

RESOLUTION NO. 2013-07

A Resolution implementing change in Jackson County Policy Manual pertaining to compensatory time and time off for Sheriff and Corrections Department as well as FMLA to be run concurrent with workers compensation

NOW, THEREFORE, the Board of County Commissioners of Jackson County, Kansas, meeting in a regular session on this 28th day of January, 2013, does hereby resolve as follows, to-wit:

WHEREAS, the Board of County Commissioners of Jackson County, Kansas has reviewed and adopted a Policy Manual for use by the employees of Jackson County, Kansas, said Policy Manual being dated June 23, 2008, and amended on December 21, 2009 and restated and amended on June 18, 2012.

WHEREAS, the Jackson County Policy Manual is designed to implement the employee relationship between Jackson County, Kansas and the employees of Jackson County, Kansas.

WHEREAS, the Board of County Commissioners of Jackson County, Kansas does hereby resolve to implement a change in the Jackson County Policy Manual in the following manners, to-wit:

"The Board of County Commissioners reserves the right to award compensatory time as they see fit for any holiday worked by an employee with a classification status of C, D, E, G & H but not to include the Sheriff or Corrections Department. This right should only be exercised when the above mentioned employees are called into work on a holiday because of a natural disaster or an act of God."

"The Sheriff and Corrections Department employees may be required, at the Sheriff's discretion, to take eight (8) hours off during any pay period containing a holiday."

"Any leave taken for an injury that is covered under worker's compensation shall run concurrently with Family Medical Leave."

WHEREAS, this Resolution is passed, approved and adopted by the Board of County Commissioners of Jackson County, Kansas on the date and year first above written.

Board of County Commissioners,

Jackson County, Kansas

Ed Kathrens
Ed Kathrens, Chairman

William Elmer
William Elmer, Member

Janet Zwonitzer
Janet Zwonitzer, Member

Attest:

Kathy Mick
Kathy Mick, Jackson County Clerk



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SECTION 1

EMPLOYMENT WITH JACKSON COUNTY

1.1.WELCOME

It is our pleasure to welcome you as an employee of Jackson County. We are proud of our County and the relationship we maintain with our employees. Only through the close cooperation of management and employees can we carry out our mutual responsibility to our patrons, which is to furnish the best quality services in the most efficient manner. This Employee Policy Manual will inform you of the policies, benefits, and regulations which are an integral part of maintaining a successful County operation. As used throughout this Employee Policy Manual, the "County" shall refer to and mean Jackson County, Kansas.

As a part of our team, the Board of County Commissioners extends our best wishes for your career success at Jackson County.

1.2.EMPLOYMENT AT WILL

THIS POLICY MANUAL IS NOT A CONTRACT OF EMPLOYMENT FOR ANY SPECIFIED PERIOD OF TIME. Nothing in this policy manual and no oral or written representation by any employee, official or supervisor of this County shall be construed as an express or implied contract of employment for any specified period of time, unless a written contract of employment is signed by you and the Board of County Commissioners. Employment at Jackson County is terminable at the will of either the employee or the County, at any time, with or without cause, with or without notice.

1.3.ABOUT THIS POLICY MANUAL

This Jackson County, Kansas Employee Policy Manual is designed to answer many of the questions that may arise out of your employment at Jackson County. It will tell you about your benefits as an employee, and it contains a brief description of County policies and other important job-related information. Whether you are a new employee or have been with the County for some time, please take the time to read this Policy Manual thoroughly. This Manual controls the employment relationship between the County and our employees. It supersedes any and all past policy manuals, policies, procedures, understandings, and standards, written or verbal, express or implied. If you think you have been told something which is inconsistent with this Manual, you should immediately discuss this with your supervisor so that any possible discrepancy or misunderstanding can be resolved.

The County reserves the right to alter, amend, modify or terminate any benefits, policies or provisions contained in the Manual at any time it chooses with or without prior notice to employees. Any such changes shall be made in writing and posted on the County bulletin boards and a copy of the change will be provided to each employee. It is your responsibility to keep your copy of the Policy Manual up to date.

Please contact the County Clerk if you need additional information on the policies.

SECTION 2

STATEMENT OF NON-DISCRIMINATION

2.1. EQUAL EMPLOYMENT OPPORTUNITY POLICY

It is the policy of Jackson County to provide equal employment opportunity to all employees and applicants for employment. No person is to be discriminated against in employment because of race, religion, color, sex, age, national origin, pregnancy, disability, military status or any other classification protected by applicable local, state or federal law. This policy applies to all terms, conditions, and privileges of employment. Any employee who feels he or she is the victim of discrimination has a responsibility to report this fact to a Department Head. In the event an employee believes he or she is being discriminated against or harassed by a Department Head, the employee may report the discrimination or harassment to the EEO Officer designated in Section 2.4 as amended.

Although Jackson County does not discriminate on the basis of citizenship, it is required to comply with federal laws to ensure that its work force is legally eligible to work in the United States. To assist Jackson County in complying with these laws, it is the responsibility of every employee to notify his or her Department Head of any change in his or her eligibility to work in the United States.

2.2. QUALIFIED PERSONS WITH DISABILITIES

It is the policy of Jackson County not to discriminate against any employee or applicant for employment in any manner because of physical or mental disability in regards to any position which the employee or applicant for employment is qualified to perform with or without reasonable accommodations that do not impose undue hardship on the County.

2.3. ACCOMMODATION REQUESTS

Qualified individuals with disabilities may make a written request for reasonable accommodation to the County Clerk. On receipt of an accommodation request, the County Clerk will meet with the individual to discuss the request and potential accommodations. The County Clerk will investigate the feasibility of the requested accommodation and inform the individual of the County's decision.

2.4. EQUAL EMPLOYMENT OPPORTUNITY OFFICER

The Equal Employment Opportunity ("EEO") Officer for Jackson County will be the Jackson County Clerk.

SECTION 3 HARASSMENT POLICY

3.1. PURPOSE AND INTENT

It is the policy of Jackson County to promote a productive work environment and not tolerate verbal or physical conduct by any employee that unlawfully harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive or hostile environment. Employees are expected to maintain a productive work environment that is free from harassing or disruptive activity.

Each supervisor has a responsibility to keep the workplace free of any form of unlawful harassment, and in particular, sexual harassment. No supervisor is to threaten or insinuate, either explicitly or implicitly, that an employee's refusal or willingness to submit to sexual advances will affect the employee's terms or conditions of employment.

3.2. HARASSMENT POLICY

No form of unlawful harassment will be tolerated, including harassment for the following reasons: race, religion, color, sex, age, national origin, pregnancy, disability, military status or any other classification protected by applicable local, state or federal law. Special attention should be paid to the prohibitions of sexual and racial harassment.

All harassing or offensive conduct in the workplace is prohibited whether committed by supervisors, non-supervisory employees, or non-employees. This conduct includes, but is not limited to:

- A. Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances, or propositions;
- B. Verbal abuse of a sexual nature such as lewd comments, sexual jokes or references, and offensive personal references;
- C. Demeaning, insulting, intimidating, or derogatory comments or written, recorded or electronically transmitted messages;
- D. Sexually suggestive comments or written, recorded, or electronically transmitted messages;
- E. The display in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects or pictures, including but not limited to nude photographs.

Any of the above conduct, or other offensive conduct, directed at individuals because of their race, religion, color, sex, age, national origin, pregnancy, disability, military status or any other classification protected by applicable local, state or federal law is prohibited.

3.3. REPORTING ALLEGED HARRASSMENT

Any employee who believes that a supervisor's, other employee's, or non-employee's actions or words constitute unwelcome harassment has a responsibility to report or complain about the

situation as soon as possible. All Jackson County employees are obligated to report any such concerns, whether the individual is a victim or a witness of such misconduct. The report or complaint should be made to his or her supervisor, Department Head, or the County Clerk. It is encouraged, but not required, that complaints be made in writing.

All complaints of harassment will be investigated promptly and in as impartial and confidential a manner as possible. Employees are required to cooperate in any investigation. A timely resolution of each complaint will be reached and communicated to the parties involved.

Retaliation against any employee for making a complaint or participating in an investigation is strictly prohibited. However, if an investigation of a complaint shows that the complaint or information was false, any individual who knowingly provided the false information will be subject to disciplinary action, up to and including immediate termination.

3.4. CONSEQUENCES OF ENGAGING IN HARASSMENT

Any employee who is found to have violated this harassment policy will be subject to appropriate disciplinary action, up to and including immediate termination. This policy applies whether the violator engages in direct harassment or retaliates against an employee for filing a complaint or participating in an investigation.

SECTION 4 EMPLOYEE CLASSIFICATION STATUS

- A. ELECTED OFFICIAL:** Eligible for health insurance and KPERS retirement.
- B. APPOINTED OFFICIAL (FLSA EXEMPT):** Receives full benefits.
- C. APPOINTED OFFICIAL (NON-FLSA EXEMPT):** Works forty (40) hours per week on a regular and continuing basis. May be required to work sporadic overtime, even on weekends. Overtime is calculated on a work week beginning at 12:00 a.m. Sunday and ending at 11:59 p.m. Saturday. Receives full benefits.
- D. FULL-TIME EMPLOYEE MONDAY-FRIDAY:** Works forty (40) hours per week on a regular and continuing basis. May be required to work sporadic overtime, even on weekends. Overtime is calculated on a work week beginning at 12:00 a.m. Sunday and ending at 11:59 p.m. Saturday. Receives full benefits.
- E. FULL-TIME EMPLOYEE:** Works forty (40) hours per week on a set schedule on a regular and continuing basis. May be required to work sporadic overtime, even on weekends. Overtime is calculated on a work week beginning at 12:00 a.m. Sunday and ending at 11:59 p.m. Saturday. Receives full benefits.
- F. FULL-TIME LAW ENFORCEMENT OR DETENTION CENTER (24/7):** Commissioned Deputies and Correction Officers who typically work 160 to 171 hours during a 28-day pay cycle. Overtime rate paid for any hours over 171 hours. Receives full benefits.
- G. PART-TIME MONDAY-FRIDAY 5 DAYS A WEEK (20+ hours):** Works a set amount of hours each day Monday through Friday on a regular and continuing basis. These employees normally work twenty (20) or more hours per week and at least 1,000 hours per year. Receives sick and vacation leave, holiday pay, paid birthday holiday, prorated discretionary leave (four hours per year), KPERS retirement, and is eligible for health insurance.
- H. PART-TIME MONDAY-FRIDAY 5 DAYS A WEEK (less than 20 hours):** Works a set amount of hours each day Monday through Friday on a regular and continuing basis. Normally works less than twenty (20) hours per week and less than 1,000 hours per year. Receives holiday pay and birthday holiday equivalent to normal hourly workday.
- I. PART-TIME (20+hours):** Works on a set schedule on a regular and continuing basis. These employees normally work twenty (20) or more hours per week and at least 1,000 hours per year. Receives sick and vacation leave, KPERS retirement, and is eligible for health insurance. These employees do not receive holiday pay, but will be paid double their normal rate if required to work on a holiday.

- J. PART-TIME (less than 20 hours):** Works on a set schedule on a regular and continuing basis. These employees generally work less than twenty (20) hours per week and less than 1,000 hours per year. These employees do not receive holiday pay, but will be paid double their normal rate if they are required to work on a holiday.
- K. SEASONAL EMPLOYEE:** Works on a regular and/or recurring basis during a specific “season” or portion of the year. Does not receive County benefits.
- L. TEMPORARY PART-TIME EMPLOYEE:** Works “on-call” or during special circumstances. Does not receive County benefits.
- M. STIPEND:** Pay for being on-call. No County benefits.
- N. RETIRED EMPLOYEE:** Has been employed by Jackson County, Kansas for at least ten (10) years. Does not receive County benefits, except the option of purchasing, at the retiree’s own cost, health insurance for themselves and/or their dependents from the Jackson County, Kansas group health plan.

Employees with “full benefits” receive vacation leave, sick leave, holiday pay, discretionary leave, birthday holiday, KPERS retirement, and are eligible for health insurance. “Holiday Pay” is defined in the “Holidays” section of this manual.

SECTION 5 EMPLOYEE REVIEW

5.1. INTRODUCTORY PERIOD

Each new employee will complete a six-month introductory period. During that period, the new employee will be introduced to the County organization and both the employee and the County will have an opportunity to evaluate each other.

At the end of the initial period, the employee's supervisor will conduct an evaluation of the employee's performance and progress. If the employee is not meeting expectations and not progressing in the position, the Department Head may establish a special evaluation period for the employee or dismiss the employee.

At all times, whether before or after completion of the introductory period, employment with the County is at-will, and the employment relationship may be terminated at any time for any lawful reason by either party.

5.2. PERFORMANCE APPRAISALS

New employees will receive a performance appraisal after working approximately six months. After that, all employees will generally receive, at least once per year, a performance appraisal, which will objectively assess their performance and accomplishments relative to the job description.

Standardized forms will be used to record all formal performance appraisals, and all individuals supervising the employee being evaluated may contribute to the review. These records will be used to help determine salary reviews, advancements, transfers, layoffs and other personnel actions that are based on merit. Employees are not automatically entitled to a salary increase or continued employment as a result of positive performance reviews.

An employee will be given the opportunity to review his or her performance reviews. Employees are encouraged to include written comments on the review, if appropriate. Employees who disagree with appraisals are encouraged to discuss areas of disagreement with their supervisor. Employees must sign and date their appraisal after all comments have been noted. If the employee refuses to sign and date their appraisal, the supervisor shall sign and date the appraisal and their refusal shall be noted.

Performance appraisals become a permanent part of the employee's personnel file.

