

PERSONNEL POLICIES AND GUIDELINES WABAUNSEE COUNTY, KANSAS

INTRODUCTION

This policy describes the practices, which govern your employment with Wabaunsee County, Kansas. The board of County Commissioners believes the County's personnel program compares favorably with local governmental programs in the area and treats employees fairly and equitably with respect to pay, employee benefits and other employment practices.

The policies that follow do not cover each and every situation that may arise at any given time. The policies serve as a standard in keeping with sound business and employment practices and as a guide for personnel action. If an interpretation of this policy is required, or if it is felt that there is a need to deviate from an established policy, please consult your department head or supervisor. In any event, good judgment and cooperation are expected.

The contents of this personnel policy handbook are presented as a matter of information to employees, officials and staff only. While Wabaunsee County believes in the plans, policies and procedures described herein, they are not conditions of employment. The County reserves the right at all times, by regular resolution, to modify, revoke, suspend, terminate or change, in whole or in part, without notice. This personnel policy handbook is not and should not be construed as an employment contract or any other type of contract between Wabaunsee County and any or all of its employees, officials and staff.

ARTICLE A. GENERAL

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

(A) Promote and increase the efficiency and effectiveness of county service.

(B) Develop a program of recruitment, advancement and tenure, which will make county service attractive as a career.

(C) Establish and promote high morale among county employees by providing good working relationships, uniform personnel policies, and an opportunity for advancement without regard to race, color, sex, disability, religion, age, national origin or ancestry.

(D) Establish county employment and personnel policies. These policies and guidelines do not create contractual employment rights. All employees are considered to be at-will employees for the purposes of county employment.

A -2. Application of Policies. These policies and guidelines shall apply to all employees in the service of the county except elected officials.

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

A -4. Personnel Records. The county clerk shall keep adequate records of all persons employed, their pay scale, time worked, accrued vacation and sick leave, all absences for vacation, sick or other leave, accrued overtime, and all other records directed to be made and maintained under these policies and guidelines or under applicable state or federal law. An employee's personnel file shall be available during office hours for inspection by that employee.

A- 5. Amendment of Policies. These policies may be amended from time to time in the same manner as they were adopted.

ARTICLE B. RECRUITMENT AND PROMOTION

B- 1. Definitions.

(A) **Governing Body** is the County Commissioners of Wabaunsee County, Kansas.

(B) **Full-Time Employee** is one employed to work a normal workweek of at least 40 hours on a regular and continuing basis. The workweek is a seven-day period, beginning 12:01 a.m. on Monday morning and ending 12:00 p.m. (midnight) on Sunday, except as otherwise provided in Section D-1.

(C) **Half-time Employee** is one employed to work twenty (20) hours or more per week, but less than forty (40) hours per week.

(D) Part-time Employee is one employed to work less than twenty (20) hours per week on a regular basis.

(E) Seasonal Employee is one employed to work on a regular and/or recurring basis during a specific season or portion of a year.

(F) Temporary Employee is one employed to work on a regular and/or recurring basis in the absence of a full or part-time employee.

(G) Volunteer is a non-paid individual in the position he or she holds. When acting as a volunteer, an individual is not an employee regardless of other county employment.

B -2. Recruitment. It shall be the policy of the county to provide fair and equal opportunity to all qualified persons to enter county employment on the basis of demonstrated merit and fitness determined by fair and practical methods of selection, without regard to race, color, sex, disability, religion, age, national origin or ancestry. All job openings within the County system shall be advertised in the official county newspaper and simultaneously by memo to each county department.

B -3. Qualifications of Employment. All new applicants for any position with the county shall meet the minimum qualifications established for that position. Each applicant shall complete a job application form. A medical examination, a background check or other testing, including drug testing, may be required only after an offer of employment has been made, provided that such exams or testing are required of all such applicants who are offered employment in similar positions or position classifications. The offer of employment is contingent upon applicant passing required tests.

B -4. Training Period.

(A) Each employee, following initial employment, shall undergo a training period of six months in order to achieve a minimum level of competency. The department head can extend this training period, as he or she deems necessary. Completion of the training period does not change the at-will nature of employment.

(B) Each employee promoted to a classification with higher pay shall also undergo a training period in order to achieve minimal competency in the new position. An employee may be returned to the pay and position he or she held immediately prior to the promotion or to a position with equal pay and responsibility if a minimal level of competency cannot be demonstrated. Promotion does not change the at-will nature of employment.

B-5. Promotion. It is the policy of the county to fill vacancies for supervisory, skilled and upper-level positions from within the ranks of present employees whenever possible (see Section B-2). All employees seeking promotion shall be expected to meet the minimum qualifications for the class to which they seek promotion. A medical examination or other testing, including drug testing, may be required only after an offer of promotion has been made, provided that, such exams or testing are required of all such employees who are offered promotions in similar positions or position classifications. The offer of promotion is contingent upon applicant passing required tests.

B -6. Nepotism.

(A) In order to avoid favoritism or the appearance of favoritism based on family relationships, no one shall be hired for employment in a department where the supervisor or department head is a member of their immediate family. "Immediate family" is defined to include only an employee's parents, stepparents, spouse, children, sister or brother, grandparents, grandchildren, mother or father-in-law and brothers or sisters-in-law. Members of immediate families may be employed within the same department as a part-time or temporary employee for a period not to exceed six months in any twelve consecutive month period. If the part-time or temporary employee is related to their supervisor, prior permission must be obtained from the County Commission before the person is hired.

(B) If two employees within the same department become members of each other's immediate family; one of the employees can be transferred to another department or section if the department has different sections, if possible, without loss of pay or other benefits. However, the establishment of such a relationship shall not be the basis for termination of employment.

ARTICLE C. COMPENSATION

C-1. Pay Plan.

(A) The salary of each employee of the county shall at least be reviewed annually. The Governing Body, with the advice of the appropriate department head, shall make such determination.

(B) Employees working on a part-time basis shall receive that portion of the salary assigned to their position to be determined by the actual time they work. The hourly wage for a person employed on a salary basis is computed as follows: yearly salary divided by 2080.

C-2. Pay Increases.

(A) Pay increases shall not be routine or automatic except as set forth herein and are subject to approval of the Governing Body.

(B) Annual cost-of-living pay increases may be given as approved by the Governing Body.

(C) Subject to the approval of the Governing Body, a department head may recommend to the Governing Body a pay increase to an employee.

(D) All full-time Wabaunsee County employees shall receive \$5.00 per month after the first year of employment and for each successive year of employment. There is no cumulative limit on longevity pay.

