

**FINNEY COUNTY**  
**PERSONNEL POLICY**

**REVISED**  
**December 2018**

# Contents

<i>INTRODUCTION</i> .....	3
<i>SECTION I PURPOSE AND APPLICATION</i> .....	4
<i>APPLICATION</i> .....	4
<i>SUPPLEMENTAL POLICIES</i> .....	4
<i>AMENDMENTS</i> .....	4
<i>DEFINITIONS</i> .....	5
<i>SECTION II EMPLOYMENT PROCEDURES</i> .....	6
<i>RESIDENCY</i> .....	6
<i>RECRUITMENT</i> .....	6
<i>PROBATION</i> .....	9
<i>TERMINATION/RESIGNATION</i> .....	9
<i>DISCIPLINE</i> .....	12
<i>DISCRIMINATION GRIEVANCE</i> .....	14
<i>OUTSIDE EMPLOYMENT</i> .....	14
<i>RECORD KEEPING</i> .....	15
<i>SECTION III EMPLOYEE CONDUCT</i> .....	16
<i>SEXUAL HARASSMENT</i> .....	16
<i>EMPLOYEE CONDUCT</i> .....	16
<i>SECTION IV OPERATING POLICIES</i> .....	19
<i>EQUAL EMPLOYMENT OPPORTUNITY</i> .....	19
<i>AMERICANS WITH DISABILITIES ACT</i> .....	19
<i>FAIR LABOR STANDARDS ACT</i> .....	20
<i>WORKER'S COMPENSATION</i> .....	21
<i>GENERAL OPERATING POLICIES</i> .....	21

***SECTION V EMPLOYEE BENEFITS** ..... 24*

***HEALTH INSURANCE**..... 24*

***IRC 125 REIMBURSEMENT** ..... 24*

***RETIREMENT**..... 24*

***EMPLOYEE LEAVE** ..... 25*

***LONGEVITY** ..... 32*

***TUITION ASSISTANCE** ..... 32*

***EMPLOYEE ASSISTANCE** ..... 33*

***SECTION VI OTHER POLICIES**..... 34*

***PERSONAL COMPUTER POLICY**..... 34*

***ACQUISITION AND DISPOSITION** ..... 34*

***USAGE**..... 35*

***INTERNET**..... 36*

***E-M AIL AND INTERNET USAGE POLICY**..... 36*

***TIME CLOCK POLICIES**..... 38*

***TIME AND ATTENDANCE CARD USE POLICY**..... 39*

***EMPLOYEE ACCEPTANCE** ..... 40*

## **INTRODUCTION**

The Finney County Personnel Policy has been established to provide employees of Finney County with consistent regulations and guidelines related to matters of general County operations, employee practices and procedures, employee responsibilities, and employee benefits. The Personnel Policy provides information on the employment-at-will relationship, outlines the procedure to be followed when hiring new employees, sets forth reasonable guidelines for employee conduct, establishes employee leave policies, and explains employee benefits. The policy has also been prepared in order to assist Finney County in complying with a number of federal and state laws governing public employment practices.

This Personnel Policy provides a guide to employees and their Supervisors and should not be construed to alter the employment-at-will relationship or to create an implied or express contract to apply the policies in all cases. Employees with questions regarding the Personnel Policy are encouraged to contact their Supervisor or Department Head for clarification.

## **SECTION I PURPOSE AND APPLICATION**

### **INTENT**

The Board of County Commissioners has established the Finney County Personnel Policy to guide the administration of all employee related matters. The policy includes provisions to assure that Finney County is in compliance with the Americans with Disabilities Act, the Family and Medical Leave Act, the Fair Labor Standards Act, and Worker's Compensation legislation.

### **APPLICATION**

The Personnel Policy applies to all employees of every department of Finney County except elected officials. Where Kansas statutes specifically exclude certain employees from provisions of County personnel policies, those employees will not be considered to be subject to this Personnel Policy. However, as a general rule, the Personnel Policy applies to all employees. The following elected officials are exempt from the Personnel Policy:

- \*Board of County Commissioners
- \*County Attorney
- \*County Clerk
- \*County Treasurer
- \*Register of Deeds
- \*Sheriff

### **SUPPLEMENTAL POLICIES**

It is the objective of the Finney County Personnel Policy to establish consistency in dealing with personnel issues among the various departments of the County. It may be necessary for certain departments to develop additional policies affecting personnel because of the unique service orientation of the department. Copies of supplemental department policies shall be provided to department employees. Supplemental policies shall be consistent with the intent of this Personnel Policy and shall not alter employee rights or benefits.