SECTION 6 EMPLOYMENT POLICIES

6.1. GENERAL RULES OF CONDUCT

All employees of Jackson County must conduct themselves properly to ensure the smooth operation of the County. As an employee, you are expected to meet the performance and conduct requirements of your job to the satisfaction of the County. The following infractions will subject you to immediate disciplinary action, which may include dismissal:

- A. Theft or dishonesty;
- B. Driving a Jackson County vehicle without using the seatbelt;
- C. Falsifying records or information;
- D. Using another employee's time card, having another employee use your time card, or otherwise falsifying time records;
- E. Leaving your job or the County premises without prior approval from your supervisor;
- F. Insubordination or disrespect of County work rules and policies;
- G. Use of information acquired on the job for personal gain;
- H. Unsatisfactory work performance;
- I. Failure to cooperate with any internal investigation;
- J. Willful destruction of County property or the property of a fellow employee;
- K. Deliberate misuse of, or unauthorized use of County supplies, materials, machines, or tooling;
- L. Fighting with, threatening, or attempting to cause bodily injury to another on County premises;
- M. Unauthorized possession of County property, or of the property of a fellow employee;
- N. Visiting, loitering, loafing, lounging, or sleeping during scheduled working hours;
- O. Receiving or making excessive personal telephone calls;
- P. Making unauthorized personal long distance telephone calls;
- Q. Allowing an unauthorized person on Jackson County premises or work areas;
- R. The use of abusive, threatening, or obscene language;
- S. Exceeding the authorized number or length of break periods;
- T. Working unauthorized overtime;
- U. Failing to properly complete required reporting;
- V. Failing to meet Jackson County work standards in terms of quantity and/or quality;
- W. Interfering with another employee's efforts to meet Jackson County work standards;
- X. Violation of sanitary or safety rules;
- Y. Violation of Jackson County's Drug & Alcohol Policy;
- Z. Tampering with or mishandling any mechanical equipment;
- AA. Unauthorized disclosure of confidential information;
- BB. Unauthorized leave;
- CC. Smoking in unauthorized areas or in county owned vehicles or machinery;
- DD. Texting while driving in course and scope of employment;

This list is not all-inclusive. In each case of misconduct or unsatisfactory performance, the

appropriate disciplinary action will be determined at the supervisor's, Department Head's, or Elected Official's discretion on the basis of the particular facts and circumstances.

Any hiring, firing, or suspension (paid or unpaid) by either an Elected Official or a non-elected Department Head shall **not** be subject to approval by a majority vote of the Board of County Commissioners before any hiring, firing or suspension (paid or unpaid) becomes final.

All employees must cooperate with all investigations the County makes, including investigations into misconduct of fellow employees, discrimination or harassment, fraud, or misappropriation or misuse of County funds or property. Failure to do so may subject an employee to disciplinary action, up to and including dismissal.

6.2. EMPLOYEE ATTENDANCE POLICY

A. Purpose and Intent. Punctual and regular attendance is an essential responsibility of each employee at Jackson County. Any tardiness or absence causes problems for fellow employees and supervisors. When an employee is absent, others must perform his or her work. No matter how skilled an employee, if he/she does not have a good attendance record, his/her contributions to the smooth functioning of Jackson County are diminished.

Employees are expected to report to work as scheduled, on time and prepared to start work. Employees also are expected to remain at work for their entire work schedule. Late arrival, early departure, or other absences from scheduled hours are disruptive and must be avoided. The purpose of this policy is to promote the efficient operation of Jackson County and to minimize unscheduled absences.

Any employee who fails to report to work without notification to his or her supervisor for a period of two days or more will be considered to have voluntarily terminated their employment relationship.

B. Definition of Absence. "Absence" is the failure of an employee to report for work when the employee is scheduled to work.

C. Excused Absences. An "Excused Absence" occurs when all of the following conditions are met:

1. the employee provides sufficient notice to his or her supervisor,
2. such absence request is approved by his or her supervisor, and
3. the employee has sufficient accrued leave time to cover such absence.

Employees must take earned leave time for every absence unless otherwise allowed by Jackson County policy (e.g. leave of absence policy, funeral policy, jury duty, etcetera).

D. Sufficient Notice. To be considered an excused absence, sufficient notice must be

given to the employee's supervisor.

1. For a scheduled absence of eight (8) hours or more, employees must give seven (7) days' notice. Employees in the Road and Bridge Department will be required to give notice as determined by their supervisors, in the discretion of their supervisors.
2. For a scheduled absence of less than eight (8) hours, employees must give two (2) working days' notice.
3. For an emergency absence occurring at the beginning of the employee's shift, the employee must notify his/her supervisor within thirty (30) minutes after the beginning of his/her shift.
4. For an emergency absence occurring during the employee's shift, the employees must notify his/her supervisor prior to leaving the premises.

Your supervisor must approve any exceptions to this provision or any conflicts in scheduling.

- E. Unexcused Absences.** An "Unexcused Absence" occurs when one of the conditions for an Excused Absence is not met. If it is necessary for you to be absent or late for work because of illness or an emergency, you must notify your supervisor no later than thirty (30) minutes after the your scheduled starting time on that same day, or as soon as possible after the emergency. If you are unable to call, have someone make the call for you.

Unexcused absences will be grounds for employee discipline, up to and including termination.

- F. Tardiness.** All employees are expected to report to work on time. If you are unable to report to work as scheduled, you should notify your supervisor no later than thirty (30) minutes after your regular starting time. This notification does not excuse the tardiness. Tardiness will be grounds for employee discipline, and reoccurring tardiness may be grounds for discipline, up to and including termination.

6.3. INCLEMENT WEATHER

The County Courthouse and other County buildings will strive to remain open during days of severe weather, but the County Commissioners may decide to close County facilities due to inclement weather when appropriate. The County will attempt to notify employees prior to the beginning of the workday through radio broadcast on KNZA 103.9, through WIBW television broadcast, or through Department Heads. Employees scheduled to work will be paid for inclement weather days.

If County facilities remain open and an employee is unable to report to work, he or she will have the option to use compensatory time, vacation leave, or a discretionary day. If no compensatory time, vacation leave, or discretionary time is available, the leave will be without pay. The employee must attempt to notify his/her supervisor or Department Head during the first half-hour

of his or her scheduled work period and must indicate which option will be used for pay purposes.

Department Heads may decide who is an essential employee and may require essential employees to come to work even in inclement weather. No additional compensation will be made.

6.4. DRESS CODE

It is important for all employees to project a positive image of Jackson County. Because Jackson County employs individuals in a variety of positions, each Department Head is entitled to establish a dress code for his or her department. Employees must comply with any established dress code.

In addition to the guidelines provided by Department Heads, employees are expected to practice good personal hygiene. All employees should be bathed and groomed and in appropriate clean clothing.

6.5. RESIDENCY REQUIREMENT

It is preferred that all employees maintain residency within the County. If that is not possible, employees must live within sixty (60) travel minutes at normal rates of speed from their workplace to be eligible for employment.

6.6. PERSONAL CONDUCT POLICY

Even while employees are off-duty, they represent the County to the public and should strive to preserve the County's reputation. Certain types of off-duty conduct may reflect poorly upon an employee's character and judgment and thereby influence his or her standing as a Jackson County employee. Therefore, employees who engage in unprofessional or criminal conduct or other serious misconduct off-duty may be subject to disciplinary action by the County, up to and including termination of employment, if such conduct is determined by the County to be harmful to the County's image.

6.7. POLITICAL ACTIVITY

Every employee has the right to register and vote on all political issues, but employees are not permitted to use their position with the County to influence the vote or political activity of any other person. During working hours, employees shall not solicit or handle political contributions, nor shall they wear or display political badges, buttons or signs.

Jackson County respects and encourages employee participation in political activities, but not on behalf of, or as a representative of, the County or on County time.

The Hatch Act has stricter rules for departments that receive federal funding. If you work for a department that receives federal funding, you must follow the federal guidelines regarding

political activity.

6.8. DRUG AND ALCOHOL FREE WORKPLACE POLICY

A. Purpose and Intent. The safety and health of its employees are of utmost concern to Jackson County. The County also recognizes that the abuse of alcohol and controlled substances are serious social problems which can negatively impact the performance and image of employees and the County. Therefore, to help ensure a safe, healthy, and productive work environment for our employees and others, to protect property, and to ensure efficient operations, the County has adopted a policy of maintaining a workplace free of the use of alcohol and illegal use of controlled substances.

B. General Prohibitions and Restrictions. No employee shall use, possess, sell, distribute or be under the influence of illegal narcotics, drugs or controlled substances while on the job, in Jackson County vehicles, or on Jackson County property, unless pursuant to a lawful prescription or otherwise authorized by law. Being "under the influence" with regard to a controlled substance is defined as testing positive in a hair, urine, blood and/or breath test. Some of the drugs which are the subject of this policy include but are not limited to: opiates, opium derivatives, marijuana, cocaine, heroin, LSD, hashish, amphetamines, and speed.

No employee shall use, possess, sell, distribute or be under the influence of alcohol while on the job. Being "under the influence" with regard to alcohol is defined as having any blood-alcohol content.

C. Prescription Drugs. No prescription drug may be brought on County premises by any person other than the person for whom it is prescribed. Prescription drugs may be used only in the manner, combination and quantity prescribed. Any employee legally using a controlled substance (e.g. a prescription drug) that may adversely affect the employee's safety and health, or the safety and health of others on the job, must inform his or her supervisor immediately upon reporting to work. Failure to do so is cause for discipline up to and including immediate termination.

D. Testing. Jackson County reserves the right to conduct testing for alcohol or controlled substances to the fullest extent permitted by applicable law. This includes, but is not limited to, pre-employment testing, post-accident testing, and requiring an employee to submit to a hair, urine, blood, and/or breath test whenever it suspects that the employee's work performance or on the job behavior may have been affected in any way by alcohol or controlled substances. Employees subject to testing will be required to sign a form consenting to both the testing and release of test results to Jackson County. Employees refusing to consent to testing or to submit a hair, urine, blood and/or breath sample pursuant to this policy will be subject to discipline up to and including immediate termination. Jackson County will afford employees subject to testing the opportunity, after testing positively for controlled substances, to list all prescription and nonprescription drugs they have used in the last thirty (30) days to explain the circumstances surrounding the use of such drugs.

E. Violations of Policy. Any employee who violates this policy is subject to discipline up to and including immediate termination of employment, and any illegal substances recovered will be turned over to the appropriate law enforcement agency and may result in criminal prosecution. Any employee arrested or convicted of an offense involving illegal narcotics, drugs or controlled substances also is subject to discipline up to and including immediate termination.

Upon becoming aware of a probable violation of this policy by an employee, the County may take, at its discretion, one or more of the following steps:

1. Suspend the employee, with or without pay, suspected of such use, possession, sale or distribution, pending an investigation;
2. Remove the suspected employee from his or her job duties and/or reassign the employee to another job;
3. Consult with the suspected employee in an effort to determine whether he or she is using illegal drugs or controlled substances, or is under the influence of drugs or alcohol;
4. Search the employee's vehicle, locker, desk, room, or person for illegal drugs or alcohol while on the job, on County property, or while engaged in Jackson County activities;
5. Require the employee to submit to a drug and/or alcohol test; or
6. Terminate the employee's employment, with or without notice, and with or without cause.

F. Assistance. If you feel that you have a drug or alcohol problem, you are encouraged to contact your Department Head for information regarding leave options and substance abuse insurance coverage. Rehabilitation itself is your responsibility. We strongly urge you, however, to seek treatment before your job is jeopardized.

6.9. THREATS AND VIOLENCE

Jackson County strives to maintain a work environment free from intimidation, threats, or violent acts. This includes, but is not limited to, intimidating, threatening, or hostile behaviors, physical abuse, vandalism, arson, sabotage, use of weapons by non-law enforcement personnel, carrying weapons onto County property by non-law enforcement personnel, or any other act which intimidates, threatens, or causes violence to employees or other persons on Jackson County property. In addition, bizarre or offensive comments regarding violent events and/or behavior are not tolerated.

If you feel that you have been subjected to any of the behaviors listed above, or you observe or have knowledge of any violation of these guidelines, you must immediately report the violation to your Department Head. If your Department Head subjected you to any of the listed behaviors, or you observe or have knowledge of any violation of these guidelines by your Department Head, you must immediately report the violation to the Human Resources department.

All reports will be treated as confidentially as possible and will be disclosed only on a need-to-know basis in order to investigate and resolve the matter. All complaints will be promptly and thoroughly investigated. If an investigation confirms that threats or violence have occurred, the County will take appropriate corrective action up to and including termination of the individual responsible for the threats or violence.

If you perceive an immediate, serious threat to the safety or health of yourself or others, you must directly contact the proper law enforcement authorities.

Although Jackson County cannot guarantee that employees or other persons will not engage in intimidating, threatening, or violent behavior, such behavior will not be tolerated.

6.10. ELECTRONIC COMMUNICATIONS POLICY

- A. Purpose and Intent.** The County recognizes that information is an asset, and it has an obligation to ensure that its computer resources are used properly. It has established security measures and assigned responsibilities to protect it from loss, theft, and unauthorized modification, misuse, or disclosure. All security measures will conform to county policies and applicable federal and state laws.
- B. Scope.** This policy applies to users and all County-owned equipment, programs, and information. For the purpose of this policy "user" shall be defined as a full-time, part-time, temporary or contract employee, whether elected or not, with access rights to the computer network and computer equipment. This policy will be available in the Personnel Department and included in the County's Policy Manual.
- C. Acknowledgement of Policy.** Any employee that has access to a County computer shall sign that he/she has read, understands, and agrees to the Electronic Communications Policy. Employees are not entitled to use County technology until they have signed and agreed to the "Acceptable Use Agreement for Information Technology" form. This form is available in the Personnel Department and is included in the County's Policy Manual.
- D. Computer Software and Hardware.** Jackson County does not condone the illegal duplication of software. Jackson County licenses the use of computer software from a variety of outside companies. Jackson County does not own this software or its related documentation and, unless authorized by the software manufacturer, does not have the right to reproduce it.

Jackson County employees learning of any misuse of software or related documentation within the organization must notify their supervisor immediately. If unlicensed or illegal software is found on County equipment, and if it is not or cannot be corrected, it will be removed.

Jackson County employees who make, acquire or use unauthorized copies of computer software shall be disciplined as appropriate under the circumstances. Such

discipline may include termination.

Employees are not allowed to bring in personal copies of computer files or software programs, including but not limited to, games, screen savers, email addresses, or files that have been manipulated on a non-Jackson County Computer. County work files that have been modified at home may be checked before being reintroduced to a County computer.

All software installed on the Jackson County network or individual hard drives (whether or not the PC is attached to the network) must be virus-checked and approved by the Computer Steering Committee.

All software and hardware devices acquired for or on behalf of the County or developed by County employees or contracted personnel on behalf of County are and shall be deemed Jackson County property. All such devices must be used in compliance with applicable licenses, notices, contracts, and agreements.

E. Computers, Electronic Mail, Facsimile, Internet Browser and Voice Mail Usage.

Jackson County makes every effort to provide the best available technology to those performing services for Jackson County. In this regard, Jackson County may install, at substantial expense, equipment such as computers, electronic mail, facsimile, internet browser and voice mail. All such equipment, and all information stored thereon, is the property of Jackson County.

