked in excess of a normal work week, i.e. 40 hours in a work week, is overtime. 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 department head, 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 (1½) times the hours of overtime worked. Comp time must be used within six (6) months of the month in which it is earned, otherwise the employee will be paid overtime pay. No person employed in an administrative, executive or professional position, as defined by the federal Fair Labor Standards Act, shall be eligible for overtime pay. For the purpose of determining Overtime, earned leave used will be counted as time worked.

a. Authorization. All overtime work must have prior authorization by the employee's department head. At the time of authorization, the department head and the employee shall agree whether the overtime compensation shall be in the form of additional wages or compensatory time off. The department head shall maintain records of any overtime worked.

b. Termination. Upon termination of employment, the accrued compensatory time will be paid to the employee either at the average rate of pay received during the last three years of employment, or at the final regular rate of pay received, whichever is higher.

## **SECTION 6 - EMPLOYEE CONDUCT AND REGULATIONS STANDARDS**

**Failure to abide by the following provisions shall be grounds for disciplinary action or dismissal.**

6.1 Notification of Changes of Address or Telephone Numbers. Employees are required to notify their Department Head or Elected Official promptly of any change of address or telephone numbers so that employees may be contacted at all times either by telephone or mail. The Department Head or Elected Official is responsible for notifying the County Clerk's office of the change.

6.2 Employment of Spouse or Relative. Rooks County prohibits any Elected Official or Department Head from the initial hiring in their department of their spouses, children (including both adopted and step-children), brothers, sisters, aunts, uncles, cousins, or parents. This prohibition also shall apply to the hiring of grandparents, grandchildren, In-laws of the first and second degree. Part-Time and seasonal employees are expressly excepted from this section.

6.3 False Statement. No person shall willfully or corruptly make any false statement, certificate, mark, rating, or report in regard to any test, certification or appointment held or made or in any manner commit or attempt to commit any fraud preventing the impartial execution of these personnel policies.

6.4 Special Treatment. No person seeking appointment to, or promotion in the County service shall either directly or indirectly, give, promise, render, or pay any money, service or other valuable thing to any person for, or on account of, or in connection with his/her test, appointment, proposed appointment, promotion or proposed promotion.

6.5 Obstruction of Employment. No employee of the County shall defeat, deceive or obstruct any person in his/her right to examination, eligibility, certification, or appointment under the provisions of this policy, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment.

6.6 Discrimination. Discrimination against any person in recruitment, examination, training, promotion, retention, discipline or any other aspects of personnel administration because of political or religious opinions or affiliations, or because of race, sex, national origin, physical handicap, or other non-merit factors shall be prohibited. Discrimination on the basis of age, sex or physical disability shall be prohibited except where age requirements constitute a bona fide occupational qualification. Rooks County has an Affirmative Action Policy in place.

6.7 Use of County Property. County equipment shall be used for county business only. Employees shall not use County property except for County functions unless required as a condition of employment (e.g., vehicles).

6.8 General Conduct. Employees shall be courteous and respectful at all times to both the general public and other employees. They are expected to be governed by principles and ordinary rules of good behavior and judgment. Employees are expected to be just and honorable in their relations with each other; they shall not make false reports concerning another employee or department. Further, they shall not act in a manner calculated to create disturbance or dissension. Employees shall refrain from altercations, disorderly conduct and the use of profane, abusive or improper language.

6.9 Performance. Employees shall perform their duties promptly, competently, efficiently, and honestly.

6.10 Drugs and Alcohol. The Board of County Commissioners of Rooks County, Kansas, has adopted the following as a drug-free workplace policy:

a. The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the workplace and employees who violate this prohibition will be subject to criminal prosecution and discharge from employment.

b. A drug-free awareness program shall be established to inform employees about:

- (1) The dangers of drug abuse in the workplace.
- (2) Rooks County's policy of maintaining a drug-free workplace.
- (3) Available drug counseling rehabilitation and employee assistance programs.
- (4) Penalties that may be imposed upon employees for drug abuse violations.

- c. All employees will be given a copy of this statement and will agree:
- (1) To abide by the terms of this statement;
  - (2) To notify their supervisor of any criminal drug statute conviction for violation occurring in the workplace no later than five days after such conviction.
  - (3) To make a good faith effort to maintain a drug-free workplace.

d. Policy Statement: It is Rooks County's policy that employees shall not be under the influence of or in possession of drugs and alcohol; nor possess drugs and alcohol while on Rooks County property, at work locations, or while on duty or subject to being called to duty; sell or provide drugs or alcohol to any other employee or to any person while such employee is on duty or subject to being called; nor have the ability to work impaired as a result of the use of drugs or alcohol.

(1) While use of medically prescribed medications and drugs is not per se a violation of this policy, failure by the employee to notify his/her supervisor, before beginning work, when taking medications or drugs which could foreseeably interfere with the safe effective performance of duties or operations of Rooks County equipment can result in disciplinary action, up to and including termination. In the event there is a question regarding an employee's ability to safely and effectively perform assigned duties while using such medications or drugs, clearance from a qualified physician may be required.

(2) Rooks County reserves the right to search, without employee consent, all areas and property in which Rooks County maintains full control or joint control with employees.

(3) Otherwise, Rooks County may notify the appropriate law enforcement agency that an employee may have illegal drugs in his or her possession or in an area not jointly or fully controlled by Rooks County.

(4) Refusal to submit immediately to a drug analysis when requested by a supervisor for reasonable suspicion or as deemed necessary will constitute insubordination and will be grounds for termination.

