

# **MODEL**

  

# **PERSONNEL POLICIES HANDBOOK**

Commissioned by

**MISSOURI ASSOCIATION OF COUNTIES**

Revised March 10, 2011

Developed by

**IVAN L. SCHRAEDER**

**Attorney at Law**

General Counsel

Missouri Association of Counties

The Lowenbaum Partnership  
Suite 901  
222 South Central  
Clayton, Missouri 63105  
Voice: (314) 746-4823  
Fax: (314) 746-4848  
Cell: (314) 704-7933  
Email:  
[ischraederoc@lowenbaumlaw.com](mailto:ischraederoc@lowenbaumlaw.com)

# INTRODUCTION

This model handbook, prepared through the efforts of the Missouri Association of Counties, is presented to each member county to serve as a guideline for the development of an individualized manual. This manual is not intended to be adopted without local review and amendment to meet the needs of each county specifically.

The model handbook is intended to serve as a document from which all county officials may work to adopt a single manual governing county employees. It is intended to provide elected officials with a road map to the various personnel policies and practices that must be reviewed. In many cases, the suggested policies are mandated by the federal government and need to be uniform for all county officers, regardless of the Missouri authority for employment control. Under these policies, the federal government sees the county as the employer and the policy needs to be addressed as such. It is also anticipated that the adoption of a uniform personnel policy manual will eliminate pay discrepancies for like work, encourage uniform treatment of employees, provide for improvement in budgeting efforts and financial management, and reduce exposure to loss from lawsuits filed by disgruntled employees.

Given that the model manual is meant as a guide to county commissioners and all other elected officials, general terms have been used throughout. Two terms are pointed out specifically in order to avoid the appearance of elimination of employment control or the improper application of Missouri law. Members will see that there is substantial reference in the manual to "County

Commissioners (County Executive)." This term is meant to show recognition for counties that have adopted charter status, not to promote the creation of a county administrator form of government for every county.

The term "department heads" has also been utilized. This term refers to both elected county officers, as well as to appointed department heads identified by state law. It is not intended to reduce the status of any of the positions, but rather to encourage adoption of uniform personnel policies and common administration to advance the interests of the public and reduce the potential for litigation involving personnel administration and transactions.

Counties are encouraged to conduct meetings with all elected county officials attending and participating. This will facilitate common adoption of policies and reduce the anxiety that is present when new actions are anticipated. It will also ensure that all of the elected officials have the same understanding of each of the policies that are ultimately adopted by and for the county.

Member counties may obtain a copy of the model manual on computer disk upon request from the Missouri Association of Counties' office (573-634-2120).

In order to facilitate adoption of the manual and to keep counties current on personnel and employment law matters, the Association has put in place an updating system to supplement the model manual. The Missouri Association of Counties has negotiated a reduced rate for assistance to individual counties which desire outside professional assistance in customizing the manual to an individual county's needs. Assistance is available by direct contract with the MAC General Counsel under terms outlined at the end of this introduction. In addition, the Missouri Association of Counties will provide annual written updates and training at the MAC annual conference concerning personnel and employment issues presented in the manual.

Counties are encouraged to undertake the review of the uniform manual and to adopt it for management of their personnel and employment functions.

This is another service provided by the Association without direct cost to the member.

The Missouri Association of Counties, as part of its contract with Attorney Ivan L. Schraeder to develop the model handbook, has negotiated a special rate with Attorney Schraeder to be available to work with individual counties to provide assistance in customizing the manual to an individual county's preference. Attorney Schraeder will provide services at the rate of \$ 50.00 per hour for any member county which seeks assistance in tailoring the manual. Counties which desire to obtain the service are responsible for contracting such service directly with Attorney

Schraeder

# **PERSONNEL POLICIES HANDBOOK**

## **TABLE OF CONTENTS**

### **ARTICLE 1. GENERAL PROVISIONS**

Section 1-1. Purpose of rules

Section 1-2. Positions covered by the rules

Section 1-3. Administration of the rules

Section 1-4. Departmental regulations

### **ARTICLE 2. DEFINITION OF TERMS**

### **ARTICLE 3. GENERAL EMPLOYEE POLICIES**

Section 3-1. Equal Employment Opportunity

Section 3-2. Affirmative Action Plan

Section 3-3. Alcohol & Controlled Substances

Section 3-4. Acquired Immune Deficiency Syndrome (AIDS)

Section 3-5. Health and safety

Section 3-6. Smoking cessation and "smoking permitted" areas

Section 3-7. Applicants and employees with disabilities

Section 3-8. Attitude and appearance

Section 3-9. Uniforms; clothing provisions

Section 3-10. Commercial Drivers' License

Section 3-11. County's Right to Search

## **ARTICLE 4. APPLICATIONS AND APPLICANTS**

Section 4-1. Recruitment

Section 4-2. Application form

Section 4-3. Disqualification

Section 4-4. Disqualification by reason of police record

Section 4-5. Examinations

Section 4-6. Examination administration

Section 4-7. Rating of examinations

Section 4-8. Medical examinations

Section 4-9. Residence requirements

## **ARTICLE 5. APPOINTMENTS**

Section 5-1. Appointments

Section 5-2. Appointment authority

Section 5-3. Appointment forms

Section 5-4. Transfer

Section 5-5. Promotion & demotion

## **ARTICLE 6. INTRODUCTORY AND QUALIFYING PERIODS**

Section 6-1. Purpose

Section 6-2. Duration

- Section 6-3. Evaluation and counseling
- Section 6-4. Extension of introductory period
- Section 6-5. Termination during introductory period
- Section 6-6. Completion of introductory period
- Section 6-7. Qualifying period for promoted and transferred employees
- Section 6-8. Demotion during qualifying period

## **ARTICLE 7. POSITION CLASSIFICATION PLAN**

- Section 7-1. The classification plan
- Section 7-2. Purpose of the classification plan
- Section 7-3. Administration of the classification plan
- Section 7-4. Classification of positions
- Section 7-5. Effect of classification changes on incumbent

## **ARTICLE 8. COMPENSATION PLAN**

- Section 8-1. Authority to establish salaries
- Section 8-2. The compensation plan
- Section 8-3. Standards for determination of pay ranges
- Section 8-4. Amendment of the compensation plan
- Section 8-5. Total remuneration
- Section 8-6. Dual employment prohibited
- Section 8-7. Special assignments

Section 8-8. Application of the compensation plan

Section 8-9. Beginning salary

Section 8-10. Salary advancements and bonuses

Section 8-11. Pay rate adjustments

Section 8-12. Temporary assignment to higher level position

Section 8-13. Overtime and compensatory time

Section 8-14. Call-back time

Section 8-15. Stand-by/on-call status

Section 8-16. Emergency alert duty status

Section 8-17. Pay periods; pay days

Section 8-18. Compensation for leave taken and hours worked above the work schedule

## **ARTICLE 9. PERFORMANCE APPRAISAL**

Section 9-1. Responsibilities

Section 9-2. Employee performance appraisals

## **ARTICLE 10. WORK SCHEDULES AND ATTENDANCE**

Section 10-1. Regular working hours; exceptions

Section 10-2. Work schedules determined by department head

Section 10-3. Required attendance

Section 10-4. Inclement weather closings

## **ARTICLE 11. PAID HOLIDAYS**

## **ARTICLE 12. VACATION LEAVE**

Section 12-1. Amount

Section 12-2. Accrual

Section 12-3. Payment upon separation

Section 12-4. Holidays occurring during vacation period

Section 12-5. Law Enforcement Department vacations

Section 12-6. Use of vacation leave

Section 12-7. Vacation schedules

## **ARTICLE 13. SICK LEAVE**

Section 13-1. Amount

Section 13-2. When taken

Section 13-3. Accrual

## **ARTICLE 14. SPECIAL LEAVE**

Section 14-1. Approval authority

Section 14-2. Court leave

Section 14-3. Military leave

Section 14-4. Military training leave of absence

Section 14-5. Maternity leave

Section 14-6. Family and medical leave

Section 14-7. Occupational injury leave

Section 14-8. Absence without leave

Section 14-9. Funeral leave

Section 14-10. Education leave

Section 14-11. Special assignment leave

## **ARTICLE 15. OTHER FRINGE BENEFITS**

Section 15-1. Health and life insurance coverages

Section 15-2. Cafeteria plan

Section 15-3. Retirement plans

Section 15-4. Deferred compensation

Section 15-5. Mental health services

Section 15-6. Credit union

Section 15-7. Employee assistance program

Section 15-8. Long-term disability insurance

Section 15-9. Education plan

Section 15-10. Training

## **ARTICLE 16. SEPARATION AND DISCIPLINARY ACTIONS**

Section 16-1. Resignations

Section 16-2. Termination

Section 16-3. Reduction in force; layoffs

Section 16-4. Return of County property

Section 16-5. Discipline

Section 16-6. Disciplinary actions defined

Section 16-7. Retirement

Section 16-8. Honoring of retirees

Section 16-9. References

## **ARTICLE 17. APPEALS AND GRIEVANCES**

Section 17-1. Grievance policy

Section 17-2. Conduct of investigation

Section 17-3. Law enforcement reviews

## **ARTICLE 18. RECORDS AND REPORTS**

Section 18-1. Personnel records

Section 18-2. Service register

Section 18-3. Reports

Section 18-4. Public records

## **ARTICLE 19. TRAVEL EXPENSES**

Section 19-1. Policy

Section 19-2. Travel advances

Section 19-3. Reimbursable expenses

Section 19-4. Non-reimbursable expenses

Section 19-5. Vacation combined with official travel

Section 19-6. Travel reimbursement or repayment of advance to County

Section 19-7. Use of personal vehicle for official business

Section 19-8. Use of County vehicles

Section 19-9. Reimbursement rates and rules

## **ARTICLE 20. PROHIBITIONS AND PENALTIES**

Section 20-1. Participation in political activities

Section 20-2. Discrimination and sexual harassment

Section 20-3. Nepotism; restriction on employment of relatives

Section 20-4. Outside employment

Section 20-5. Conflict of interest

Section 20-6. Penalties

## **ARTICLE 21. MANAGEMENT RIGHTS**

Section 21-1. Retained rights

Section 21-2. Meet & confer

## **ARTICLE 22. SAVINGS CLAUSE AND AMENDMENT**

Section 22-1. Savings clause

Section 22-2. Amendment

## **ARTICLE 23. INTERNET/ELECTRONIC MAIL POLICY**

Section 23-1 General Guidelines For Internet/E-mail Usage

Section 23-2 Internet/E-mail Policy Memorandum of Understanding

Section 23-3 Professional Use of E-Mail, Voicemail and Word Processing Systems

Section 23-4 Personal Use of E-Mail and Voicemail

Section 23-5 Personal Use of the County Computers Generally

Section 23-6 Password [and Encryption Key] Security and Message

Section 23-7 Software Policy

Section 23-8 Social Media

## **ARTICLE 24. SAMPLE JOB OFFER LANGUAGE**

## **ARTICLE 25 DISCLAIMER AND ACKNOWLEDGEMENT STATEMENT**

## **ARTICLE 26. REQUEST FOR RELEASE OF EMPLOYMENT RECORDS**

**ARTICLE 27. IMPLEMENTATION OF PRE-EMPLOYMENT EXAMINATION**

**ARTICLE 28. PRE-EMPLOYMENT PHYSICALS POLICY ADVICE**

## **ARTICLE 1. GENERAL PROVISIONS**

### **Section 1-1. Purpose of rules.**

It is the purpose of these rules to set forth the principles and procedures which will be followed by the County Commission (County Executive) in the administration of the County's personnel program. They are intended to establish an efficient, equitable and functional system of personnel administration which governs the appointment, promotion, transfer, layoff, dismissal, discipline, and other related conditions of employment. They are not intended to be a contract between the County and its employees and do not create contractual rights for employees. The County reserves the right to change the Personnel Policies Handbook at any time.

### **Section 1-2. Positions covered by the rules.**

These rules shall apply to all positions in all departments of the County and to such other positions as may be provided herein subject to applicable Missouri law, except that provisions of a work agreement under the Missouri Meet and Confer Law, when in conflict with or supplemental to these rules, may provide the applicable rules for employees covered by the work agreement.

### **Section 1-3. Administration of the rules.**

The County Commission (County Executive) shall be charged with the overall responsibility for the administration of these rules.

**Section 1-4. Departmental regulations.** These rules shall not be construed as limiting in any way the power and authority of any department head to make operating departmental rules and regulations governing the conduct and performance of employees. Departmental rules and regulations shall not conflict with provisions of these rules. When applicable, departmental rules shall be approved by the County Commission (County Executive) and shall be published and a copy furnished to each employee to whom they apply. Such rules and regulations, when approved, published, and distributed as herein provided, shall have the force and effect of rules of that department, and disciplinary action may be based upon breach of any such rules and regulations.

## ARTICLE 2. DEFINITION OF TERMS

The following words and phrases shall have the meanings indicated throughout these rules except where the context clearly indicates otherwise.

**Anniversary date.** Date of appointment or promotion to a position in the County service or date of transfer to a different class in the County service for current period of continuous service.

**Appointing authority.** The County Commission (County Executive) or a designee of the County Commission (County Executive), or any person having the power by virtue of state law or other lawfully delegated authority to make appointment to positions in the County service.

**Appointment.** The designation to a position in the County service of a person who has qualified for the appointment through an appropriate selection process.

**Certification.** The act of supplying an appointing authority with an appropriate number of names of applicants who are eligible, in accordance with legal provisions and these rules, for appointment to a position.

**County Commission.** The duly elected County Commission of the County or a designee when appropriate.

**County Executive.** The duly selected County Executive of the County or a designee when appropriate.

**Class.** One or more positions sufficiently similar in respect to assigned work duties and responsibilities that the same class title may be reasonably and fairly used to designate each position allocated to the class, that the same minimum education and work experience qualifications may be required, and that the same salary range may apply with equity.

**Classification.** The original assignment of a position to an appropriate class on the basis of the nature, difficulty, and responsibility of work to be performed, work experience and minimum education.

**Class series.** The arrangement in sequence of classes that are alike in kind of work and responsibility, but not at the level of assigned work and responsibility.

**Covered employees.** An employee who is covered by the provisions of the Fair Labor Standards Act (FLSA), particularly as related to overtime.

**Date of employment.** The date an employee starts work as a new hire or rehire.

**Date of termination.** The date an employee separates from employment.

**Demotion.** The movement of an employee from a position in one class to a position in another class having a lower maximum salary rate.

**Department.** Any of the departments under the jurisdiction of the County Commission (County Executive), now or as hereafter established.

**Department head.** The chief operating manager of any department.

**Eligible.** A person whose name is on a current eligible list and who may under these rules be certified for appointment to a position in the County service.

**Emergency.** A sudden and unforeseen happening that requires the unscheduled services of an employee to protect the health, welfare, and safety of the community.

**Exempt employee.** An employee who is exempted from the provisions of the Fair Labor Standards Act (FLSA) by the Act or who is not covered by the Act, particularly as it relates to overtime.

**Full-time employee.** An employee occupying a position included in the adopted annual budget that is neither specified part-time nor temporary employment, nor limited for a period of less than the budget year. Also any employee occupying such a position established during a given budget year unless the appointing authority certifies that such position will not be continued in the succeeding year's budget. The hours of work are approximately 2080 per year.

**Grievance.** A complaint relating to employment, the application of personnel rules and regulations, working conditions, or relationships between an employee and a supervisor.

**Immediate family.** Husband, wife, son, son-in-law, daughter, daughter-in-law, mother, mother-in-law, father, father-in-law, brother, brother-in-law, sister, sister-in-law, grandparents, and grandchildren.

**Introductory employee.** A full-time or part-time employee serving an introductory working test period.

**Introductory period.** A working test period during which a newly appointed full-time or part-time employee is required to demonstrate fitness by actual performance of the duties of the position to which the employee is appointed.

**Job description.** A written statement of the characteristic duties, responsibilities, and qualification requirements that distinguish a specific class from other classes.

**Layoff.** Employment separation made necessary by lack of work or funds or other reasons not related to fault, delinquency, or misconduct on the part of an employee.

**Original employment date.** First date of official appointment to a position in the County service after appropriate certification and for any period of continuous service.

**Part-time employee.** Part-time employee in these rules shall mean both part-time employee with benefits and part-time employee without benefits.

**Part-time employee with benefits.** An employee in a position scheduled to work less than full time (2080 hours), but at least 1500 hours (including hours of work, vacation, sick leave, and compensatory time) in any continuous twelve (12) month period.

**Part-time employee without benefits.** An employee hired into a position scheduled for less than 1500 hours (including hours of work and compensatory time) in any continuous twelve (12) month period.

**Position.** A group of current duties and responsibilities assigned or delegated by competent authority, requiring the full-time, part-time, or temporary employment of one person.

**Promotion.** The movement of any employee from a position of one class to a position of another class having a higher maximum salary rate.

**Promotional list.** The names of persons currently in the County service who have applied and are qualified for appointment to a position in a class having a higher maximum salary rate.