Jackson County property, including computers, electronic mail, facsimile, internet browser and voice mail, should only be used for conducting Jackson County business.

Incidental and occasional personal use of Jackson County computers, electronic mail systems, facsimile, internet browsers, and voice mail systems is permitted, but information and messages stored in these systems will be treated no differently from other County-related information and messages, as described below.

The use of the electronic mail system or web browsing may not be used to solicit for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations. Furthermore, the electronic mail system or web browsing is not to be used to create or view any offensive or disruptive messages. Among those which are considered offensive are any messages or sites which contain sexual implications, racial slurs, gender specific comments, or any other comments that offensively address someone's age, sexual orientation, religious or political beliefs, national origin, or disability. In addition, the electronic mail system shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization from an employee's Department Head.

Although Jackson County provides certain codes to restrict access to computers,

voice mail, and electronic mail to protect these systems against external parties or entities obtaining unauthorized access, employees should understand that these systems are intended for County use, and all computer information, voice mail and electronic mail messages are to be considered as Jackson County records.

Jackson County also needs to be able to respond to proper requests resulting from legal proceedings that call for electronically stored evidence. Therefore, Jackson County must, and does, maintain the right and the ability to enter into any of these systems and to inspect and review any and all data recorded in those systems. Because Jackson County reserves the right to obtain access to all voice mail and electronic mail messages left on or transmitted over these systems, employees should not assume that such messages are private and confidential or that Jackson County or its designated representatives will not have a need to access and review this information. Individuals using Jackson County's equipment should also have no expectation that any information stored on their computer, whether the information is contained on a computer hard drive, computer disks or in any other manner, will be private.

The contents of computers, voice mail, and electronic mail, properly obtained for some legitimate County purpose, may be disclosed by Jackson County, if necessary, within or outside of Jackson County.

Given Jackson County's right to retrieve and read any electronic mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient.

Jackson County's Department Heads will review any request for access to the contents of an individual's computer, voice mail, or electronic mail prior to access being made without the individual's consent.

F. Violations and Penalties. Any employee who violates this policy or uses the electronic communication systems for improper purposes may be subject to discipline. Penalties for violating the Jackson County Electronic Communications Policy will vary depending on the nature and severity of the specific violation. Any employee who violates the Policy may be subject to:

1. Denial of access to Jackson County computers and/or the County's computer network;
2. Disciplinary action including but not limited to reprimand, suspension, and/or termination of employment; and/or
3. Possible civil or criminal prosecution under federal and/or state law.

6.11. USE OF COMMUNICATIONS DEVICES

No employee, while performing work in the course and scope of their employment and while utilizing any County vehicle or piece of machinery, shall use a cellular telephone or other mode

of communication device as defined in K.S.A. 8-15,111 to send text messages, electronic mail messages or any other social media while so operating the County vehicle or machinery. Accepted exceptions to using a cellular telephone or other communication device shall be found under K.S.A. 8-15,111.

6.12. BUSINESS ETHICS POLICY

A. Purpose and Intent. Jackson County employees must maintain the highest ethical standards in the conduct of Jackson County affairs. The following is a summary of Jackson County's policy with respect to (1) gifts, favors, entertainment and payments given or received by Jackson County employees, (2) potential conflicts of interest, and (3) certain other matters.

B. Gifts, Favors, and Payments Given by Jackson County. Gifts, favors, and payments may be given to others at Jackson County expense, if:

1. They are consistent with accepted business practices;
2. They are of sufficiently limited value and in a form that will not be construed as a bribe or payoff;
3. They are not in violation of applicable law or generally accepted ethical standards; and
4. Public disclosure of the facts will not embarrass Jackson County. Payments, commissions or other compensation to or for the benefit of Jackson County employees (or their family members) that are not required by written contract are contrary to Jackson County policy.

C. Gifts, Favors, Entertainment and Payments Received by Jackson County Employees. Employees shall not seek or accept for themselves or others any gifts, favors, entertainment, or payments without a legitimate business purpose, nor shall they seek or accept personal loans (other than conventional loans at market rates from lending institutions) from any persons or business organizations that do or seek to do business with or is a competitor of Jackson County. In the application of this policy:

1. Employees may accept for themselves and members of their families common courtesies usually associated with customary business practices. These include but are not limited to:
 - i. Lunch and/or dinner with vendors, sometimes including spouses, as long as the invitation is extended by the vendor;
 - ii. Gifts of small value from vendors such as calendars, pens, pads, knives, etc.;
 - iii. Gifts of perishable items usually given during the holidays such as hams, cookies, or nuts;
 - iv. Tickets to events (such as sports, arts, etc.) if offered by the vendor and the vendor accompanies the employee to the event. These are not

to be solicited by the employee and must be approved by the appropriate Jackson County supervisor or Department Head.

2. The receipt of alcoholic beverages is discouraged.
3. The following items are not acceptable:
 - i. Personal use of vendor's facilities (vacation homes, etc.) by employees or families;
 - ii. Gifts in cash or cash equivalent such as stocks or other forms of marketable securities of any amount.
4. Supervisors and Department Heads should not accept a gift from those under their supervision where the value of the gift is more excessive than normal.

D. Conflicts of Interest. Employees should avoid any situation that involves or may involve a conflict between their personal interest and the interest of Jackson County. As in all other facets of their duties, employees dealing with customers, suppliers, contractors, competitors, or any person doing or seeking to do business with Jackson County are to act in the best interest of Jackson County. Each employee shall make prompt and full disclosure in writing to their supervisor of any potential situation that may involve a conflict of interest. Such conflicts include:

1. Ownership by an employee or by a member of their family of a significant interest in any outside enterprise that does or seeks to do business with, or is a competitor of Jackson County.
2. Serving as a director, officer, partner, consultant, or in a managerial or technical capacity with an outside enterprise that does, or seeks to do business with, or is a competitor of Jackson County.
3. Acting as a broker, finder, go-between or otherwise for the benefit of a third party in transactions involving or potentially involving Jackson County or its interests.
4. Any other arrangements or circumstances, including family or other personal relationships, that might dissuade the employee from acting in the best interest of Jackson County.

6.13. SAFETY AND HEALTH POLICY

A. Purpose and Intent. It is Jackson County policy to make reasonable provisions for the safety and health of its employees at the workplace during the hours of their employment.

B. Protective Devices and Other Equipment. The County will provide protective devices and other equipment necessary to protect employees from injury. All employees are required to use equipment properly, and are responsible for all equipment issued to them.

- C. Promptly Report Accidents and Injuries.** On-the-job accidents, injuries, and illnesses, regardless of how minor, must be reported to your supervisor immediately. Failure to do so may disqualify you from receiving worker's compensation benefits or an excused absence and may result in disciplinary action.
- D. Physician's Statement.** In order to protect you, the public, and other employees, Jackson County may require a County-designated physician's statement to determine an employee's ability to perform his or her assigned work duties.
- E. Safety Committee.** Employees may be asked to serve on safety committees. The employee will be allowed to attend the meetings during regular working hours.
- F. Combustibles.** Combustibles must be stored in marked, covered containers in designated areas. Combustibles may be brought into the plant only in proper containers. Do not smoke, use a flame, or create sparks in areas posted "No Smoking" or in the vicinity of any combustibles (for example, gas, oil, paint, varnish, thinner, solvents, and glue). Do not store, even temporarily, any combustibles in any area where smoking is permitted without advance authorization from a supervisor. Dispose of cigarette butts and tobacco in the designated containers.
- G. Visitors in the Work Area.** Because of potential safety and other problems, the County cannot allow visitors (including family members and, particularly, children) in a dangerous working area at any time. If you observe a visitor in dangerous work area at any time, please immediately notify the supervisor in charge.
- H. Safety Rules.** Safety rules will be formulated from time to time by the employee safety committee or management and posted on the bulletin boards. In addition, the following safety rules must be observed by all County employees:

1. Do not drive or otherwise behave recklessly or carelessly.
2. Observe common safety practices.
3. Always use safety and protective devices and equipment as directed by the County.
4. Good housekeeping is part of safety, good health, and good work. Each employee is responsible for keeping his or her immediate working area clean.

Employees who violate any of these rules or any aspect of the safety and health policy will be disciplined, up to and including discharge.

6.14. OPEN RECORDS

Most records maintained by the County are open for inspection and/or copying by individuals. The Kansas Open Records Act recognizes that some records contain information that is private in nature. For this reason, some records are not available to the public. If, in the course of your employment, a member of the public requests that you provide County records to the individual,

please refer the individual to the County Clerk's office, which will handle all Open Records requests. Do not provide any County records to members of the public without prior authorization from the County Clerk's office.

6.15. COUNTY VEHICLE POLICY

No Jackson County employee shall operate any county-owned vehicle without a valid Kansas driver's license appropriate for the class of vehicle being operated.

Whenever a County employee drives or rides in any motor vehicle while on County business, that employee is required to wear a safety belt. All passengers in County vehicles, whether or not employed by the County, must also wear a safety belt. Sending and/or receiving text messages or any other form of electronic messages while driving is prohibited by County employees driving any motor vehicle while on County business.

No employee, while performing work in the course of their employment and utilizing any county vehicle or piece of machinery shall smoke in a county owned vehicle or piece of machinery.

Employees operating vehicles on behalf of or during their employment at Jackson County must abide by the Jackson County Vehicle Policy and the Jackson County Vehicle Maintenance Policy. Those policies will be provided to all employees with driving responsibilities, and are available in the Clerk's office for review by any interested employees. The Vehicle Policy and Vehicle Maintenance Policy are hereby incorporated by reference.

Any employee that has been issued a vehicle or machine shall sign that he/she has read, understands, and agrees to follow the Jackson County Vehicle Policy and the Jackson County Vehicle Maintenance Policy.

6.16. NEPOTISM

No full-time or regular part-time person shall be appointed, promoted, transferred, or otherwise employed in any position when, as a result, he or she would supervise or be supervised by a member of his or her immediate family. In the event supervisor and subordinate employee marry, it is the duty of the couple to determine which one of the couple will transfer, if available, or resign.

This policy does not apply to seasonal or temporary part-time employees.

For the purposes of this policy, immediate family shall be the employee's child, step-child, spouse, parent, step-parent, mother-in-law, or father-in-law.

SECTION 7 BENEFITS AND SALARY

7.1. OVERTIME AND COMPENSATORY TIME

A. General Statement. The County complies with all requirements of the Fair Labor Standards Act ("FLSA"). For all employees governed by the FLSA, the County will either pay at least one and one-half times the employee's regular rate of pay for all hours worked over forty (40) in any work week or award compensatory time off at a rate of not less than one and one-half hours for each overtime hour worked, as outlined herein. Employees that meet exemption requirements for executive, administrative or professional classifications, as defined in the FLSA, are exempt from receiving overtime pay.

Pursuant to the FLSA, non-exempt employees who work an excess of forty (40) hours per work week will be granted compensatory time off (1 1/2 hour off for each hour worked) or paid overtime (1 1/2 times the employee's hourly salary for each hour worked). Jackson County's policy is to accrue compensation time as opposed to overtime pay. Compensatory time or overtime shall be authorized only for work performed that is essential to meeting the goals and objectives of the employee's department. All employees must have prior approval from their supervisor before working overtime.

B. Computation of Overtime or Compensatory Time. Hours actually worked in a work week (not including vacation, holiday, sick, or other unpaid leave) will be used for computing payment of overtime or for figuring compensatory time off. To receive compensatory time or overtime, an employee must work over forty (40) hours in the work week. If an employee works over eight (8) hours one day and has a day off for any reason during the same week, the time worked over eight (8) hours will be paid as normal time.

C. Special Law Enforcement Exemption. Jackson County's law enforcement officers and corrections officers have established a twenty-eight (28) day work period in which overtime will only be paid, or compensatory time awarded, after 171 hours are worked in each work period.

D. Accrual and Use of Compensatory Time. Compensatory time must be used before vacation time and should be used within six months from the time it is earned. It is the policy of Jackson County to allow an accrued maximum of forty (40) hours of compensatory time. Any hours over the maximum will be received in paid compensation. When an employee is within sixteen (16) hours of the maximum (twenty-four (24) or more hours), the County can compel the employee to use compensatory time off and the County can choose the specific dates that an employee must use forced compensatory time off.

All employees must have prior approval from their supervisor before using

compensatory time.

7.2. HOURS OF WORK

A. In General. Generally, full-time employees will work forty (40) hours per work week, Sunday through Saturday. However, the work week for Juvenile Intake, Detention Center, and Patrol & Investigations is Monday through Sunday. Work hours shall be those necessary for the efficient transaction of County business and may vary among departments according to operational requirements as established by Department Heads.

It is the employee's responsibility to clock in and out at their designated scheduled duty time. Any corrections to an employee's time record need to be reported as soon as possible to the Department Head.

B. Assignment of Work Hours for Office Employees. Unless otherwise established by resolution, office employees will work the following hours:

1. Each office in the Courthouse, Noxious Weed, Sheriff, Detention Center and Banner Creek Reservoir shall open at 8:00 a.m. and remain open to the public until 4:30 p.m., Monday through Friday (except Noxious Weed Recycling which is open Tuesday through Saturday). The work week begins on Sunday and ends on Saturday. An eight (8) hour work day shall mean working from 8:00 a.m. to 4:30 p.m. and taking a half hour lunch between 11:00 and 1:00, or within the Courthouse, an eight (8) hour work day shall mean working from 7:30 a.m. to 4:30 p.m. and taking an hour lunch between 11:00 and 1:00, arranged so the office remains open. Each office located in the Courthouse has the option, if any of their employees so choose and with approval of that department head or elected official, to allow their employees to take an hour lunch between 11:00 and 1:00 arranged so the office remains open. If any office in the Courthouse has an employee electing to take an hour lunch said office shall open for business at 7:30 a.m. Employees are required to clock-in or out using the time clock system either by swipe card or from their assigned personal computer. In no circumstances should anyone clock anyone else in or out unless that job has been specifically assigned to them.
2. The Road & Bridge office hours will fluctuate depending on the hours that the other Road & Bridge employees are required to work.
3. Emergency Management is a one person office whose primary job function is to meet with other agencies, set up training and develop procedures. This office is allowed to be closed during the courthouse hours. The Director shall leave a note stating why the office is closed.
4. Banner Creek Reservoir office hours will be seasonal.