(5) Employees reasonably believed to be under the influence of drugs or alcohol shall be prevented from engaging in further work and shall be detained for a reasonable time until he or she can be safely transported from the work site.

(6) Rooks County is committed to providing reasonable accommodation to those employees whose drug problem classifies them as handicapped under federal and/or state law.

(7) Rooks County will establish a voluntary Employee Assistance Program (EAP) to assist those employees who voluntarily seek help for drug or alcohol problems. Employees should contact their supervisors or the EAP Counselor for additional information.

e. Guidelines:

(1) Application: This policy applies to all employees of and to all applicants for positions with Rooks County. Employees will be grouped into two categories.

A. Group A employees are those employees who's job description requires a Commercial Drivers License (CDL) for performance of duties and Employees who hold safety/sensitive positions where, if impaired by drugs or alcohol, the Employee would present a serious danger to himself/herself or others. Safety sensitive positions would include but not be limited to Rooks County Health Administrator, Rooks County Health Nurse, Health Secretary II, Public Works Director, Road & Bridge Supervisor, Weed Control Director, Shop Foreman, Bridge Foreman, Mechanic, Heavy Equipment Operator, Rural Patrol Operator, Truck Driver, Weed Control Sprayer, Laborer, Landfill Manager, Engineering Aide, Clerk III, Parts Clerk, Gatekeeper/Clerk, Clerk I, Environmental Sanitarian, Sheriff, Undersheriff, Lieutenant, Detective, Sergeant, Deputies, Detention Officers, and Reserve Detention Officers and Reserve Deputies.

B. Group B would include all other employees.

This policy applies to alcohol, drugs or medications, legal or illegal, which could impair an employee's ability to effectively and safely perform the functions of the job.

(2) Employee Responsibilities: An employee must:

A. Not report to work or be subject to duty while his/her ability to perform job duties is impaired due to on or off duty drug or alcohol use. Group A employees will not report for duty within four hours after using alcohol or perform safety sensitive functions while having an alcohol concentration of 0.04 or greater.

B. Not possess or use impairing drugs (illegal drugs and prescription drugs without a prescription) or use alcohol during working hours or while subject to duty, on breaks, during meal periods or at any time while on departmental property. Group A employees will not possess alcohol, unless the alcohol is manifested and transported as part of a shipment;

C. Group A employees may be required to submit to post-accident alcohol testing. No driver required to take a post-accident test shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first;

D. Not directly or through a third party sell or provide drugs to any person, including any employee, while either employee or both employees are on duty or subject to being called;

E. Submit immediately to a drug or alcohol test when requested by the supervisor who has reasonable suspicion that the employee is under the influence of drugs or alcohol. In addition, no group A employee shall refuse to submit to random drug and alcohol testing, post-accident drug and alcohol testing, pre-employment drug and alcohol testing, or follow-up drug and alcohol testing as requested by their supervisor. Refusal will be considered willful misconduct and will result in termination;

F. Notify his/her supervisor, before beginning work, when taking any medications or drugs, prescription or non-prescription, which may interfere with the safe and effective performance of duties or operations of Rooks County

equipment; and

G. Provide within 24 hours of request, a bonafide verification of a current valid prescription for any potentially impairing drug or medication identified when a drug screen/test is positive. The prescription must be in the employee's name.

(3) Management Responsibilities and Guidelines:

A. Training: Rooks County will ensure that persons designated to determine whether reasonable suspicion exists to require an employee to undergo testing receive at least 60 minutes training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

Rooks County will provide, for all group A employees including those covered by FHWA 382 and all subparts, education that explains the requirements of this part and the employer's policies and procedures with respect to meeting these requirements. Rooks County shall ensure that a copy of these materials is distributed to each Group A Employee prior to the start of alcohol and drug testing. Each Group A Employee will also be required to sign a statement certifying that he or she has received a copy of these materials. In addition, Rooks County will provide written notice to representatives of employee organizations of the availability of this information.

B. A supervisor may request that an employee submit to a drug or alcohol test when the supervisor has reasonable suspicion that an employee is under the influence of drugs or alcohol while on the job or subject to being called. "Reasonable Suspicion" is when a supervisor has reason to believe that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is impaired or so that the employee's ability to perform his/her job safely is reduced. For example, any of the following, alone or in combination, may constitute reasonable suspicion:

1. Slurred speech;
2. Unsteady walking and movement;
3. An accident involving departmental property;
4. Physical altercation;
5. Verbal altercation;
6. Unusual behavior;
7. Possession of drugs;
8. Possession of alcohol;

The supervisor requesting an employee to submit to a drug or alcohol test should document in writing the facts constituting reasonable suspicion that the employee in question is under the influence of drugs or alcohol.

C. In addition to reasonable suspicion testing all group A employees including all those covered by FHWA 382 may be required to undergo alcohol and controlled substances pre-employment, post-accident, random, and follow-up testing.

An alcohol test which indicates an alcohol concentration of less than 0.02 is negative. An alcohol concentration between 0.02 and 0.0399 shall result in a temporary suspension without pay for 24 hours. A positive drug test, an alcohol test indicating an alcohol concentration 0.04 or greater, or refusing to submit to testing is a violation of FHWA 382 mandate and the Rooks County Drug Free Workplace Policy. Pre-employment testing will be required prior to the first time a Group A Employee performs safety sensitive functions for Rooks County. The employee will be required to undergo alcohol and drug testing. Rooks County will allow a Group A Employee to perform safety sensitive functions if an alcohol test indicates an alcohol concentration of less than 0.02 and has received a controlled substances test result indicating a verified negative test.