**Qualifying Period.** The working test period served by promotional appointees and employees transferred to a class dissimilar to the one previously held.

**Reclassification.** The official determination that a position be assigned to a class different from the one to which it was previously classified based on a gradual change in a position to include duties clearly outside of the current class or an immediate change in a position brought about by a division or department reorganization or redistribution of duties. Whether an employee shall be retained in a position after reclassification of the job shall be determined by the employee's qualifications for the position as reclassified.

**Repositioning.** The official determination that a class of positions be assigned to a different pay range based on "internal equity" (relationship with other County classes) or "external competitiveness" (relationship with wage and salaries paid in the comparable selected labor markets).

**Resident.** A person whose principal place of domicile is within the corporate boundaries of the County.

**Temporary/seasonal employee.** Terms used interchangeably to describe a position comprising duties which occur, terminate, and recur seasonally, intermittently or according to the needs of the department. Such position shall not require more than 1499 hours of pay in any continuous twelve (12) month period. The appointing authority shall assign a projected date of termination of less than one (1) year from date of hire and shall have such date made a part of the employee's personnel file.

**Transfer.** The movement of an employee from one department, division, or unit of the County government to another, from one position to another position of the same class, or to another class having the same maximum salary rate involving the performance of similar or dissimilar duties and requiring essentially the same basic qualifications.

**Vacancy.** A duly created position which is not occupied and for which funds have been provided.

**Year.** A calendar year unless otherwise specified in a particular section.

## **□ARTICLE 3. GENERAL EMPLOYEE POLICIES**

### **Section 3-1. Equal Employment Opportunity.**

It is the intent of the County that all personnel activities be conducted in a manner that will assure equal employment opportunity for all persons, without regard to political affiliation, race, color, religion, national origin, sex, age, or disability. This policy shall include all personnel practices related to the employment process, promotions, demotion, transfer, layoff, termination, compensation, benefits, training, and general treatment of employees.

### **Section 3-2. Affirmative Action Plan.**

The County Commission (County Executive) shall be responsible for the development and administration of a voluntary affirmative action plan to aid in achieving full realization of equal employment opportunity (EEO). Such plan shall include:

- (a) A policy statement.
- (b) Assurances of compliance with applicable EEO laws.
- (c) A utilization analysis.
- (d) Affirmative action objectives.

### **Section 3-3. Alcohol & Controlled Substance Use, Abuse & Testing Policy.**

- (a) Policy objectives.

It is the policy of the County to provide safe, dependable, and economical services to its citizens and to provide safe working conditions for its employees, and to comply with the requirements of federal law and regulations related to the Drug Free Work Place Act of 1988 and

the Omnibus Transportation Employee Testing Act of 1991. It is also the policy of the County to provide healthy, satisfying working environments for its employees.

To meet these goals, it is the policy of the County to ensure that its employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner; to create a workplace environment free from the adverse effects of alcohol and controlled substance abuse or misuse; to prohibit the unlawful manufacture, distribution, dispensing, possession or use of alcohol and controlled substances; and to encourage employees to seek professional assistance when personal problems, including alcohol and controlled substance dependency, adversely affect their ability to perform assigned duties.

The purpose of this policy is to assure worker fitness for duty and to protect employees and the public from the risks posed by the use of alcohol and controlled substances. It is also the purpose of this policy to comply with all applicable federal and state regulations governing workplace alcohol and controlled substance abuse programs mandated under the above-noted acts. These acts mandate urine drug testing and breathalyzer alcohol tests for safety-sensitive positions and prevent performance of safety-sensitive functions when there is a positive test result. The federal law has also established standards for the collection and testing of urine and breath specimens, for the reporting of certain drug-related offenses, for protective measures for certain employees tested, for the preservation of confidentiality, and for certain reporting.

(b) Applicability

This policy applies to all safety-sensitive employees who perform safety-sensitive functions as these persons and activities are defined in the Omnibus Transportation Employee Testing Act and its implementing regulations, including but not limited to persons who are required to possess

a CDL license for the operation of a commercial vehicle. [OPTIONAL: and all law enforcement and emergency services personnel, as well as others in safety-sensitive positions in the jurisdiction.] [OPTIONAL: All contractors of the County shall be required to state in writing that they comply with the provisions of the Act and its implementing regulations while engaged in services for the County or in activity while on County property as a condition of the award of any such contracts for services or work and the continuation of same.]

(c) Definitions

- (1) Administrator - designated by the County Commission (County Executive) to be \_\_\_\_\_ .
- (2) Commercial vehicle - as defined in the Missouri statutes requiring commercial drivers' licenses.
- (3) Delay - any failure to immediately report to the test site to participate in the required testing under this policy.

[OPTIONAL: insert other definitions with special understandings in the jurisdiction.]

(d) Policy Administrator

Unless otherwise designated by the County Commission (County Executive), the designated policy administrator for the County is the **(insert designated administrator title)**, who shall be designated as the controlled substance and alcohol policy administrator. Any inquiries concerning this policy, its application, its administration, or its interpretation shall be made to the policy administrator.

The policy administrator shall develop and maintain a current list of the positions that are governed by this policy. The list shall be available for inspection in the (insert specific office)

offices of the County. Individuals who are applying for positions with the County and affected employees shall be notified of the positions that are covered by this policy.

The policy administrator shall develop all forms necessary to carry out the provisions of this policy, unless the forms are provided under the federal regulations. The forms shall be provided to appropriate persons who are responsible for the implementation and management of this policy.

(e) Alcohol & Controlled Substances Prohibitions

An employee is prohibited from the operation of a commercial motor vehicle and/or from engaging in any work-related functions for alcohol-related conduct: (1) while consuming alcohol; (2) while having a blood alcohol concentration of 0.02 or greater; (3) within four (4) hours of consuming alcohol; (4) after refusing to submit to an alcohol test; and (5) from consuming alcohol within eight (8) hours after an accident as specified in this policy.

An employee is prohibited from the unauthorized use of a controlled substance at any time, whether on or off duty.

An employee is prohibited from the unauthorized possession of alcohol while on duty and of controlled substances at any time, whether on or off duty.

[OPTIONAL: Any employee convicted of illegal conduct related to controlled substances or alcohol or who fails to report such a conviction to the policy administrator shall be subject to immediate termination from service.]

Any employee whose job performance requires the possession of a valid CDL and who loses the CDL for a violation of or as a consequence of the law shall be subject to disciplinary action up to and including termination from service. The employee shall notify the policy

administrator and the employee's immediate supervisor of the loss of the CDL. Failure to notify the policy administrator of the loss of the CDL shall result in immediate termination from service.

[OPTIONAL: Any employee who is consuming a prescribed or authorized controlled substance or other substance of any kind whose side effects may inhibit or impair the employee's performance shall provide written notice to the policy administrator of such consumption upon reporting to work and prior to engaging in any work-related activity, or earlier if possible. Failure to report shall be cause for disciplinary action up to and including termination from service.]

(f) Controlled Substance & Alcohol Testing Provisions

Employees subject to this policy shall be subject to controlled substances and alcohol testing including the following types of tests: pre-employment testing; random testing (except as provided herein); reasonable suspicion testing; post-accident testing; return-to-work testing; and follow-up testing to rehabilitation programs.

Pre-Employment Testing

Pre-employment urine drug testing shall be required of all applicants for positions covered by this policy as a condition of the application procedure. Future employment as defined shall be considered as if the application was for original entry into service for purposes of this policy. Receipt of satisfactory test results is required prior to commencement of employment and/or engaging in safety-sensitive functions, and the failure of a controlled substance or alcohol test disqualifies an applicant from appointment to employment for a period of at least 120 days. Evidence of the absence of controlled substances or alcohol dependency from a Substance Abuse Professional (SAP) and negative controlled substance and alcohol tests shall be required prior to

further consideration for any employment, including reports from prior employers upon an employee's written authorization.

### Reasonable Suspicion Testing

Reasonable suspicion testing shall be used to determine fitness for duty evaluations, including appropriate urine and/or breath testing when there are objective observable reasons to believe that a controlled substance or alcohol use is adversely affecting an employee's job performance or that the employee has violated this policy. Reasonable suspicion referral for testing shall be made on the basis of documented objective facts and circumstances which are consistent with the effects of substance use. Reasonable suspicion observations and reports can only be made by supervisory or management personnel who are trained to detect the signs and symptoms of controlled substance and alcohol use and who may reasonably conclude that an employee may be adversely affected or impaired in the employee's work performance due to the use of the controlled substance or alcohol. The observing supervisor or manager, whether or not the person is the employee's immediate supervisor, is required to complete the appropriate required documentation concurrently with the observation and consideration to impose reasonable suspicion testing.

Reasonable suspicion testing shall be required and completed whenever possible within two (2) hours of the observation, but in any case no later than before eight (8) hours after the observation for breath alcohol testing and thirty-two (32) hours for controlled substance testing.

### Post-Accident Testing

Post-accident testing shall be required to test employees after a vehicular accident has occurred in which a fatality has occurred, or when a traffic citation is issued to a County employee after an accident, [OPTIONAL: or testing may be required where injury to a person requires transport to a medical treatment facility, or disabling damage to one or more vehicles requires towing from the accident site to occur]. Testing shall include both breath alcohol and urine drug testing of the employee(s).

Post-accident testing shall be required and completed whenever possible within two (2) hours of the accident occurrence, but in any case no later than before eight (8) hours after the accident for breath alcohol testing and thirty-two (32) hours for controlled substance testing. An employee involved in an accident shall refrain from alcohol consumption for eight (8) hours following the accident.

#### Random Testing

Random testing shall be conducted on all persons covered by this policy. Random testing shall be unannounced and conducted with unpredictable frequency throughout the year using an established scientifically based selection method. Testing shall be conducted whenever and as ordered by appropriate supervisory personnel, but no less frequently than required by federal law and regulations, and in such numbers as is minimally determined under the regulations.

#### Return-to-Work Testing

Return-to-work urine drug and alcohol testing for all employees covered by this policy shall be required for all employees who previously tested positive on a controlled substance or alcohol test. The employee must test negative and be evaluated and released to return to work by an SAP before being permitted to return to work.

## Follow-up Testing

Follow-up testing of employees returning to work shall be required. Employees shall submit to frequent, unannounced random urine drug and breath alcohol testing at least six (6) times in the following twelve (12) months after returning to work. Random testing may be continued for a period of up to sixty (60) months from the employee's return to work date.

Any employee who questions the results of a required urine drug test under this policy may request that an additional test be conducted. The test must be conducted on a split sample that was provided at the same time as the original sample and the test analysis shall be conducted at a different qualified laboratory than where the original test was conducted. All costs for employee-requested testing shall be paid by the employee unless the second test invalidates the original test. An employee's request for a re-test must be made to the Medical Review Officer (MRO) within seventy-two (72) hours of the notice to the employee of the initial test result. Requests made after the seventy-two (72) hour limit will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.

The method of collecting, storing, and testing the split sample required under this policy shall be consistent with the procedures established in 49 CFR Part 40.

## Failure to test

Any employee who fails to submit to the required testing under this policy is considered to have tested positive and shall be subject to all of the consequences that flow related to positive testing.

Any employee ordered to test shall report immediately to the test site upon being ordered

to submit to testing. No delay of any type may be granted or taken. Delay in reporting by the employee shall be treated as a refusal to test and shall subject the employee to all of the consequences that flow related to positive testing. Failure to provide a sufficient sample or for providing an adulterated sample shall be considered as a refusal to test and shall subject the employee to all of the consequences that flow.

(g) Testing Controls

ALCOHOL: Federal regulations require breath testing to be done on Evidential Breath Testing devices approved by the National Highway Safety Administration. An initial screening test is conducted first. Any result that is less than 0.02 blood alcohol concentration is considered negative. If the blood alcohol concentration is 0.02 or greater, a second confirmatory test must be conducted. Any employee who tests with a blood alcohol concentration of 0.02 or greater shall be removed from service for at least twenty-four (24) hours.

Any employee who is found to have engaged in prohibited alcohol conduct under this policy shall be immediately removed from work-related activity; and the employee shall not be permitted to resume work until the employee is (1) evaluated by an SAP, (2) complies with the rehabilitation contract if such is required, and (3) has tested negative in a follow-up test.

CONTROLLED SUBSTANCES: Controlled substance testing is conducted by analyzing an employee's urine specimen performed at a laboratory certified and monitored by the U.S. Department of Health & Human Services for the following controlled substances:

- (1) Marijuana (THC metabolite)
- (2) Cocaine
- (3) Amphetamines

(4) Opiates (including heroin)

(5) Phencyclidine (PCP)

The testing for controlled substances is a two-stage process. First a screening test is conducted. If the test is positive for one or more of the controlled substances, a confirmatory test is conducted for each identified controlled substance. The confirmatory test is a gas chromatography/mass spectrometry (GC/MS) analysis.

Any employee who tests positive on the confirmatory test shall be interviewed by the County's Medical Review Officer (MRO). The employee shall be immediately removed from work-related activity; and the employee shall not be permitted to resume work until the employee is (1) evaluated by an SAP, (2) complies with the rehabilitation contract if such is required, and (3) has tested negative in a follow-up test.

(h) Employment Assessment

An employee who tests positive for the presence of controlled substances or alcohol above the minimum thresholds set forth in the federal regulations shall be evaluated by an SAP. The SAP shall evaluate each employee who tests positive to determine what assistance, if any, the employee needs in resolving problems associated with the controlled substance or alcohol.

Assessment by an SAP does not protect an employee from disciplinary action or guarantee continued employment or reinstatement by the County. The County's disciplinary policy provides guidance to the discipline that may be imposed, unless otherwise stated in this policy.

(i) Rehabilitation Effort

Any employee who is determined to be in need of assistance for a controlled substance or alcohol-related problem under this policy by the SAP may be permitted to enter into a rehabilitation plan approved by the County, provided the employee agrees to adhere to the terms of the rehabilitation contract with the County.

[OPTIONAL: Rehabilitation assistance may only be granted to an employee once while employed by the County. Failure to complete the rehabilitation assistance plan or to adhere to the rehabilitation contract shall be considered a resignation by the employee from employment with the County.]

[OPTIONAL: The rehabilitation contract shall include the following terms and conditions to be adhered to by the employee who is granted rehabilitation assistance:

1. the employee shall agree to undertake and successfully complete the rehabilitation assistance plan established for the employee by the SAP or by a rehabilitation professional accepted by the County; and

2. the employee agrees to refrain from any violation of this policy and the use of controlled substances and alcohol consistent with the plan of rehabilitation and this policy; and

3. the employee provides a release of all medical records for use and review by the County relating to the rehabilitation assistance plan for the assistance undertaken and compliance; and

4. the employee agrees to unannounced random testing for County-determined periods of time subsequent to the employee's return to work consistent with this policy; and

5. the employee agrees to submit to return-to-work testing demonstrating that the employee is negative under controlled substance and/or alcohol test standards; and

6. the employee agrees that any future controlled substance or alcohol violations shall be considered as a resignation of the employee from County service without recourse.]

(j) Contractual Support Professionals

The County shall secure a contract with an appropriately certified testing laboratory to conduct the controlled substance testing analysis and reporting required under this policy and under the federal regulations in conformity with the standards established under the federal regulations. The County may contract for the required alcohol testing or may perform the testing using qualified County personnel who utilize appropriate testing equipment.

The County shall engage the services of an independent contractor to serve the County as the MRO properly credentialed and trained in compliance with the federal regulations, who shall not be an employee of the County. The MRO shall, as a part of the engagement contract, maintain all relevant records and provide the required reports that the County needs to comply with the federal reporting requirements.

The County shall appoint an SAP for the providing of services under this policy and in compliance with the federal regulations.

(k) Education & Training

The County shall provide all employees with a copy of this policy and materials related to the effects of the use and/or abuse of alcohol and controlled substances. The County shall also provide information to employees regarding treatment and rehabilitation available. Employees shall be required to confirm receipt of this policy and any revisions and of the educational materials

in writing, noting the date of receipt and acknowledgement by signature witnessed by the supervisor providing the materials.

The County shall develop and provide training for all supervisors and managers who are responsible for the administration and enforcement of this policy. The training, at a minimum, shall include at least sixty (60) minutes of a program on the physical and behavioral effects on personal health, safety and on the work environment and performance indicators on the effects of alcohol use and abuse, the side effects of abuse, and the consequences of prohibited work-related activity involving alcohol consumption. The training shall include an overview of this policy and its implementation and application to employees. The training, at a minimum, shall include at least sixty (60) minutes of a program on the physical and behavioral effects on personal health, safety and on the work environment and performance indicators of controlled substances use and abuse, the side effects of controlled substance abuse, and the consequences of prohibited work-related activity involving controlled substances. Training shall also include a component related to objective observation for reasonable suspicion testing, documentation and record keeping. [OPTIONAL: The training may include other components that the policy administrator, the MRO, and/or the SAP believe can enhance the program administration and awareness of problems and treatment related to alcohol and controlled substance use. The training may also provide components related to County-sponsored or supported referral programs and employee assistance efforts that are sanctioned to deal with alcohol and controlled substance use and abuse problems.]