C-3. Pay on Termination.

(A) An employee, whose termination with the county is either not for cause or with cause, shall receive his or her final paycheck on the first regularly scheduled payday following his or her termination.

(B) Employees discharged for cause, and those who voluntarily terminate without giving a minimal of two weeks notice, shall not be eligible to receive pay for any accrued benefits other than unused vacation. See Section D-4 as to employees-in-training.

(C) Upon separation of employment from Wabaunsee County, either voluntarily or involuntarily, an exit interview shall be held with the department head and a representative from the County Clerk's Office

C-4. Overtime Work.

(A) Compensation for authorized overtime work shall be at the rate of one and one-half times the employee's regular rate of pay. Overtime compensation shall be paid not later than the first payday following the pay period in which it was earned.

(B) If a position could be classified as exempt under the Fair Labor Standard Act (FLSA), the County may so designate the position as exempt and provide salary compensation. Such employees do not receive overtime compensation.

(C) Employees shall be eligible to receive overtime compensation for all hours worked in excess of a 40-hour workweek. Personnel on a 171 hour per 28 day work period will receive overtime for hours worked in excess of 171 hours during any given 28 day work period. Hours worked does not include vacation leave, sick leave, funeral leave, discretionary days, or paid holidays.

(D) All overtime work must have prior authorization by the employee's department head. The department head shall maintain records of any overtime worked. Department heads may request that overtime requests be in writing.

C-5. Pay Periods; Paydays.

(A) The county shall pay all employees on a schedule established by the County Clerk's office. A copy of the schedule shall be distributed to all employees on December 1 for the proceeding year.

C-6. Time Clock

All hourly and appointed county employees are required to clock in and out on the county time system. Employees must clock at their start time, any earlier requires approval from the department head, as does any work past the employee's end time. Each department head is responsible for making sure employees enter their time into the time keeping system.

ARTICLE D. ATTENDANCE AND LEAVE

D-1. Hours of Work.

(A) **General Employees.** The normal workweek for all county employees, shall be 40 hours.
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Full time personnel employed in departments operating on a 24-hour basis, other than police officers and firefighters, shall work not fewer than eight hours per day, five days per week, on a schedule to be assigned by the department head. Normal business hours are to be no less than 8:00 a.m. to 4:30 p.m., Monday through Friday. With the approval of the Board of Commissioners a department may choose to create a schedule of four ten hour days. Further the Sheriff's department is authorized to create a work schedule for applicable law enforcement personnel based on the number of hours an employee works in a period of 28 consecutive days. Employees assigned to the 28 day work period are required to work a minimum of 160 regular hours in the 28 day work period. Over time would not accrue until the employee works more than 171 hours in any 28-day work period. Sheriff's office employees are exempt from the lunch and break requirements identified in section D-2.

(B) Normal Work Hours. No employee shall be permitted to work in excess of their normal workweek except when so directed by the employee's department head.

D-2. Breaks.

- (A)** Employees are entitled to a rest break of 15 minutes for each four hours of work. The employee's immediate supervisor shall determine the time of the rest break, usually mid morning and mid afternoon.
- (B)** Each employee shall take a 30 minute lunch break unless the department head authorizes otherwise. Lunch breaks do not constitute hours worked and no work can be done on a lunch break

D-3. Holidays and Discretionary Day.

(A) Paid holidays for all county employees shall be established by the Governing Body on an annual basis during its organizational meeting. From time to time, and for certain special occasions, the Governing Body may by motion designate other days as special holidays on a one-time basis. A discretionary day may be authorized in lieu of a holiday as determined by the Governing Body. The computation of hours will be the same as a paid holiday.

(B) Full-time employees shall get holiday pay of an amount equal to the wages they would have earned on a typical workday had they been scheduled on the holiday. For employees who have workdays that vary in hours and those with situations not herein described, the department head shall determine hours given on a holiday so long as the policy is evenly applied to all department employees. Half-time employees shall be paid only for county observed holidays, which fall on days for which they would otherwise have been scheduled to work. The amount of such pay shall be equal to the wages they would have earned for the number of hours they would have been scheduled to work on that day not to exceed 4 hours.

(C) Part-time employees shall not receive paid holidays.

(D) Seasonal employees shall receive paid holidays.

(E) Temporary employees shall not receive paid holidays.

(F) An employee who is on leave without pay for any amount of time either the last working day before or the first working day after a holiday, shall not receive pay for the holiday.

(G) Full-time employees working on a paid holiday shall be paid for the hours worked at the rate of one and one-half times regular salary for the hours worked.

D -4. Vacation Leave. Vacation leave shall be earned beginning with the day of employment under the conditions hereinafter stated. An employee who works fewer than 96 work hours in any month shall not accrue vacation credit for such month of service; provided that this restriction of 96 work hours shall not apply where the employee has worked fewer than 96

work hours due to authorized vacation or sick leave. No employee shall be permitted to use vacation time for any period spent on unauthorized leave. See section D-4 (A).

(A) Full-time Employees. Full-time employees are entitled to paid vacation leave time according to the following schedule; provided, no paid vacation leave time may be taken during the first 6 months of employment. Vacation leave with pay shall be earned and accrued from the employment date of each employee as follows:

Full Time Employees:

Four (4) hours per pay period during the first two (2) years of employment. Eight (8) hours per pay period after two (2) full years of employment. Twelve (12) hours per pay period after seven (7) full years of employment. Sixteen (16) hours per pay period after fifteen (15) full years of employment.

Half-time Employees:

Two (2) hours per pay period during the first two (2) years of employment. Four (4) hours per pay period after two (2) full years of employment. Six (6) hours per pay period after seven (7) full years of employment. Eight (8) hours per pay period after fifteen (15) full years of employment.

Part-time Employees: Part-time employees are not entitled to any annual leave.

Seasonal Employees: Seasonal employees are not entitled to any annual leave.

Temporary Employees: Temporary employees are not entitled to any annual leave.

Vacation Accumulation:

No more than 160 hours of vacation time can be carried over past your anniversary date from year to year for employees with less than fifteen full years of employment. Employees with fifteen or more years of employment may accumulate up to 240 hours of vacation time carry over. Effective August 15, 2007 any vacation time above these limits will be credited to sick leave. An employee may receive, upon written approval of the department head, compensation for no more than forty (40) hours of vacation time.