### **AMENDMENTS**

Amendments to this policy may be needed to respond to special circumstances, which may arise, or to respond to changes in federal and state employment law. When an amendment becomes necessary, the matter will be referred to the Finney County Personnel Policy Committee defined below. This committee will be responsible to forward recommended amendments to the Board of County Commissioners for review and adoption. All amendments to this Personnel Policy shall be approved by resolution of the Board of County Commissioners. Amendments to this policy will be provided to all employees. Each employee will be required to complete a signed form acknowledging receipt of the amendments.

The Finney County Personnel Policy Committee is established for the purposes of reviewing needed amendments to the Personnel Policy, making interpretations of Personnel Policy intent when questions arise, and assuring that the needs of employees and the various departments are fairly represented in personnel policy decisions. The Committee shall consist of representatives of three (3) elected Department Heads and three (3) appointed Department Heads approved annually in January by the Board of County Commissioners. Representatives shall be appointed by the respective Department Head. The Human Resources Director shall serve as Chair of the Committee.

## **DEFINITIONS**

For the purposes of the Finney County Personnel Policy the following words, terms and phrases shall be interpreted or defined as follows:

Department Head: Elected officials and appointed Department Heads of the various departments of Finney County government.

Elected Official: Positions established by statute and filled by general election, including County Attorney, County Clerk, County Commissioner, County Treasurer, Register of Deeds and Sheriff.

Essential Personnel: Law enforcement personnel, jail and detention facility personnel, and road maintenance personnel.

Full-time Employee: An employee who works a minimum workweek on a regular and continuing basis. The minimum workweek is forty (40) hours.

Part-time Employee: A permanent employee who works at least one-half of the minimum workweek.

Regular Employee: A full-time or part-time employee who has satisfactorily completed a six month probationary period as established in the Finney County Personnel Policy.

Supervisor: An employee who assigns and schedules the work of other employees, who reviews completed work and who participates in personnel action decisions. A Supervisor may also be a Department Head.

Temporary/Seasonal Employee: Employees who work on an irregular and/or non-permanent basis.

## **SECTION II EMPLOYMENT PROCEDURES**

### **EMPLOYMENT-AT-WILL**

It is the policy of Finney County that all employees who do not have a separate, individual employment contract with Finney County for a specific, fixed term of employment, are employed at the will of Finney County for an indefinite period. Employees may resign from employment with Finney County at any time, for any reason, with or without notice, and may be terminated at any time, for any reason, with or without notice. No representative of Finney County is authorized to modify employment-at-will provisions for any employee or enter into any form of agreement to the contrary. Individual employment contracts may be executed and entered into only by approval of the Board of County Commissioners. These provisions shall not be modified by any statements in this Personnel Policy or any other written materials provided to employee or prospective employees.

### **RESIDENCY**

In considering applications for employment with Finney County, preference shall be given to individuals who reside in Finney County. This preference shall be applied when two or more finalists for a position have equivalent qualifications for the subject position. In such situations, the position shall be offered first to the resident of Finney County.

### **RECRUITMENT**

It is the policy of Finney County to be an equal opportunity employer and to hire individuals solely upon the basis of their qualifications for the job for which they have applied. Prior to beginning the recruitment process, an approved job description shall be prepared and budget authority for the position shall exist.

A. **ADVERTISING**: All open positions shall be posted on the County's website with a link to various online application services, and shall be posted at the Administrative Center and main office of the department where the position exists. (Exception: Positions that are filled from within the department need not be advertised on the County website, provided that notice of the open position is posted at the main office of the department and the Administrative Center). For positions that are published in the official County newspaper, the advertisements shall list the open position with a link for more information. The advertisement on the website shall include the job title, required and preferred qualifications, skills testing requirements, if any, location where applications can be obtained, application deadline, and the phrases "Equal Opportunity Employer" (*EOE*) and "Veterans Preference Eligible" (*VPE*). The application process shall be open for at least five (5) days following the date of publication of the first advertisement/posting on the website.