C. Overtime. No paid overtime is budgeted for and shall be kept to a minimal amount.

Overtime that is needed to meet deadline or job requirements should be agreed upon in advance between the Department Head and employee whether it be compensatory time or paid overtime. It shall be compensatory time unless granted in advance by the Department Head that it will be paid overtime. If an employee works additional hours, the Department Head, if possible, should send the employee home early during the work week to avoid overtime/compensatory time. If an employee works approved overtime he/she needs to make note on the time clock system in the comment line why it was necessary that overtime was worked. Overtime is not to be worked for the sole purpose of allowing for time off later.

- D. Employees are entitled to be compensated for all work performed for the County. Any time worked must be recorded in the time clock system. An employee is not permitted to work before he/she has clocked in or after he/she has clocked out.
- E. When a Department Head or employee that has the authority to adjust time, makes any time adjustments, they shall in the comment field make a note why the adjustment is being made. It is the responsibility of the Department Head to inform their employees, if the employees are reporting to work too early or leaving too late, that it is a violation of this policy and make a note of the adjusted time and action taken.
- F. Violation of this policy is cause for disciplinary action and possible dismissal.

7.3. BREAK PERIODS

One fifteen (15)-minute paid rest period for each four (4) hours worked is allowed, but is not mandatory, midway through the four (4)-hour period. Rest periods cannot be used to report to work late, take a longer lunch period, or quit work early. If an employee is unable to take his/her break because of a heavy workload or because he/she is the only employee in the office at the time, the break period is forfeited.

7.4. MEAL PERIODS

One thirty (30)-minute unpaid meal period shall be taken mid-shift by all employees that work at least six (6)-hour shifts. Employees (other than dispatchers, jailers, and sheriff deputies that are not relieved of their duties during their meal time) should clock in and out for their meal period. Employees that do not have access to a time clock at their meal period will have one half-hour deducted from their total hours for that day.

7.5. HOLIDAYS

- A. **Designated Holidays.** The County Commissioners have designated the following as County Holidays, which if falling on a weekend will be celebrated on the Friday preceding, or the Monday following, at the discretion of the Board of County Commissioners:

New Year's Day	Columbus Day
Martin Luther King, Jr. Day	Veterans' Day
President's Day	Thanksgiving Day
Memorial Day	Christmas Day
Independence Day	Full Discretionary Day
Labor Day	Employee's Birthday

If the employee's birthday falls on a weekend, the employee may take the holiday on either the Friday preceding, or the Monday following the birthday.

This holiday schedule applies to Monday through Friday, 8:00 a.m. to 4:30 p.m. employees. Departments that have hours other than Monday through Friday, 8:00 a.m. to 4:30 p.m. will set their own holiday schedule that gives the employees the same amount of holidays. This schedule will be submitted to the Board of County Commissioners for approval.

*January 28, 2013
Resolution 2013-07*

The Board of County Commissioners reserves the right to award compensatory time as they see fit for any holiday worked by an employee with a classification status of C, D, E, G & H but not to include the Sheriff or Corrections Departments. This right should only be exercised when the above mentioned employees are called into work on a holiday because of a natural disaster or an act of God.

- B. Holiday Pay.** "Holiday Pay" is the employee's normal rate of pay for eight (8) hours of the day on which the holiday is designated.
- C. Full-time Employees.** Regular full-time employees will generally not be required to work on designated holidays and will receive "Holiday Pay" on those holidays.

When a full-time employee is not scheduled to work on a designated holiday, Department Heads may establish a replacement holiday during the same week as the designated holiday on which the employee will receive Holiday Pay and is not required to work. The Sheriff and Corrections Departments (Classifications B, C, D, E & F) use the actual holiday for paying Holiday Pay.

If an employee is normally scheduled to work twelve (12) hours on a holiday, the employee will receive eight (8) hours of Holiday Pay. The Department Head should be consulted on when the remaining four hours will be worked or leave time taken.

- D. Part-time Employees.** Part-time employees in classifications G & H will receive Holiday Pay for the hours they are normally scheduled to work. For example, if an employee is normally scheduled to work five (5) hours on Monday through Friday and there is a holiday on Monday, he/she will receive five (5) hours of Holiday Pay for the holiday.

Part-time employees in classifications I & J will not receive Holiday Pay. However, these employees will be paid at double their regular rate for up to eight (8) hours of work if they work on a holiday. Any additional hours of work on a holiday will be

paid at the employee's regular rate of pay.

Temporary part-time and seasonal employees (classifications K & L) shall not receive holiday pay and will be paid at their regular rate of pay if they work on a holiday.

- E. Qualifying for Holiday Pay.** In order to receive pay for a designated holiday, an employee must not be absent without pay on either the workday before or after the holiday.
- F. Working on Holidays.** Employees in classifications C, D, E, G, & H who are required to work on a designated holiday (not on call or standby personnel) shall receive holiday pay plus their regular pay for the first eight (8) hours. Any hours worked after the first eight (8) hours during a holiday will be compensated at a rate of one and one-half (1 1/2) times the employee's normal rate.
- G. Sheriff and Correction Department.** The Sheriff and Corrections Department employees may be required, at the Sheriff's discretion, to take eight (8) hours off during any pay period containing a holiday.

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7.6. DISCRETIONARY TIME

The Board of County Commissioners may provide employees additional paid discretionary time off on an annual basis. Discretionary time may be granted to each regular full-time employee (classifications B, D, E, & F). Each regular part-time employee (classifications G & H) shall receive proportionate credit of time. Discretionary time must be used between January 1 and December 24 of each year. If an employee starts after July 1, he/she will not accumulate discretionary time until January of the following year. There shall be no accumulation or carry-over of the discretionary time. The scheduling of discretionary time must be approved by the supervisor. The full day of discretionary time shall be retroactive to January 1, 2012 for each regular full-time employee eligible to receive discretionary time on that date and the proportionate time shall be retroactive to those employees eligible to receive discretionary time on that date under regular part-time employee status

7.7. TRAVEL TIME

For purposes of computing time worked and compensable time, the following guidelines apply to travel time:

A. Day Travel.

1. Commuting to and from work is not compensable time.
2. Travel time to a distant out-of-town location is time worked for drivers and passengers (all forms of travel).
3. Travel between work locations and between a "normal" work location and another place of assignment is considered compensable time.

B. Out-of-Town, Overnight Travel.

1. Travel during normal work hours is hours worked.

2. Travel outside normal work hours as a passenger does not constitute hours worked.
3. Travel time as a driver, other than normal commuting, is hours worked.

C. Meetings, Lectures, and Courses. Attendance at meetings, lectures, and training programs or courses is considered compensable hours worked unless all four of the following are met:

1. The time is outside the employee's normal working hours;
2. The course subject is not directly related to employee's regular job (such as learning the requirements of a new or higher-rated job);
3. Attendance is truly voluntary (except for state mandated training); and
4. No productive work is performed.

Time spent outside of normal work time in state or licensing agency required training, such as to meet continuing education requirements, is not hours worked.

7.8. REIMBURSED TRAVEL EXPENSES

It is the policy of Jackson County that no employee should bear the expense of travel for County business. Therefore, the following policy has been adopted to reimburse employees for expenses.

- A. Approval.** All travel shall receive prior approval from Elected Officials or the County Commission. If a County vehicle is available, the employee shall use the County's vehicle in lieu of driving their personal vehicle and requesting mileage reimbursement.
- B. Personal Vehicle.** If a County vehicle is not available and an employee is required to drive their personal vehicle, the employee must keep a mileage log. To be reimbursed, the employee must submit to their Department Head a voucher showing the destination and reason for the trip so that it may be approved and forwarded to the County Clerk by the 24th of the month. The mileage rate and reimbursement is set by the County Commission and is subject to change annually. Automobile mileage will be reimbursed based on the most direct route to the destination.

If an employee drives a car as a matter of personal preference when a county vehicle is available, the employee will not receive mileage reimbursement unless prior approval has been made by the Head. Any reimbursement will be at a reduced rate, which is subject to change annually.

- C. Lodging.** Hotel or motel accommodations shall be reasonable and shall be reimbursed at a single occupancy rate, consistent with facilities available in proximity to the location of the conference or business meeting attended. Receipts are required.
- D. Meals.** All employees' meal expenses during an overnight travel will be reimbursed

and will not be subject to payroll taxes. If travel does not require an overnight stay, meals will be reimbursed only with Department Head approval through payroll and will be subject to payroll taxes. All meals will be subject to a maximum amount set annually by the County Commission. The County will not reimburse for alcoholic beverages.

When applicable, the employee will also be reimbursed for gratuity, not to exceed 15% of total meal expense. Proof of tip is required.

When a meal is provided with registration, airfare, or hotel room, the employee may not request a reimbursement for that meal if they choose to eat elsewhere.

- E. Airfare.** Coach airfare will be reimbursed. The use of special discount fares is encouraged.
- F. Parking & Turnpike.** Fees will be reimbursed.
- G. Registration.** Fees will be reimbursed when accompanied by a receipt. Advance registration should be used when it provides cost savings.
- H. Requests for Reimbursement.** All requests for reimbursement shall be accompanied by receipts and submitted on the required form.

7.9. INSURANCE

Jackson County offers a variety of employee benefit programs and services for its employees. Those benefits include group health, dental, and vision insurance. All health, dental, and vision insurance benefits are governed by the terms and conditions of the insurance contracts and by the insurance companies that administer the plans.

7.10. KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

- A. Generally.** The County participates in the Kansas Public Employees Retirement System ("KPERS"). Chapter 74, article 49 of the Kansas Statutes Annotated mandates membership in KPERS if an employee is working in a KPERS-covered position and is scheduled to work 1,000 hours per year. The County and the employee contribute to this mandatory retirement plan. The plan provides retirement, disability and life insurance benefits. Elected officials may elect to participate in KPERS.
- B. Employee Contributions.** From the first day of employment with the County in a KPERS-covered position (1,000 hours of work or more per year), the County will deduct the appropriate percentage (established by KPERS) of the employee's gross salary from the employee's paychecks to contribute to KPERS.
- C. KPERS Optional Group Life.** An employee is eligible for \$5,000 or \$50,000 additional life insurance at the employee's expense if they apply within thirty (30)

days of their first day of employment. Once an employee becomes a member of this program, he or she can increase his or her insurance at any time with proof of good health, up to \$250,000 of coverage.

7.11. BONDING

The County maintains bonding insurance on those employees who, in the performance of their job, require such bonding.

7.12. WORKER'S COMPENSATION

The County maintains worker's compensation insurance covering all employees, as required by law. Coverage is for injuries that occur on the job.

SECTION 8 LEAVE

8.1. SICK LEAVE

- A. Accrual.** Each full-time and regular part-time employee begins accumulating sick leave upon employment. Seasonal, temporary, and part-time employees working less than twenty (20) hours per week will not accrue sick leave.

The amount of sick leave hours earned each pay period is determined as follows:

Sick Leave Earnings Schedule

Hours Worked Per Work Week	Hours Earned Per Pay Period
20	2.
24	2.4
28	2.8
32	3.2
36	3.6
40	4.

Overtime hours are not to be included in this calculation.

There is no maximum on the amount of sick leave an employee can accumulate. Any employee that has a sick leave balance of 1040 hours or greater at the end of the calendar year will receive an extra discretionary day the following year.

Whenever an employee is transferred from one department to another, he/she shall be credited in the new department with all remaining sick leave to which he/she was entitled before the transfer occurred.

Upon resignation or retirement of employment, an employee who has accumulated 800 hours of sick leave shall be entitled to receive payment for one (1) month's pay in an amount equal to their last full month's salary. Otherwise, no accrued sick leave will be paid upon resignation, dismissal or termination of employment.

- B. Use of Sick Leave.** Employees may only use sick leave for hours they are scheduled to work. Sick leave will be calculated in increments of a quarter of an hour.

An employee may take up to four (4) hours of paid earned sick leave per visit to a doctor or dentist. Requests for additional paid time for an appointment must be documented by a medical certification and approved by the Department Head.

Sick leave may be authorized for illness of an employee's immediate family member when the illness reasonably requires the employee to be absent from work. For the

purposes of this policy, "immediate family" shall be the employee's child or step-child (only if the child or stepchild is either under 18 years of age or both 18 years of age or older and incapable of self-care because of a mental or physical disability), spouse, parent, step-parent, mother-in-law, or father-in-law. If a qualifying family member is over 18 years of age, a doctor's statement confirming that the family member is incapable of self-care will be required.

Employees who use three (3) consecutive days of sick leave because of illness or injury must give Jackson County proof of physician's care. If an illness or injury prevents an employee from performing their regularly scheduled duties, the employee must provide a physician's statement verifying (a) the nature of the illness or injury; (b) if and when the employee will be able to return to work, if applicable; and (c) whether the employee is capable of performing their regularly scheduled duties, and if not, what duties the employee is capable of performing. Without an acceptable physician's statement, the employee may be subject to immediate termination.

Sick leave that is used during the last two weeks of an employee's employment requires a doctor's statement.

Sick leave is not to be considered extra recreation time. Any employee found misusing the sick leave policy is subject to discipline up to and including dismissal.

8.2. VACATION LEAVE

A. Accrual. Vacation leave shall be earned by all full-time and regular part-time employees, (classifications C, D, E, F, G, and H). Leave for regular part-time employees shall be accrued proportionately to the percentage of time worked.

Part-time employees working less than 20 hours per week, seasonal employees, and temporary part-time employees will not accrue vacation leave.

Vacation Earnings Schedule

Hours Worked Per Work Week	Hours Earned Per Pay Period Based Upon Length of Service				
	Less than 5 years	5 years and less than 10 years	10 years and less than 15 years	15 years and less than 20 years	20 years and over
20-23	2.0	2.0	2.5	3.0	3.5
24-27	2.4	2.4	3.0	3.6	4.2
28-31	2.8	2.8	3.5	4.2	4.9
32-35	3.2	3.2	4.0	4.8	5.6
36-39	3.6	3.6	4.5	5.4	6.3
40	4.0	4.0	5.0	6.0	7.0
Maximum accumulation of hours on	144	160	176	192	208

October 24 th					
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Hours worked does not include overtime.

Vacation leave hours earned during a pay period are credited to the employee, and available for use, on the first day of the following pay period. Vacation leave will not be advanced to employees prior to employees earning the leave.

Whenever an employee is transferred from one department to another, he/she shall be credited in the new department with all remaining vacation leave to which he/she was entitled before the transfer occurred.