(I) Confidentiality

All records developed and/or acquired pursuant to this policy shall be maintained under strict confidentiality by the County, the testing laboratory, the MRO, and the SAP, when and as

applicable. The records shall be maintained separately from other personnel records kept by the County and shall be kept in a secured location with other medical records. Materials shall not be released to others without the written consent of the affected employee, except under provisions provided in the federal regulations, as needed with regard to the rehabilitation contract, in litigation or quasi-judicial and administrative proceedings related to positive test results and/or to matters initiated by an employee.

[OPTIONAL: Any person who breaches the confidentiality provisions of this policy shall be subject to immediate termination from employment and/or from any contractual relationship with the County without recourse.]

(m) Disciplinary Issues

Unless otherwise specified in this policy, the County's policies related to disciplinary action shall be followed when imposing discipline for violation of this policy.

The acceptance by an employee of the rehabilitation assistance plan and contract does not serve as a bar to imposing disciplinary action related to violations of this policy.

Any supervisor or manager who knowingly permits an employee to violate this policy or engage in work activity while consuming alcohol or a controlled substance or fails to enforce this policy shall be subject to immediate termination from employment.

This policy does not displace any other penalties that may be imposed or be incurred as a result of violation of County policy or state and federal laws, or as provided in the workers' compensation laws.

(n) Coordination With Other Laws & Policies

This policy shall be administered in compliance with other federal, state and local laws related to employee health & welfare policies, leave policies, benefit programs and other related policies of the County. In the case of apparent conflicts between this policy, other policies, and applicable laws, the policy administrator shall make the appropriate rulings to resolve the potential conflicts, whenever possible.

In the event that any part of this policy is judicially determined to be in conflict with any law or to be in violation of any law or is rendered ineffective because of some state or federal legislative enactment, that part(s) shall be void, but the remainder of the policy shall remain in effect. Parts that are void or voided shall be replaced as soon as possible so as to maintain the full effect of this policy and/or to bring it into compliance with relevant laws.

(o) Amendments

This policy is subject to amendment by the County from time to time. Amendments that are made shall be provided to employees upon adoption and shall become effective as provided by the policy administrator.

(p) Drug Awareness Program.

Employees are made aware of the drug-free workplace policy and the dangers of drugs in the workplace through the display and distribution of informational material. For employees performing safety-sensitive functions, which include any duties related to the safe operation of County vehicles or equipment, the information includes the effects and consequences of drug use on personal health, safety and the work environment, and the manifestations and behavioral cues that may indicate drug use and abuse. Supervisors shall receive training on the physical,

behavioral, and performance indicators of probable drug use.

The program also includes information about the availability of drug counseling and rehabilitation as provided by the Employee Assistance Program.

(q) County's Right to Test.

An individual may not be hired to perform a safety-sensitive function unless the individual passes a drug test of urine for evidence of marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines. All new hires and re-hires of full-time, part-time, or temporary/seasonal employees may be required to take a urine or other medical test and to agree in writing to allow the results of those tests to be furnished to and used by the County. Those persons who do not pass such test(s) shall not be employed.

**Section 3-4. Acquired Immune Deficiency Syndrome (AIDS).**

The unfortunate spread of AIDS in recent years has presented a need for a policy regarding the employment of those who have, or may have, this disease. Medical experts and medical evidence available to date has shown that casual workplace contact with employees who have AIDS, or who have been exposed to the AIDS virus, will not result in the transmission of AIDS to others.

The County's policy shall be to employ persons who have AIDS, or are suspected of having AIDS, so long as such persons remain qualified to perform their jobs in accordance with County standards. Some exceptions or deviations to this policy may be necessary for certain positions, but the County's intent will be to maximize the employment opportunities of AIDS patients, while at the same time preserving the safety and morale of all employees and the public.

The County will stay abreast of the latest medical knowledge regarding this disease. If it ever appears that the implementation of this policy may present a danger to employees and the public, appropriate revisions will be made.

**Section 3-5. Health and safety.**

All employees shall be responsible for performing work assignments in a safe manner. Prime consideration shall be given to safety in all work situations.

- (a) All employees shall:
  - (1) be thoroughly familiar with safety requirements and practices applicable to their respective work assignments;
  - (2) actively observe safety practices, and report unsafe or potentially dangerous conditions and accidents or injuries to their supervisor immediately;
  - (3) refrain from engaging in horseplay, wrestling, hazing of co-workers, and any other unsafe practice under penalty of disciplinary action up to and including dismissal;
  - (4) wear protective equipment, use protective devices and wear safety belts in all County vehicles so equipped;
  - (5) report to supervisors any suspension, revocation or other loss or potential loss of the right to legally drive a motor vehicle if driving a County vehicle is a responsibility or privilege of the job;
  - (6) be properly licensed at the time of employment or assignment to a vehicle (if

they are responsible for driving County vehicles) and, upon each license renewal date, must complete driver training or driver performance qualification checks as required by the department before operating County vehicles.

(b) The County will pay for immunizations when approved by the County Commission (County Executive).

(c) The County may retain a physician(s) to perform services for the County. These services may include post-offer employment physicals, disability retirement physicals, examinations and/or treatment of on-the-job injuries, and verification of illness and/or injury, among other services. An employee may be directed by his supervisor to see the retained physician(s) at the expense of the County, and it will be the responsibility of the employee to make any scheduled appointments with the retained physician(s). For charges not covered by Workers' Compensation, the County will pay for the cost of the examination only. Any referral or additional charge outside the examination can be submitted to the County's health insurance plan, with the employee responsible for any portion not paid by the health plan.

(d) Safety eye glasses and safety boots or shoes shall be provided for all employees whose jobs warrant such protection as designated by the department head. The County will provide a limited number of styles meeting safety standards from which employees may select.

Safety shoes, boots and glasses will be repaired or replaced by the County as necessary. Replacements and repairs may be made without cost to the employee if the shoes, boots or glasses are damaged in the course of the employee's job performance or when an eyeglass prescription changes. Employees must present their damaged shoes, boots and glasses to the supervisor to obtain permission before obtaining replacements.

### **Section 3-6. Smoking cessation and "smoking permitted" areas.**

Employees are not allowed to smoke in public buildings and vehicles except in designated "smoking permitted" locations.

### **Section 3-7. Applicants and Employees with Disabilities.**

Assistance shall be available to applicants with disabilities who may require personal assistance to participate in the selection process. Such assistance shall include but not be limited to providing readers for the vision-impaired and written materials for the hearing-impaired.

In determining whether an applicant or employee with a disability shall be accommodated, the following shall apply. The applicant or employee must make a documented request for reasonable accommodation. The department head and supervisor, if applicable, shall consult with the disabled individual regarding an appropriate accommodation. If the accommodation does not impose an undue hardship, the accommodation shall be implemented. Assessing the reasonableness of the possible accommodations shall include the following factors:

- (a) how well it accommodates the needs of the individual with a disability;
- (b) how reliable it is;
- (c) whether it can be made available in a timely manner;
- (d) and whether it imposes an undue hardship defined as an action requiring significant difficulty or expense.

The County Commission (County Executive) shall make the final decision as to whether the

accommodation is reasonable and does not present an undue hardship.

Employees and applicants with disabilities shall be afforded a procedure that provides for prompt and equitable solutions to complaints. Employees shall utilize the grievance procedure described in Article 17 of this manual. Applicants shall use the procedure found under the special policy of the County relating to disabilities and the accessibility of services.

### **Section 3-8. Attitude and appearance.**

A friendly and courteous attitude by County employees toward the public and co-workers is required at all times. Similarly, employees are expected to deliver prompt, thorough, and efficient service to consumers to the best of their ability. All employees are required to maintain a neat and clean personal appearance. Each employee shall be subject to specific department rules and regulations concerning proper clothing, personal hygiene, and grooming.

### **Section 3-9. Uniforms; clothing provisions.**

The County will provide for the uniform and special clothing needs of its employees. The needs will be met by the purchase or lease of the appropriate uniforms and clothing, and generally may include dry cleaning services where necessary. The employee will be responsible for the proper care and use of clothing and uniforms and the laundering of same, if appropriate.

### **□Section 3-10. Commercial Drivers' License.**

The law requires employers to make certain that drivers of "commercial vehicles," including certain County vehicles, have the required class of commercial drivers' license for the size and type

of vehicle they are required to drive. Depending on the particular job requirements, County employees may be required to possess a special class of license. The State may require a written test covering the class of vehicle operated and the applicable endorsements and restrictions.

Endorsements for hazardous materials, passenger, tank vehicle, double/triple trailer and restrictions for air brakes may also be required. Written testing varies with the class of license and the endorsements and restrictions. The actual driving test must be taken in a vehicle falling in the class applied for.

The County may provide employees with the training and assistance necessary to comply with the licensing requirements as follows:

- (a) up to four (4) hours training on the written testing materials.
- (b) up to two (2) hours training on the pre-trip portion of the test on a vehicle similar to the one the driver would drive during the testing.
- (c) make the best vehicle in the class an employee must be licensed in available to the employee for road testing and allow time for the testing.

Employees shall be required to have and maintain the necessary class of drivers' licenses at their expense.

### **Section 3-11. County's Right to Search.**

When the County has reason to believe an employee is violating any policy regarding contraband or controlled substances or other rules, the employee may be asked by the County to submit immediately at any time (including breaks and the meal period) to a search of the person and/or to make the employee's locker, lunch box, briefcase, purse, pockets, wallet, personal

belongings, desk, vehicles, or any other receptacle the employee uses or has access to, available for inspection. Entry on to County premises constitutes consent to searches and inspections. Refusal to consent to a search or inspection when requested by the County constitutes insubordination and a violation of County policy which will subject the employee to disciplinary action.

□

## **ARTICLE 4. APPLICATIONS AND APPLICANTS**

### **Section 4-1. Recruitment.**

Notice of employment opportunities in the County service shall be published by posting announcements on official bulletin boards and in such other places as the County Commission (County Executive) deems advisable including, as appropriate, a newspaper in general circulation in the area or region. Notice of all examinations for promotion shall be published by posting and other methods. The announcements shall specify the class title and salary range of the class for which the examination is announced; the nature of the work to be performed; the minimum qualifications required for the performance of the work of the class; the time, place, and manner of making application; the closing date for receiving applications; and other pertinent information.

### **Section 4-2. Application form.**

All applications shall be made on forms prescribed by the County Commission (County Executive) and shall be filed on or prior to the closing date specified in the announcement. Applications may require information concerning personal characteristics, education, experience, references, and other pertinent information. All applications shall be signed and the truth of the statements contained therein certified by signature. The County Commission (County Executive) shall require such proof of education, experience, and other claims as may be appropriate.

### **Section 4-3. Disqualification.**

The County Commission (County Executive) may refuse to examine an applicant, or, after

examination, may disqualify such applicant, remove a name from an eligible list, or refuse to interview an applicant, or may take steps to remove such person already appointed if the applicant or employee:

- (a) does not meet the preliminary requirements established for the pertinent class;
- (b) has a physical or mental disability such that the person is unable to perform the essential functions of the job;
- (c) tests "positive" to drug tests, is a current user of narcotics or the habitual use of intoxicating liquors to excess;
- (d) has made a false statement in an application;
- (e) has used or attempted to use political pressure or bribery to secure an advantage in the examination;
- (f) has directly, or indirectly, obtained information regarding the examination to which, as an applicant, the applicant was not entitled;
- (g) has failed to submit the application correctly or within the prescribed time limits;
- (h) has taken part in the compilation, administration, or correction of the examination for which the application was made;
- (i) has previously been dismissed from a position in the County service or has resigned while charges for dismissal were pending;
- (j) has otherwise willfully violated the provisions of these rules;
- (k) has established an unsatisfactory employment or personnel record as evidenced by a reference check of such a nature as to demonstrate unsuitability for employment;
- (l) has taken for another or allowed another to take all or part of the examination, or has

been found cheating in any other way on an examination;

(m) has a criminal history that may expose the public to a risk of harm or loss.

Applications, whether accepted or rejected, shall not be returned and shall remain on file for three (3) years unless hired.

#### **Section 4-4. Disqualification by reason of police record.**

Employees and applicants may have their applications rejected or be subject to dismissal if a background check reveals conviction of a felony or misdemeanor that has a bearing on the work to be performed for the County or if they pose a risk of harm or loss to the public.

#### **Section 4-5. Examinations.**

(a) Competitive examinations. Examinations shall relate to those matters which fairly test the aptitude, capability, and fitness of the persons examined to perform the duties of the positions they seek. Examinations may include written, oral, physical, or performance tests, or any combination of these. They may take into consideration such factors as education, experience, aptitude, knowledge, physical fitness, or any other qualifications or attributes which enter into the determination of the relative fitness of applicants.

Promotional examinations shall be of kind and character similar to those for original appointment to the service. In addition to other factors, promotional examinations may take into consideration the quality and length of service where records are available to provide the basis for such rating.

Entry-level and promotional examinations for sworn law enforcement positions shall be administered by the County Commission (County Executive).

**Section 4-6. Examination administration.**

Examinations shall be announced and held at such times and places as most nearly meet the needs of the County.

**Section 4-7. Rating of examinations.**

(a) Sound measurement techniques and procedures shall be used in rating the results of examinations and determining the relative standings of the competitors. In all examinations the minimum ratings by which eligibility may be achieved shall be set by the County Commission (County Executive).

(b) When a rating of training and experience form a part of the examination, the County Commission (County Executive) shall develop such procedures for the evaluation of these factors as will serve to assist in the selection of the best qualified candidates. These procedures shall take into consideration the quality, recency, and amount of experience, and the pertinence, quality, and amount of education.

**Section 4-8. Medical examinations.**

Employees must possess the prescribed standard of health and physical fitness necessary to perform the essential functions of their jobs. Medical examinations when required by the County shall be conducted at the County's expense by a physician designated by the County. The County

shall pay for the cost of the examination only. Any referral or additional charge outside the examination is the employee's responsibility.

**Section 4-9. Residence requirements.**

(a) All applicants for employment in the County service must have a principal place of domicile located within the corporate boundaries of the County, or obtain such within six (6) months following appointment, unless exempted by the County Commission (County Executive).

(b) Applicants appointed to the classes listed below must be residents of the County, or move within the corporate boundaries of the County within six (6) months of appointment. All direct moving expenses may be paid by the County:

(insert classes)

(c) An extension of the six (6) month time limit established herein may be granted in unusual cases by the County Commission (County Executive).

(d) Direct moving expenses required to comply with the provisions of this section for appointees to classes other than those specifically set forth above may be reimbursed by the County in cases in which qualified candidates cannot be found residing within ten (10) miles of the corporate boundaries of the County. Such payments must be approved by the County Commission (County Executive).

(e) Direct moving expenses may be paid for positions other than those listed above in subparagraph (b) if a specific reason would justify such a payment. Such a payment must be approved by the County Commission (County Executive) and requires that the recipient move within the corporate limits of the County.

## **ARTICLE 5. APPOINTMENTS**

### **Section 5-1. Appointments.**

Appointments to fill vacancies shall be made from a pool of qualified applicants. Vacancies in positions which require the successful completion of examination(s) are filled from a pool of qualified applicants.

### **Section 5-2. Appointment authority.**

The County Commission (County Executive) shall be the appointing authority in all departments, unless provided otherwise by Missouri law.

### **Section 5-3. Appointment forms.**

No duly appointed employee may be placed on the payroll until all appointment forms have been properly signed by the County Commission (County Executive) and pre-employment forms have been completed and signed by the employee.

### **Section 5-4. Transfer.**

A position may be filled by transferring an employee from a position having the same maximum salary rate. Inter-departmental transfers must be approved by the requisitioning department and employee concerned. The relinquishing department may delay the transfer until the beginning of a pay period, but not for a period in excess of three (3) weeks.

**Section 5-5. Promotion/Demotion.**

A position may be filled by selection from qualified employees in another class having a lower/higher maximum salary range. Upon notification of a promotion/demotion, the relinquishing department may delay the promotion/demotion until the beginning of a pay period, but not to exceed three (3) weeks.

## □ **ARTICLE 6. INTRODUCTORY & QUALIFYING PERIODS**

### **Section 6-1. Purpose.**

An introductory working period shall be an integral part of the examination process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee or rehired employee to the position, and for replacing any employee whose performance does not meet the required work standards. A new employee who has not successfully completed an introductory period and/or extension thereof, shall not have access to grievance or appeal privileges.

### **Section 6-2. Duration.**

All original appointments and re-employments to full-time and part-time positions shall be tentative and subject to an introductory period. For entry-level personnel in the law enforcement department, this period shall be for at least one (1) year from the date of employment. All other appointments shall be subject to an introductory period of at least six (6) months.

### **Section 6-3. Evaluation and counseling.**

Supervisors shall observe the employee's work performance and shall counsel an introductory employee whose work performance is marginal or inadequate. Employees must be notified in writing of the steps that must be taken to achieve an acceptable level of work performance.