Vacations shall be authorized by department heads in accordance with workload and shall be authorized upon a basis of seniority. Vacation may be taken by employees on a daily basis with approval of department heads. It shall be the policy of Wabaunsee County, Kansas that all vacations shall be taken with consideration being given to the needs of the department and to the individual involved. Department heads shall notify the Board of County Commissioners prior to taking vacation in excess of 4 days.

(B) Training Period. Employees-in-training during their initial employment shall be credited with vacation leave for each month of employment but shall not be permitted to use any vacation credit prior to the completion of their training period of six (6) months. Training employees terminated prior to attaining full-time or half time status shall be paid for any accrued vacation leave.

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

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

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

D -5. Sick Leave. Full-time employees, and half-time employees who are employed to work at least 20 hours or more per week, shall be entitled to sick leave with pay for absences resulting from illness, injuries, accidents, or other physical incapacities occurring either on or off the job. No employee shall be permitted to use sick leave for any period spent on unauthorized leave. Full-time employees, but not half-time employees, are entitled to sick leave with pay for wellness prevention and dental work if they have provided at least one day's notice to the immediate supervisor. Sick leave may be used to help care for spouse, children and parents. The provisions of the Family and Medical Leave act may apply in some circumstances (see Section D-12 below).

(A) Amount of Sick Leave.

(1) Full-time employees shall earn eight (8) hours of sick leave for each full pay period of service.

(2) Half-time employees who are employed to work not less than 20 hours per week shall receive four (4) hours of sick leave for each pay period of employment.

(3) Part-time employees are not entitled to any sick leave.

(4) Seasonal employees are not entitled to any sick leave.

(5) Temporary employees are not entitled to any sick leave.

(B) Accumulation of Sick Leave. Employee may accrue unlimited hours of sick leave.

(C) Computing Sick Leave. Any absence for a fraction or part of a day, which is chargeable to sick leave shall be charged in increments of not less than fifteen (15) minutes.

(D) Doctor's Certificate. For sick leave, a department head may require a signed statement from a health care provider verifying the employee's inability to perform his/her assigned duties because of illness.

(E) Notification. To be eligible for paid sick leave an employee, or his/her representative, shall notify his/her immediate supervisor and give the reason for the absence no later than thirty (30) minutes after the beginning of the first workday for which sick leave is taken.

(F) Compensation for Accumulated Sick Leave upon Termination of Employment.

(1) Each employee terminating their employment with the county with eight (8) or more years of service and who has accumulated 400 hours or more of sick leave shall receive at the time of termination, compensation for accumulated sick leave as follows.

(a) Compensation for 200 hours, if such person has completed eight (8) or more years of such service and has accumulated at least 400 hours of sick leave.

(b) Compensation for 400 hours, if such person has completed fifteen (15) or more years of such service and has accumulated at least 700 hours of sick leave.

(c) Compensation for 600 hours, if such person has completed twenty-five (25) or more years of such service and has accumulated 1200 hours of sick leave or more.

(2) All payroll deductions shall be deducted from all compensation for accumulated sick leave paid to each employee who terminates employment with the county.

(G) Holiday During Sick Leave. County holidays, which occur during the taking of an employee's authorized sick leave, will not be counted as a day of sick leave.

D -6. Maternity Leave. An employee who becomes pregnant may claim and receive maternity leave in the same manner as provided for sick leave; provided, however, that the employee must utilize any accrued sick leave then vacation leave if, and to the extent, such leave is available. A pregnant employee may also take leave without pay in the same manner as any other employee on leave without pay status. The provisions of the Family and Medical Leave Act may apply in some circumstances (see Section D-12).

D -7. Funeral Leave. Wabaunsee County provides funeral leave to full time employees of up to forty-eight work hours of leave per fiscal year with pay. This leave does not accumulate from year to year. Any leave exceeding the 48 work hours shall be charged against any unused sick or vacation leave, unless the employee elects to take leave without pay.

(A) Funeral leave is provided for an employee's immediate family. (Defined as spouse, children, mother, father, brother, sister, grandparents, grandchildren or the same relatives by marriage of the employee's spouse) Funeral leave is provided for an employee's immediate family. (Defined as spouse)

(B) Other Family members: Employee shall be allowed up to one (1) working day, (not more than 8 hours off) for other family members to include aunt, uncle, niece, nephew, cousin, or the same relative of the spouse. Employees may, with their supervisor's approval, use vacation, sick, or personal leave for additional time off. Time used pursuant to this subsection will count against the yearly 48 work hour allowance.

(C) The department Head will make the final decision about whether or not to grant funeral Leave and if so, length of leave after considering the following factors:
1. Employee's relationship to the deceased; and
2. Necessary travel time.

D-8. Shared Leave.

(A) Each full time employee may be eligible to receive or donate shared leave as provided in this policy.

(B) Shared leave may be granted to an employee if the employee or a family member (Family member is defined as persons related to the employee by blood, marriage or adoption; and minors residing in the employees residence as a result of court proceedings) if the employee or family member is:

(1) Experiencing a serious, extreme or life-threatening illness, injury, impairment or physical or mental condition which has caused, or is likely to cause the employee to take leave without pay or terminate employment; and

(2) The illness, injury, impairment or condition keeps the employee from performing regular work duties.

(C) An employee shall be eligible to receive shared leave if:

(1) The employee has exhausted all paid leave available for use including vacation leave and sick leave.

(2) The employee has completed the six-month training period.

(D) An employee shall be eligible to donate vacation or sick leave to another employee if:

(1) The donation of vacation leave does not cause the accumulated vacation balance of the donating employee to be less than 80 hours; and

(2) The donation of sick leave does not cause the accumulated sick leave balance of the donating employee to be less than 160 hours.

(E) When requesting shared leave, or at any time during the use of shared leave, any employee may be required by the department head and/or the Board of County Commissioners, to provide a physician's statement or other medical evidence necessary to 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, when requested, the use of shared leave may be denied or terminated by the county.

(F) The department head and/or the Board of County Commissioners shall determine whether an employee meets the requirements for shared leave.

(1) Shared leave may be denied if it is determined that the requesting employee has a history of leave abuse.

(2) Any employee who is receiving workers' compensation shall not be eligible to receive shared leave.

(3) The County may grant all or a portion of the time requested. The decision by the County to approve or deny the request shall be final and not subject to appeal.

(G) Employees shall not be notified of the need for shared leave until the Department Head and/or the Board of County Commissioners have approved the request for shared leave. No employee shall be coerced, threatened, intimidated or financially induced into donating leave for purposes of the shared leave program. Requests for shared leave, granting of shared leave, donation of or receipt of shared leave, and all matters relating thereto, shall be kept confidential by employer and employee.