Any driver involved in an accident while operating a commercial motor vehicle or any County motor vehicle will be required to undergo drug and alcohol testing if the accident involved loss of life or if the driver received a citation under State or local law for a moving violation arising from the accident. Testing shall be done as soon as practicable. If an alcohol test is required and not administered within 2 hours documentation will be prepared and maintained on file stating the reasons why. If, after 8 hours, the alcohol test is not administered Rooks County will cease attempts and document and prepare the same record. If a drug test is required and not administered within 32 hours following the accident, Rooks County will cease attempts to administer a controlled substance test, and prepare and maintain on file documentation stating the reasons the test was not administered promptly. Any driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by Rooks County to have refused to submit to testing.

Rooks County will provide random drug and alcohol testing for all Group A Employees, including those required by the FHWA mandate. 50 percent of all Group A Employees for each county department will be required to undergo controlled substances testing on an annual basis. Group A Employees will be selected by a computerized random number selection process for each department with every Employee having an equal chance of being tested each time selections are made. Random drug and alcohol tests will be unannounced and dates for administering such tests will be spread reasonable throughout the year into set pattern. Random testing will only be administered while the Group A Employee is performing safety sensitive functions, just before the Group A Employee is to perform safety sensitive functions, or just after the Group A Employee has ceased performing such functions.

Rooks County will provide follow-up alcohol and controlled substance testing for any Group A Employee returning to duty including those engaging in conduct prohibited by FHWA 382 and all subparts. Group A Employees may not return to duty unless an alcohol test indicates an alcohol concentration of less than 0.02 and/or a controlled substances test is a verified negative.

D. In addition, Rooks County may provide follow-up drug and/or alcohol testing on any Rooks County employee who voluntarily enters a drug or alcohol abuse EAP as directed by such employee's Substance Abuse Professional in order to determine compliance of any rehabilitation program prescribed.

E. A supervisor encountering an employee who refuses an order to submit to a drug or alcohol analysis upon request shall remind the employee of the requirements and disciplinary consequences of this policy. Where there is reasonable suspicion that the employee is then under the influence of drugs or alcohol, the supervisor should detain the employee for a reasonable time until the employee can be safely transported home.

F. Department Heads shall notify the Sheriff of Rooks County when they have reasonable suspicion to

believe that an employee may have illegal drugs or alcohol in his or her possession or in an area jointly or fully controlled by Rooks County. If the Sheriff concurs there is reasonable suspicion of controlled substances or alcohol possession, the Sheriff shall notify the Rooks County Attorney.

(4) Testing Protocol:

A. Urinalysis testing will be used to test for any controlled substances which could impair an employee's ability to effectively and safely perform the functions of his/her job, including, but not limited to marijuana, cocaine, PCP, opiates, and amphetamines. All Group A employees urinalysis will be completed through a NIDA certified lab.

B. Prior to submitting to a urinalysis for a controlled substance test an employee will be required to remove their outer layer of garments (including coats, jackets, and sweaters). In addition, employees will be required to remove bulky items such as billfolds, keys, etc. from their person. An employee will not be permitted to carry any baggage into the toilet facility. At no time shall a person engage in direct observation of the employee while such person provides a urine sample. Other procedures to prevent substitution of samples may be employed in accordance with the "no direct observation" rule. Employees will be provided appropriate specimen containers and chain-of-custody form.

If an employee is unable to give a urine sample when requested for testing of controlled substances such employee may be detained by supervisory personnel for a reasonable period of time not to exceed 2 hours. During such time the employee may consume no more than 24 oz of fluid. If, following a reasonable period of time, the employee cannot produce a urine sample for testing, such action may be interpreted as refusal.

C. The drug screening test will be the Enzyme Immunoassay (EMIT) test. If the initial result is positive, a confirmation test, which shall be the Gas Chromatography/Mass spectrometry (GC/MS) test, shall be performed.

D. Alcohol concentration will be determined with breath analysis. If breath analysis is used either infrared or fuel cell technology may be utilized. Only Breath Alcohol Technician (BAT) certified personnel may conduct breath analysis for alcohol testing.

(5) Results of Drug and Alcohol Analysis:

A. If a controlled substances or alcohol test is positive, Rooks County shall conduct an investigation to gather all the facts. Employees must provide, within 24 hours of request, bonafide verification of a valid current prescription for the drug identified in the drug test. The prescription must be in the employee's name. For Group A Employees, all positive controlled substances test will be reviewed by a Medical Review Officer (MRO) provided by the NIDA certified lab. The MRO will review the test with the employee and make a determination. Results concluded by the MRO are final.

B. If the employee does not provide acceptable verification of a valid prescription, or if the prescription is not in the employee's name, or if the employee has not previously notified his/her supervisor, the employee will be subject to discharge.

C. Any employee with a verified positive controlled substances test has 72 hours to challenge such a test.

An employee may request that the lab or another appropriate lab conduct a repeat test on the remainder of the specimen initially sent to the lab. Such a challenge will be at the expense of the employee.

D. Any employee with a confirmed positive alcohol or controlled substances test may voluntarily enter an

Employee Assistance Program (EAP). The EAP counselor will refer such employees to a Substance Abuse Professional (SAP). The SAP will make an evaluation of the employee and shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and controlled substances abuse. All expenses incurred for evaluation and treatment of alcohol or controlled substances will be the responsibility of the employee. An employee with a confirmed positive alcohol or controlled substances test who does not voluntarily enter an EAP will be subject to termination.