**Section 6-4. Extension of introductory period.**

With the approval of the County Commission (County Executive) or of a department head, the original introductory period may be extended to a maximum of fifty (50) percent of the original length of time if circumstances warrant an extension.

**Section 6-5. Termination during introductory period.**

An employee terminated during the introductory period shall not have access to grievance or appeal processes. The department head shall fill out the appropriate personnel action forms when a decision on termination has been made, and such termination will be official when such forms are signed by the County Commission (County Executive).

**Section 6-6. Completion of introductory period.**

At least ten (10) working days prior to the expiration of an employee's introductory period and in such manner as the County Commission (County Executive) may prescribe, the department head shall notify the County Commission (County Executive) in writing whether the services of the employee have been satisfactory and whether the employee will be continued in the position. A copy of this notice shall be given to the employee by the department head. Upon receipt by the County Commission (County Executive) of a favorable report, the employee's introductory period shall be complete.

**Section 6-7. Qualifying period for promoted and transferred employees.**

The qualifying period for promoted employees and employees transferred to a different class shall be the period of time following transfer or promotion from one classification to another within County service, with duration as set out in Section 6-2, which shall be regarded as an integral part of the examination process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a transferred or promoted employee to the position, and for replacing any employee whose performance does not meet the required standards. An employee serving a qualifying period shall have grievance privileges except in matters relating to the employee's status in the position in which the employee is serving the qualifying period.

**Section 6-8. Demotion during qualifying period.**

An employee serving a qualifying period who continues to exhibit inadequate performance after counseling shall be demoted to a position in the class held prior to the promotional appointment provided a vacancy exists. The department head shall notify the County Commission (County Executive) in writing of the intentions to demote an employee as provided in this section. If approved, the employee shall be notified in writing not less than five (5) working days prior to the effective date of demotion.

## □ARTICLE 7. POSITION CLASSIFICATION PLAN

### **Section 7-1. The classification plan.**

A position classification plan based upon and graded according to assigned work duties and responsibilities shall be maintained by the County to provide standardization and the proper classification of all positions in the service of the County. With the approval of the County Commission (County Executive) and as adopted by ordinance, class titles may be established, combined, abolished, or changed. The position classification plan shall include:

(a) An outline by title and grade of classes of positions in the County service arranged in appropriate occupational groups as recommended and approved by the County Commission (County Executive).

(b) Class specifications for each title in such form as prescribed by the County Commission (County Executive).

### **Section 7-2. Purpose of the classification plan.**

The purposes of the classification plan are to:

(a) provide like pay for like work;

(b) establish educational and work experience qualifications, standards for recruiting, testing, and other selection purposes;

- (c) provide the appointing authority with a means of analyzing work distribution, areas of responsibility, lines of authority, and other relevant relationships between individual and groups of positions;
- (d) assist the appointing authority in determining personnel service costs and projections for annual budget requirements;
- (e) provide a basis for developing standards of work performance;
- (f) establish lines of promotional opportunity;
- (g) indicate employee training needs and development potentials;
- (h) provide uniform and meaningful titles for all positions;
- (i) provide the fundamental basis of the compensation program and other aspects of the personnel program.

**Section 7-3. Administration of the classification plan.**

The County Commission (County Executive) shall conduct position classification studies at such times as the County Personnel Code requires or as the County Commission (County Executive) deems it necessary or whenever the duties and responsibilities of existing positions have undergone significant change. The County Commission (County Executive) may also do so when notified that new positions are to be established or upon request of a department head or affected employee, or if the classification of such position has not been reviewed within the last twelve (12) months. If the County Commission (County Executive) finds that a substantial change in organization, the creation or change of positions, or other pertinent conditions make necessary

the amendment of an existing class title and/or grade, the classification plan can be amended accordingly.

**Section 7-4. Classification of positions.**

(a) Each position in the County shall be classified at the direction of the County Commission (County Executive) to its appropriate class in accordance with the character, difficulty, and responsibility of its designated duties. Positions shall be assigned to a specific class when:

- (1) the same descriptive title may be used to designate each position in the class;
- (2) the same kinds and levels of work, education, experience, knowledge, ability, skill, and other qualifications may be required of incumbents;
- (3) similar tests of fitness may be used to examine and rank incumbents;
- (4) the same range of compensation will apply equally under substantially the same general employment conditions.

(b) All classes of positions involving the same character of work, but differing as to level of difficulty and responsibility, shall be assembled into a class series of two (2) or more levels.

(c) Compensation or present pay range shall not be a factor in determining the classification of any position or the standing of any incumbent.

(d) In allocating any position to a class, the specification for the class shall be considered as a whole. Consideration shall be given to the general duties, specific tasks, responsibilities, required education, and experience qualifications for such position, and the relationship thereof to other classes. The examples of duties set forth in such class specification shall not be construed as all-inclusive or restrictive, and an example of a typical task or a combination of two or more

examples of work performed shall not be taken, without relation to all parts of the specification, as a determination that a position should be included within a class.

(e) It shall be the duty of department heads to report to the County Commission (County Executive) any and all organization and program changes which will significantly alter or effect changes in existing positions or positions proposed to be established. When any department head requests the establishment of new or additional positions, or a change in the allocation of an existing position, the department head shall address the request to the County Commission (County Executive), accompanied by a statement of the work duties and responsibilities and qualification requirements of the position, along with a current organization chart.

**Section 7-5. Effect of classification changes on incumbent.**

(a) Whenever the title of a class is changed without a change in duties and responsibilities, the incumbent shall have the same status in the retitled class as the incumbent had in the former class.

(b) When a position is reclassified to a class with a higher maximum salary rate, the County Commission (County Executive) may provide the incumbent of the position the same status in the new class as the incumbent had in the former class, only if the following conditions are met:

- (1) the reason for the reclassification of the position is the accretion of new duties and responsibilities over a period of one (1) year or more immediately preceding the effective date of said reclassification or an immediate accretion of duties due to reorganization or redistribution or work responsibilities; and
- (2) such accretion of duties has taken place during the incumbency of the present

incumbent in said position; and

- (3) the added duties and responsibilities upon which the reclassification is based could not reasonably have been assigned to any other position; and
- (4) the employee occupying a position which has been reclassified shall continue in the position only if the employee possesses the qualifications or training and experience required for such classification.

(c) Whenever a position is reclassified from one class to a higher class and the conditions in (b) above are not met, the incumbent shall not continue in the position.

In any case in which an incumbent is ineligible to continue in the position and is not assigned to another position, the layoff provisions of these rules shall apply. All personnel actions and changes required by the reclassification of a position shall be completed within a period of thirty (30) calendar days following the date of such reclassification notice to the appropriate department head. An employee whose position is reclassified by virtue of a gradual change in the duties and responsibilities, and not because of assignment to another position, shall be eligible to qualify for the position under the new classification by successfully passing a non-competitive qualifying examination. If the employee fails the examination for the higher classification within the thirty (30) day period, this fact will render the employee ineligible to continue in the position.

(d) When a position is assigned to a class different from the one to which it was previously classified, the pay status of the employee affected will be changed in accordance with applicable rules and regulations governing transfers, demotions, and promotions in the County service.

## **ARTICLE 8. COMPENSATION PLAN**

**Section 8-1. Authority to establish salaries.**

The County Commission (County Executive) shall establish pay ranges for the officers and employees under the jurisdiction of the County Commission (County Executive) as provided by the County Personnel Code, or as required by law where a conflict exists.

**Section 8-2. The compensation plan.**

The compensation plan for the County service shall include:

(a) A schedule of standard salary ranges and rates of pay indicating the minimum and maximum rates of pay for each classification approved for County use, or as otherwise established by law.

(b) A list of classes of positions with the salary range number and minimum and maximum rates of pay shown for each class of positions.

(c) Supplements, amendments, and/or revisions, from time to time, as passed by the County Commission (County Executive).

**Section 8-3. Standards for determination of pay ranges.**

Pay ranges shall be related directly to the position classification plan and shall be determined with due consideration to ranges of pay for other classes, the relative difficulty and responsibility of work, the recruiting experience of the County, the availability of employees in particular occupational categories, prevailing rates of pay for similar employment in private and other public jurisdictions in the area, employee turnover, cost-of-living factors, the financial policies

and economic considerations of the County. The minimum and maximum rates of pay assigned the classes of positions shall be those which most nearly reflect these factors.

**Section 8-4. Amendment of the compensation plan.**

Any officer or employee in the County service may initiate a written request to the County Commission (County Executive) for the amendment of the pay plan. The County Commission (County Executive) shall study and make a determination concerning the request and shall notify in writing, the person and department concerned of the disposition of the request.

Prior to the preparation of each annual budget, as well as at other times, the County Commission (County Executive) shall make comparative salary studies as deemed necessary concerning factors affecting the level of salaries in the County service. On the basis of the information derived from such wage and salary studies, the County Commission (County Executive) shall adopt such repositioning of classes pertinent to the internal equity and external competitiveness of the overall compensation program. Employees affected by repositioning shall have their pay ranges changed according to the plan and shall be positioned in the new pay ranges at their respective rates of pay as in the former ranges.

In arriving at such salary recommendations, the County Commission (County Executive) shall take into consideration the advice and suggestions of department heads and appointing officers as to the duties, degree of responsibility, and working conditions involved. Recommendations made for the amendment of the compensation plan for repositioning or reclassification of specific classes of positions shall be acted upon by the County Commission (County Executive). When adopted by the County Commission (County Executive), these

amendments shall become part of the compensation plan and shall become the current official salary schedule applicable to the respective classes of positions as enumerated therein, and shall be used by all departments in connection with all payrolls, budget estimates, and official records and reports relating to salaries and wages of positions in the County service.

**Section 8-5. Total remuneration.**

(a) Any salary rate established for an employee shall be the total remuneration for the employee, not including reimbursement for official travel or other authorized allowances such as for overtime. Except as otherwise provided in this article, no employee shall receive pay from the County in addition to the salary authorized under the schedules provided in the pay plan for services rendered, either in the discharge of ordinary duties or any additional duties which may be imposed or which the employee may undertake or volunteer to perform.

(b) In any case in which part of the compensation for services in a County position, exclusive of overtime services, is paid by another department, division, or an outside agency such as the County, state, or the federal government, or from a different fund or account, any such payments shall be deducted from the compensation of the employee concerned, to the end that the total compensation paid to any employee from all sources combined for any period, shall not exceed the amount payable at the rate prescribed for the class of position to which the employee is certified and assigned.

**Section 8-6. Dual employment prohibited.**

No regular full-time employee holding a position in the County service shall be eligible for employment in any additional position in the County service.

**Section 8-7. Special assignments.**

Employees assigned to undercover work which causes the individual to mock employment with an organization other than the County shall reimburse the County for any earnings in excess of earnings provided by the County.

**Section 8-8. Application of the compensation plan.**

The compensation plan, containing standard salary ranges for respective classes of positions, shall be applied to all such classes of positions in accordance with the following:

(a) Rates. All rates prescribed in the ranges of pay represent the total remuneration, including pay in every form authorized for full-time employment. Where employment in a position is on a part-time basis, that is, where the week's work is less than an ordinary work week, or where the day's work totalled weekly on a continuing basis consists of less than the ordinary work week total, or where the day's work on a continuing basis consists of less than the ordinary number of working hours of an ordinary working day, such service shall be compensated on the basis of the equivalent hourly rate for full-time employment.

(b) Minimum and maximum rates. Under each salary schedule there are set forth a minimum and a maximum salary rate. Except as otherwise provided in these rules, appointment to any position shall be made at the minimum rate and advancement by successive steps from one

salary to the next higher rate and to the maximum rate for the class shall be made on the basis of meritorious service and efficiency.

(c) Equivalent compensation. It shall be permissible, in the interest of the County service, to pay equivalent compensation on any time basis than that specified in the salary range; provided, that in determining the equivalent rate on a different time basis, the relative earnings for full-time employment during a given period of time shall be taken as determining equivalency.

(d) Part-time and temporary employment. Part-time or temporary employees shall be compensated on the basis of the equivalent hourly rate paid for full-time employment and shall be paid for only those hours which they actually work.

#### **Section 8-9. Beginning salary.**

The minimum rate of pay for a class shall normally be paid to any person on original appointment to a position in the County service. Original appointment above the minimum rate may be made upon the approval of the County Commission (County Executive) subject to the following conditions:

(a) A full reference check must be made by the requisitioning department head and fully documented. All documents are to be submitted to the County Commission (County Executive) with the original request.

(b) The applicant must exceed the minimum educational and experience requirements for the position as set out in the official job description.

(c) The requisitioning department head must provide documented evidence that the

position opening has been extensively advertised in local and regional publications and there is a shortage of qualified persons.

(d) It must be demonstrated by the requisitioning department head that there are no other applicants with equal qualifications.

(e) When any employee is re-employed, the County Commission (County Executive) may authorize an appointment at a salary in the range for the class corresponding to that which the employee had been receiving upon the termination of previous service.

An annual report shall be provided to the County Commission (County Executive) identifying all cases of employment above the minimum amount in the pay range.

#### **Section 8-10. Salary advancements and bonuses.**

Merit salary advances may be made to employees who have not reached the maximum in the salary range only in accordance with the following rules. Merit increases must be substantiated by "good/fully competent" or better performance as documented through the performance appraisal process.

(a) Merit increases may be given in the amount of 1%, 2%, or 3%, and shall be based on the following standards and criteria:

1% - Meets and performs base job requirements.

2% - Periodically/occasionally exceeds job requirements.

3% - Routinely exceeds job requirements and standards.

(b) Anniversary date bonuses paid as a lump sum may be made available to employees

who have reached the maximum in the salary range. One-time bonus payments are not automatic and shall be based on the following standards and criteria:

\$ 250 - Meets and performs base job requirements.

\$ 500 - Periodically/occasionally exceeds job requirements.

\$ 750 - Routinely exceeds job requirements and standards.

(c) Department heads may establish, subject to the approval of the County Commission (County Executive), career development plans for positions within their departments. The purpose of the establishment of these plans shall be to provide career paths for tenured employees to reward experience and reduce turnover. In establishing any such plan, the maximum allowable increase for qualifying employees shall be 10% within the authorized salary range which may be established as increments within the plan.

#### **Section 8-11. Pay rate adjustments.**

The following personnel actions may affect the pay status of an employee in the manner provided:

(a) Transfer. When an employee is transferred between departments and divisions of the County government or between classes with the same maximum salary rate, the salary rate of the employee will remain unchanged unless the current rate is below the minimum pay rate established for the class to which the employee is transferring.

(b) Promotion. When an employee is promoted from a position in one class to a position in another class having a higher maximum salary, the salary rate of the promoted employee shall be increased to the higher of either the new minimum or 4% above the rate of pay prior to

promotion.

(c) Demotion-Involuntary. When an employee is involuntarily demoted from a position in one class to a position in a class having a lower maximum salary rate, the salary rate of the employee shall be reduced to within the pay range established for the class to which the employee is demoted, and the employee shall not be eligible for promotion or a merit salary increase for a period of one (1) year from the date of demotion.

(d) Voluntary Reduction. When an employee is voluntarily reduced from a position in one class to a position in a class having a lower pay range, the rate of pay for the employee shall be reduced if necessary to place it within the pay range assigned to the lower class. The employee shall not be eligible for promotion or a merit salary increase, if not at the top of the range, for a period of six (6) months from the effective date of reduction.

(e) Reclassification. When a position is reclassified to a class having a lower maximum salary rate than an employee's current position, and this action is for the benefit of the County and the incumbent, and is not a demotion, the employee shall retain the same rate of pay in the new position as the employee had in the previous position. This action shall not affect the employment anniversary date.

When a position is reclassified to a class having a higher maximum salary rate than an employee's current position, the employee's salary shall be increased at least to the minimum of the new range or if already at or above the minimum, may be raised no more than 4%.

**Section 8-12. Temporary assignment to higher level position.**

Employees who are promoted temporarily to perform all of the duties of a supervisory position in a class with a higher maximum salary shall also have their salaries temporarily increased 4%, after working twenty (20) days performing the job.

**Section 8-13. Overtime and compensatory time.**

(a) Supervisors shall develop methods and procedures to maximize productivity and reduce or avoid the need for overtime. It is the responsibility of each employee to work as efficiently as possible to accomplish job tasks during regularly scheduled work hours. All overtime or arrangements for overtime work shall be approved by the department head in advance. A determining factor in the approval of overtime work is whether the work could be accomplished through rescheduling of employee work hours and allowance of time off in the same work period. These factors reduce the burden of overtime on employees and avoid accrual of comp time and excessive overtime payments. Overtime is based on work hours in excess of forty (40) hours in a 168-hour period during seven (7) consecutive 24-hour periods (standard work week), except for law enforcement employees. Under the provisions of the Fair Labor Standards Act (FLSA), work hours in excess of 171 hours in a twenty-eight (28) day pay period is adopted for law enforcement personnel. Hours worked in excess of a standard work week or duty tour by employees covered by the provisions of the Fair Labor Standards Act (FLSA) shall be compensated by payment at one and one-half (1 1/2) times the straight hourly equivalent rate for the classification or by the award of compensatory time off equal to one and one-half (1 1/2) times the overtime hours worked at the discretion of the County Commission (County Executive). Hours worked shall only include hours actually worked on the County's behalf.