(H) Shared leave may be used only for the duration of the serious, extreme or life threatening illness, injury, impairment or physical or mental condition for which it was collected. When an employee is granted shared leave due to the employee's illness or injury,

the maximum duration of the shared leave shall be six (6) months from the date the employee began using shared leave. After six (6) months, if the employee does not meet the conditions for long-term disability payments, shared leave may be extended for up to an additional six (6) months. When the shared leave is granted due to the illness or injury of a family member, the maximum duration of the shared leave shall be twelve (12) months from the date the employee began using the shared leave. Shared leave shall not be transferable to any employee other than the employee for which it was requested and donated.

(1) Shared leave may be applied retroactively for a time not to exceed two (2) pay periods. Written notification of each instance in which shared leave is applied retroactively shall be sent to the County Clerk, payroll section.

(I) an employee shall no longer be eligible to receive shared leave for a particular occurrence if:

(1) 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;

(2) The recipient terminates or retires; or

(3) 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.

(4) 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 twenty (20) continuous working days.

(5) Any unused portion of the shared leave shall be pro-rated 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 county employment.

(J) Shared leave shall be paid according to the receiving employee's regular rate of pay by the County. The rate of pay of the donating employee shall not be used in figuring the amount of shared leave the requesting employee receives.

(1) Shared leave shall be donated in full-hour increments

(K) The requirements of this policy may be waived or modified by the Board of County Commissioners upon written request of a department head. Such waiver of modification may be granted only upon a finding by the Board of County Commissioners that:

(1) The employee or employee's family member are suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or terminate employment. "Extraordinary or severe" as used herein shall mean serious, extreme or life threatening.

(2) Failure to grant the requested waiver or modification would create a manifest injustice or undue hardship on the employee requesting the shared leave or on a family member of that employee.

D -9. Injury Leave.

(A) All injuries occurring on the job shall be reported as soon as possible to the employee's department head.

(B) Any employee injured on the job shall be eligible to receive injury leave with pay during the seven-day waiting period for workers' compensation claims.

(C) When an employee receives compensation under the worker act, the pay he/she receives from the county, while an employee of the county, shall be the difference between his/her regular rate of pay and the amount he/she receives from workers' compensation. While any employee is receiving workers' compensation benefits, the employee shall also be paid for sick leave up to the maximum amount accumulated and unused.

(D) An employee who becomes injured off the job may claim and receive disability leave in the same manner as provided for sick leave; provided, however, that the employee must utilize any accrued sick leave then vacation leave if, and to the extent, such leave is available. An employee may also take leave without pay in the same manner as any other employee on leave without pay status.

D -10. Military Leave. Military duty means training and service performed by an inductee or enlistee in the armed forces of the United States, including time spent in reporting for and returning from such training and service. It also includes active duty training as a reservist in the armed forces of the United States or as a member of the National Guard.

(A) Eligibility. Any employee who terminates county service for military duty shall be placed on military leave without pay. Such leave shall extend through 30 days after his or her release from county service. If not accepted for military duty, the employee shall be reinstated to his or her present position without loss of status or reduction in pay. **(See K.S.A. 73-213 et seq.)**

(B) Restoration. An employee returning from military leave shall be entitled to restoration of his or her former position or position of like pay and responsibility, provided he or she makes application for reinstatement within 30 days after his or her release from military duty. In addition, the former employee must be physically and mentally capable of performing the duties of the position involved.

(C) Vacation and Sick Leave. Upon restoration to county service all unused vacation and sick leave credits accumulated prior to the military leave shall be restored unless the employee had been paid for the unused vacation leave at the time of his or her induction or enlistment.

(D) Military Training. Any employee who is a member of any reserve component of the United States armed forces or the National Guard shall be granted military leave, without pay, for a short tour of active duty or field training encampment. Vacation leave with pay may be taken jointly with such military training leave. **(See K.S.A. 48-222).**

D -11. Civil Leave.

(A) Civil Leave with Pay. An employee shall be given necessary time off with pay (1) when performing jury duty, (2) when appearing in court as a witness in answer to a subpoena or as an expert witness when acting in an official capacity in connection with the county, (3) when performing emergency civilian duty in connection with national defense. Fees that are paid to the employee for serving as a juror or appearing as a witness will be turned over to the county, excluding mileage fees.

(B) Civil Leave without Pay. If an employee is involved in a personal lawsuit either as plaintiff or as defendant in an action not related to his or her duties with the county, the employee may take leave without pay unless he or she elects to utilize any accumulated vacation leave.

D-12 Family and Medical Leave.

(A) Upon request, any employee will be granted up to 12 weeks of unpaid family and medical leave during any 12-month period. Such leave will be available as the result of the birth, adoption or placement of a child for foster care, to care for a spouse, child or parent with a serious health condition or due to the disabling illness of the employee. Where possible, employees are required to provide at least 30 days notice before beginning to take leave. An employee may choose or the employer may require that any accrued paid vacation, sick or personal leave of the employee be substituted for the 12 weeks of leave provided under this law.

(B) Eligibility. An employee must have worked for the county at least 12 months and for a minimum of 1,250 hours during the previous year. Where a husband and wife work for the county, the total number of weeks leave to which both are entitled will be limited to 12 weeks during any 12-month period. Where leave is requested as a result of a serious health condition, the employee will provide the county a certification statement issued by a health care provider. Should there be a question of validity of the certification provided by the employee the county may, at its own expense, require an opinion from a second health care provider. Where there is a conflict between the two opinions, the county may pay for the opinion of a third provider. The opinion of the third provider is binding on both the employee and employer.

(C) Restoration. An employee returning from family leave will be entitled to return to their position or to a position with equivalent benefits, pay and other terms and conditions of employment.

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

(E) Health Insurance Coverage. The county will continue to provide health care coverage under the same provisions as prior to the leave. Where the employee fails to return from leave, the county can recover the premium(s) that have been paid on behalf of the employee to maintain health care coverage. If failure to return to work is due to the continuation, recurrence, or onset of a serious health condition beyond the employee's control the employee will not be liable for health care premiums paid while on family leave. In such cases, a certification issued by a health care provider will be required.

D-13. Other Leave

(A) Meetings, Seminars. Any employee may be granted leave with pay to attend meetings, seminars and conventions related to the employee's work for the county when the employee's department head authorizes such attendance.