When a full-time or regular part-time employee who has voluntarily left County employment is re-employed within one (1) year, such employee is entitled to count previous years of service when determining vacation hours earned per pay period. Part-time employees' years of service will be prorated.

- B. **Maximum Accumulations.** The maximum accumulations of vacation leave shown on the table are enforced each year on the October 24th pay period. Each employee with more than the maximum accumulation of vacation leave hours accrued as of one month prior to the October 24th cut-off shall be notified of the specific amount of excess vacation leave.

All vacation leave hours over the maximum accumulation will be forfeited if not used before the October 24th cut-off date. This policy applies to all employees in all County departments.

- C. **Use of Vacation Leave.** Accrued compensatory time must be used before vacation leave is used. Use of vacation leave requires Department Head approval.

Leave usage may be limited during certain times of the year due to business necessity. Department Heads have the authority to cancel vacation leave due to business necessity.

Vacation leave may be used in increments of a quarter of an hour, if necessary, or any amount approved up to the maximum of days earned. Exempt employees may only use vacation leave in either half- or full-day increments.

Employees must request permission to take four (4) or more hours of vacation time on a "request for leave" form, which must be submitted at least three (3) days prior to the requested leave. Department heads have the discretion, based on business functions, to waive the three (3) days written notice requirement. The request may be approved or denied, consistent with the needs of the department. Compensatory time shall be used before vacation leave.

Non-elected Department Heads must submit a "request for leave" form to the Board

of County Commissioners at least three (3) working days prior to the leave request.

Any holiday on which the Courthouse is closed that occurs during an employee's vacation will not be charged against the employee's vacation leave.

If an employee or a member of the employee's immediate family becomes ill while the employee is taking vacation leave and the employee is deprived of all or a significant portion of the vacation due to the illness, the Department Head may charge to sick leave some or all of the time the employee or family member was ill during the vacation, provided the employee provides a physician's statement of illness to the Department Head. For the purposes of this policy, "immediate family" shall be defined as the employee's child, step-child, spouse, parent, stepparent, mother-in-law, or father-in-law.

Each employee who resigns or is otherwise separated from employment will be paid for accumulated vacation leave in his/her final paycheck.

8.3. FUNERAL LEAVE

At the time of the death of an immediate family member, a Department Head can grant two (2) paid working days to full-time and regular part-time employees for mourning and to attend the funeral. If the employee needs and requests additional time, such leave may be extended up forty (40) hours, at the Department Head's discretion. Department Heads may allow the employee to use accrued vacation or sick leave if additional time is needed. The employee's relationship to the deceased and necessary travel time shall be among the factors considered in determining the amount and type of leave to be granted.

Pay for regular part-time employees will be calculated according to the number of hours for which the employee was scheduled to work each day.

The Department Head may grant one paid working day to attend a funeral for all other relatives, or for any employee with an official function at a funeral.

If funeral leave is abused the employee will no longer be eligible for funeral leave for the duration of their employment and will receive a written reprimand in their personnel file.

For the purposes of funeral leave, "immediate family" shall be defined as spouse, parents, step-parents, children, step-children, sister, brother, grandparents, grandchildren, mother-in-law, father-in-law, brother-in-law, sister-in-law, daughter-in-law, and son-in-law.

8.4. JURY/WITNESS LEAVE

Full-time employees shall be granted leave with pay for mandatory jury duty or for an employee's required appearance before and at the direction of the Kansas Commission of Civil Rights, the United States Equal Employment Opportunity Commission or a court in a case in which the County or a governmental agency is charged, or where the employee is a named party,

acting in their capacity as a County employee.

Regular part-time employees shall be granted leave with pay when the requested days fall on days on which they would otherwise be scheduled for work, and will be paid according to the number of hours for which they would have worked on that day.

The employee is expected to report for work when doing so does not conflict with court obligations. The employee may retain any fees or pay received for this duty or appearance. Time off for court appearances as a party to any other civil or criminal litigation shall not be paid time off, unless the employee arranges for time off with their supervisor.

8.5. MILITARY LEAVE

A. Generally. Employees required to be absent from employment for the purposes of military service, training, and/or examination, will be eligible for a military leave of absence. The Uniformed Services Employment and Re-employment Rights Act of 1994 (“USERRA”), and the Veterans’ Benefits Improvement Act of 2004 (collectively, the “Act”), provide persons who perform duty in the uniformed services with certain rights. Jackson County will comply with the Act and all federal and state laws regarding the re-employment of employees who serve in the uniformed services.

B. Definitions. The following terms are defined by the Act, and the statutory definitions apply. For ease of reference, the terms generally mean and include the following:

1. “Uniformed services” include the Army, Navy, Marine Corps, Air Force, Coast Guard, and Public Health Service commissioned corps, Army National Guard and the Air National Guard, as well as the reserve components of each of these services.
2. “Service in the uniformed services,” “duty in the uniformed services,” and similar terms include active duty, active duty for training, initial active duty training, inactive duty training, and funeral honors duty performed by National Guard and reserve members, as well as the period for which a person is absent from a position of employment for the purpose of an examination to determine fitness to perform any such duty. The terms also include certain disaster response work and related authorized training under the Public Health Security and Bioterrorism Response Act of 2002.

C. Basic Provisions. The County will re-employ service members returning from a period of service in the uniformed services if the following requirements are met:

1. The service member must have been an employee of the County;
2. The employee must give their Department Head advance notice of the need for military leave unless such notice is impossible or unreasonable, or is prevented by military necessity;
3. The employee must have a cumulative period of military service of five (5) years or less while employed by the County, although certain initial periods of active duty may not be counted;

4. The employee must **not** have been released from military service under dishonorable or other punitive conditions; and
5. The employee must report back to his or her position with the County in a timely manner or submit a timely application for re-employment.

D. Time Limits for Reporting to Work or Re-Applying. The time limits for returning to work are based on the duration of the military service, as follows:

1. Less than thirty-one (31) days of military service: The employee is required to begin on the first regularly scheduled work period after the end of the calendar day of duty, plus the time required to return home safely and an eight hour rest period, unless through no fault of the employee, this is impossible or unreasonable, then as soon as possible;
2. Thirty-one (31) to one hundred eighty (180) days of military service: The employee is required to apply for re-employment no later than fourteen (14) calendar days after completion of military service, unless through no fault of yours this is impossible or unreasonable, then as soon as possible;
3. One hundred eighty-one (181) days or more of military service: The employee must apply for re-employment no later than ninety (90) calendar days after completion of military service;
4. Military service-connected injury or illness: The employee's reporting or application deadlines are extended for up to two years if the employee is hospitalized or convalescing.

E. Restoration of Employment. Upon returning from military service, an employee is eligible for reinstatement to his or her previous employment. The employee may be required to provide reasonably available documentation showing the service end date, the cumulative time served, and that he/she satisfactorily completed the military service. The type of position to which the employee is eligible for reinstatement depends upon the period of military service and on the employee's abilities at the time of re-employment, not on the type of military duty performed.

Except with respect to persons who incur or aggravate a disability during military service, the position into which the employee is eligible for prompt re-employment is based upon the length of his/her military service.

1. Military service of ninety (90) days or less: The employee is eligible for prompt re-employment, with full seniority, in the following order of positions:
 - i. in the job he/she would have held had he/she remained continuously employed, so long as he/she is qualified for that job or can become qualified after reasonable efforts by the employee and the County to obtain the necessary qualifications;
 - ii. in the position of employment in which he/she was employed on the date of the commencement of military service, after reasonable efforts by the employee and the County to obtain the necessary qualifications,

- if required, but only if the employee is not qualified to perform the duties of the job he/she would have held had he/she remained continuously employed following qualification efforts; or
- iii. in a position that is the nearest approximation to the aforementioned positions that the employee is able to perform, but only if he/she is unable to qualify for either of the aforementioned positions after reasonable efforts by the employee the County.

2. Military service of more than ninety (90) days: The employee is eligible for prompt re-employment, with full seniority, in the following order of positions:

- i. in the job he/she would have held had he/she remained continuously employed, or a position of like seniority, status and pay, so long as he/she is qualified for that job or can become qualified after reasonable efforts by the employee and the County to obtain the necessary qualifications;
- ii. in the position of employment in which you were employed on the date of the commencement of military service, or a position of like seniority, status and pay the duties of which you qualify to perform after reasonable efforts by you and the Firm to obtain the necessary qualifications, if required, but only if you are not qualified to perform the duties of the job you would have held had you remained continuously employed, or a position of like seniority, status or pay, following qualification efforts; or
- iii. in a position that most nearly approximates the aforementioned positions that you are able to perform, but only if you are unable to qualify for any of the aforementioned positions after reasonable efforts by you and the Firm.

F. Benefits. If the employee receives health benefits and those benefits would terminate because of an absence due to military service, he/she may elect to continue applicable health plan coverage for up to 24 months after the absence begins or for the period of military service, plus the time allowed to apply for re-employment, whichever period is shorter. The employee cannot be required to pay more than 102% of the full premium for the coverage. If the period of military service is for thirty (30) days or less, he/she cannot be required to pay more than the normal employee share of any premium. While the employee does not accrue benefits while on military leave, the time spent in active duty is considered service and is counted toward seniority for retirement vesting and benefit accrual purposes upon his/her return to employment.

G. Use of Paid Leave. The employee may request to use any accrued paid leave before beginning military leave instead of unpaid leave. However, an employee is not required to use accrued paid leave for military service.

H. Termination. Unless the employee's period of military service is thirty (30) days or less, he/she may not be discharged without cause upon re-employment:

1. For one year after the date of re-employment, if the military service was for more than one hundred eighty (180) days;
2. For six months after the date of re-employment, if the military service was for thirty-one (31) to one hundred eighty (180) days.

I. Discrimination. No employee or potential employee shall be discriminated against based on the employee's or potential employee's membership, application for membership, performance of service, application for service, or any other obligation in the uniformed services. No employee shall be retaliated against for enforcing the provisions of this Section or of the Act, or for exercising any right under the Act. Violations of this policy are subject to discipline, up to and including immediate termination.

8.6. FAMILY MEDICAL LEAVE

A. Purpose. To define Jackson County's policy and procedure with regard to family and medical leave.

B. General. Employees who have been employed by Jackson County for at least one (1) year, *and* worked at least 1,250 hours during the preceding twelve (12)-month period, *and* work at a location where at least fifty (50) employees are employed by Jackson County within seventy-five (75) miles are eligible for family and medical leave. For employees who are not eligible for family and medical leave, Jackson County will review business considerations and the individual circumstances involved.

C. Basic Leave Entitlements. The FMLA requires covered employers to provide up to twelve (12) weeks of unpaid, job-protected leave to eligible employees for the following reasons:

1. for incapacity due to pregnancy, prenatal medical care, or child birth;
2. to care for the employee's child after birth, or placement for adoption or foster care;
3. to care for a spouse, son or daughter, or parent who has a serious health condition;
4. for a serious health condition that makes the employee unable to perform the employee's job; or
5. a qualifying exigency which occurs while the employee's spouse, child, or parent is a member of a Reserve component or a retired member of the Regular Armed Forces or Reserves and is on active duty or on a Federal call to active duty.

The entitlement to leave for the birth or placement of a child for adoption or foster care will expire twelve (12) months from the date of the birth or placement. If two employees are married, they are entitled to a collective total of twelve (12) weeks of leave for the birth or placement of a child, rather than twelve (12) weeks each.

D. Military Caregiver Leave. Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their twelve (12)-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. Qualifying exigencies to manage the service member's affairs are described on the DOL form "Certification of Qualifying Exigency for Military Family Leave."

An eligible employee who is the spouse, son or daughter, parent, or next of kin of a covered service member is permitted to up to twenty-six (26) weeks of unpaid, job-protected leave to care for a covered service member. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty, as determined by the U.S. Department of Defense, that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status, or is on the temporary disability retired list. The twenty-six (26) weeks may only be taken during the single twelve (12)-month period following the beginning of leave. An employee is not entitled to any more than twenty-six (26) weeks of FMLA leave during any twelve (12)-month period, including leave taken for any reason.

E. Definition of Serious Health Condition. A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continued treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

F. Use of Leave. An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt Jackson County's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Any leave taken for an injury or condition that is covered under worker's compensation shall run concurrently with Family Medical Leave.

G. Substitution of Paid Leave for Unpaid Leave. Jackson County requires employees

to use all but five (5) days of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with Jackson County's normal paid leave policies. The paid leave will run concurrently with the FMLA leave. Once all accrued paid leave has been used, any remaining FMLA leave will be unpaid. The entire leave period (both paid and unpaid) will be counted towards the employee's FMLA entitlement.

H. Application for Leave.

1. To request leave for the birth or placement of a child, to care for a family member with a serious health condition, or for the employee's own serious health condition, an employee must complete an "Application for Family and Medical Leave" form and return it to the Jackson County Clerk. The completed application must state the reason for the leave, the duration of the leave, and the starting and ending dates of the leave.
2. To request leave for a qualifying emergency, an employee must complete the form "Certification of Qualifying Exigency for Military Family Leave" and return it to the Jackson County Clerk.
3. To request leave to care for a covered service member, an employee must provide Jackson County Clerk with a completed DOL form "Certification for Serious Injury or Illness of Covered Service Member for Military Family Leave."
4. In all instances when certification is requested, it is the employee's responsibility to provide Jackson County with complete and sufficient certification. Failure to do so may result in delay or denial of FMLA leave.
5. All required applications and forms are available in the County Clerk's office.

I. Notice of Leave.

1. Employees must provide thirty (30) days advance notice of the need for FMLA leave when the need is foreseeable. When thirty (30) days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with Jackson County's normal call-in procedures.
2. An employee intending to take family or medical leave because of an expected birth or placement, or because of a planned medical treatment, must submit an application for leave at least thirty (30) days before the leave is to begin. If leave is to begin within thirty (30) days, an employee must give notice to his or her immediate supervisor *and* to the Jackson County Clerk as soon as the necessity for the leave arises.
3. Employees must provide sufficient information for Jackson County to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees must also inform Jackson County if the requested

leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

- J. Employer Responsibilities.** Jackson County must inform employees requesting leave whether they are eligible under the FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, Jackson County must provide a reason for the ineligibility.

Jackson County must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If Jackson County determines that the leave is not FMLA-protected, Jackson County must notify the employee.