Exempt employees shall not accrue compensatory time nor be paid for overtime worked except for those who have approved compensatory hours recorded prior to January 1, 1996, and they shall be allowed to take comp time off in eight (8) hour increments only. Exempt employees who leave County employment shall be paid for the compensatory balance the same as covered employees.

(b) Department heads shall maintain records in a form and manner approved by the County Commission (County Executive) on compensatory time earned by employees under their jurisdiction. No employee shall be permitted to accumulate and retain more than 240 hours of compensatory time, except law enforcement employees. Whether an employee is a law enforcement employee shall be determined by reference to the FLSA.

(1) Upon termination of employment, any employee who has accumulated compensatory time off shall be paid for unused time at one of the following rates, whichever is higher:

a. The average regular rate received by such employee during the last three (3) years of employment,

b. The final regular rate received by such employee.

(2) Any overtime work which will result in an employee covered under the provisions of the FLSA accumulating compensatory time above the limits set out above, shall be compensated by payment at one and one half times (1-1/2) the straight hourly equivalent rate for the employee's classification.

(3) All departments are encouraged to utilize compensatory time in lieu of paying overtime. The departments shall make every effort to avoid either by the proper scheduling of the employees.

(4) The period of work which will be used for ascertaining whether or not timeworked is overtime will be determined by reference to the FLSA.

(c) Department heads may require, out of necessity for the expeditious conduct of public business or for the protection of the public business or for protection of the public health, safety, or welfare, that an employee work overtime. Failure to comply with such requests shall constitute a violation of these rules and regulations and provide grounds for disciplinary action as herein provided.

(d) Any person hired after April 14, 1986, shall be told prior to being hired that agreement to the requirements of this section shall be a condition of employment. That person shall have this section explained and sign a memorandum of understanding to the effect that the person understands agreement to the requirements of this section is a condition of employment.

**Section 8-14. Call-back time.**

(a) Employees who have left their normal workplace and who are called back to work shall be credited for actual time worked regardless of the number of individual calls or a minimum of two (2) hours, whichever is greater, except the minimum guarantee shall not apply to calls which occur within two (2) hours of a scheduled reporting time. All call-back time shall count as hours worked, including minimum guarantee time. Employees shall accumulate time from the time they

begin to perform services for the County until they complete the services or are relieved from duty.

(b) Employees who are required to appear in court in conjunction with their duties for the County shall be treated as called-back employees if the court appearance does not fall within their work schedules.

**Section 8-15. Stand-by/on-call status.**

(a) The following shall be the criteria for treatment of personnel who are required to carry a communications device.

(1) Pay. Any employee who is required to carry a communications device after regular duty hours, on weekends, or holidays shall be reimbursed \$\_\_\_\_\_ per weekday or \$\_\_\_\_\_ per day for weekends and holidays.

(2) Schedule. Supervisors who have determined a need within their areas of responsibility for regularly scheduled stand-by shall prepare a duty roster to provide, whenever possible, one (1) month's notice to those employees who are providing the service. The term of service shall normally be one (1) week in length.

**Section 8-16. Emergency alert duty status.**

A department head or duly authorized supervisor may designate an emergency alert duty status whereby employees would be immediately contacted by telephone or other acceptable means of communication. This duty status shall normally be limited to off-duty hours between regularly scheduled shifts or weekends.

Employees shall not receive pay for this duty status unless they are required to report for

duty. Compensation upon reporting for service shall be in accord with FLSA and department rules and regulations.

**Section 8-17. Pay periods; pay days.**

Pay days shall be on a bi-weekly (bi-monthly) schedule with pay day on the Friday after the completion of the pay period. Pay periods shall run from Sunday through the following second Saturday.

**Section 8-18. Compensation for leave taken and hours worked above the work schedule.**

Notwithstanding any provisions contained herein to the contrary, all approved and taken leave hours based on departmental schedules, and hours actually worked within a pay period shall be compensated with pay or compensatory time off. Determination of the rate, straight time or overtime, at which they will be compensated shall be determined according to Section 8-13.

□

## **ARTICLE 9. PERFORMANCE APPRAISAL**

### **Section 9-1. Responsibilities.**

(a) The County Commission (County Executive) shall develop and maintain an employee appraisal system for the purposes of evaluating individual work performance, identifying training needs and employee development opportunities, and for improving the efficiency and productivity of the County workforce. The County Commission (County Executive) shall develop and cause to be maintained formal procedures to (1) ensure timely completion of employee performance appraisal forms, (2) periodically review the evaluations of employees within department and work units so as to ensure the equitable administration of the system, and (3) make such studies and recommend such modifications or revisions as may be necessary to improve the system or process.

(b) No later than ten (10) calendar days before an evaluation is due, the department head shall notify the person responsible for the evaluation.

(c) Each department head or supervisor who reviews or conducts an evaluation shall be responsible for its quality, consistency, equity, and timeliness.

(d) No public disclosure of an employee's performance appraisal record shall be made without the permission of the employee and the County Commission (County Executive). Such record shall be made available upon request to the employee; to an appointing authority when needed in connection with a potential action for promotion, transfer, demotion, or dismissal of the employee; or other appropriate officer when needed in connection with an adverse action, grievance, or other relevant matter requiring such information; and to official investigatory agencies

after a determination by the County Commission (County Executive) that such disclosure is in the public interest.

**Section 9-2. Employee performance appraisals.**

(a) Prior to the expiration of an employee's introductory or qualifying period, completed performance appraisal forms must be submitted to the County Commission (County Executive). Original appointees must obtain an appraisal of acceptable or better to complete the period. Failure to obtain an evaluation of acceptable or better shall result in dismissal or extension of the introductory period as provided in Section 6.4. Failure of a promotional appointee to obtain an evaluation of acceptable or better shall result in the reassignment of the employee to a position in the class held prior to the promotional appointment provided a vacancy exists.

(b) Full-time and part-time employees shall be evaluated at least annually before their anniversary date. An evaluation of good/fully competent or better is required to qualify employees for a pay increase within the range of their classification.

□

## **ARTICLE 10. WORK SCHEDULES AND ATTENDANCE**

### **Section 10-1. Regular working hours; exceptions.**

Regular working hours for all full-time employees shall be forty (40) hours in any five (5) consecutive eight (8) hour days, except as noted below, provided approved prior to implementation by the County Commission (County Executive):

(a) Department heads shall arrange work schedules to meet the needs of the County service and may allow variable or flexible work schedules, providing that all work schedules for full-time employees shall not be less than eighty (80) hours in each bi-weekly pay period.

(b) The law enforcement department may establish work schedules that take full advantage of the FLSA hours requirements.

### **Section 10-2. Work schedules determined by department head.**

The work schedules for employees shall be determined by the department head. Department heads shall maintain work schedules for all employees under their supervision on a current basis and give reasonable notice of changes in work schedules.

### **Section 10-3. Required attendance.**

Regular and punctual attendance at work shall be required of all employees. Employees who fail to observe attendance requirements and procedures for recording and reporting of attendance shall be subject to disciplinary action.

**Section 10-4. Inclement weather closings.**

The County Commission (County Executive) or authorized department heads shall be the only person authorized to release non-essential persons earlier than the normal closings of business or delay the normal time to report for work because of inclement weather.

□

## ARTICLE 11. PAID HOLIDAYS

### Section 11-1.

(a) All full-time and part-time employees with benefits shall receive compensation for the following holidays:

New Year's Day

Martin Luther King's Birthday

Presidents' Day

Harry S. Truman's Birthday Memorial Day

Independence Day

Labor Day

Veterans' Day

Thanksgiving Day

Friday after Thanksgiving Day

Christmas Day

When a holiday falls on a Saturday, the preceding Friday shall be observed. When a holiday falls on a Sunday, the following Monday shall be observed. Employees required to work on a holiday shall be given compensatory time off or compensated in money for time worked on the holiday.

All employees except those covered by subsection (b) hereof shall receive credit for 8 hours worked on any holiday for purposes of computing overtime compensation under Section 8-13. Any

hours actually worked on the holiday will count in addition to the eight (8) hours granted for the holiday.

(b) Law enforcement personnel assigned to twenty-four (24) hour service divisions, dispatch and patrol, and any personnel assigned to a service division which is regularly scheduled by the department head to work on all authorized holidays, shall receive holiday pay for authorized holidays and shall work on holidays as scheduled unless other available leave time has been authorized. Holiday pay shall consist of pay for eight (8) hours.

(c) The County Commission (County Executive) shall be the only person authorized to declare special holidays or days off as an unusual need or circumstance may occur.

(d) Part-time employees with benefits will be paid four (4) hours for the holidays noted in paragraph (a) above. Any hours actually worked on the holiday shall be compensated in addition to the four (4) hours holiday pay. Such employees shall receive credit for four (4) hours worked on any holiday for purposes of computing overtime compensation under Section 8-13.

□

**ARTICLE 12. VACATION LEAVE**

**Section 12-1. Amount.**

(a) Each full-time regular employee shall accrue vacation leave credit at annual rates as follow:

- During the first 5 years of service.....
- During the 6th year of service.....
- During the 7th year of service.....
- During the 8th year of service.....
- During the 9th year of service.....
- During the 10th year of service.....
- During the 11th year of service.....
- During the 12th year of service.....
- During the 13th year of service.....
- During the 14th year of service.....
- During the 15th through 24th year of service
- After 25 years of service.....

(b) Introductory employees accrue vacation leave upon successful completion of the introductory period and are not eligible to receive this benefit unless they have completed the introductory period.

(c) Actual accrual of vacation leave shall be computed on a monthly basis according to the annual vacation leave due according to an employee's years of service. Vacations shall be

scheduled by each department head so as to minimize overtime costs and departmental disruptions while allowing as much flexibility to the employees as possible.

(d) Part-time employees with benefits shall be subject to all the provisions of this section, except that vacation leave shall be credited at one-half the rate shown for full-time employees.

### **Section 12-2. Accrual.**

(a) Employees may accrue vacation leave to a maximum of 240 hours, except personnel who are FLSA-exempt may accrue vacation leave to a maximum of 360 hours. It is the general policy not to reimburse individuals for accrual of vacation time beyond their eligible amount. Payment for excessive accruals which cannot be taken as time off may only be paid with substantive reason at the request of the department head and approval of the County Commission (County Executive). Vacation leave shall not accrue while the employee is absent from work without pay or is receiving benefits from a retirement system, long-term disability insurance, or Workers' Compensation.

(b) If an employee leaves County service and is re-employed any time after a period of ninety (90) days, vacation is considered as for any new employee. Otherwise, the employee may accrue vacation commensurate with total years of service.

### **Section 12-3. Payment upon separation.**

Any employee with benefits leaving the County service due to resignation, death or termination shall be compensated for vacation credit unused to the date of termination. To be eligible for such compensation, employees resigning from the County service must comply with the

provisions of Section 16.1 of these rules governing resignations. In the event of separation due to death of the employee, compensation shall be made to the employee's beneficiary. No accrual shall occur after date of termination.

**Section 12-4. Holidays occurring during vacation period.**

Any official holiday as set forth in these rules which may occur during an employee's scheduled vacation period shall not be counted as a day of vacation. For any employees covered by the provisions of Section 11-l(b), if any official holiday occurs during a period of scheduled vacation, they will receive the appropriate holiday pay in addition to the vacation pay.

**Section 12-5. Law Enforcement Department vacations.**

Personnel in the Law Enforcement Department shall be eligible to use accrued vacation leave after the completion of their one (1) year introductory periods.

**Section 12-6. Use of vacation leave.**

Vacation leave may be used for the purpose of sick leave if an employee has used all sick leave accrual.

**Section 12-7. Vacation schedules.** Department heads shall schedule vacation leave for employees. Such leave schedule shall take into consideration employee desires. Vacation shall, under normal circumstances, be taken in continuous increments of at least \_\_\_\_ (\_\_) hours.

## **ARTICLE 13. SICK LEAVE**

### **Section 13-1. Amount.**

Employees in the County service shall earn eight (8) hours of sick leave with pay credit monthly. Each part-time employee with benefits shall earn four (4) hours of sick leave with pay credit monthly.

### **Section 13-2. When taken.**

Sick leave with pay will be granted for absence from duty because of actual personal illness, non-compensable bodily injury or disease, exposure to a contagious disease, or to keep a doctor or dentist appointment. Employees may use up to forty-eight (48) hours of leave each year for illness in the employee's immediate family whose principal residence is in the employee's household and for parents, even if not residing with the employee, provided no one else is available to care for the individual involved. Exceptions to this provision may be granted by the department head with the approval of the County Commission (County Executive) if the employee has no accumulated comp time or vacation time.

Sick leave shall not be granted in cases where regular retirement, disability retirement or long-term disability insurance has been approved.

Introductory employees are not eligible for sick leave pay, although sick leave accrues from the first month of employment. Full-time and part-time employees with benefits are eligible to receive sick leave pay only after they have successfully completed the introductory period. Introductory employees may be excused from work as absent without pay under the conditions and

terms of this section. Law Enforcement Department personnel are eligible to receive sick leave pay after they have completed six (6) months of their one (1) year introductory periods.

When an employee finds it necessary to be absent for any of the reasons specified herein, the employee shall report this fact to the immediate supervisor. Departments may require specific time frames for notice for work-related purposes. Sick leave may not be granted unless reported to the appropriate supervisor during the specified time frame.

An employee must keep the department head informed of the condition for the absence. The department head may require the employee to submit for any absence the treating physician's written notice of medical reason for the absence from work. Failure to comply with the provisions of this section shall result in denial of sick leave. Abuse of sick leave shall be cause for dismissal.

No refund of vacation time shall be allowed for illness incurred while on vacation leave.

Any authorized absence due to injury or illness covered by Workers' Compensation insurance shall not be charged against an employee's accrued sick leave.

If a part-time employee transfers to full-time status, the employee may carry forward any sick leave accumulated as a part-time employee.

[OPTIONAL: There shall be no compensation made for sick leave accrued when an employee leaves the employment of the County.

### **Section 13-3. Accrual.**

Full-time and part-time employees with benefits may accumulate sick leave with pay to a maximum of 1,392 hours. Sick leave does not accrue while the employee is absent from work without pay or is receiving benefits from Workers' Compensation, long-term disability insurance, or a retirement program sponsored by the County.

## **ARTICLE 14. SPECIAL LEAVE**

### **Section 14-1. Approval authority.**

A department head may approve requests for special leave as defined hereinafter in accordance with procedures established by the County Commission (County Executive).

### **Section 14-2. Court leave.**

Full-time and part-time employees with benefits subpoenaed as a witness in a civil or criminal case or selected to serve on a jury shall be granted paid leave during their absence, provided, however, that all payments provided by a court for jury service shall be turned over to the employee's department head and transmitted to the County Treasurer for deposit as miscellaneous revenue. Essential personnel such as law enforcement employees and department heads may be required to request to be excused from jury duty by the court.

Introductory employees are not eligible to receive paid court leave.

### **Section 14-3. Military leave.**

(a) Eligibility. Employees who have been in County service for at least one (1) year immediately preceding leaving the service of the County directly to enter the active uniform service of the United States during a national emergency, drafted into such service, or employees subject to compulsory service who voluntarily enlist, shall be granted a military leave of absence without

pay to extend to three (3) months beyond the date of termination of active uniform service. The term "uniform service" as used herein shall include the Army, Navy, Air Force, Marine Corps, Coast Guard, and Public Health Service, as well as all auxiliary branches of said services in which either men or women shall be called on to serve, but shall not include services as civilian employees of any of the services. The term "national emergency" as used herein shall exist during such period as determined by the federal government.

(b) Restoration. An employee returning from military leave shall be entitled to restoration to the former position held prior to the leave provided the employee makes application within three (3) months after release from duty and has been honorably discharged and is physically and mentally capable of performing the essential duties of the position involved. In the event that the position vacated no longer exists at the time the employee qualifies for return to work, such person shall be entitled to be re-employed in another existing position of the same class.

An employee meeting the eligibility requirements of Section 14-4(a) shall have the employee's base military pay supplemented by the County to an amount not to exceed the employee's regular County pay for a period of up to six (6) months while in emergency active duty. The remainder of military leave shall be without pay.

(c) Salary. An employee returning from military leave may be re-employed at the same salary range attained when granted a military leave. The employee may be eligible for a merit increase upon completion of one (1) year of service which shall include time between the last merit increase and the date military leave was granted.

(d) Disposition of vacation and sick leave. An employee who leaves the County service directly for such military leave may elect to be paid for any accrued vacation as the employee may

be entitled to if actually separating from the County service. The decision shall be noted on the personnel action form effecting the leave. If the employee elects not to be paid for vacation leave, accrued vacation credits shall be reinstated upon return of the employee. Accrued sick leave shall be reinstated upon return of the employee in either case.