(B) Educational Leave. An employee, upon written request, may be granted leave without pay for a period up to one year to further his or her education or seek specialized training, upon recommendation of the employee's department head and approval by the Governing Body.

(C) Leave of Absence. An employee, upon written request, and with the recommendation of his or her department head, may be granted a leave of absence without pay for a period of up to six months, subject to the approval of the Governing Body. The employee shall be responsible for payment of health insurance premiums and shall not accumulate vacation or sick leave time.

D -14 Request for Leave Except as provided in Section D -5 as to sick leave, and Section D -12 as to family leave, all leave must be authorized in writing by the employee's department head prior to leave time being taken. A copy of each leave record, including records of sick leave taken, signed by the employee and department head, shall be maintained in the employee's

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personnel file.

D -15. Credits for Paid Leave an employee while on paid sick leave, vacation leave or other leave with pay shall continue to earn credit for sick leave and vacation leave, but no leave credit shall be earned by an employee while on leave without pay.

D-16. Inclement Weather General Policy and Procedure

(A) Purpose: as a condition of employment, all employees of Wabaunsee County are expected to work at their assigned times and schedules regardless of weather conditions. It is recognized that severe weather conditions may prevent employees from reporting to work or cause some to report late, or require others at work to depart earlier than scheduled.

(B) Procedures for Issuing a Declaration of Inclement Weather

A Declaration of Inclement Weather may be made in the following manner:

The Governor may issue a Declaration of Inclement Weather for the entire State; or, as is more likely to be the case, for one or more geographic areas of the State. The Declaration will specify the area or areas covered, and the beginning and ending times of the Declaration. If a Declaration of Inclement Weather is issued by the Governor, the Governor's Office will communicate the Declaration to employees via the local news media.

The Chairman of the Board of Commissioners of Wabaunsee County may issue a Declaration of Inclement Weather for the County when the Governor has not issued a Declaration covering Wabaunsee County.

(C) Wabaunsee County Procedures for Issuing a Declaration of Inclement Weather

In preparation for recommendation to the County Commission Chairman, the County Clerk shall make an assessment of weather conditions, including snow removal, streets and sidewalks, hazards to employees traveling to and from Alma, and ability to provide energy. These observations shall be reported and a recommendation made to the County Commission Chairman. During normal working hours, the County Commission Chairman shall advise the County Clerk of the decision. The County Clerk shall be responsible for disseminating information to county offices on weather emergencies.

(D) General Policy In the event of a Declaration of Inclement Weather, Wabaunsee County will close for non-essential employees during the period of Inclement Weather. Benefits eligible non-essential employees who are scheduled to work may use vacation, sick time, a discretionary day if available, or take a day without pay.

Each County Department is responsible for designating essential personnel, including such designation in their position description and communicating that designation to such personnel annually, prior to any Declaration of Inclement Weather.

Employees on authorized leave, holidays, or off days are not affected by these emergency procedures and will continue in that status.

Those employees who work during a Declaration of Inclement Weather will receive compensation at the same rate of pay that the employee would have received had there not been a Declaration of Inclement Weather.

(E) No Declaration of Inclement Weather If an employee is unable to work or is given the option not to work due to weather conditions and a Declaration of Inclement Weather has not been issued, they should follow their own department policy for reporting their absence. Employees not reporting to work, reporting to work late, or leaving early due to weather when a Declaration of Inclement Weather has not been declared will be expected to use vacation leave, their discretionary holiday, or leave without pay.

ARTICLE E. OTHER EMPLOYEE BENEFITS

E -1. Retirement-OASDI Benefits. All eligible employees of the county are under the federal OASDI social security system, and receive the benefits thereof in accordance with federal laws and guidelines. The cost of this benefit is paid equally by the county and the employee, with the employee contribution subject to payroll deduction.

E -2. Retirement-KPERS Benefits. All eligible employees of the county are members of the Kansas Public Employees Retirement System (KPERS) and receive the benefits thereof in accordance with state laws and guidelines.

E -3. Retirement Date. The federal Age Discrimination in Employment Act shall be the policy for county retirement.

E -4. Workers' Compensation Benefits. All employees of the county receive the benefits of the Kansas Workers' Compensation Act, in accordance with such law and guidelines. The cost of this benefit is paid entirely by the employer.

E -5. KPERS Death and Disability Benefits. All employees who are contributing members of KPERS are eligible for the insured death and disability benefits provided by KPERS, which is supplemental to the regular KPERS benefits. The cost of this benefit is paid entirely by the employer. This insured death and disability benefit begins on the first day the employee is a contributing member of KPERS.

E -6. Unemployment Compensation. All employees receive the benefits of the Kansas Employment Security Act (unemployment compensation), in accordance with such law and guidelines. The cost of this benefit is paid entirely by the employer.

E -7. Life Insurance. In addition to the death benefits provided under OASDI and KPERS, the county makes available to each employee the option of purchasing group life insurance, administered by KPERS, on a payroll deduction basis. The cost of this additional life insurance is paid by the employee and varies with the options selected by the employee.

E -8. Deferred Compensation. All county employees may participate in the deferred compensation plans offered by the county.

E-9. Health Care Program.

(A) All full time and half-time employees shall be eligible for the county's health care insurance Program, from the initial date of employment. Any employee's status, which changes to a full time, shall be eligible for group health care insurance as of the date of change in employment status.

(B) Employees and officers, other than those described in (A) above, may not participate in the county's group health care insurance program unless the employee's department head has recommended such participation and the Governing Body has approved his or her participation.

(C) The county's paid participation in the group health care insurance plan shall be the amount required by the Kansas Health Policy Authority.

(D) When an individual employee is required to contribute because of participation in the county's group health care program the amount of such contribution shall be a payroll deduction.

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

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

(G) No employee shall be entitled to a cash payment in lieu of health care insurance coverage.

(H) Employees who do not work enough hours to be full time may be required to reimburse the County for amounts paid by the County for health insurance.

ARTICLE F. DISCIPLINE GUIDELINES

F -1. Authority to Discipline Department heads are responsible for the conduct and effective performance of all employees under their jurisdiction and shall have the authority and the responsibility to discipline employees for violations of the county's personnel policies and any departmental guidelines. These are policy guidelines and nothing herein changes the at-will nature of employment within the County and the County reserves the right to terminate employees without cause.

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

(A) An employee may be subject to disciplinary action if:

(1)The employee violates these personnel policies and guidelines, or any other written guidelines or procedures applicable to the department in which the employee works;

(2)The employee's conduct reflects discredit to the county or hinders the effectiveness or efficiency of county operations;

(3)The employee has performed an act of misconduct, or has failed to perform an act, which results in misconduct.