When a position becomes vacant, the Department Head shall notify Human Resources who shall:

1. Update the vacancy postings weekly in the Administrative Center,
2. Fax or e-mail vacancy postings to all other department main offices/buildings for

- posting weekly,
3. Prepare advertisement for the newspaper(s) (if necessary) and the Internet,
  4. Coordinate dates and cost to run the advertisement.

B. APPLICATION PROCESS: Applications shall be made via online applications or on a standard form provided by Finney County. The application form shall require information covering training, experience and other pertinent information. All paper applications shall be signed and dated by the applicant. The signed application form shall authorize Finney County to contact previous employers or listed references unless the applicant specifically requests otherwise.

Department Heads shall coordinate the application process through Human Resources. Department Heads may also refer employment inquiries to Human Resources when no job openings exist. Persons inquiring about employment opportunities will be informed that all jobs will be posted on the Internet. It is preferred that applications be turned in when there is a job opening.

An existing employee wishing to transfer from one department to another must submit a complete application for the new position to Human Resources. A minimum of two weeks notice will be given to the current Department Head in the event the employee transfer is approved. This time period may be lengthened or shortened by mutual agreement of the Department Heads involved.

Applications will be available at all locations for prospective employees to complete. All applications received shall be forwarded to Human Resources for processing. Once the application deadline has been met, a copy of all applications received in Human Resources will be routed to the Department Head. Original applications will be filed in Human Resources and a database will be maintained to track applicants. Applications will be filed by "position applied for" with an alphabetical index maintained by Human Resources to provide for a pool of applicants for the Department Head to draw from when a vacancy occurs. Prior to an employment offer, applications submitted from former employees must be reviewed by Human Resources and the Department Head to determine rehiring status.

C. MINIMUM QUALIFICATIONS: With exception to specific job related requirements, to be considered for employment by Finney County, all applicants must be at least sixteen (16) years of age, have a valid Kansas driver's license (obtain Kansas license within 45 days of hiring if license is from other state) and must be a citizen of the United States or have legal authority to work in the United States. Pursuant to the Immigration Reform and Control Act of 1986, an individual may not begin employment with Finney County unless and until U.S. Department of Justice Form I-9 has been completed. Form I-9 is required to preclude the unlawful hiring of aliens who are not authorized to work in the United States.

D. SKILLS TESTING: Finney County may use employment tests as part of normal hiring procedures for certain positions to assist in selecting the most qualified applicant. When testing is used, all applicants for the position shall be required to complete the test.



E. EMPLOYMENT OFFER: Any offer of employment made pursuant to the recruitment process may be conditioned upon the results of additional background investigations and pre-employment medical, drug, alcohol and/or psychological testing.

Prior to offering a starting wage, department heads shall verify that the employee meets all criteria referenced in the job description and that the starting wage is based on the salary range for that position. If the employee has just the minimum qualifications, they shall start at the bottom of the pay range. For experience and or education that is directly related to the job, a department head may hire the employee above the bottom of the pay range.

F. NEPOTISM: No elected official, Department Head or supervisor shall permit or cause to be placed or have under his or her employment/supervision in said office or department any member of his or her immediate family. For the purposes of this paragraph, immediate family is defined as mother, father, daughter, son, sister, brother, step-mother, step-father, step-daughter, step-son, step-sister, step-brother, mother-in-law, father-in-law, sister-in-law, brother-in-law, husband or wife. Any employee who becomes an immediate family member on account of marriage after his or her initial date of employment shall be terminated within ninety (90) days after said marriage. The provisions of this paragraph shall not apply to any employees of Finney County as of the date of adoption of this Personnel Policy.

G. EMPLOYEE PAY:

1. The pay periods for Finney County are bi-weekly. The pay period begins at 12:01 A.M. on Monday and ends on the second Sunday at midnight.
2. An employee's pay will be distributed into their bank account or payroll card no later than the Friday following the end of the pay period.
3. Direct deposit or use of a payroll card is mandatory for all Finney County employees.
4. Employees with bank accounts must complete a direct deposit form. If an employee does not have a bank account available for direct deposit of payroll, then a payroll card will be issued to the employee. Once completed, the employee must submit the form to Payroll for processing.
5. If an employee needs to temporarily stop direct deposit (e.g., change of financial institutions, etc.) the employee shall take all reasonable steps to re-establish direct deposit within two pay cycles. To enroll, cancel, or make a direct deposit or payroll card changes, the employee must request an authorization form from the Human Resource Office.
6. Finney County will provide employees participating in direct deposit or the payroll card a check stub each pay period showing salary information.