**Section 14-4. Military training leave of absence.**

(a) All employees who are or may become active members of the National Guard, the Officers' Reserve Corps, or the Enlisted Reserve Corps of the United States Government shall be entitled to leave of absence with pay from their respective duties on all days during which they are employed with or without pay under the orders or authorization of competent authority on active training duty, duty with troops, field exercises, or instruction for a period not to exceed a total of fifteen (15) calendar days in any one (1) federal fiscal year (Oct. 1 - Sept. 30). Employees requesting this leave of absence, with or without pay, shall provide documentation of the orders or authorization of competent authority for the time period for which military leave will be taken.

(b) All employees who are or may become active members of the National Guard, the Officers' Reserve Corps, or the Enlisted Reserve Corps of the United States Government who are required to attend monthly training sessions which conflict with their normal work schedules shall give advance notification to their supervisors in accordance with departmental rules and regulations.

**Section 14-5. Maternity leave.**

Maternity shall be treated as any other non-duty temporary disability covered under the rules pertaining to sick leave and family and medical leave. If at any time during pregnancy an employee is aware that her and/or her unborn child's health is endangered by her job, she shall immediately make this fact known in writing to her department head. At such times as deemed necessary by the department head, pregnant employees shall submit to their department head a doctor's statement indicating the employee's physical ability to perform her job. Employees returning to work after childbirth shall submit to their department head a doctor's statement indicating the employee's physical ability to return to the job. The duration of maternity leave shall be determined by reference to the family and medical leave provisions of this Article.

**Section 14-6. Family and medical leave.**

Employees who have worked at least 1,250 hours in the twelve (12) months prior to a family or medical leave request shall be granted up to twelve (12) weeks of unpaid leave during any twelve (12) month period for a child's birth, adoption or foster care arrival. Leaves may also be taken to care for a spouse, parent or child with a serious health condition or for an employee's own serious health condition which prevents the employee from performing the functions of his or her position. A serious health condition is any illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility or continuing treatment by a health-care provider.

Leave may also be available for eligible employees for military-related family and medical leave. Such leave is for up to twenty-six (26) weeks of unpaid leave during a year's period. This leave is

also available for employees who are defined to be next of kin. Circumstances allowing for such military-related family & medical leave will be explained by the County's human resource office.

When an employee is determined to be eligible for family & medical leave, the employee may be placed on the unpaid leave by the County. Thereafter, an employee may substitute an accumulated paid day for each unpaid day of leave.

Employees on approved family or medical leave are allowed: 1) to continue group health and disability insurance during the leave on the same conditions as would have been provided if the employee had been continuously employed; and 2) to return to the prior job or an equivalent one in terms of salary, accrued benefits and other job conditions.

Employees must attempt to schedule family and medical leave so as not to disrupt County operations. If leave is for the birth or placement of a child or for planned medical treatment the employee must give notice at least thirty (30) days in advance, or as soon as practical.

If leave is requested for a serious health condition, the employee must provide a certification from a health-care provider stating the medical facts regarding the condition, including its date of onset and probable duration.

If leave is requested to care for family members, a certification may be required to state that the employee is unable to perform the functions of the job, that the leave will assist in a family member's recovery, or that there is medical need for a reduced schedule.

Employees may be required to substitute accrued vacation leave for any part of the twelve (12) week period to which they are entitled under the family and medical leave provisions.

Employees returning from medical leave shall provide a certification from a health-care provider that they are able to resume work.

An employee who fails to return from family or medical leave shall repay the premiums which the County paid for the employee to keep group insurance in effect during the leave.

#### **Section 14-7. Occupational injury leave.**

(a) Any employee who sustains an on-the-job injury shall immediately report such injury, regardless of severity, to the immediate supervisor. The employee and the immediate supervisor shall prepare required reports of such injuries and submit same to the department head and personnel & safety officer within twenty-four (24) hours of the accident or the next business day after notification by the injured employee.

(b) Employees injured on the job are covered by the Missouri State Workers' Compensation Act. This law provides specific benefits including payment of approved medical expenses and partial payment for loss of wages. Payment for lost time commences after three regularly scheduled full days off from work. The first three (3) full work days off are covered by the

County, but if the employee is unable to return due to injury for more than fourteen (14) calendar days, whether consecutive or non-consecutive, after the date of injury, the County Workers' Compensation program then covers partial loss of wages for the first three (3) days. No adjustments to any leave balances nor recoupment of this money will be undertaken by the County. (c) Supervisors shall be responsible for the investigation of accidents or injuries involving employees assigned to their work units. Every effort shall be made to determine the causes of accidents or injuries and preventive measures taken as appropriate.

**Section 14-8. Absence without leave.**

Any unauthorized absence of an employee from duty shall be deemed to be an absence without pay and may be grounds for disciplinary action by the department head. In the absence of such disciplinary action, any employee who is absent for three (3) or more days without authorized leave shall be deemed to have resigned. Such absence may be covered, however, by the department head subsequently granting leave with or without pay where extenuating circumstances are found to have existed.

**Section 14-9. Funeral leave.**

Full-time employees are eligible to use funeral leave in the event of a death in the immediate family provided no more than three (3) consecutive days are taken per funeral. Part-time employees with benefits shall be granted a maximum of twelve (12) hours of funeral leave. In extenuating circumstances, the County Commission (County Executive) may approve such leave

for other relatives not included herein. Funeral leave is without pay. However, accrued time off may be used as funeral leave.

**Section 14-10. Education leave.**

Full-time employees may be granted absence from duty on a non-pay status for education instruction when recommended by a department head and approved by the County administrator if the successful completion of such instruction will contribute to the County service.

**Section 14-11. Special assignment leave.**

Full-time employees may be granted absence from duty on a non-pay status for special assignment with another agency or government with return to the County contemplated in a definite amount of time when recommended by a department head and approved by the County administrator.

## **ARTICLE 15. OTHER FRINGE BENEFITS**

### **Section 15-1. Health and life insurance coverages.**

(a) Full-time and regular part-time employees with benefits will be enrolled, without cost, in the basic group life and health insurance coverage program. The basic life insurance coverage is the employee's salary if an even thousand, or rounded to the next higher thousand. Employees may double their life insurance coverage by paying a premium on the basis of age and salary. Current tax laws make any benefits above a certain amount taxable income to the employee.

Optional life insurance at lower set coverages is available for dependents. Health insurance coverage for dependents of full-time employees and part-time employees with benefits is optional to the employee.

When both spouses of a married couple are employed by the County in full-time or part-time positions with benefits, one spouse shall pay the same dependent health coverage premium as other employees unless granted a special rate by virtue of the joint employment.

(b) Full-time employees who retire due to age or disability may make arrangements to continue their coverage under the County's health insurance program at their own expense by providing thirty (30) days notice to the County Commission (County Executive).

### **Section 15-2. Cafeteria plan.**

Employees who are enrolled in the health insurance plan may take advantage of reducing their taxable income through utilization of the cafeteria plan. Additional insurance, such as dental, cancer, and intensive care may be available and premium amounts for these and dependent health insurance are deducted from gross income prior to income tax deductions. Employees may also reduce taxable income by setting aside predesignated amounts into the plan for dependent care and medical expenses not covered by insurance. Enrollment is restricted to within thirty (30) days of employment for new employees and during an annual enrollment for current employees.

### **Section 15-3. Retirement plans.**

Full-time employees and part-time employees working the required minimum number of hours or more per year will be enrolled as participating members of the appropriate local government retirement plan after six (6) months of employment. Contribution levels are based on a percentage of the employee's salary.

### **Section 15-4. Deferred compensation.**

Full-time employees may elect to participate in a deferred compensation program offered by the County. The County does not participate monetarily in this program. Employees shall not be eligible to participate in this program until they have completed the introductory period.

### **Section 15-5. Mental health services.**

As a benefit, the County has arranged for reduced rates for all County employees and their immediate families residing at the same address for mental health services under the County employee assistance program.

**Section 15-6. Credit union.**

County employees are eligible to join the credit union. Payroll deduction is offered for employees. Forms for this purpose may be obtained in the personnel office.

**Section 15-7. Employee assistance program.**

Full-time and part-time employees with benefits and their immediate families are eligible to utilize services provided by the Employee Assistance Program (EAP). The services are outlined in the EAP brochure available in the personnel office.

**Section 15-8. Long-term disability insurance.**

Full-time employees who have completed six (6) months employment are covered by the County's long-term disability program at no cost to the employee. To receive benefits under this program, an employee must be unable to work due to a non work-related illness or injury for a period of six (6) months.

**Section 15-9. Education plan.**

It is the policy of the County to encourage its employees to further their training and education above and beyond what is required for the performance of their duties as County

employees. To further this policy, the County may pay tuition reimbursement to employees who obtain training or education at their own initiative outside of working hours. The funding for this plan is subject to the annual appropriation process and to approval of the expenditure in advance by the department head and the County administrator. Only tuition may be reimbursed. Employees shall be responsible for all books and additional items required for the class. No County funding will be provided for tuition costs covered by federal, state or other financial sources. All employees requesting financial aid under the tuition reimbursement program must complete a request form and have it approved prior to attending the class. Failure to obtain prior approval will prevent any reimbursement from occurring.

Any employee receiving financial assistance through this program who fails to work for the County for at least six (6) months following completion of any course shall reimburse the County for the full amount of assistance received for the twelve (12) months prior to termination of the employee.

Reimbursement under this program shall be at a level of 75% if course or training is directly related to the employee's current job and at a rate of 50% for all others. The County Commission's (County Executive's) determination as to whether a course is related to an employee's job shall be final.

While employees may select the provider of course services, reimbursement may be based on the lower cost of the organization providing the training or of the same or similar course available at a state-funded institution. Prior to reimbursement being paid, the employee shall provide a verified official transcript indicating that a grade of C or better was obtained for all courses below the college graduate level and a grade of B or better in any college graduate

courses for courses that are graded. If a course is not graded, a certificate or proof of completion shall be submitted.

### **15-10. Training**

Any and all training required of an employee for performance of job duties or enhancement of performance of job duties shall be paid by the County. Time spent in obtaining the instruction and performing the requirements of the course shall be considered hours worked. All training shall be approved in advance by the department head.

## **ARTICLE 16. SEPARATION AND DISCIPLINARY ACTIONS**

### **Section 16-1. Resignations.**

(a) Notice required.

Any employee who is in good standing may resign from the service of the County by presenting his resignation in writing as contained herein. Employees holding positions which are covered by the Fair Labor Standards Act must present such notice of resignation not less than two (2) weeks prior to the effective date. Employees holding positions which are exempt from coverage under the Fair Labor Standards Act must present notice of resignation no less than four (4) weeks prior to the effective date. Such resignation may be withdrawn by the employee at any time prior to the effective date with the approval of the County Commission (County Executive) and department head. Department heads must present notice of resignation no less than sixty (60) days prior to the effective date.

(b) Failure to give notice.

Any employee who fails to provide notice as set out in paragraph (a) shall be deemed to have relinquished all accrued vacation time and compensatory time and shall no longer be eligible for any benefits related to payment for hours not worked including holiday pay.

### **Section 16-2. Termination.**

(a) Employment at Will.

An employee may be terminated at will with or without cause.

(b) Predisciplinary Meeting.

- (1) In any case of a proposed personnel action which involves dismissal, demotion, or suspension of a regular employee for cause, a predisciplinary meeting will be held by the department head as soon as possible following his knowledge of the pending disciplinary action. If possible, the meeting should be held within one (1) work day of his being informed of the potential need for discipline. No disciplinary action shall be instituted until after the completion of the meeting.

Predisciplinary meetings shall supplement, not replace, the normal grievance policy as set forth in section 17.1.

- (2) The general procedure for a predisciplinary meeting shall be the presentation of the action by the employee which is being considered as grounds for dismissal, demotion, or suspension by the supervisor and the opportunity for the employee to respond to the allegations. This shall not be a full administrative meeting, but rather a means for the department head to determine the validity of the allegations.

- (c) This procedure shall not be available to department heads.

### **Section 16-3. Reduction in force; layoffs.**

A department head may separate any employee without prejudice because of lack of funds or curtailment of work, after giving proper notice. However, no regular full-time employee shall be separated from any department while there are introductory, part-time, or temporary employees

serving in the same department. An appointing authority may, with the approval of the County Commission (County Executive), appoint an employee who is to be laid off to any existing vacancy in a lower class for which the employee is qualified. All other factors being equal, employees shall be laid off in reverse order of their total service with the County. The County will provide two (2) weeks' notice or equivalent compensation to persons being laid off and holding positions which are non-exempt under FLSA. For persons laid off and holding FLSA-exempt positions, excluding department heads, the County will provide four (4) weeks' notice or equivalent compensation.

**Section 16-4. Return of County property.**

All employees separating from the County service for any reason shall, prior to separation, return all County-owned property and equipment issued to the employee. Failure to do so will result in the withholding of benefits otherwise due the employee.

**Section 16-5. Discipline.**

It shall be the duty of all employees to maintain high standards of conduct, cooperation, efficiency, and economy in their work for the County. Department heads and supervisors shall organize and direct the work of their units in a manner calculated to achieve these objectives.

Whenever conduct of an employee falls below a desirable standard, supervisors shall point out the deficiencies at the time they are observed. Corrections and suggestions should be made in a constructive and helpful manner in an effort to elicit the cooperation and good will of the employee.

Any action which reflects discredit upon the County service or is a direct hindrance to the

effective performance of the County government functions shall be considered cause for disciplinary action against any employee of the County. Circumstances constituting cause for disciplinary action are listed below, although charges may be based upon cause and complaints other than those listed.

(a) Any off-duty conduct which impairs the employee's ability to do the job in a satisfactory manner.

(b) Adjudication of guilt of a felony or a misdemeanor involving a crime against persons or property.

(c) Two (2) or more convictions during a three (3) year period of misdemeanors and/or traffic charges.

(d) Intoxication or the consumption of intoxicating beverages or illegal drugs while on duty or while on County property, or violation of the County substance policy.

(e) Abusive or improper treatment to a person in custody.

(f) Offensive conduct or language toward the public or toward County officers or employees.

(g) Falsification of employment application or other County records, or the altering or falsifying of time cards, work records, or job records.

(h) Incompetence or inability to perform the duties required.

(i) Intentional damage or negligence in the care and handling of County property.

(j) Violation of any official regulation or direction made or given by his superior, where such violation or failure to obey amounted to an act of insubordination or a serious breach of proper discipline, or resulted, or might reasonably have been expected to result, in loss or injury

to the County or to the public.

(k) Commission or omissions of acts unbecoming an incumbent of the particular office or position held which render a reprimand, suspension, demotion, or discharge necessary or desirable for the economical or efficient conduct of the business of the County or for the best interest of the County government.

(l) Violation of any of the provisions of the ordinances or any administrative regulation of the County.

(m) Inducing or attempting to induce any officer or employee in the County service to commit an illegal act, to act in violation of any lawful order and reasonable departmental or official regulation or order, or to participate therein.

(n) Solicitation or receipt in whole or in part from any person of any fee, gift, or other valuable thing that is given in the hope or expectation of receiving a favor or better treatment, influence, or bribery to secure advantage in any County activity or circumstances.

(o) Use or attempted use of political influence to obtain special treatment for an examination, promotion, or wage increase.

(p) Failure to pay just debts due or owing, including taxes, licenses, or fines due the County, or failure to make reasonable provision for the future payment of such debts, thereby causing annoyance to the County, superiors, embarrassment to the County, to supervisors, or embarrassment to the service.

(q) Absence from duty, without leave, contrary to these rules, or failure to report after leave of absence has expired or after such leave of absence has been disapproved or revoked and canceled by the proper authority.

(r) Unauthorized use of County vehicles, tools, equipment, manpower, or materials for personal benefit. Any authorized use must be clearly approved by the appropriate supervisor.

(s) Excessive use of County telephones for the conduct of personal business during working hours or for unauthorized long distance calls.

(t) Abuse or excessive use of sick leave privileges.

(u) Failure to properly report accidents or personal injuries.

(v) Failure to maintain a satisfactory attendance record.

(w) Failure to report wrongdoings of other County employees.

(x) Failure to maintain any license or certification if possession of such a license or certification is a condition of employment.

(y) Any other violations of these rules and regulations deemed sufficient to warrant discipline by appropriate supervisors.

#### **Section 16-6. Disciplinary actions defined.**

Disciplinary actions shall normally follow the sequence set forth below unless the seriousness of the offense dictates otherwise.

(a) Oral reprimand. An employee shall receive an oral reprimand for the first minor disciplinary offense. This action is normally taken by the employee's supervisor with notation to the employee's personnel file.

(b) Written reprimand. A written reprimand shall be transmitted through the appropriate department head to the employee and shall state the specific actions leading to the reprimand. This action is normally taken by the employee's supervisor.

(c) Suspension. Suspension is the temporary removal from duty status without pay of an employee for a specified or indefinite period. Suspension shall be approved by the department head and reviewed by the County's attorney and County Commission (County Executive) prior to completion of the action.