(6) Confidentiality: Laboratory reports or test results shall not appear in an employee's general personnel folder. Information of this nature will be contained in a separate confidential physical record file that will be securely kept under the control of the supervisor. Disclosures, without employee consent, may also occur when: (1) administrative process; (2) the information has been placed at issue in a formal dispute between the employer and employee; (3) the information is to be used in administering an employee benefit plan; (4) the information is needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize disclosure.

6.11 Stealing. Employees shall not steal, take, or remove anything of value from any premise, household, person, or office which does not belong to him/her.

6.12 Gambling. Employees shall not engage in illegal gambling for anything of value while at work.

6.13 Visitors and Telephone Calls. Personal visits and phone calls may be allowed at the discretion of the Department Head or the Elected Official. Telephone lines are not typically monitored and cannot be under the current system. However, the county reserves the right to monitor calls. Violation of the communications policy can result in discipline, up to and including termination.

6.14 Guns or Other Weapons. Unless required by County employment, no employee shall carry, possess, keep, discharge, clean, repair or assemble guns, firearms, or other weapons of any description while at work.

6.15 Dress. Employees shall dress according to the position held. All employees are expected to wear some type of footwear while at work. Appropriate dress will vary by occupation, but all employees are expected to abide by established custom or policy of the department.

6.16 Violation of Department Policies. Employees shall not violate any written department policies.

6.17 Violation of Non-smoking Regulation. No person shall smoke in any Rooks County building or property except in designated smoking areas.

6.18 Insubordination. Employees shall not be insubordinate. Insubordination is the failure of an employee to obey any

proper directive or order of a supervisor or to abide by any established and lawful County policy or procedure.

6.19 Negligence in the Care of County Money or Property. Employees shall not be careless or negligent with the monies or other property of the County or the public. If negligence is determined to be the cause of loss of money or property, restitution may be required of the employee at the discretion of the Elected Official or Department Head.

a. Use. Improper operation, maintenance or use of county equipment will be grounds for disciplinary action up to and including termination. Personal use of county equipment or property will be grounds for disciplinary action up to and including termination. Provided further, the use of County owned vehicles, except vehicles assigned and used for and by emergency law enforcement officers, the Emergency Preparedness Manager, and the Road and Bridge Supervisor, shall not be permitted for travel to and from and employee's home and place of work.

b. Road and Bridge Department. Road and Bridge employees will be responsible for accurately logging the daily servicing and inspection of all equipment and vehicles; i.e. oil changes, lubrication, checking gear boxes. Care shall be taken to insure proper lubricants are used. If in doubt, check with the foreman or shop personnel for proper materials. The oil drums shall be properly closed off to prevent leakage and any spills cleaned up immediately. In addition, Road and Bridge employees will be responsible for general overall inspection, including a minor bolt tightening, etc. of all equipment and vehicles. Road and Bridge employees will also log any perceived problems needing shop attention, noting the date, odometer or hour meter reading, description of problem, and initial the same. Foreman shall insure that all servicing of equipment and vehicles is done properly and shall initial the log book.

c. Emergencies. The provisions in this Handbook which involve County owned vehicles shall not be applicable when such are needed in declared emergencies by County employees.

6.20 Influence Others to Commit an Unlawful Act. Employees shall not induce or attempt to induce an officer or employee of the County to commit an unlawful act or to act in violation of any department or division regulation or order.

6.21 Acceptance of Gifts or Services. Tipping of employees is prohibited. No employees may accept a tip, money or any monetary equivalent which is related in any way to his/her employment. Except for goods or foods with a value of less than \$75.00, an individual employee shall not take for his/her personal use from any person any fee, gift, service or other valuable thing in the course of his/her work or in connection with it. When accepting goods or foods which meet the \$75.00 minimum value, the employee must notify his/her Department Head or Elected Official in writing of the gift.

6.22 Abuse of Authority. An employee shall not abuse his/her authority or wrongfully assume authority which was not delegated by the appropriate authority.

6.23 Convicted Employees. The conviction of an employee for a crime which makes the individual unsuitable for that position may be grounds for immediate dismissal.

6.24 Brutality or Cruelty. An employee may be disciplined or dismissed immediately for brutality or cruelty (including physical and verbal abuse) to a resident of an institution, to a person in custody, or to other persons, provided the act committed was not necessarily or lawfully done in self-defense; to protect the lives of others or to prevent the escape of a person lawfully in custody.

6.25 Unauthorized Absence. An unauthorized absence shall be without pay and also may be cause of disciplinary action. Any employee who has unauthorized absences for two work days within one (1) year (12 months) shall be subject to immediate disciplinary action.

6.26 Physical Examination to Determine Job Performance. Employment physical examination and inquiries can only be used to determine the ability of an applicant to perform job related functions.

6.27 Sexual Harassment. Rooks County will not tolerate the sexual harassment of one employee by another. The following employment practices are a part of our non-harassment policy:

***It is our policy to maintain an environment free of intimidation, insult, and harassment based upon race, color, religion, sex, age, national origin, or disability. Any such incident should be promptly reported to your supervisor, department head, elected official, or any County Commission member for investigation and resolution.***

Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. An employee shall not in any way make unwelcome sexual advances, make requests for sexual favors, or exhibit any other verbal or physical conduct of a sexual nature toward another employee or toward a candidate of employment. Prohibited acts of conduct include, but are not limited to, sexual flirtations, inappropriate touching, advances, propositions, verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, and displays of sexually suggestive objects or pictures. These actions constitute sexual harassment when submission or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

No employee shall engage in comments, jokes, or name calling that is vulgar, offensive, or profane, or that may insult someone's religion, race, sex, color, disability, age, or national origin. No supervisor or employee shall threaten or imply that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, pay, promotion, job assignment, or any other aspect or condition of employment.