- K. Definition of Leave Year.** For the purpose of this policy, the County utilizes a "rolling calendar year." Pursuant to the "rolling calendar year," the leave year within which an eligible employee may take his or her twelve (12) weeks of FMLA protected leave means the twelve (12) month period beginning on the date the employee first takes leave for any of the reasons set forth previously.

L. Benefits Coverage During Leave.

1. During a period of family or medical leave, an employee will be retained on Jackson County health plan on the same terms as if the employee had continued to work. To continue health coverage, the employee must continue to make any contributions that he or she made to the plan before taking leave. Failure of the employee to pay his or her share of the health insurance premium may result in loss of coverage.
2. If the employee fails to return to work after the expiration of the leave, the employee will be required to reimburse Jackson County for payment of health insurance premiums during the family leave, unless the reason the employee fails to return to work is due to the continuation, recurrence, or onset of a serious health condition that would entitle the employee to FMLA leave; the continuation, recurrence, or onset of a covered service member's serious injury or illness that would entitle the employee to FMLA leave; or other circumstances beyond the employee's control.
3. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave. However, an employee is not entitled to the accrual of any additional seniority or employment benefits during the period of time the employee is on unpaid leave.

M. Restoration to Employment.

1. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other

employment terms.

2. However, if an employee would not otherwise have been employed at the time reinstatement is requested, such as because of a layoff, the County is not obligated to reinstate the employee.
3. Jackson County may deny job restoration to a "key employee" if necessary to prevent substantial and grievous economic injury to Jackson County's operations.

N. Return from Leave. An employee must complete a "Notice of Intention to Return From Family or Medical Leave" before he or she can be returned to active status. If an employee wishes to return to work prior to the expiration of a family or medical leave of absence, notification must be given to the Jackson County Clerk at least five (5) working days prior to the employee's planned return.

O. Failure to Return from Leave. The failure of an employee to return to work upon the expiration of a family or medical leave of absence will subject the employee to immediate termination unless an extension is granted. An employee who requests an extension of family leave or medical leave due to the continuation, recurrence or onset of her or his own serious health condition, or of the serious health condition of the employee's spouse, child or parent, must submit a request for an extension, in writing, to the employee's immediate supervisor. This written request should be made as soon as the employee realizes that she or he will not be able to return at the expiration of the leave period.

P. Unlawful Acts and Enforcement. The FMLA makes it unlawful for any employer to: interfere with, restrain, or deny the exercise of any right provided under the FMLA; or discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to FMLA. An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. The FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

8.7. VOLUNTEER FIRE FIGHTING AND EMERGENCY MANAGEMENT LEAVE

Subject to approval of an employee's Department Head, an employee may be granted a leave of absence with pay while performing fire-fighting or emergency management work during any emergency or other disaster. An employee absent from work for such reasons shall be required to obtain a written statement from the fire-fighting organization, emergency management agency, or other organization to which he or she belongs, certifying his or her activities during the period of absence. After performing duties during an emergency or other disaster, the employee shall immediately return to work. In the event the employee had to fight a fire all night and is unable to work the next day the employee would be allowed to use a vacation day.

8.8. LEAVE WITHOUT PAY

Leave without pay may be approved under circumstances outlined in these policies, or as otherwise determined by the County Commissioners or elected officials. No employee is entitled to leave without pay, and the County has the discretion to approve or deny leave without pay for any reason.

While an employee is on leave without pay, no vacation, sick leave, or other benefits will accrue. An employee may retain health insurance by paying the full cost of the health insurance while on leave without pay. The employee must make arrangements with the Clerk's office to agree upon a date by which premiums must be paid. Employees who fail to pay the premium by the agreed upon date will no longer be covered.

Employees on approved leave without pay will maintain their tenure and position with the County as of the date of leave. There may, however, be situations where positions cannot remain vacant for an extended period of time and must be filled. In that case, the employee will be offered a similar position upon his/her return, if such a position is available when the employee returns to work. When possible, employees are required to provide at least thirty (30) days notice before taking unpaid leave.

An employee on leave without pay who fails to return to work will be dismissed effective his or her last day of work or last day of paid leave, whichever is later.

No leave without pay shall extend beyond a one-year period from the time the leave was granted.

Leave without pay should not be confused with suspensions without pay, which are addressed in Section 9, "Corrective Action and Discipline" of this manual.

This leave without pay policy does not apply to leave taken under the Family and Medical Leave Act. FMLA leave is governed by the Jackson County Family Medical Leave Policy, Section 8.6 of this manual.

8.9 SHARED LEAVE POLICY

Purpose. The Shared Leave Policy is means to transfer vacation and sick leave to a qualifying employee experiencing a serious, extreme or life threatening illness, injury, impairment or physical or mental condition either personally or by a family member which has caused, or is likely to cause, the employee to take leave without pay or terminate employment.

A. Provisions

1. Coverage

- A)** Any employee in a classified, regular position or in an unclassified position that is eligible for benefits may be eligible to receive or donate shared leave as provided in this policy.
- B)** Shared leave may be granted to an employee if all of the following conditions in the following two subsections are met:

- i) The employee or a family member of the employee, as defined below, is experiencing a serious, extreme, or life-threatening illness, injury, impairment, or physical or mental condition; the illness, injury, impairment or condition of the employee or the family member has caused, or is likely to cause the employee to take leave without pay or terminate employment and the illness, injury, impairment or condition of the employee or the family member keeps the employee from performing regular work duties. Family member of the employee is defined as spouse, child of the employee, step-children of the employee or a parent.
 - ii) Each employee who meets the requirements of section 1(B)(i) shall be eligible to receive shared leave if both of these conditions are met: the employee has exhausted all paid leave available for use, including vacation leave, sick leave, compensatory time, holiday compensatory time, and any other paid leave to which the employee is entitled **and** the employee has at least six continuous months of service.
2. An employee shall be eligible to donate vacation leave or sick leave to another employee if the following conditions are met:
 - i) The donation of vacation leave does not cause the accumulated vacation leave balance of the donating employee to be less than 80 hours, unless the employee donates vacation leave at the time of separation from employment from Jackson County, Kansas.
 - ii) The donation of sick leave does not cause the accumulated sick leave balance of the donating employee to be less than 480 hours, unless the employee donates sick leave at the time of separation from employment with Jackson County, Kansas.
3. An employee who currently is receiving workers compensation for the illness, injury, impairment or physical or mental condition that is the basis for the shared leave request or has submitted an application for workers compensation for this illness, injury, impairment or condition shall not be able to receive shared leave.
4. Shared leave is not intended to cover employees with unsatisfactory attendance records.

B. Duration

1. Shared leave is meant to cover only the duration of the current illness or injury for which it was collected up to a maximum of six months from the date the employee began using shared leave if the employee qualifies for KPERS long-term disability payments after six months of shared leave, and the illness, injury, impairment or physical or mental condition still exists, the employee can then request more shared leave for up to an additional six months.

2. Only in the event the date on the request form is prior to the approval date, may shared leave be applied to this time period retroactively. Otherwise, all donated leave must be applied to the current or future pay periods while the employee is on shared leave.
3. In the event a person returns to work with inadequate donated leave to cover the shared leave period, the employee has 30 days in which to obtain additional donated leave to be applied only to the two pay periods prior to return to work. The shared leave committee must receive written notification of each instance on retroactive application of shared leave.

C. Compensation and Benefits

1. Shared leave will be paid at the receiving employee's rate of pay by the receiving department.
2. An employee in shared leave status shall be treated the same as an active employee. The receiving employee is considered on paid leave and will continue to receive benefits as appropriated.
3. An employee will continue to accrue leave at the regular rate while on shared leave. Any vacation and sick leave accrued each pay period must be deducted before shared leave is used.

D. Request Procedures

1. The employee will complete the Shared Leave Request Form, copies of which can be found at the end of this employee manual and at the Jackson County Clerk's Office.
2. A shared leave committee shall be established and coordinated by the Board of County Commissioners. The shared leave committee shall consist of the persons holding the office of County Clerk, Emergency Management Director and the current Undersheriff. The shared leave committee shall be fair and impartial in discharging their responsibilities.
3. When requesting shared leave, an employee shall be required to provide a statement from a licensed health care provider or other medical evidence necessary to adequately establish that the illness, injury, impairment, or physical or mental condition of the employee or family member is serious, extreme, or life-threatening and keeps the employee from performing regular work duties. If the employee fails to provide the required evidence, the used of shared leave shall be denied.
4. At any time during the use of shared leave, Jackson County, Kansas may require the employee to provide a statement from a licensed health care provider or other medical evidence necessary to adequately establish that the illness, injury, impairment, or physical or mental condition of the employee or family member is

serious, extreme, or life-threatening and keeps the employee from performing regular work duties. If the employee fails to provide the required evidence, the use of shared leave may be terminated by Jackson County, Kansas.

5. The Jackson County Clerk shall determine whether or not an employee meets the initial eligibility requirements and, if applicable, whether or not the employee would be caring for an individual who meets the definition of a family member. Shared leave may be denied if the shared leave committee determines that the requesting employee has a history of leave abuse.
6. Once the Jackson County Clerk determines that an employee meets the eligibility requirements set out in the eligibility section above, the shared leave committee shall determine whether or not the illness, injury, impairment, or physical or mental condition of the employee or the employee's family member meets the conditions established in Section A.
7. If the shared leave committee determines that the illness, injury, impairment or physical or mental condition meets the coverage requirements are met the shared leave committee shall grant all or a portion of the time requested.
8. If the shared leave committee determines the illness, injury, impairment or physical or mental condition is not serious, extreme or life threatening, the shared leave request is denied. The denied Shared Leave Request Form shall be placed in the employee's personnel file in the Jackson County, Clerk's Office for filing.
9. The decision by the shared leave committee to approve or deny the request for shared leave is not subject to appeal.

E. Donation Procedures

1. Department

- a. Notification of the need for shared leave will be the responsibility of the recipients department. Departments may request the notification process be included with paychecks.
- b. The department will determine the method of notification of the need for donated leave which may include memos, flyers, bulletin board notices, etc.
- c. No employee shall be coerced, threatened, intimidated or financially induced into donated leave for purposes of the shared leave policy.
- d. Employee's leave records are not open records and shall be kept confidential by the employer. An employer may sign the "Partial Waiver of Confidentiality" on the Donation form if they wish the Jackson County, Clerk's Office to release information to the employee who will be receiving their leave donation.

2. Employee

- a. Donation must be made in writing on the Shared Leave Donation Form. The shared leave donation form must be approved and signed by the Jackson County Clerk after determining if leave time is available to share.
- b. Employees donating vacation leave must have a vacation leave balance of at least 80 hours after the donation. Employees donating sick leave must have a sick leave balance of at least 480 hours after the donation is made.
- c. Employees may make multiple donations during a particular approved occurrence as long as the leave balance requirements are met. Each donation must be made on a new donation form.
- d. Donations may be made to an employee in another department.
- e. Donations must be made in full hour increments.

F. Terminating Shared Leave

1. An employee shall no longer be eligible to receive shared leave for a particular occurrence if:
 - a. The illness, injury, impairment or condition improves so that it is no longer serious, extreme or life-threatening and the employee is no longer prevented from performing regular work duties.
 - b. The recipient terminates or retires; or
 - c. The family member's illness, injury, impairment or physical or mental condition is no longer serious, extreme or life threatening and the employee is no longer prevented from performing regular work duties.
 - d. The employee shall be determined to no longer be prevented from performing regular work duties when the physician states the employee is able to return to work or when the employee has returned to work for five (5) continuous working days.
 - e. Any unused portion of the shared leave shall be prorated among all donating employees based on the original amount and type of donated leave. Shared leave shall not be returned to donating employees in increments of less than one full hour or to any person who has left Jackson County, Kansas employment.

J. Record Keeping

1. The Jackson County Clerk's office will be responsible for processing shared leave requests, donation forms and leave balance adjustments.

2. The Jackson County Clerk's office will be responsible for calculating the prorated amount of unused shared leave and credit it back to donors, in not less than full hour increments, in an accurate and timely manner. Shared leave shall not be returned to a donating employee who has left Jackson County, Kansas employment.

SECTION 9 CORRECTIVE ACTION AND DISCIPLINE

9.1. CORRECTIVE COUNSELING AND PERFORMANCE IMPROVEMENT

Jackson County seeks to establish and maintain standards of employee conduct and supervisory practices that will, in the interest of Jackson County and its employees, support and promote effective operations. Such supervisory practices include administering corrective action when employee conduct or performance problems arise.

9.2. OPTIONS FOR CORRECTIVE ACTION

Depending on the facts and circumstances involved in each situation, Jackson County may choose to begin corrective action at any step up to and including immediate termination. This policy does not in any way modify the status of employees as employees-at-will. The following steps may be followed at Jackson County's discretion:

- A. Oral Warning.** For infractions Jackson County deems to be minor, the employee may be issued an oral warning, which will be noted in the employee's personnel file. If the situation does not improve within a reasonable time, the supervisor may repeat the measure or implement a more severe option.
- B. Written Warning.** For repeated minor infractions, or a more substantial infraction, the employee may be issued a written warning. The written warning should be prepared following a corrective action discussion with the employee. The employee will be given an opportunity to comment in writing and should be asked to sign the notice, acknowledging receipt.
- C. Probation.** If a problem continues, or for a sufficiently substantial infraction, an employee may be placed on probation. Typically, probation periods will be between two weeks and sixty days, depending on the circumstances. Upon being placed on probation, the employee will receive a written notice stating the specific unsatisfactory behavior; a review of previous corrective action, if any; the length of probation; specific requirements for improvement; and a statement that further action, including dismissal will result if the requirement improvements are not made.
- D. Suspension.** If events compel immediate action when termination appears possible, a Department Head may immediately suspend the employee for a specified period, pending an investigation. The employee will be required to leave the premises immediately. The suspension/investigation period will generally last no longer than three working days. The objective of this suspension will be to determine if termination is the proper decision.

A suspension may also be warranted when employee safety, welfare, or morale may be adversely affected if a suspension is not imposed. In addition, and with prior approval of the Department Head, suspension without pay for up to three consecutive

working days may be imposed for misconduct such as intentional violation of safety rules or fighting. These examples do not limit the County's use of suspension with or without pay in any other appropriate circumstances.

In implementing a suspension, a written report should set forth the circumstances justifying the suspension. Such a report may become part of the employee's personnel file.