F -3. Disciplinary Actions. The Governing Body officially recognizes the following types of disciplinary actions that may be taken:

(A)**Verbal Warning.**A verbal warning is an oral reprimand given to an employee by his or

her supervisor or department head.

(B) Reprimand. A reprimand is a written censure to an employee by his or her supervisor or department head, a copy of which shall be recorded in the employee's file.

(C) Probation. Probation is a trial period of a specific length of time during which an employee is required to fulfill a set of conditions, or to improve work performance, or to improve on the job behavior. Failure to meet the probationary requirements may result in additional disciplinary actions.

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

(E) Demotion. A demotion is the placement of an employee into a position of a lower pay range.

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

(G) Termination. Termination is the removal of an employee from county employment.

While progressive discipline is encouraged, there may be instances that warrant immediate suspension or termination.

F -4. Procedure for Disciplinary Action whenever the misconduct of an employee occurs that in the judgment of the employee's supervisor or department head justifies the application of disciplinary actions, other than a verbal warning, the supervisor or department head may:

(A) Document the misconduct in writing

(B) Determine the appropriate disciplinary action to correct the problem.

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

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

(E) Make a final decision as to the disciplinary action.

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

F- 5. Misconduct Subject to Disciplinary Action. The following is a list of misconduct which may subject an employee to disciplinary action. *The list is not exclusive; it is only representative of the types of misconduct which subject an employee to disciplinary action*

(A) Conviction of a violation of any state or federal criminal law.

(B) Conviction of a violation of any county law.

(C) Failure to follow prescribed safety procedures including failure to notify his or her

supervisor of unsafe working conditions.

(D) Violation of personnel policies and guidelines or departmental policies and guidelines.

(E) Inattention to duty, carelessness, breakage or loss of public property or funds.

(F) Incompetency or inefficiency in the performance of the duties of his or her position.

(G) Insubordination or other breach of discipline.

(H) Discourteous or disruptive conduct or other offensive behavior in public, to the public or to employees and officers of the county.

(I) Abuse of leave, excessive absenteeism or tardiness.

(J) Temporarily leaving the workplace without the approval of his or her supervisor.

(K) Failure to give proper notice of absence.

(L) Sleeping on the job.

(M) Use of alcohol or illegal drugs on the job.

(N) Inducing or attempting to induce any officer or employee of the county to commit an unlawful act or to act in violation of any lawful or official order or regulation.

(O) Unauthorized possession of firearms or other weapons on the job.

F.6. At-Will Employment. The County, being an at-will employer, reserves the right to terminate an employee at any time without notice or cause.

ARTICLE H. VOLUNTARY SEPARATION

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

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

ARTICLE I. SEXUAL HARASSMENT

I-1. Purpose. Consistent with our respect for all employees as individuals, each of us is responsible for providing a working environment that is free of harassment, intimidation or insult based on a person's sex, age, national origin, ancestry or disability.

Sexual harassment is against the law and will not be tolerated by the County. Any employees of the County who engage in sexual harassment will be subject to disciplinary action that will range from counseling to termination of employment based on the severity of the misconduct.

I-2 Definition

(A) Sexual harassment in the work place is defined as a continuing pattern of unwelcome sexual overtures, requests for sexual favors or other conduct of a sexual nature when:

(1) You must submit to such conduct to keep your job; or

(2) Your submission to or rejection of such conduct is used as a basis for employment, evaluation, pay, job assignment or promotion decisions about you; or

(3) Such conduct has the purpose or effect of substantially interfering with your work performance, or is offensive or objectionable to you, causes you discomfort, or creates a hostile atmosphere for you. This type of conduct may be considered sexual harassment whether it is initiated by an elected official, supervisor, co-worker or third party with whom you interact in the course of business.

(B) Conduct of a sexual nature may include, but is not limited to:

(1) touching, propositions, and advances;

(2) Abusive, vulgar language of a sexual nature;

(3) Suggestive jokes or sexually oriented "kidding";

(4) Comments about an employee's body or wearing apparel;

(5) Display of sexually suggestive cartoons, pictures, or photographs;

(6) Physical contact such as patting, pinching or purposely rubbing against another person's body.

I-3 Policy.

(A) If you believe another employee is sexually harassing you, you may take any or all of the following actions:

(1) Respond immediately; do not ignore the problem.

(2) Speak to the offender about his or her behavior. State firmly that you do not like it and will not tolerate it.

(B) Any such incident should be promptly reported to your department head or the Equal Employment Opportunity compliance officer for investigation and resolution or the County Attorney.

(C) You are obligated to report instances of sexual harassment. Sexual harassment exposes Wabaunsee County to liability and negatively impacts your well-being.

(D) You are obligated to cooperate in every investigation of sexual harassment, including coming forward with evidence, both favorable and unfavorable, to a person accused of sexual harassment, fully and truthfully making a written report or verbally answering questions when required to do so by an investigation during the course of an investigation of sexual harassment.

(E) What is acceptable behavior to some people is not always acceptable to others. Whether or not harassment is intentional, you may find yourself accused of harassment if you behave in any of the ways described in the above definition of sexual harassment.

(F) Be aware of how people respond to what you do and say. If an individual objects to your behavior toward him or her, listen to that person and heed the objections. Sexual harassment is a violation of federal law and is totally unacceptable by Wabaunsee County.

I-4 Complaint Procedure

(A) If you believe another employee is sexually harassing you, you should immediately contact one of the persons below with whom you feel the most comfortable:

- (1)**Your immediate department head;
- (2)**The County's Equal Employment Opportunity Officer;
- (3)**The County Attorney,
- (4)** KHRC (785) 296-3206
- (5)** EEOC 1-800-669-4000

(B) you should be prepared to provide the following information:

- (1)** Your name, department, and title;
- (2)** The name of the person or persons committing the sexual harassment;
- (3)** The specific nature of the sexual harassment, how long it has gone on, and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against you as a result of the harassment, or any other threats made against you as a result of the harassment;
- (4)** Witness(es) to the harassment, if any; and
- (5)** Whether such harassment has been previously reported and, if so, when and to whom

I-5 Reporting and Investigating Sexual Harassment Complaints

The Wabaunsee County Clerk is the person designated as the Equal Employment Opportunity Officer by Wabaunsee County. (S)He is to be the investigator of complaints of sexual harassment. (S)He will notify, in writing, the County Attorney of all complaints of violations, as well as all decisions of his/her investigation, within ten (10) days after receipt or completion of the same. (S)He may delegate the investigation to the County Attorney at his/her discretion.