A. Reporting Alleged Sexual Harassment. Any incident of discrimination, insult, intimidation, or harassment in any form shall be promptly reported to the Department Head or Elected Official or Affirmative Action Officer. All complaints will be promptly and confidentially investigated. The complaining employee will be advised of the result of the investigation.

B. Consequences of Engaging in Sexual Harassment. Following a thorough investigation, any employee who has engaged in such conduct shall be severely disciplined, and may be subject to dismissal.

6.28 Violence in the Work Place. Rooks County will not tolerate threats or intimidation of one employee by another. Any such language or conduct is to be reported immediately to the department head. Reports of such conduct or behavior will be investigated and if verified, may result in disciplinary action, up to and including termination.

## SECTION 7 - DISCIPLINARY ACTION

7.1 Authority to Discipline. Department heads and Elected Officials are responsible for the conduct and effective performance of all employees under their jurisdiction and shall have the authority and the responsibility to discipline employees for violations of the county's personnel policies and any departmental guidelines.

7.2 General Policy. The purpose of discipline 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 department head or supervisor to consider disciplinary actions to correct the problem. An employee is subject to disciplinary 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, or has failed to perform an act, which results in misconduct.

7.3 Disciplinary Actions. The following types of disciplinary actions are officially recognized by the County:

- a. Verbal Warning. A verbal warning is an oral reprimand given to an employee by his or her supervisor or department head. A record of the warning shall be recorded in the employee's file.
- b. Reprimand. A reprimand is a written censure to an employee by his or her supervisor or department head, a copy of which shall be recorded in the employee's file.
- c. Probation. Probation 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 probationary requirements may result in additional disciplinary actions.
- d. Wage Reduction. A wage 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.

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.

7.4 Procedure for Disciplinary Action. Whenever misconduct occurs which in the judgment of the employee's supervisor or department head justifies the application of disciplinary actions, other than a verbal warning, the supervisor or department head shall:

a. Document the misconduct in writing.

b. Determine the appropriate disciplinary action to correct the problem.

c. Meet with the employee to review the problem and the proposed disciplinary action. The meeting should be private and include only the employee, supervisor, department head or other persons requested to be present by the department head.

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

e. Make a final decision as to the disciplinary action.

f. Notify the employee of the action in writing, except for verbal warnings. A copy of the documentation of misconduct and a note as to the form of disciplinary action taken shall be provided to the Commissioners for insertion in the employee's personnel file.

g. All disciplinary action in writing must be signed by the department head and employee.

7.5 Misconduct Subject to Disciplinary Action. The following is a list of misconduct, which may subject an employee to disciplinary action. This list is not exclusive; it is only representative of the types of misconduct, which subject an employee to disciplinary 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 policies and guidelines or departmental policies and guidelines.

- e. Inattention to duty, carelessness, breakage or loss of public property or funds.
- f. Incompetency or inefficiency in the performance of the duties of his or her position.
- g. Insubordination or other breach of discipline.
- h. Discourteous or disruptive conduct or other offensive behavior in public, to the public, or to employees and officers of the county.
- i. Abuse of leave, excessive absenteeism, or tardiness.
- j. Temporarily leaving the workplace without the approval of his or her supervisor.
- k. Failure to give proper notice of absence.
- l. Sleeping on the job.
- m. 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.
- 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.

In the case of acts of violence or other flagrant misconduct, serious safety violations, or criminal offense, any employee may be suspended immediately, with or without pay, pending an investigation and review of the matter.

An employee may be suspended with pay when he or she has been arrested for a crime and is awaiting legal adjudication. An employee may be suspended with pay when he or she has been charged with misconduct while on the job and an internal investigation is being conducted.

7.6 Causes for Termination. Examples of serious misconduct for which an employee may be terminated, following notice and an opportunity for a hearing as provided for in Section 8, are listed below. ***The following list is not exclusive; it is only representative of the types of misconduct, which subject an employee to termination.*** Causes for termination under this section also constitute misconduct for which an employee may be subjected to disciplinary action other than termination.

- a. Conviction of a felony or conviction of driving under the influence while operating a county vehicle.

- b. Willful or continued violation of county or departmental safety policies and procedures or willful or negligent creation of unsafe conditions in the workplace.
- c. Willful or continued violation of personnel policies, guidelines, or departmental rules or procedures.
- d. Negligent or willful damage to public property or waste of public supplies or equipment.
- e. 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.
- f. Gross incompetency, neglect of duty or willful or continued failure to render satisfactory service.
- g. Refusal to abide by any lawful official regulation or order, failure to obey any proper direction made by a supervisor or department head, or knowingly making a false statement to any employee or officer of the county.
- h. Claiming leave time under false pretenses or falsifying attendance records for oneself or another employee.
- i. Absence without leave.
- j. Possession or use of alcohol or drugs, except where prescribed by a physician, after being afforded the opportunity to seek professional attention, or use of alcohol or drugs, except where prescribed by a physician, while on duty. Sale of or offering for sale or giving away alcohol or drugs while on duty or at the workplace.
- k. Sexual harassment.
- l. Disclosing confidential records or information unless directed to do so by his or her department head or supervisor.
- m. Revocation or suspension of a certification or license, including a driver's license, when such is required as a condition of county employment.
- n. Material falsification application for county employment or making a false statement or report in regard to any test, certification or appointment or any attempt to commit any fraud that violates the merit principles of personnel administration.
- o. 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.
- p. 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 that accorded any other person; accepting a bribe, fit, 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.