- (1) An employee may be suspended for an indefinite period when the department head determines such action is necessary and in the best interest of the County and in cases where an employee is charged and awaiting trial for a criminal offense involving matters apparently prejudicial to the reputation of the County.
- (2) When an employee has acted or is alleged to have acted in a manner which would be cause for dismissal, the employee may be suspended while such charges are investigated.
- (3) Whenever an employee is suspended pending trial or investigative outcomes and is subsequently exonerated, the employee shall be reinstated without loss of pay or benefits.
- (4) An employee may be suspended for a definite period of time for specific cause. A predisciplinary meeting is required prior to the approval of a suspension.

(d) Demotion. An employee may be moved to a position in a class with a lower maximum salary rate for serious misconduct. Demotions shall be approved by the department head and reviewed by the County's attorney and County Commission (County Executive) prior to completion of the action. A predisciplinary meeting is required prior to the approval of a demotion.

(e) Dismissal. Discharge of a regular employee should be recommended in cases involving recurring disciplinary offenses or a single offense involving a serious breach of discipline. Dismissal shall be approved by the department head and reviewed by the County's attorney and County Commission (County Executive) prior to completion of the action. A predisciplinary meeting is required prior to the approval of a dismissal.

(f) Referral. At any step of the disciplinary process the employee's supervisor may refer the employee to the Employee Assistance Program (EAP).

(g) Personnel file. Documentation of all disciplinary actions will be placed in the employee's personnel file.

#### **Section 16-7. Retirement.**

All full-time employees are eligible for retirement benefits at age and length of service requirements specified by the retirement plan in which they are enrolled. Notice of retirement shall be in the same manner as for resignations, Section 16-1.

#### **Section 16-8. Honoring of retirees.**

Retirement recognition may be presented to each person retiring from the service of the County.

#### **Section 16-9. References.**

The County does not provide former employees with references for work performed for the County. Employees who seek confirmation of employment with the County shall submit appropriate liability release forms before any information will be released to prospective employers who seek

information about a former employee. Release of information is, however, mandated by state law for certain employment transactions. In such cases, the County will comply with state law and forward the information to the requesting agency.

## ARTICLE 17. APPEALS AND GRIEVANCES

### Section 17-1. Grievance policy.

It shall be the policy of the County to give individual employees an opportunity to discuss their grievances with their supervisors in order to find mutually satisfactory solutions as rapidly as possible. In the preparation of grievances at any supervisory level, employees are assured of freedom from restraint, interference, discrimination, or reprisal. Appeals of disciplinary actions shall begin with the second step of the grievance procedure as set forth below, and shall be in the form of a written grievance report. If an employee has access to more than one (1) complaint process, the employee must choose which process to pursue at the beginning of the grievance and may only utilize one (1) process.

(a) Representation. An employee may be accompanied by another employee of the employee's choosing in the presentation of a grievance.

(b) Grievance procedure.

1. Oral report. An employee who has a grievance shall first present the grievance to the immediate supervisor within three (3) working days of the action or incident in question. If the grievance is against the immediate supervisor, the employee may report it to the next level of supervision as outlined in number 3 below, within five (5) working days of the incident.
2. Written report. If the oral grievance presentation fails to settle the grievance the employee may within six (6) working days submit a written grievance report of the action or incident in question to the immediate supervisor. Within three (3) working days after receiving such

grievance, the immediate supervisor shall furnish the employee with a written reply to the grievance.

3. Appeal to department head. If the written reply to the grievance is not satisfactory, the employee may, within five (5) working days after receiving the reply, submit an appeal in writing to the department head. The department head shall confer with the aggrieved employee before rendering a decision. Such decision shall be reduced to writing and shall be delivered to the aggrieved employee within five (5) working days of the date on which the appeal was received by the department head.
4. Appeal to County Commission (County Executive). If the appeal to the department head fails to resolve the grievance, the employee may, within five (5) working days of receipt of the decision on the grievance, submit an appeal in writing to the County Commission (County Executive). Within fifteen (15) working days of the receipt of such an appeal, the County Commission (County Executive) or a designee shall meet with the employee to discuss matters pertinent to the grievance. The decision of the County Commission (County Executive) shall be final and no further right of appeal shall be provided employees. The County Commission (County Executive) shall forward one (1) copy of the course of action to be followed to the employee concerned and to the department head within fifteen (15) days after the meeting with the employee.

(c) Classification grievances. All grievances pertaining to the classification of an employee shall be made in writing to the County Commission (County Executive) through the department head. The decision of the County Commission (County Executive) shall be final in all matters of classification, and the employee shall not have further right of appeal.

(d) Compensation grievances. The pay range established for a given class of work shall not be subject of the grievance procedure.

(e) Termination appeals. All appeals of terminations for cause shall be made to the County Commission (County Executive) within five (5) working days of the effective date of the termination.

**Section 17-2. Conduct of investigation.**

In connection with the review of a grievance, appeal, or for any other purpose necessary to determine the adherence to any provision of these rules, the County Commission (County Executive) may conduct such investigation involving the production of records or reports by a County department.

**Section 17-3. Law enforcement reviews.**

[Relates to review of law enforcement personnel in certain counties]

Sworn law enforcement officers, who are not the chief administrator, shall be entitled to a meeting upon termination of employment provided the terminated person makes a timely request for the review meeting pursuant to applicable state law.

## **ARTICLE 18. RECORDS AND REPORTS**

### **Section 18-1. Personnel records.**

The County Commission (County Executive) shall designate a central repository for all such personnel files and records.

### **Section 18-2. Service register.**

The County Commission (County Executive) shall cause to be maintained a service register of all employees in the County service identifying for each the class title, departmental assignment, salary rate, dates of employment, employment history, and such other data as appropriate.

### **Section 18-3. Reports.**

Every appointment, transfer, promotion, demotion, dismissal, sick leave, vacation leave and other temporary or permanent changes in the status of employees in the County service shall be reported in writing. The County Commission (County Executive) shall prescribe the time, manner, form, and method of making any written report as may be stipulated in any of these rules.

### **Section 18-4. Public records.**

Except for disciplinary action, records involving investigations, correspondence and data related to the moral character and reputation of applicants for employment or employees of the County; files, statements, reports, correspondence, and other data in connection with and related to investigations of violations of these rules and regulations; examination materials, questions,

data, and examinations and tests conducted by the County; and such other confidential papers as specified in these rules or by action of the County, personnel records shall be public records. Such records shall be open to inspection by the public during regular office hours, at reasonable times, and in accordance with such procedures as the County may provide. Salary range and position classification information, as well as class specifications and basic employment information, shall in all cases be made available to the public on request at reasonable times.

## **ARTICLE 19. TRAVEL EXPENSES**

### **Section 19-1. Policy.**

Department heads, County officials, and employees shall be reimbursed for official travel and related expenses while carrying out official duties or attending professional conferences and training courses which will benefit both the employee and the County.

All persons authorized to travel shall be reimbursed for actual air, bus, taxi or train fare to and from the travel destination, actual room cost for overnight lodging, taxi fares, tips, and other travel-related expenses upon proper presentation of appropriate itemized receipts on a County travel expense voucher and, where appropriate, by a certified affidavit.

### **Section 19-2. Travel advances.**

A travel advance may be obtained by submitting a request form stating the description and/or purpose of the travel advance. The request must be approved by the department head and the County Commission (County Executive) and forwarded to the County finance officer for processing. The request form will then be forwarded for issuance of a check through the regular accounts payable system. Departments should allow ample time for the processing of travel advance requests.

### **Section 19-3. Reimbursable expenses.**

All efforts shall be made to keep travel expenses to a minimum. The following expenses for approved travel shall be reimbursed according to established allowances or actual cost when

accompanied by receipts or other documentation as required and appropriate:

- (a) Direct travel including air, bus, taxi, and train fares.
- (b) Direct travel by personal vehicle at the established rate per mile or at an amount equal to common carrier fare, whichever is less, if approved by the department head.
- (c) Overnight lodging when travel extends beyond forty (40) miles from the County.
- (d) Meals and tips.
- (e) Other reasonable and related expenses.

**Section 19-4. Non-reimbursable expenses.**

The following travel expenses shall not be reimbursable:

- (a) Costs incurred by a spouse or other relative accompanying an employee.
- (b) Personal expenditures such as valet service, laundry and cleaning, intoxicating beverages, entertainment, or side trips.

**Section 19-5. Vacation combined with official travel.**

An employee wishing to combine a vacation by private vehicle with a business or convention trip must have the department head's approval, or where appropriate, the County Commission's (County Executive's) approval. The employee will be reimbursed for travel to the destination based upon the common carrier fare or the established rate per mile for personal vehicles, whichever is less.

**Section 19-6. Travel reimbursement or repayment of advance to County.**

A travel expense voucher must be completed within ten (10) days after returning from a trip whether it is for an amount due the employee or for payment of the unused balance of travel advance due the County. Where the employee received a travel advance check, it must be so noted on the expense voucher.

All travel expense vouchers must be approved by the department head and County Commission (County Executive) before the finance office processes for payment.

**Section 19-7. Use of personal vehicle for official business.**

Employees required to use their personal vehicles for official County business shall be compensated at the rate set out in Section 19-9. All departments are encouraged to promote the use of County vehicles whenever possible in lieu of use of personal vehicles for County travel purposes.

**Section 19-8. Use of County vehicles.**

Employees who are assigned take-home vehicles from the County fleet are prohibited from using the vehicle for any use outside of County business except for insignificant personal use.

Employees shall report to the police department any accidents involving a County vehicle and the property or vehicle of another party. Employees shall report any accident involving damage to a County vehicle to their supervisors, department heads, and the personnel & safety officer on a form prescribed for this purpose. Failure to report damage of County vehicles as prescribed may result in disciplinary action.

**Section 19-9. Reimbursement rates and rules.**

Reimbursement for authorized meals and tips combined, whether in state or out of state, shall be the lower of \_\_\_\_ dollars (\$ \_\_.00) per day or \$\_\_\_\_ for breakfast, \$\_\_\_\_ for lunch and \$\_\_\_\_ for dinner. The mileage reimbursement rate for authorized travel shall be at a rate of \_\_\_\_\_ cents per mile.

If an employee leaves the County before 7:00 a.m., the employee will be entitled to a breakfast allowance. If an employee returns to the County later than 6:00 p.m., the employee will be entitled to the dinner allowance. If a meal is included in the registration cost of the conference, the per diem for that meal will be excluded from that day's total allowance.

The following expenses of employees shall be reimbursed according to actual cost when accompanied by receipts or other documentation as required and appropriate:

- (a) direct travel including air, bus, train and taxi fares;
- (b) overnight lodging;
- (c) other reasonable and related expenses;

The following expenses of employees shall be reimbursed according to established allowances:

- (a) direct travel by personal vehicle at the established rate per mile or an amount equal to common carrier fare, whichever is less;
- (b) meals and tips;

The following expenses of employees shall not be reimbursed:

- (b) personal expenditures such as valet service, laundry and cleaning, intoxicating beverages, entertainment or side trips;

Employees wishing to combine private business with County business will be reimbursed for travel to the destination based upon the common carrier fare or the established rate per mile for personal vehicles, whichever is less.

## **ARTICLE 20. PROHIBITIONS AND PENALTIES**

### **Section 20-1. Participation in political activities.**

Employees are prohibited from bringing their political affiliations to bear on their official duties. Specifically, the following political activities of employees are prohibited:

- (a) Campaign fund raising, or other partisan political activities on County premises while in the performance of duties and responsibilities as an employee of the County.
- (b) Abuse of official position for political ends.
- (c) Use of official working time or unauthorized use of County resources for political activity.
- (d) Promising any employment, position, work, compensation, or other benefits as consideration, favor or reward for political activity.
- (e) Performing political activities at the direction of a supervisor, department head, or other County official.

### **Section 20-2. Discrimination and sexual harassment.**

No appointment, promotion, demotion, removal, or advancement in employment shall be made on the basis of race, religion, creed, national origin, sex, age, or non-disqualifying physical or mental disability.

Sexual harassment of employees is a serious matter and is prohibited in the work-place by any person and in any form. No head, supervisor or other employee shall threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, performance appraisal, wages, advancement, assigned duties,

or any condition of employment or career development. Other sexually harassing conduct whether committed by heads, supervisors, or non-supervisory personnel is also prohibited. Such conduct includes but is not limited to: sexual actions, advances or propositions, verbal or written abuse of a sexual nature, or sexually degrading words used to describe an individual.

Any head, supervisor, or other employee who is found, after appropriate investigation, to have discriminated against an employee or harassed any employee as prohibited in the preceding paragraphs shall be subject to appropriate disciplinary actions up to and including discharge.

It is the policy of the County to provide an environment free from unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication constituting sexual harassment. The purpose of this policy is to establish clearly and unequivocally that the County prohibits sexual harassment by and of its employees.

Sexual harassment is misconduct which interferes with work productivity and deprives employees of the opportunity to work in an environment free of unsolicited and unwelcome sexual overtones. Sexual harassment includes all unwelcome sexual advances and sexually oriented communication, requests for sexual favors, and such other verbal or physical misconduct. Sexual harassment is a prohibited practice and in a violation of the law. The U. S. Equal Employment Opportunity Commission has issued guidelines interpreting Section 703 of Title VII of the Civil Rights Act prohibiting sexual harassment. The Missouri Commission on Human Rights has also issued regulations regarding sexual harassment under the Missouri Human Rights Act.

Sexual harassment is defined as follows;

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical misconduct of a sexual nature when

1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;

3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

An aggrieved person should directly inform the person engaging in sexually harassing conduct or communication that such conduct or communication is offensive and must stop. If the aggrieved person does not wish to communicate directly with the person whose conduct or communication is offensive or if direct communication with the offending person has been ineffective, the aggrieved person should report the conduct or communication to any supervisor. If the supervisor is the offending person, the aggrieved person should report to the next higher level of management.

Regardless of the means selected for resolving the problem, the initiation of a complaint of sexual harassment will not adversely reflect on the person complaining nor will it affect the employee's employment, compensation or work assignments.

Employees are encouraged to use the County's grievance procedure to address sexual harassment problems.

### **Section 20-3. Nepotism; restriction on employment of relatives.**

A County employee may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion or advancement in or to any position of the County service

over which the employee exercises jurisdiction or control, any person who is a member of the immediate family of the employee.

**Section 20-4. Outside employment.**

Outside employment is prohibited if such employment would have an adverse effect on the employee's performance of official duties with the County or be prejudicial to the reputation of the County. Employees shall inform department heads of the acceptance of any outside employment.

**Section 20-5. Conflict of interest.**

No employee in the County service shall hold a financial interest in a firm, institution, corporation, or other establishment supplying goods or services to the County. No employee shall be employed in any capacity with a firm, institution, corporation, or other establishment supplying goods or services to the County when that capacity means the possession, direct or indirect, of the powers to direct or cause the direction of the management and policies of that organization. No employee shall receive any payment, gifts, favors, or other consideration from any person, firm, institution, corporation, or other establishment supplying goods or services to the County.

**Section 20-6. Penalties.**

Any employee found guilty of any violation of this section shall be subject to any disciplinary action up to and including dismissal as defined by these rules, and such other penalties as may be deemed appropriate and consistent with the laws of the County and the State of Missouri.

## **ARTICLE 21. MANAGEMENT RIGHTS**

### **Section 21-1. Retained rights.**

The County shall retain the sole right and authority to operate and direct the affairs of the County in all its various aspects. Among these rights are the County's right to determine its mission and set standards for service offered the public; to direct the working forces; to plan, direct, control, and determine the operations or services to be conducted in and by the employees of the County; to assign and transfer employees; to hire, promote, and demote employees; to suspend, discipline, or discharge employees; to relieve employees due to lack of work or for other reasons, such layoffs being normally accomplished through attrition; to make and enforce rules and regulations; and to change methods, equipment, or facilities.

### **Section 21-2. Meet and confer.**

[Optional for counties which meet & confer with employee bargaining agents].

The County will meet and confer with recognized exclusive bargaining agents as the state law requires, provided the agent has been selected by a majority of covered employees by secret ballot election. Supervisors, managers and confidential workers are excluded from the meet-and-confer process in addition to those employees who are excluded by state law. Under Missouri law, supervisors in law enforcement agencies include employees holding the rank of sergeant and above. They are prohibited from engaging in any meet-and-confer activities or membership in any organization that meets and confers with the County in order to avoid conflicts of interest or the appearance of conflicts.

## **ARTICLE 22. SAVINGS CLAUSE AND AMENDMENT**

### **Section 22-1. Savings clause.**

Invalidation of any part, rule, or section of these personnel rules and regulations shall not affect the validity of the other rules and sections.

### **Section 22-2. Amendment.**

Amendment of these rules and regulations shall be approved by a majority vote of the County Commission (County Executive). Copies of such amendments shall be distributed to all department heads and such other officials as the County deems appropriate.