- E. Termination.** For infractions Jackson County deems to be sufficiently serious, or for continued failure to respond appropriately to prior corrective action, termination is appropriate. The employee will be notified of the dismissal by a Supervisor or Department Head and, if necessary, will be directed to report to the Clerk's office for completion of appropriate documentation.

- F. Non-Exclusive List.** While Jackson County endorses these options for corrective action, it retains the right to administer discipline in any manner it deems appropriate.

SECTION 10 GRIEVANCES

10.1. GRIEVANCE PHILOSOPHY

The most effective accomplishment of the work of the County requires prompt consideration and equitable adjustment of employee grievances informally, and both supervisors and employees are expected to make every effort to resolve problems as they arise. It is recognized, however, that there may be grievances that will be resolved only after appeal and review by the Grievance Committee. In such instances, an employee may be granted a formal hearing before the Grievance Committee with the understanding that it is not a legally recognized civil or criminal proceeding; therefore, attorneys may not be present.

It is the policy of Jackson County to treat all employees' grievances equitably and fairly. Each employee of the County will be provided ample opportunity to understand and resolve matters affecting his or her employment, which the employee believes is unjust. All parties who participate in the grievance process offered by Jackson County acknowledge and agree that the grievance procedure is designed to address employment related disputes, and no legal opinions or services are being rendered, or will be rendered, to them by members of the Grievance Committee.

10.2. DEFINITIONS

A. Grievance. As used in this Section, a grievance is (1) a statement of dissatisfaction over any condition of employment which allegedly has an adverse effect on the employee; or (2) a complaint involving a misinterpretation or misapplication of practice or policy under the Jackson County, Kansas Policy Manual, including suspension, demotion and dismissal for cause.

B. Human Resources Director. For purposes of this Section, the "Human Resources Director" shall be the County Clerk.

10.3. APPLICABILITY

All Jackson County employees are eligible to file a grievance and utilize the grievance procedure. The availability of the grievance procedure has no effect on an employee's at-will employment status.

Grievances may be filed for the following reasons:

- A. Discipline, demotion, suspension or dismissal
- B. Employee performance reviews
- C. Alleged discrimination or harassment
- D. Violations of the Jackson County, Kansas Employee Policy Manual

10.4. GRIEVANCE COMMITTEE

The Grievance Committee is an outside committee comprised of one or more disinterested persons. Employees and elected officials of Jackson County are not allowed to sit on the Grievance Committee.

The Human Resources Director or his/her designee will be present at each grievance hearing as a consultant and non-voting member.

10.5. HOLD HARMLESS AND INDEMNIFICATION

- A. Policy.** In reviewing, hearing and deciding grievances, the Grievance Committee is performing a service to Jackson County, Kansas and to its employees. To ensure fairness in all aspects of the grievance hearing and appeal process, the Grievance Committee must be free to consider all evidence presented and render decisions free from all threats, coercion and reprisal.
- B. Agreement.** By participating in the grievance procedures offered by Jackson County, ALL PARTIES WHO PARTICIPATE (e.g. employees, supervisors, Department Heads, etc.) AGREE TO INDEMNIFY, DEFEND, AND HOLD HARMLESS the Grievance Committee, its members, and those acting on its behalf, from and against any and all harm, damages, liability, claims, causes of action, expenses, costs, and attorney's fees incurred at any time by any of them in connection with the County's grievance procedures. All parties who participate in a grievance agree not to file any complaints, commence any litigation, threaten any litigation, or seek recovery of monetary damages or other relief from the Grievance Committee or from any member of the Grievance Committee.
- C. Jackson County's Agreement.** The County has entered an agreement to indemnify and hold harmless the members of the Grievance Committee from any and all harm and damages in connection with the filing, review, hearing, and determination of any grievance filed by any employee of Jackson County pursuant to this section. A copy of that agreement is maintained by the Human Resources Director. Should the County be required to indemnify, defend, or hold harmless the Grievance Committee pursuant to its agreement for any reason, the County may, in the discretion of the Board of County Commissioners, seek indemnification from the employee and/or Department Head involved in the grievance procedure if a determination is made that the acts or omissions of the employee and/or Department Head triggered the County's obligations to indemnify, defend, or hold harmless the Grievance Committee. All parties who participate in the grievance procedures offered by the County agree to indemnify the County as set forth in this section.

10.6. GENERAL PROVISIONS

An aggrieved employee must represent himself or herself at all steps of the grievance procedure. The employee will be allowed to utilize work time to meet with the supervisor, Department Head, or Human Resources Director to respond at each applicable step of the grievance

procedure so long as such absence does not create undue hardship upon completion of work in the employee's department.

Failure of the immediate supervisor or Department Head to respond to the employee's grievance within the time limits specified shall enable the aggrieved employee the opportunity to take the grievance to the next numbered step of the grievance procedure. Failure of an employee to meet a deadline without an extension shall terminate the grievance process and the grievance shall be considered settled on the basis of the last decision made. Such a grievance will not be subject to further appeal or consideration.

At any step in the grievance procedure, if the aggrieved employee or the immediate supervisor or the Department Head believes that an extension of time for an action is required, the party may request in writing an extension of time from the Human Resources Director.

Grievances are assured the maximum possible anonymity. The filing of a grievance shall in no way reflect on an employee's performance with the County. Employees who file a grievance and utilize the grievance procedure, or who assist another employee in his/her grievance, are to be free from restraint, coercion, discrimination, harassment, and reprisal arising from utilization of the grievance procedure. If an employee believes he/she is being subjected to restraint, coercion, discrimination, harassment, and reprisal as a result of filing a grievance or assisting another employee in his/her grievance, the employee may file a separate grievance as outlined herein.

Except in situations where an employee with a disability believes he or she has been discriminated against or harassed because of the disability, an employee who has filed a complaint with an administrative agency outside of Jackson County, Kansas or who has filed a lawsuit against Jackson County, Kansas may not file a grievance on the same matter. Such action will result in no action being taken on a pending grievance on the same matter. An outstanding civil rights complaint or lawsuit does not affect the filing or processing of a grievance on an unrelated matter.

10.7. GRIEVANCE PROCEDURE

For all grievances, the following steps shall be taken in sequential order by an employee:

- A. Step Number 1:** Any employee who believes he/she has a grievance must make a sincere, honest attempt to work out the situation and resolve any grievance through his or her supervisor and Department Head prior to submitting a grievance form.
- B. Step Number 2:** If informal resolution is unsuccessful, the aggrieved employee shall, within a period of five (5) working days from the date of occurrence giving rise to the complaint, provide a written complaint to his or her immediate supervisor. The supervisor shall provide an opportunity for full discussion of the grievance with the aggrieved employee. The supervisor shall give a written answer to the employee within three (3) working days of the date of discussion.

In any of the following circumstances, the employee may skip Step Number 2 and

proceed to the next applicable step:

1. If the grievance involves a suspension, demotion, or dismissal the employee will file his/her grievance directly to the Department Head (Step Number 3 below).
2. If the grievance involves discrimination and/or harassment as described in Sections 2 and/or 3 of this manual, the employee will file his/her grievance directly to the Department Head (Step Number 3 below).
3. In the event an employee believes he or she is being discriminated against or harassed by a Department Head, the employee will file his/her grievance directly to the Human Resources Director (Step Number 4 below).

Step Number 3: If the employee disagrees with the decision of the supervisor, the employee may forward the grievance in writing to the Department Head within three (3) working days of receipt of the supervisor's written response. When forwarding the grievance to the Department Head, the employee shall include the supervisor's written response (if applicable) as well as the following information:

1. Name of grievant;
2. Date of event/action complained of;
3. Specific statement of actual grievance, including all relevant facts;
4. Signature of grievant; and
5. Date filed.

If the grievance involves a suspension, demotion, or dismissal, or if it involves harassment or discrimination such that the employee skipped Step Number 2, the employee shall provide a written complaint as set forth above to the Department Head within five (5) working days of the date of occurrence giving rise to the complaint.

The Department Head shall make careful inquiry into the facts and circumstances surrounding the grievance. The Department Head shall inform the employee of a decision and reasons therefore in writing within three (3) working days of receipt of the employee's grievance.

- C. Step Number 4:** If, after reviewing the Department Head's decision, the aggrieved employee is not satisfied with the written response to the grievance, the employee may appeal to the Grievance Committee by filing a written appeal with the Human Resources Director within seven (7) calendar days from the date of the Department Head's written response.

If the grievance involves harassment or discrimination by a Department Head such that the employee skipped Step Numbers 2 and 3, the employee shall provide a written complaint as set forth in Step Number 3 to the Human Resources Director within five (5) working days of the date of occurrence giving rise to the complaint.

A written appeal shall serve as a request for a grievance hearing. A written complaint

involving discrimination or harassment by a Department Head filed directly with the Human Resources Director shall serve as a request for a grievance hearing.

In filing a written appeal or complaint with the Human Resources Director, the employee has the option of choosing to waive a grievance hearing and having the grievance determined on the record. If the employee chooses not to have a grievance hearing, he/she must provide all documentation supporting the grievance to the Human Resources Director at the time the written appeal or complaint is filed and inform the Human Resources Director in writing that he/she would like the grievance determined solely on the record.

10.8. HEARING AND NOTICE

- A. Indemnification and Hold Harmless Agreement.** When filing a written appeal or written complaint to the Grievance Committee, the employee must sign a "Grievance Procedure Indemnification and Hold Harmless Agreement" and submit the signed agreement along with his/her written appeal or written complaint to the Human Resources Director. Failure or refusal of an employee to sign the "Grievance Procedure Acknowledgment and Hold Harmless Agreement" shall terminate the grievance process and the grievance shall be considered settled on the basis of the last decision made. Such a grievance will not be subject to further appeal or consideration.

Upon receipt of the "Grievance Procedure Indemnification and Hold Harmless Agreement" signed by the employee, the Human Resources Director shall obtain the signature of the employee's Department Head on the same form prior to any hearing or determination by the Grievance Committee. Failure or refusal of a Department Head to sign the "Grievance Procedure Acknowledgment and Hold Harmless Agreement" shall preclude the Department Head from participating in the grievance hearing.

The "Grievance Procedure Indemnification and Hold Harmless Agreement" is located as an Appendix to this policy manual, and copies may be obtained from the Human Resources Director.

- B. Investigation.** Upon receipt of the written appeal and request for grievance hearing, the Human Resources Director shall notify the County Counselor that a written appeal has been filed. The County Counselor and/or the Human Resources Director shall begin an investigation into facts and circumstances surrounding the grievance. Such investigation may include interviewing the employee filing the grievance, interviewing the employee's supervisor and/or Department Head, and interviewing any other employees or witnesses necessary to investigate the grievance. In conducting such investigation, the County Counselor or the Human Resources Director may utilize the services of an independent person or firm to conduct interviews or otherwise perform any services necessary to investigate the grievance. The investigation should be completed as soon as practicable following the receipt of

the written appeal and request for hearing.

- C. Scheduling and Notice.** Upon receipt of a written appeal and request for grievance hearing, the Human Resources Director shall notify the Grievance Committee immediately that a request has been filed. The Grievance Committee and the Human Resources Director shall coordinate and set a date and time for the hearing. The hearing shall be held as soon as practicable following the receipt of the written appeal and request for hearing.

The Human Resources Director shall give not less than three (3) working days' notice in writing to all involved parties of the time and place of such a hearing. Prior to hearing a grievance, the Grievance Committee may ask the grievant and Department Head to briefly clarify the issue being grieved.

- D. Confidentiality.** All materials and discussions related to the grievance hearing will be kept confidential by the Grievance Committee and its representatives and by all other participants.

The hearing proceedings will be kept confidential by the Committee members. However, the results of the hearing are not confidential in nature.

- E. Attendance.** The hearing shall be conducted in a closed session and only the individuals specified herein may be present. The aggrieved employee and the responding Department Head may be present through the entire hearing proceedings. Employees making use of the grievance procedure shall be permitted to have a fellow employee present during the grievance proceedings. Any called witnesses will only be present in the hearing for the time needed to give their direct and cross-examination testimony. The only other individuals that shall be present are the members of the Grievance Committee and the Director of Human Resources. Because the grievance proceedings are administrative in nature and not judicial, the presence of an attorney to represent or counsel a grieving party is prohibited.

- F. Hearing Procedure.** The grievance hearing should be conducted with sufficient formality to preserve an orderly presentation of both sides of the issues, provide opportunities for the introduction of evidence either in the form of testimony or exhibits, and preserve the opportunity to cross-examine opposing witnesses.

Prior to presenting evidence or questioning participants and witnesses, the aggrieved employee and the Department Head shall have the right to give a brief opening statement. The aggrieved employee will present his/her statement followed by the Department Head in non-disciplinary actions. The order of presentations will be reversed for grievances involving disciplinary actions. Following in turn, the grievant and Department Head will present their respective cases, rebuttal arguments, and brief closing statements.

The Grievance Committee may call and question witnesses deemed necessary,

including but not limited to the aggrieved employee, the immediate supervisor, and the Department Head. The Grievance Committee reserves the right to call back for questioning any of the witnesses, the aggrieved employee, or the Department Head, if it deems it necessary to do so.

The Grievance Committee will consider and take notice of all County ordinances, County policies, department manuals and other written administrative procedures or rules which have been adopted by the Board of County Commissioners or any department of the County and which have been in use prior to the hearing subject to the procedures outlined above.

G. Findings and Recommendation. In seclusion from all parties and witnesses involved, the Grievance Committee will make a determination of the facts and shall decide on the basis of such facts whether the action (or decision) of the Department Head will be affirmed, denied, or modified. The Grievance Committee shall submit written findings to the aggrieved employee, the Department Head, and the Human Resources Director within ten (10) working days. The recommendation of the Grievance Committee shall be final and binding in all grievances.

SECTION 11 TERMINATING EMPLOYMENT

11.1. GENERAL POLICY

Terminations are to be treated in a confidential, professional manner. This policy and its administration will be implemented in accordance with the County's equal opportunity employment policy.

Just as an employee may resign his or her employment with the County at any time and for any reason, an Elected Official, Department Head or the Jackson County Commissioners may discharge an employee at any time and for any reason. The County subscribes to the policy of "employment at will."

11.2. METHODS OF TERMINATION

Employment with Jackson County is normally terminated through one of the following actions:

- A. Resignation.** Voluntary termination of employment by the employee. The employee must provide a minimum of two weeks' notice prior to resignation. Supervisory employees will be required to give four weeks' or 20 working days' notice. If an employee does not provide the required notice, Jackson County will consider the employee's failure to do so if the employee seeks reemployment with Jackson County. Employee resignation dates must not fall on the day after a holiday.