- q. Discharge of duties in a manner which results in discrimination to any person on the basis of race, creed, color, sex, physical or mental disability or national origin.

## SECTION 8 - SEPARATIONS

8.1 Resignation. An employee who desires to terminate his/her service with the County shall submit a written resignation to the Department Head or Elected Official at least fourteen (14) calendar days before the final day of work. A copy of the resignation shall be provided to the County Clerk for the employee's personnel file.

a. Waiver of Notification. The Department Head or Elected Official may, at his/her discretion, reduce or waive the period of notification, depending upon the personal circumstances of the employee and/or the departmental situation. The Department Head or Elected Official shall notify the County Clerk in writing of such a waiver or reduction.

b. Last Paycheck. The last paycheck the employee receives shall include the following:

(1) Regular earnings through the last day of employment.

(2) Accrued vacation pay: If the employee has been employed for more than six (6) months, the employee shall be compensated at his/her regular rate for all accrued vacation leave. Employees with less than six (6) months service receive no compensation for accumulated vacation leave.

(3) Accrued compensatory time: Regardless of length of service, the employee shall be compensated at his/her regular rate for all accrued compensatory time.

(4) Accrued sick leave: The County shall pay for all unused sick leave at the rate of \$40.00 per day of accumulated sick leave, SUBJECT TO the following:

- A. Resignation, Retirement or Death -- 100% of unused sick leave.
- B. Termination Without Cause -- 100% of unused sick leave not to exceed 90 days.
- C. Termination for Cause -- No benefits.

c. Return of County Property. Whenever an employee resigns, is dismissed, or in any way severs his/her relationship with the County, the employee shall surrender to the Department Head or Elected Official all property in the employee's possession belonging to the County. Failure to return property shall result in that employee's paycheck being held until the County property is returned in serviceable condition.

d. Withdrawal of Resignation. With the approval of the Department Head or Elected Official, an employee may

withdraw his/her resignation unless the position has already been filled. Such withdrawal must be within the original resignation notification period provided by the employee (and agreed upon by the Department Head or Elected Official).

8.2 Death While Employed. The estate of the employee shall be paid his/her earnings since the last pay period and accumulated compensatory time. Additionally, if the employee had at least six months of service with the County, the estate of the employee shall be paid all accumulated vacation leave and accumulated sick leave as set forth in Section 2 and Section 4 above. The estate must ensure that all County property is returned to the Department Head or Elected Official.

8.3 Lay-Off. Department Heads and Elected Officials may lay-off an employee when it is deemed necessary because of a shortage of funds, shortage of work, the abolition of a position, the return of an employee on authorized military leave, or other material changes in duties or organization.

a. Notification. The employee shall be notified in writing fourteen (14) calendar days prior to the effective date of lay-off. Exception: Lay-offs of forty (40) hours duration or less do not require fourteen (14) calendar days notice.

b. Criteria for Lay-Off. Employees shall be laid off at the discretion of the Department Head or Elected Official. Within a job classification, employees with the least amount of seniority and the lowest job performance evaluation rating shall be laid off first. Whenever possible, the Department Head or Elected Official shall attempt to place affected employees into other positions for which the employees are qualified and where vacancies exist.

c. Return Rights. Employees who are laid off shall have return rights, not to exceed 180 calendar days from the effective date of the lay-off, to the position they held at the time they were laid off. Department Heads or Elected Officials may not fill those positions with any other individual until the employees with return rights have been reinstated or have waived their return rights. Such waiver must be submitted in writing to the Department Head or Elected Official and is not revocable.

d. Earned Vacation. Earned vacation leave may be utilized by an employee while on lay-off if that employee has been with County at least six (6) months. The employee shall receive full vacation credit for the pay period in which he/she is laid off.

e. Insurance for Laid-Off Employee. Rooks County shall continue payment of health insurance for sixty (60) days after the effective date of the lay-off. After sixty (60) days, total insurance coverage shall be the independent obligation of the employee.

f. Recall. Employees shall be called back to work in the reverse order of lay-off.

g. Compensation for Accrued Vacation Leave, Accrued Compensatory Time, and Accrued Sick Leave. The employee who has been laid off may, at any time during the lay-off period, request compensation for accrued leaves as follows:

(1) Vacation Leave. The employee who has been laid off may receive payment in full for all accrued vacation leave if the employee has at least six (6) months of service.

(2) Sick Leave. The employee who has been laid off may receive payment of \$25.00 per day for accumulated sick leave if the employee has at least six (6) months of service.

(3) Compensatory Time. The employee who has been laid off may receive payment in full for all accrued compensatory time.

If the employee who has been laid off has not requested payment for any or all of the above accrued time, Rooks County shall issue the appropriate payment to the employee at the end of 180 days.

h. Return of County Property. Whenever an employee is laid off, the employee shall surrender to the Department Head or Elected Official all property in his/her possession belonging to the County. Failure to return property shall result in that employee's paycheck being held until the County property is returned in serviceable condition.

## SECTION 9 - BENEFITS

9.1 Retirement. All Full-Time employees and Elected Officials become members of Kansas Public Employees Retirement System (KPERs) as per K.S.A. 74-4901. Under KPERs members contribute a percentage of their compensation as authorized by law. The County Clerk's Payroll Office shall be responsible for the entry of employees in KPERs as well as assisting members with information and application of benefits. Booklets summarizing benefits are available in the County Clerks Office.