I-6 Review of a Sexual Harassment complaint.

(A)The EEOC Officer or his/her designee will immediately prepare a report of the complaint according to the proceeding section and submit it to the County Attorney.

(B) The EEOC Officer or his/her designee will make and keep a written record of the investigation, including notes of verbal responses made by the person complaining of sexual harassment, witnesses interviewed during the investigation, the person against whom the complaint of sexual harassment was made, and any other person contacted in connection with the investigation. The notes will be made at the time the verbal interview is in progress.

(C) Based upon the report, the Equal Employment Opportunity Compliance Officer and the County Attorney will determine whether the conduct of the person against whom a complaint of sexual harassment has been made constitutes sexual harassment. In making that determination, the EEOC Officer will look at the record as a whole and at the totality of circumstances, including the nature of the conduct in question and the context in which the conduct, if any, occurred. The determination of whether sexual harassment occurred will be made on a case-by-case basis.

(D) If the EEOC Officer and the County Attorney determine that the complaint of sexual harassment is founded, they will recommend immediate and appropriate disciplinary action to the Board of County Commissioners against the employee guilty of sexual harassment.

(E) The disciplinary action will be consistent with the nature and severity of the offense. Consideration may be given to whether a supervisory relationship exists, the effect of the

offense on employee morale, public perception of the offense, and the light in which it casts Wabauunsee County and any other factors the EEOC Officer and the County Attorney believe relate to fair and efficient administration of Wabauunsee County. The disciplinary action may include demotion, suspension, dismissal, warning or reprimand. A determination of the level of disciplinary action will also be made on a case-by-case basis.

I-7 Retaliatory Action Wabauunsee County will not tolerate retaliatory behavior against a complainant by any employee. Disciplinary action will be taken against any employee who takes retaliatory action against a complainant.

I-8 Appeal of the Decision Any Employee who feels he or she has not been treated fairly in keeping with these policies should utilize the following procedure:

If the decision of the County Clerk, the EEOC Officer of Wabauunsee County is not satisfactory to the employee, the employee may, within five (5) days of receipt of the decision, request a formal hearing before the Board of County Commissioners. Such request must be in writing and directed to the Commissioner's Chairperson via certified mail. Upon that request, the Chairman will call a meeting of the Wabauunsee County Board of Commissioners within thirty (30) days from the receipt of the request for the purpose of holding the formal hearing. Such a meeting may be a specially called meeting or a regularly scheduled meeting. After the meeting has been called and at least seven (7) days before it is to be held, each County Commissioner will receive a copy of the grievance and the response. The Board of County Commissioners will conduct the hearing. The grievant, the EEOC Officer, the County Attorney and any other relevant person as designated by either party may be present at the hearing. Within seven (7) days of the end of the informal hearing, the Board of County Commissioners will issue a written decision. All concerned parties will receive copies of the decision, which shall be final and binding.

I-9 Records of A Sexual Harassment Complaint All records, except those affected by Civil Service Statutes, concerning a sexual harassment complaint will be kept in a separate locked file in the EEOC Officer's office. Access will be only with the EEOC Officer's approval to parties who have a direct and relevant need to know.

ARTICLE J. POLITICAL ACTIVITY

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

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

(B) County employees are not prohibited from supporting candidates for office nor from contributing labor to candidates and organizations that endorse candidates.

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

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

ARTICLE K. OUTSIDE EMPLOYMENT

K- 1. Outside Employment Outside employment constitutes a county employee holding a

second job with another employer. Outside employment by a full-time employee, while discouraged, is permitted only when such outside employment:

- (1) Is considered secondary to service with the county;
- (2) Does not interfere with the performance of duties for the County;
- (3) No legal, financial or ethical conflict of interest results from such dual employment.

Willful failure to comply with these three (3) criteria will result in disciplinary action being taken against the employee pursuant to Article F above.

ARTICLE L. WORKER SAFETY.

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

L-2. Reproductive Health Whenever there is substantial and unreasonable risk to the reproductive health of an employee or to the health of a pregnant employee due to working conditions or environment, and that risk is determined by medical evidence presented to the county, the department head shall attempt to reduce or eliminate the risk to the employee through an employment action that is least disruptive to the employee and employer, such as a change in job responsibilities, transfer, or authorized leave of absences.

ARTICLE M. SMOKING POLICY

M-1. Smoking is prohibited in all Wabaunsee County owned facilities. Smoking is only allowed outside, 10 feet from any doorway, open window, or air intake. This policy also applies to members of the general public in addition to employees. The Board of County Commissioners may further designate and restrict smoking to specific areas around County facilities in furtherance of this policy.

ARTICLE N. CONFLICT OF INTEREST

N-1. Employees, consultants or members of governing, or advisory bodies are prohibited from using these positions for purposes of private gain for themselves or others.

ARTICLE O. DRUG AND ALCOHOL FREE WORKPLACE POLICY

O-1. Purpose and Intent. The safety and health of its employees are of utmost concern to Wabaunsee 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 the public, to protect property, and to ensure efficient operations, Wabaunsee County has adopted a policy of maintaining a workplace free of the use of alcohol and illegal use of controlled substances. Wabaunsee County drug and alcohol policy is intended to comply with all state and federal laws governing drug and alcohol testing under the circumstances stated and is designed to safeguard employee privacy rights to the fullest extent of the law. Wabaunsee County shall comply with all provisions of the U.S. Department of Transportation's CDL requirements including, but not limited to, the drug and alcohol testing requirements mandated by the Department of Transportation.

O-2. Applicability. The Drug and Alcohol Free Workplace policy is intended to apply to whenever anyone is representing or conducting business for Wabaunsee County. Therefore, this policy applies to all employees during all working hours, whenever conducting business or representing Wabaunsee County, while on call, paid standby, while on Wabaunsee County

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property, and at Wabaunsee County sponsored events. There may be occasions, however, removed from the usual work setting, at which it is permissible to consume alcohol in moderation (e.g., Company picnics, receptions, conferences, or other social events).

O-3. 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 Wabaunsee County Vehicles, or on Wabaunsee County property, unless pursuant to a lawful prescription or otherwise authorized by law. No employee shall use, possess, sell, distribute or be under the influence of alcohol while on the job. If an employee's ability to perform his/her job duties is impaired, whether from the use of alcohol, illicit drugs, prescribed medication or over-the-counter medicines, he/she should immediately notify his/her supervisor of the impairment.