Resigning employees are entitled to receive all earned pay, including vacation pay and unused compensatory time. Unused sick leave is subject to the Sick Leave Policy. All resignations by employees should be in writing.

- B. Retirement.** Employees who wish to retire are required to notify their Department Head and the County Clerk in writing at least one month before planned retirement date. In order to be eligible for retirement from Jackson County, Kansas, an employee must have at least ten (10) years employment with Jackson County, Kansas. Any employee qualified for retirement must make application with the Jackson County Clerk no later than one month prior to their date of retirement if electing to take advantage of Jackson County, Kansas group health insurance.
- C. Automatic Termination** -If an employee does not or cannot return to full-duty status at the end of his or her approved leave of absence(s), employment will be automatically terminated. An employee will be considered unable to return to work if he or she cannot perform the essential functions of the job in full capacity, with or without reasonable accommodation. Under no circumstances may an employee take leave for more than one year, unless on Military Leave or with written approval of the Board of County Commissioners.
- D. Lay-offs.** When a reduction in work force is necessary, or one or more positions are

eliminated, the County will, in its sole discretion, identify the employees to be laid off. The County may give two weeks' notice to the eliminated employee, but is not required to do so. Laid-off employees are entitled to receive all earned pay including unused compensatory time and vacation pay. Unused sick leave will be forfeited.

E. Dismissal. An employee may be dismissed at any time, for any reason, at the sole and absolute discretion of the County. In the case of dismissal, the County may, in its sole discretion, give notice of its intent to dismiss an employee, but the County is not required to give any such notice. Dismissed employees are entitled to receive all earned pay, unused compensatory time, and vacation leave. Unused sick leave will be forfeited. Terminated employees are ineligible for rehire.

F. Job Abandonment. Employees who fail to report to work or contact their supervisor for two consecutive workdays shall be considered to have abandoned the job without notice, effective at the end of their normal shift on the second day. The supervisor shall notify the County Clerk at the expiration of the second workday and initiate the dismissal paperwork. Employees who are dismissed due to job abandonment are ineligible for rehire.

11.3. PROCESSING TERMINATION OF EMPLOYMENT

On the final day of an employee's employment, the supervisor and/or the Department Head must receive all keys and County property, including but not limited to uniforms, cell phones, computers, files, and identification cards, from the employee. Failure to return items may result in legal action against the employee.

The employee may pick up his or her final payroll check from the Clerk's office on the next payday or have the check mailed to a designated address.

11.4. HEALTH INSURANCE

Health insurance terminates on the last day of the last month of employment, unless the employee requests immediate termination of benefits. Information regarding the Consolidated Omnibus Budget Reconciliation (COBRA) continued health coverage will be provided. Employees will be required to pay their share of the dependent health and dental premiums through the end of the month.

11.5. REHIRE

Former employees who end their employment with Jackson County in good standing and are classified as eligible for rehire may be considered for reemployment. An application must be submitted to the Managing Supervisor, and the applicant must meet all minimum qualifications and requirements of the position, including any qualifying exam, when required.

Approval from an Elected Official, Department Head or the Board of County Commission is required to rehire any former employee. Former employees who return to employment with

Jackson County within one year will be awarded benefits based on the employee's years of service in his/her previous tenure with the County. Former employees who return to employment with Jackson County after more than one year will accrue benefits as a new employee.

11.6. INELIGIBILITY FOR REHIRE

An employee who is terminated for violating policy or who resigns in lieu of termination from employment will be ineligible for rehire. Notice of ineligibility for rehire shall be placed in the employee's personnel file.

SECTION 12

ELIGIBLE EMPLOYEE USE OF BANNER CREEK RESERVOIR

This policy will set the parameters for Jackson County eligible employees' use of Banner Creek Reservoir.

- A. Definition.** An "eligible employee" is any full time County employee who is not on a probationary period. "Eligible employee" also includes former Jackson County employees who have retired with ten years of employment from Jackson County, Kansas, and who completed their probationary period prior to retirement.
- B. Policy.** Each eligible employee is eligible to receive two vehicle permits and one boat permit each year for use of Banner Creek Reservoir. Eligible employees with five (5) or more years of continuous employment with Jackson County are also eligible for a camping permit each year. The camping permit does not include the fee for water and electricity while camping. The eligible employee will have to pay these daily charges. Any and all other special fees or charges for use of the reservoir will be the responsibility of the eligible employee.

For purposes of this policy, a retiree who retired with ten (10) or more years of service to the County is considered an eligible employee with ten (10) or more years of service and will receive a camping permit each year in addition to the vehicle and boat permits. A retiree is eligible for these permits for the lifetime of the retiree.

Benefits and privileges under this policy are not transferable and are valid for the eligible employee only.

- C.** Each year after the 1st of January, the eligible employee may collect his or her permits at the Banner Creek Reservoir Office.

APPENDIX 1

ANNUAL UPDATE TO THE POLICY MANUAL

A1.1. BENEFIT INFORMATION

Jackson County offers a variety of employee benefit programs and services for its employees. For simplicity, this Annual Update merely brings available health and life insurance benefits to your attention. The terms and conditions of all such benefits are governed at all times by the insurance companies that administer the plans. Should a question arise concerning benefits, the terms of the insurance contracts and any formal plan documents will govern. Retired employees, and/or their dependents, who have retired from Jackson County, Kansas with at least ten (10) years of employment will have the option to purchase health insurance, at the retired employee's own expense, through the Jackson County, Kansas group. Retired employees may cease to be covered through the Jackson County, Kansas group when one of these conditions occur: 1) when the retired employee fails to pay premiums on a timely basis or 2) when the retired employee and their dependents are eligible for Medicare and/or Medicaid.

- A. Health Insurance.** For employees that work at least 2000 hours per year, the County will pay up to \$900 towards the employee's and the employee's family's health, dental insurance and vision coverage. Part-time employees who work a minimum of 1000 hours per year are also eligible for group health, dental and vision. Part-time employees who work a minimum of 1000 hours per year shall pay up to 48% of the total premium. An employee must be employed three complete calendar months prior to health, dental and vision insurance eligibility for Jackson County, Kansas.
- B. Group Life Insurance Plan (Full-Time Employees).** Jackson County provides full-time employees \$10,000 of life insurance and \$10,000 of accidental death and dismemberment insurance through Fort Dearborn Life. Employees are eligible for this benefit after the first of the month following three full months of employment.
- C. Cancer, Disability & Intensive Care Insurance.** Selective coverage is offered through payroll deductions.
- D. Continuation of Health Insurance under COBRA.** Under the Consolidated Omnibus Budget Reconciliation Act of 1985, better known as COBRA, if an employee ceases employment with the county, the employee is entitled to continue participating in the County's group health plan for a prescribed period of time, usually eighteen (18) months. In certain circumstances, such as an employee's divorce or death, the length of coverage period may be longer for qualified dependents. COBRA coverage is not extended to employees terminated for gross misconduct.

A1.2. REIMBURSEMENT

Meal reimbursement will be \$10.00 for breakfast and \$15.00 for lunch and \$20.00 for dinner.

Mileage will be reimbursed at the IRS rate when an employee is required to drive his or her personal vehicle. If a County vehicle is available but the employee opts to drive their own vehicle, mileage will be reimbursed at the IRS "Medical Miles" rate.

A1.3. WORKER'S COMPENSATION

Jackson County's worker's compensation insurance is through K_WORCC, which contracts with IMA (8200 E 32nd Street North, P.O. Box 2992, Wichita, KS 67201-2992 (1-800-333-8913)). Coverage is for injuries that occur on the job.

- A. Emergency Procedure.** If there is an emergency, seek treatment immediately at the nearest staffed emergency facility.

- B. Non-Emergency Procedure.** For a non-emergency injury, the accident must be reported to the supervisor and/or Department Head immediately. The supervisor and/or Department Head will direct the employee to a proper medical care facility and ensure the appropriate paperwork is completed within twenty-four hours. The Board of County Commissioners may designate any physician and any clinic in Jackson County for all work-related injuries that have been properly reported. IMA will determine coverage for worker's compensation claims.

- C.** Generally, if an employee sees any unauthorized physician, employees will have up to \$500.00 coverage. The balance of any bills over that amount will be the employee's responsibility. It will be the employee's responsibility to advise the doctor that his or her treatment will be considered unauthorized.

A1.4. DRUG TESTING

The County has contracted with Konza Lab in Manhattan to administer the CDL Drug Testing Pool, reasonable suspicion, pre-employment and post-accident drug testing.

APPENDIX 2
ACKNOWLEDGMENT FORMS

**RECEIPT AND ACKNOWLEDGEMENT OF JACKSON COUNTY, KANSAS EMPLOYEE
POLICY MANUAL**

Please read the following statements, sign below, and return to the County Clerk.

Acknowledging Receipt of Jackson County Personnel Policy Manual: I have received a copy of the County Personnel Policy Manual and have had an opportunity to read through the policies. I understand that the policies and benefits described in it are subject to change at the sole discretion of the Jackson County Board of Commissioners at any time.

At-Will Employment: I understand that my employment is at-will, and neither Jackson County nor I have entered into a contract regarding the duration of my employment. I am free to terminate my employment with Jackson County at any time, with or without reason. Likewise, Jackson County has the right to terminate my employment, or otherwise transfer or demote me at any time, with or without reason, at its discretion. No employee of Jackson County can enter into an employment contract for a specified period of time, or make any agreement contrary to this policy, without written approval from the Board of County Commissioners.

Discrimination and Harassment Policy: I acknowledge that I have received the discrimination and harassment policies and will bring to the appropriate party's attention any and all issues involving discrimination and harassment. I further acknowledge that I understand my rights in bringing issues forward and will use those avenues if an issue arises.

Compensatory Time: I acknowledge and understand the County policies regarding compensatory time. I agree to accept compensatory time in lieu of overtime in accordance with County policy.

Confidential Information: I am aware that during the course of my employment confidential information may be made available to me. I understand that I may not give out or use this information outside of Jackson County's premises or with non-Jackson County employees during my employment and following the termination of my employment, whether voluntary or involuntary.

Drug Testing and Searches: I acknowledge and consent to random and unannounced substance abuse testing if my position falls into the category that is drug tested. I further understand that I will be required to sign a form consenting to both the testing and release of test results to Jackson County. I also understand and agree that if Jackson County has reason to believe that I have violated the drug policy, I may be required to submit to a search of my personal property, including but not limited to my clothing, wallet, purse, work station, or vehicle. I understand that refusal to consent will subject me to discipline, up to and including termination.

Driver's License: I understand that if my position requires me to hold a valid Kansas Driver's License and/or a Commercial Driver's License, it is my responsibility to immediately notify my immediate supervisor if my license becomes invalid, suspended, or modified in any way.

Employee's printed name

Position

Employee's signature

Date

Supervisor's signature

Date

**ACCEPTABLE USE AGREEMENT FOR
ELECTRONIC COMMUNICATIONS DEVICES**

By signing below, I agree to following terms:

1. I have received and read a copy of the Jackson County Electronic Communications Policy, located within the Jackson County Employee Policy Manual, and I understand and agree to the terms in that policy.
2. I understand and agree that any software and hardware devices provided to me by Jackson County remain the property of Jackson County.
3. I understand and agree that since the software and hardware are the property of Jackson County, the County has the right to access and monitor all computers and other electronic communication devices, including voicemail, facsimiles, and emails, and inspect any files thereon.
4. I understand and agree that I shall not access computers, programs, or files if I do not have authorization to do so.
5. I understand and agree that I shall not copy, duplicate (except for backup purposes as part of my job), or allow anyone else to copy or duplicated any software.
6. I understand and agree that if I leave Jackson County for any reason, I shall immediately return to the County the original and copies of any and all software or computer equipment that I may have received from the County that is either in my possession or otherwise directly or indirectly under my control.
7. I understand and agree I must make reasonable efforts to protect all company-provided software and hardware devices from theft and physical damage.

Employee's printed name

Position

Employee's signature

Date

Supervisor's signature

Date

RECEIPT OF THE JACKSON COUNTY POLICY MANUAL
ADOPTED JUNE 23, 2008,
AS AMENDED AND RESTATED _____, _____, 20__

I, _____, do hereby sign that I have received the Jackson County Policy Manual. I understand that I have to read the policy manual and then sign the forms attached to the policy manual and that my signatures must be witnessed by my supervisor. I also understand that the previous policy manuals have been repealed and that this is the current policy manual.

Employee's printed name

Position

Employee's signature

Date

Supervisor's signature

Date

**GRIEVANCE PROCEDURE INDEMNIFICATION
AND HOLD HARMLESS AGREEMENT**

1. Employee's Acknowledgment and Agreement.

I acknowledge and agree that the Grievance Committee and its members, or those acting on its behalf shall not be liable to me for any intentional or negligent act or omission of the Grievance Committee, its members, or those acting on its behalf in connection with my grievance, including but not limited to reviewing, hearing, and deciding my grievance. I agree not to file any complaints, commence any litigation, threaten any litigation, or seek recovery of monetary damages or other relief from any members of the Grievance Committee arising out of or in connection with my grievance.

I agree to indemnify, defend, and hold harmless the Grievance Committee, its members, and those acting on its behalf, from and against any and all harm, damages, liability, claims, causes of action, expenses, costs, and attorney's fees incurred at any time by any of them, and as the same may be incurred, as a result of my acts, my conduct, or my omissions in connection with my grievance.

Employee's signature

Date

Employee's printed name and position

2. Department Head Acknowledgment and Agreement.

I acknowledge and agree that the Grievance Committee and its members, or those acting on its behalf shall not be liable to me for any intentional or negligent act or omission of the Grievance Committee, its members, or those acting on its behalf in connection with any grievance to which I am a party, including but not limited to reviewing, hearing, and deciding such grievances. I agree not to file any complaints, commence any litigation, threaten any litigation, or seek recovery of monetary damages or other relief from any members of the Grievance Committee arising out of or in connection with such grievances.

I agree to indemnify, defend, and hold harmless the Grievance Committee, its members, and those acting on its behalf, from and against any and all harm, damages, liability, claims, causes of action, expenses, costs, and attorney's fees incurred at any time by any of them, and as the same may be incurred, as a result of my acts, my conduct, or my omissions in connection with any grievance to which I am a party.

Department Head's signature

Date

Department Head printed name