9.2 Group Health Insurance. Any Elected Official or Full-Time employee may join the existing health insurance plan. Employees will be eligible for health insurance after thirty (30) days of continuous employment. No Part-Time employee shall receive paid health insurance or life or life insurance benefits. All Elected Official or Full-Time employees will continue to receive their health insurance coverage even though they may work less than forty (40) hours in a given work week. The County will pay a complete single premium or complete family premium, whichever applies, for each Full-Time employee and all Elected Officials. Specific benefits provided are set forth in booklets which are available in the County Clerk's office.

a. Retirement. Group health insurance benefits will be extended to those employees and Elected Officials who retire from the County services under the following conditions:

(1) Under Federal Law employees who are covered under the County health insurance plan must have the opportunity for a temporary extension of health care coverage. The law which imposed this requirement is the Consolidated Omnibus Budget Reconciliation Act of 1985, or "COBRA". Health care coverage provided under COBRA is called "COBRA continuation coverage." It is offered to you at group rates in certain specific instances (called "qualifying events") where coverage under the Plan would otherwise end. You do not have to show that you are insurable for COBRA continuation coverage. COBRA coverage is at the employee's expense, not the county's.

(2) All covered employees may continue the health care coverage that they are receiving while employed, if coverage would otherwise be lost because of a reduction in hours of work or the termination of employment, except for when terminated for misconduct. Employees who have ten (10) continuous years of employment with Rooks County and whose

employment is terminated for reasons other than misconduct, may continue with the group health insurance at his/her own expense until age 65.

(3) The employer must notify the Fund Administrator of the employee's death, termination of employment or reduction in hours of work, or entitlement to Medicare within 30 days of its occurrence.

(4) When the Fund Administrator is notified that one of these events has occurred, the employee will be notified within 14 days of the right to elect COBRA continuation coverage, if the event results in termination of eligibility. The employee has 60 days from the later of the date of the events that triggers the employee's right to COBRA continuation coverage or the date of notice of the employee's rights, to inform the Fund Administrator that you want COBRA continuation coverage.

(5) Once the employee does not elect COBRA continuation, their health coverage will end.

(6) If the employee elects COBRA continuation coverage, the Plan is required to provide the employee with coverage which, as of the time coverage is being provided, is identical to the coverage provided under the Plan to similarly situated employees and their dependents.

(7) The maximum period COBRA continuation coverage is 36 months from the date of the qualifying event even if multiple qualifying events occur. However, if health care coverage is lost because of termination of employment or reduction in hours of work, the required COBRA continuation coverage period is 18 months from the date of the qualifying event.

(8) COBRA continuation coverage for each person also may be terminated for any of the following reasons:

- A. The Fund no longer maintains any group health plans;
- B. The premium for COBRA continuation coverage is not paid on time;
- C. He/She becomes covered under another group health plan; or
- D. He/She becomes entitled to Medicare benefits.

(9) The existing health insurance plan is subject to COBRA on September 15, 1987. As a member of such a bargaining unit, any qualifying events that occur on or after this date will trigger COBRA continuation coverage rights for the employee.

9.3 Optional Group Life Insurance. Optional Group Life Insurance is available to employees who are members of the KPERS System. This is entirely paid by the employee. The details of this program and rates related to it are available through the County Clerk's office.

9.4 Deferred Compensation. Rooks County is affiliated with a Deferred Compensation Program through ING. Details of this program and procedures for signing up are available through the County Clerk's Office.

9.5 Optional Insurance. Optional Cancer, Intensive Care, and Dread Disease Insurance is available at the employee's cost through Plan 150 with Blue Cross and Blue Shield Insurance. Information on this coverage is available through the County Clerk's office. Supplemental insurance coverage for a variety of risks is provided by AFLAC Cancer w/Plan 150 Supplemental, Liberty National Supplemental and Colonial Life Supplemental.

## **SECTION 10 - AFFIRMATIVE ACTION**

10.1 Authority. As a part of the overall Equal Employment Opportunity Program, the Rooks County Board of County Commissioners declares and affirms a policy of Affirmative Action to govern equal employment opportunities within the County service. An Affirmative Action Officer shall be appointed to manage compliance with the Affirmative Action Program.

10.2 Implementation. The County Commission shall have full responsibility for the development and management of all personnel forms. The policy and procedure manual shall be available through the Department Head or Elected Official during regular working hours.

10.3 Recruitment of Minority Group Members. Rooks County will undertake a program of affirmative recruitment of members of minority groups and women in all job categories.

10.4 Posting Vacancies. As applicable, all vacancies for all positions in Rooks County will be openly posted on all Rooks County bulletin boards as designated above, so that they are prominently visible to all employees.

10.5 Publication. All external searches shall be advertised in both County newspapers.

## **SECTION 11 - CAREER DEVELOPMENT**

11.1 Purpose. As part of the overall Equal Employment Opportunity Program, the Rooks County Board of County Commissioners declares and affirms a policy of career development for the employees of Rooks County.

11.2 Performance Evaluation. A program of employee performance evaluation shall be maintained and updated as necessary. The purpose of the evaluation program is to recognize special talents and abilities of employees and also to offer some means of measuring progress in the correction of vocational problems. Annually, on the anniversary of their employment in that department, employees will be evaluated by their immediate supervisors.

## **SECTION 12 - MISCELLANEOUS**

12.1 Telephone, Computer, E-mail and Internet Use. Every County employee is responsible for using the telephone, computer, electronic mail (E-mail), and Internet systems properly and in accordance with this policy and the policy established by each department head or elected official. Any questions about this policy should be addressed to the Department Head or Elected Official.