O-4. Testing. Wabaunsee County reserves the right to conduct testing for alcohol or controlled substances to the fullest extent permitted by applicable law. The County may select a contractor to perform testing duties whose policies and procedures will apply in addition to these. Testing includes, but is not limited to, pre-employment testing, post-accident testing, and reasonable suspicion testing. Employees subject to testing will be required to sign a form consenting to both testing and release of the results to Wabaunsee County. Refusal to sign required consent forms presented prior to a request for testing will be considered refusal to submit to a test and will be considered the equivalent of receiving a confirmed positive result for employment. Employees refusing to consent to testing pursuant to this policy will be subject to discipline up to and including immediate termination. Testing will be done as soon as practical from a triggering event and if testing is impossible or impractical in a given situation the reasons why shall be documented by the department head.

- (a) Post Vehicle Accident. Employees involved in a motor vehicle accident, while on duty, whether driving a County owned vehicle or personal vehicle will immediately notify Law Enforcement and their Department Head. Keep in mind state law requires reporting to law enforcement of any accident which results in death or injury to a person or total property damage in excess of \$1000 (estimated by professional replacement). Any employee involved in a vehicle accident while driving or operating County property or while operating any vehicle during the performance of employment duties for the County, whether or not the vehicle is County property, will be required to allow drug and alcohol testing on demand by the County's representative within the time required by the County's representative. Drug and alcohol testing will be conducted on all employees involved in an accident that results in injury requiring offsite medical care or fatality as well as accidents in which one vehicle is disabled to the extent it cannot leave the scene under its own power. Other vehicle accidents will be at the department head discretion. The term "vehicle" includes vehicles not generally required to be licensed for operation on public roads such as motor graders, excavators, backhoes, tractors, and utility vehicles. For employees subject to US DOT regulations, UD DOT regulations will supersede this policy when/if in conflict.
- (b) Other injury accidents. Post accident testing may also be required for any work-related injury accident if requested by the Department Head, supervisor, Human Resources, or County Counselor/Attorney.
- (c) Preemployment: Any applicant who applies for employment with Wabaunsee County in any position shall submit to a drug test as a condition of employment, including temporary, part-time, contract, seasonal, and full-time positions. Only candidates who test negative for prohibited drugs are eligible for employment. Candidates must wait for a clear test before beginning work and must start work within 30 days of the test.
- (d) Random: Random drug testing will occur on employees within safety sensitive positions such as law enforcement officers, corrections officers, individuals who routinely drive vehicles for their employment, any employee deemed Primary Driver on Insurance Policy; and any additional employee deemed safety sensitive by Department Head or County Commissioners.

(e) Reasonable Suspicion: An employee may be directed by their Department Head to undergo drug or alcohol testing if there is reasonable suspicion they are under the influence. "Reasonable suspicion" is a belief that can be articulated based on objective facts sufficient to lead a reasonable person to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of his/her job is impaired or the employee's ability to perform his/her job safely is reduced.

O-5. Results. The employee will be notified of their test results. All records relating to drug and alcohol testing will be kept in a locked file separate from other employee records within the County Clerk's Office. The County will make every effort to keep the results of drug and alcohol tests confidential. Only persons with a need to know the results will have access to them. The employee will be asked for the employee's consent before results are released to anyone else. Be advised, however, that the results may be used in administrative hearing, and court cases arising as a result of the employee's drug testing. Also, results will be sent to federal agencies as otherwise required by federal law. If the employee is to be referred to a treatment facility for evaluation, the employee's test results will also be made available to the employee's counselor. The results of drug testing in the workplace will not be used against the employee in any criminal prosecution.

O-6. Cost. Wabaunsee County will pay the cost of any drug and alcohol testing that is requested by employees submit to, including but not limited to pre-employment, random, post-accident, reasonable suspicion, and return-to-duty. The employee will be responsible for paying any costs associated with retesting the split sample in advance, and will be reimbursed by Wabaunsee County if the retest is negative.

O-7. Positive Test Results. Any employee testing positive under the category of random selection, reasonable suspicion, post-accident or return-to-duty will be immediately removed from their duties until they have passed a drug and alcohol test and are cleared to return to duty by a medical or testing professional or department head or supervisor. During such removal time, the employee is allowed to use accumulated sick leave until it is exhausted. All remaining time away from work will be non-compensable.

1. Any applicant who received a confirmed positive drug or alcohol screen result or equivalent shall have their offer of employment withdrawn.
2. Any employee who received a confirmed positive drug or alcohol test result or equivalent and who has not previously had a confirmed positive result shall be
 - (A) Given the chance to have the split sample retested at full cost to employee in advance. Retest must be requested within seventy-two (72) hours of notification of positive test. If retest results in a negative result, employee will be allowed to return to work, and be reimbursed expenses by the county. If results are confirmed positive, employee will continue to next option.
 - (B) Directed to utilize the Wabaunsee County Employee Assistance Program for referral to an appropriate drug assessment and education or treatment program
 - (C) Any employee who does not complete said Employee Assistance Program will be subject to discipline up to and including termination.
3. Wabaunsee County reserves the right to terminate an employee receiving a first time confirmed positive drug screen, additional factors to consider will be whether;

- (A) The employee was involved in an accident or incident caused in part or in total by the drug or alcohol use and injury to person(s) or property was involved, or;
- (B) The employee's personnel file reflects previous corrective actions which, when combined with positive drug or alcohol testing screen results, in the opinion of the employer justifies termination.
- (C) The employee has received a prior confirmed positive drug or alcohol test.

O-8. Assistance. If you feel that you have a drug or alcohol problem, you are encouraged to contact your department head or human resource office for information regarding leave options and substance abuse assistance. Rehabilitation itself is your responsibility. Wabaunsee County strongly urges you, however, to seek treatment before your job is jeopardized.

THESE POLICIES AND GUIDELINES DO NOT CREATE CONTRACUAL EMPLOYMENT RIGHTS. ALL EMPLOYEES ARE CONSIDERED TO BE AT-WILL EMPLOYEES FOR THE PURPOSES OF COUNTY EMPLOYMENT. EMPLOYEE UNDERSTANDS THAT EMPLOYEE MAY BE TERMINATED AT ANY TIME WITH OR WITHOUT CAUSE. EMPLOYEE MAY QUIT EMPLOYMENT WITHOUT REASON AT ANY TIME.

Acknowledgement of Receipt of County Personnel Policies and Guidelines

Employee Signature

Date