## **Article 23 Internet/Electronic Mail Policy**

**Purpose:** To ensure the responsible and acceptable use of electronic communication systems including, but not limited to internal and external electronic mail (E-mail), and the Internet while continuing to support the needs of citizens and County employees.

**Policy:** The County views the legitimate use of the Internet / e-mail system as potentially enhancing a large number of its functions and services being provided to the public. The goal of the policy is to insure the responsible and acceptable use of these resources. This policy applies to all employees, contractors, volunteers and other individuals who are provided access to these systems.

The County reserves the right to review any and all data, information or computer files stored in or sent to or from computers owned or supplied by the County. This includes any type of E-mail, Internet access usage, or other subscription services.

All data and other electronic messages within this system are the property of the County. This includes all of the material and information created, transmitted or stored on this equipment. There should be no expectation of privacy for any of the material or information. All users must realize that material or information that has been deleted can be retrieved and viewed by others. That also includes the E-mail that has been deleted.

The County Commission reserves the right to change this policy at any time.

**Eligibility:** Department Directors and elected officials may provide access to Internet and/or E-mail systems for some employees. This capability will be provided on an as needed basis and is a revocable privilege. Only the County-approved Internet provider may be used to access the Internet. Any additional hardware or software required for Internet access must be authorized by the information services administrator.

### **SECTION 23-1 General Guidelines For Internet/E-mail Usage:**

1. These resources are to be used primarily to conduct County business. However, incidental and occasional personal use during non-working hours is permitted with supervisory approval.
2. The safety and security of the County's network and resources must be considered paramount when using the Internet. User passwords are confidential. It is the user's responsibility to maintain the confidentiality of the user's assigned password(s). Individual users will be held accountable for use of their account by others.

3. Users must abide by copyright, contract and other local, state and federal laws, County administrative directives and policies, as well as individual department guidelines. Downloading files that are not related to conducting business for the County is not allowed.
4. Downloading of application programs or files without consent of the County Commission is prohibited. The County does not recommend the downloading or installation on County computers of application software from the Internet. Such software may not only contain embedded viruses, but also is untested and may interfere with the functioning of standard County applications. Any and all material downloaded with written permission of the County Commission from the Internet shall be downloaded to the user's local hard drive. No files should be copied to any network drive until after the files have been scanned manually or automatically for computer viruses. If a virus is detected, the information services administrator should be notified immediately. Any and all material downloaded from the Internet should relate to legitimate County use.
5. There shall be no participation in web-based surveys without prior authorization from the County Commission. When using the Internet, the user implicitly involves the County in his/her expression. Therefore, users should not participate in Web or E-mail surveys or interviews without authorization.
6. There shall be no use of subscription based services without approval from the County Commission. Some Internet sites require that users subscribe before being able to use them. Users should not subscribe to such services without approval. Resources, of any kind, where fees are assessed may not be accessed without prior approval.
7. There are a number of prohibited activities, which include the following. This list is not intended to be inclusive of all prohibited activities, but only as general guidance.
  - Any illegal, illicit, improper, unprofessional or unethical activity or any activity that could reasonably be construed to be detrimental to the interests of the County.
  - Unauthorized attempts to access another's E-mail.
  - Transmitting obscene or harassing messages to any other individual.
  - Use for access to and distribution of indecent or obscene material, child pornography, inappropriate text or graphic files, or files dangerous to the integrity of the network.
  - Use of Internet/E-mail resources for commercial use or profit.
  - Extensive use of internet/E-mail resources for personal use.
  - Solicitation of funds.
  - Political messages.
  - Harassing messages.
  - Messages that could be construed as sexually explicit or discriminatory based on race, national origin, sex, age, disability, religious or political beliefs.
8. All E-mail messages must be businesslike, courteous, civil, and written with the expectation that they could be made public at some time in the future. E-mail will enhance overall

employee communications. Each user is responsible to process received E-mail appropriately. Confidential information (such as personnel or legal materials) should be communicated via a more secure method.

9. All E-mail messages are subject to state and federal rules and Human Rights Acts.
10. A wide variety of information is available on the Internet. Some individuals may find some information on the Internet offensive or otherwise objectionable. Individual users should be aware that the County has no control over and can therefore not be responsible for the content of information available on the Internet.
11. Employees may not intentionally intercept, eavesdrop, record, read, alter or receive another person's E-mail messages without authorization from the County Commission.
12. Alterations or enhancements shall not be made to the County's Web Page without prior approval of the County Commission.
13. Any unlawful use of the Internet/E-mail, or use in violation of this policy may result in discipline up to and including dismissal. Unlawful use may result in referral for criminal prosecution.

All employees are cautioned that the use of the Internet for any purpose holds certain inherent risks. The Internet is a vast worldwide collection of networks that remain totally unregulated. Though the Internet provides excellent communications and research capabilities, there is always a possibility that information sent out on the Internet can be retrieved and redistributed. The County will provide all available security to protect its users and information, but care should be used whenever out on the Internet on a County account.

No employee shall use the Internet until they have read and signed the attached Memorandum of Understanding. A signed copy of the memorandum shall be maintained in the employee's personnel file.

**SECTION 23-2 Internet/E-mail Policy Memorandum of Understanding**

I, \_\_\_\_\_, the undersigned employee, have read and understand the County policy and hereby agree to abide by all the conditions therein. I further understand that all E-mail is considered to be the property of the County and that it is subject to review and disclosure and that any misuse of the Internet or E-mail may subject me to disciplinary action up to and including discharge, termination of access rights or other administrative action.

Signed this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_, by

\_\_\_\_\_  
Employee signature

\_\_\_\_\_  
Employee Social Security Number

\_\_\_\_\_  
Witness signature

This Policy describes guidelines regarding access to and disclosure of communications transmitted by computerized electronic mail messages and telephone voicemail messages or stored in word processing documents. It also includes instructions regarding the general use of computer and telephone systems. While we respect the individual privacy of employees outside the workplace, employee privacy does not extend to the employee's work-related conduct or to the use of County provided equipment or supplies.

Employees should be aware that the following guidelines affect employee's privacy in the workplace.

**U.S. MAIL:** The County reserves the right to open any mail addressed to an employee and delivered to the County's business address if the mail is not clearly marked as "personal" or "confidential".

**E-MAIL, VOICEMAIL, AND WORD PROCESSING.** The County has installed the e-mail, voicemail, and word processing systems to facilitate business communications. Although each employee has access to these systems, the systems belong to the County. The contents of stored communications are accessible at all times by the County for any purpose. These systems may be subject to periodic unannounced inspections. All stored e-mail and voicemail messages and word processing documents are County records. To protect the County's interest, the contents of such messages and documents may be reviewed and/or disclosed within the County without an employee's knowledge or permission. Therefore, employees should not assume that the communications are confidential. Back-up copies of e-mail and voicemail messages and word processing documents may be maintained and referenced by the County.

### **Section 23-3 Professional Use of E-Mail, Voicemail and Word Processing Systems**

Employees may not use the County e-mail, voicemail or word processing systems in any way that may be viewed as insulting, disruptive, or offensive by other persons, that might be harmful to morale, that is in the conduct of personal business of the employee, or that violates other County policies. Examples of forbidden transmissions or screensavers include sexually explicit messages, cartoons, or jokes; unwelcome propositions or love letters; ethnic or racial slurs; or any other message that can be construed to be harassment or disparagement of others based on race, national origin, sex, age, disability, or religious or political beliefs. Employees should be aware that all provisions of policy manual concerning employee communications, including the anti-harassment, apply in the same manner to electronic communications as to other oral or written communications.

Use of the e-mail, voicemail or word processing systems in violation of this guideline or other County policies may result in disciplinary action, up to and including discharge.

### **Section 23-4 Personal Use of E-Mail and Voicemail**

Because the County provides the e-mail and voicemail systems to assist employees in the performance of their jobs, employees should use them primarily for official County business.

Incidental personal use of e-mail and voicemail is permitted by the County, but these messages will be treated the same as the official business messages. The County reserves the right to access and disclose as necessary all messages sent over its e-mail and voicemail systems, without regard to content. Because County management without prior notice or consent can access personal messages, employees should not use e-mail or voicemail to transmit any messages employees do not want to be read or reviewed by a third party.

E-mail and voicemail messages are subject to the same policies as and should not be treated differently from other communications. Misuse of the electronic communications systems may result in disciplinary action up to and including discharge.

### **Section 23-5 Personal Use of the County Computers Generally**

An employee's occasional use of County computer equipment to type a document for an educational or charitable purpose is acceptable. However, in order to keep these uses to a reasonable level, an employee should obtain prior approval to use the system in this manner. Under no circumstances may personal letters be printed on the County letterhead. Moreover, be aware that the County may purge files on the computer systems at any time without notice. The use of County computers for permitted personal efforts must occur outside business hours, and any files created are to be deleted at the end of the project.

### **Section 23-6 Password [and Encryption Key] Security and Message**

Unauthorized use of the passwords [and encryption keys) of other employees to gain access to the other employees' e-mail or voicemail messages or computer files is prohibited. Access to libraries and archives not related to the performance of one's job assignment are viewed as inappropriate behavior and may be grounds for disciplinary action up to and including discharge.

Additionally, no e-mail message should be sent from another employee's computer terminal without that employee's permission. No e-mail or other electronic communications may be sent which attempt to hide the identity of the sender or represent the sender as someone else.

### **Section 23-7 Software Policy**

In order to avoid copyright violations and to minimize the risk of exposing County computers to a computer virus, employees are not permitted to install any software whatsoever on any of the County's computers or any device connected to the County network without the prior approval of the County Commission [Director of Information Systems]. The copying of County computer software or software documentation is strictly prohibited.

### **Section 23-8 Social Media**

Because of the number of thriving online communities, social networking has become an important form of personal communication. Social media includes blogs, podcasts, message boards, news Web sites, content-sharing sites like YouTube, and social networking sites such as LinkedIn, Facebook, MySpace and Twitter, etc.

The fundamental rules of the road are simple: County policies and standards apply to both the physical and virtual communication world.

This policy covers two areas of employee online conduct: (1) maintaining personal blogs/social networking sites and posting to existing blogs, and (2) blogging as an identified employee supporting the County.

**Using social media as an individual** – When using social media as an individual, you are still an employee of the County. As a result, what you say – and how you say it – reflects on the County. Readers may connect your personal life to your professional life, so your use of social media should be consistent with your role as an employee. Authors of personal blogs must use a disclaimer making it clear that the views expressed are theirs alone and don't necessarily reflect those of the County. The following disclaimer is recommended for use with all blogs created by employees of the Company: *'Everything posted on this blog, site or page is my opinion and does not necessarily reflect the views of my employer.'*

**Blogging as an identified employee of the County** – There may be occasions when it's appropriate for you to blog or post social media content on behalf of the County. Before doing so, you must first receive authorization from the County Commission. That includes any effort you might make to defend or promote the County.

**Social networking, social media and interaction with the blogosphere** – When authorized to interact with blogs in a professional capacity, employees should uphold the principle of transparency. When posting professionally, you must identify yourself as a County employee.

**Respectful and considerate postings** – Blogs and other social media are global communications. Search engines make much of this information easily accessible. Be thoughtful and professional with all that you post.

**Media inquiries/coverage** – Blog postings can generate media coverage or significant traffic on a site. Per County policy, refer all questions regarding the County to the County Commission.

**On your own time** – All time spent on personal blogs or other social media channels must be done on personal time and must not interfere with work commitments.

## **ARTICLE 24 SAMPLE JOB OFFER LANGUAGE**

\_\_\_\_\_ (employer) may not have received the results of your criminal background check or the results of your drug screen prior to your first day of employment. In the event that \_\_\_\_\_ (employer) receives an undesirable result from either the background check or drug screen, you will be notified of such result, and your employment will be terminated immediately.

ARTICLE 25 DISCLAIMER AND ACKNOWLEDGEMENT STATEMENT

This handbook is not intended to create any contractual or other legal rights for any employee of the facility. It is designed solely as a guide for employees.

Employment with the facility is at will, meaning that employment may be terminated by the facility or an employee at any time without restriction. Nothing in this handbook is intended or should be construed as altering the employment at will relationship

I, \_\_\_\_\_(Name of Employee), the undersigned, acknowledge that a copy of this handbook was provided to me on this date. I further acknowledge that I have read the Disclaimer and Acknowledgement Statement set out at the beginning of this handbook and understand that the contents of this handbook do not create any contractual rights nor alter the employment at will relationship.

\_\_\_\_\_Date

\_\_\_\_\_Signature of Employee

\_\_\_\_\_Witness

**ARTICLE 26. REQUEST FOR RELEASE OF EMPLOYMENT RECORDS**

I, \_\_\_\_\_, the undersigned person authorize  
\_\_\_\_\_ name of former employer

to release information to

\_\_\_\_\_ name of prospective employer

relating to the work I performed for my former employer including evaluations and assessment of my ability to perform the positions for which I was hired.

By this release, I waive all liability that may accrue against my former employer for information provided under this request and acknowledge that the information will be utilized in my new employment circumstances.

A copy of this Request for Release of Employment Records can serve as an original when supplied.

\_\_\_\_\_ Date \_\_\_\_\_ Signature of Employee

\_\_\_\_\_ Social Security No.

The above signed person appeared before me this \_\_\_\_\_ day of \_\_\_\_\_, and attested that this form was read and understood and that the execution of the same was of her/his free will.

\_\_\_\_\_ Notary Public

## Article 27

### Implementation of Pre-employment Examination

Under County Personnel Policy Section \_\_\_\_\_, applicants for positions may be required to take a medical examination to determine their respective ability to perform the essential functions of a position. If an examination is required, the following conditions must be met:

1. all persons seeking the position must be required to take the identical medical examination as a pre-employment screen.
2. the medical examination shall be conducted by a physician who shall make a determination after the examination whether an employee is or is not capable of performing the essential requirements of the position.
3. the physician shall be provided with the appropriate job description containing the physical and mental requirements in order for the physician to make the determination.
4. If an employee is determined not to be able to perform the essential job functions, the physician may be requested by the County to assess any suggested accommodations to alleviate the inability to perform as examined.
5. Results of the medical examination shall be maintained in a confidential file in the same manner as other employee health-related information as required by federal and state law.
6. announcements of the position opening should contain the notice that a pre-employment medical examination is required for completion of the hiring process.

From: Ivan Schraeder  
Date: Wed, 30 Mar 2005 10:11:50 -0600

Changes

## Article 28

### Pre-Employment Physicals Policy Advice

This advisory is provided to assist counties which plan to use pre-employment physicals to determine fitness for work. The advice is provided so that the counties can be in compliance with the federal and state laws relating to disabilities and to drug and alcohol testing.

#### 1. Policy Statement

Counties should adopt a general policy statement that states that the County will not engage in any discrimination in its employment practices, and that employment decisions will be made on the basis of a person's ability to perform the essential functions of the position applied for.

#### 2. Pre-employment Physicals

Counties may require pre-employment, post offer physicals for applicants for county employment provided all persons offered the position are required to take the same physical examination.

The examination must be conducted with a view to performing the essential functions of the position requirements. Therefore, for each position requiring a physical examination, there must be a written job description setting out the essential functions of the job and the necessary skills and abilities, mental and physical that are to necessary to carry out the essential functions.

When an applicant is sent to a doctor for the pre-employment physical, the doctor should be provided with a copy of the position description and the examination should answer the question, "Can this person perform the essential functions of the position for which the person is being examined?" The inquiry cannot look to prior injuries or comp claims for the answer, The answer must be given in light of the person's current abilities

#### 3. Acceptance of Applicant

Counties using this system must accept applicant who passes the physical examination. Applicants cannot be asked about prior injuries or prior comp claims as a part of the screening process.

If an applicant shows inability to perform the essential functions, it is necessary to inquire into possible accommodations that may be made to permit the applicant to perform so as to remove the disability. Failure to make such an analysis may result in liability on the basis of disability discrimination.

#### 4. Drug & alcohol testing

Counties which adopt a drug and alcohol policy requiring testing can do so without adopting a physical examination process provided the tests only screen for current use of controlled substances and do not screen for medical problems.

#### 5. Physical agility testing

If a county desires to use a physical ability test that demonstrates ability to perform the essential functions of a position, the test must reflect the actual physical activities that are engaged when performing the work. If the agility test does not reflect the work performed it is defective and can result in liability to the county for rejection of applicants.

#### 6. Interviews

Counties can interview applicants but they cannot inquire into undisclosed physical or mental deficiencies. No questions can be asked concerning prior work comp claims or prior injuries of the applicant. The county may ask about prior attendance records but not inquire as to the reasons for the absences. If a disability is disclosed by the applicant, then the county must ask what accommodations can be made.

7. Records

Records of the screening process and the questions asked in an interview should be maintained in the employee's personnel file. No records of mental or physical or medical conditions can be kept in the personnel file. These records must be segregated into special files available only to limited persons with a need to know.

From: "Ivan Schraeder"

Date: Mon, 1 Aug 2005 08:54:28 -0500

Subject: **Re: Medical Exams REPLY 2**