The telephone, computer, E-mail, and Internet systems are the property of the County. They have been provided by the County for use in conducting County business. All communications and information transmitted by, received from, or stored in these systems are County records and property of the County. These systems are to be used for County purposes only. Use of these systems for personal purposes is prohibited.

Employees have no right of personal privacy in any matter stored in, created, received, or sent over the telephone, computer, E-mail, and Internet systems. The County, in its discretion as owner of these systems, reserves and may exercise the right to monitor, access, retrieve, and delete any matter stored in, created, received, or sent over any of these systems, for any reason and without the permission of any employee.

Even if employees use a password to access the telephone, computer, E-mail, and Internet systems, the confidentiality of any message stored in, created, received, or sent from these systems still cannot be assured. Use of passwords or other security measures does not in any way diminish the County's rights to access materials on its systems, or create any privacy rights of employees in the messages and files on the systems. Any password used by employees must be revealed to the County as files in the telephone, computer, E-mail, and Internet systems may need to be accessed by the County in an employee's absence.

Employees should be aware that deletion of any E-mail messages or computer files will not truly eliminate the messages from the system. All E-mail messages are stored on a central back-up system in the normal course of data management.

Even though the County has the right to retrieve and read any E-mail messages, those messages should still be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any E-mail messages that are not sent to them.

The County's policies against sexual or other harassment apply fully to the telephone, computer, E-mail, and Internet systems, and any violation of those policies is grounds for discipline up to and including discharge. Therefore, no messages should be created, sent, or received if they contain intimidating, hostile, derogatory, disruptive or offensive material concerning race, color, religion, sex, age, national origin, disability or any other classification protected by law. This prohibition includes jokes or other messages which have sexual implications.

Employees are reminded to be courteous to other users of the systems and always to conduct themselves in a professional manner. E-mails are sometimes misdirected or forwarded and may be viewed by persons other than the intended recipient. Users should write E-mail communications with no less care, judgment and responsibility than they would use for letters or internal memoranda written on County letterhead. Employees should be aware that E-mail records and computer files may be subject to discovery in litigation.

The E-mail system may not be used to solicit for religious or political causes, commercial enterprises, outside organizations, or other non-job related solicitations.

The telephone, computer, E-mail, and Internet systems shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization from County management. Employees, if uncertain about whether certain information is copyrighted, proprietary, or otherwise inappropriate

for transfer, they should resolve all doubts in favor of not transferring the information and consult the Department Head or Elected Official.

Although the County recognizes that the Internet may have useful applications to the County's business, employees may not engage in Internet use without prior written approval from the Department Head or Elected Official, and unless a specific business purpose requires such use. Absent such approval, employees may not access the Internet using the County's computer systems, at any time or for any reason. "Surfing the Net" is not a legitimate business activity.

Prior approval is required before anyone can post any information on commercial on-line systems or the Internet. Any approved material that is posted should obtain all proper copyright and trademark notices.

Users should routinely delete outdated or otherwise unnecessary E-mails and computer files. These deletions will help keep the system running smoothly and effectively, as well as minimize maintenance costs.

Any employee who discovers misuse of the telephone, computer, E-mail, and Internet systems should immediately report the same to the Department Head or Elected Official. Violations of the County's E-mail and Internet Use Policy may result in disciplinary action. The County reserves the right to modify this policy at any time, with or without notice.

**12.2 Legal Opinions.** The following procedure shall apply to all legal opinions requested from the County Attorney. Any question addressed to the County Attorney of a legal nature shall be considered to be a request for a legal opinion to which this subsection shall apply.

a. **Who May Request.** Only Elected Officials or Department Heads may obtain a legal opinion from the County Attorney. If an employee or appointed officer desires a legal opinion he/she shall contact his/her Department Head or Elected Official, who may in his/her discretion request the opinion.

b. **Request.** The request for legal opinion shall be in writing and directed to the County Attorney. The request must include a detailed description of the problem or issue for which the opinion is sought and all relevant facts known to the requestor, including all prior legal opinions obtained on the same subject matter. If requested by the County Attorney, the requestor shall provide additional information or clarification as necessary.

c. **Response.** The County Attorney shall render a legal opinion in writing as soon as possible after research, contemplation and investigation.

**12.3 Memorial Fund.** The County has and will maintain a Memorial Fund to be administered by the County Clerk for all employees. The County will furnish a memorial in remembrance of an employee or their immediate family to be paid for from the Memorial Fund. Immediate family includes: spouse, children, parents, and siblings of the employee.

ADOPTED by the Board of County Commissioners of Rooks County, Kansas on January 31, 2012.

BOARD OF COUNTY COMMISSIONERS OF  
ROOKS COUNTY, KANSAS

\_\_\_\_\_  
John Ruder

ATTEST: Ted Lambert

\_\_\_\_\_  
Clara Strutt, County Clerk

\_\_\_\_\_  
Larry Poore

ACCEPTANCE OF PERSONNEL POLICY

Date of Delivery: \_\_\_\_\_, 2012.

I, \_\_\_\_\_, hereby acknowledge receipt of the Rooks County Personnel Policy Manual for 2012 on the date indicated above.

I have read the manual and understand that it controls the terms and conditions of my employment with Rooks County.

Dated this \_\_\_ day of \_\_\_\_\_, 2012.

Signed: \_\_\_\_\_

\_\_\_\_\_  
(Printed Name)