## **PROBATION**

The probationary period is to be used as an evaluation process for new employees and employees transferring, or being promoted to, a new position. During the probationary period, employees receive training on their new job responsibilities and have the opportunity to demonstrate their ability to meet job requirements. An employee may be dismissed at any time during the probationary period without the right of appeal or hearing.

A. **PROBATIONARY PERIOD:** The probationary period for all employees and for employees transferred or promoted to a new job shall be six (6) months. Upon completion of the probationary period the employee will be evaluated and may be granted regular employment status if job performance has been satisfactory or the probationary period may be extended depending on the circumstances. Employees, including those transferred or promoted, whose performance, during the probationary period, is found to be unsatisfactory, shall be terminated or transferred to another open position within the same department. Granting of regular employment status following successful completion of the probationary period in no way alters the employment-at-will relationship established in Section I of this Personnel Policy.

B. **BENEFIT ELIGIBILITY:** All new employees shall accrue leave benefits in accordance with Section V of the Personnel Policy, subject to the use provisions set forth in Section V. Health insurance coverage provided pursuant to Section V will commence on the first day of the month following date of employment. Health insurance and leave accrual benefits for transferred or promoted employees will not be affected. New employees terminated during the probationary period will not be eligible for reimbursement of unused leave benefits.

## **TERMINATION/RESIGNATION**

A. **RESIGNATION IN GOOD STANDING:** An employee who desires to terminate employment in good standing shall submit a written resignation notice at least fourteen (14) days before the final day of work. The purpose of requiring fourteen calendar (14) days' notice is to provide the employer with adequate time to deal with a change in work force. Vacation time and sick leave (without doctor's note) will not be authorized during the fourteen (14) calendar day period. Exception will be honored if employee has pre-approval before written notice is submitted. Employees resigning in good standing will have included in their final paycheck, compensation for unused vacation leave and compensatory time, subject to the accumulation conditions set forth in Section V. At the discretion of the department head, an employee may be asked to vacate employment immediately. The employee providing the notice will receive unused vacation and compensatory time, subject to their accrual bank. Any employee may choose to resign from employment without providing the required notice however, no compensation for unused vacation leave will be provided and failure to resign in good standing may affect the employee's eligibility for rehire.

Authorization to rehire will may be reconsidered after a five-year absence from employment.

Once a non-rehireable employee is eligible to apply for vacancies, a committee may review the request. The committee will consist of the hiring director or designee, previous supervisor or designee for whom the employee worked and a human resource representative. The committee will review the request and agree if it is in the best interest of the department and the county. These requests will be considered on a case by case bases.

B. TERMINATION: It is the policy of Finney County that if an employee violates any of the County's standards of job performance and/or conduct, the County may use progressive disciplinary action based on the nature of the violation and the Department Head's discretion in determining the best interests of the respective department and Finney County. Disciplinary action, if implemented, shall follow the provisions for Discipline set forth in this Section of the Personnel Policy. However, Finney County retains the employment-at-will relationship established in Section I and may terminate the employment of any employee violating standards of job performance and/or conduct if the Department Head determines such action to be for the good of Finney County.

When a Department Head determines that the interests of the department and Finney County warrant termination of an employee because of a violation of standards of job performance and/or conduct, the subject employee to be terminated shall be immediately notified. Employees terminated will be given their final paycheck on the date of the next regularly scheduled payday (for the pay period last worked) and after all County owned property has been returned to the Department Head. The final paycheck for involuntarily terminated employees shall include compensation for unused vacation leave and compensatory time, subject to the provisions of Section IV and Section V.

C. RETIREMENT: All employees participating in the Kansas Public Employees Retirement System (KPERs) will be eligible for retirement benefits. Employees planning to retire should notify their Department Head at least sixty (60) days prior to their planned retirement date to obtain information on benefits and time requirements for receipt of benefits. Retiring employees are encouraged to notify the Department Head well in advance so that options available can be considered and so that the employee will be aware of any recent benefit or rules changes, which may affect them. The Human Resource office will provide assistance with all filing requirements for retirement.

C. EMPLOYEE DEATH: In the case of the death of an employee, the employee's estate shall be paid all accrued earnings, vacation leave and compensatory time, subject to the limitations of Section V. The deceased employee's estate will be asked to assure that all County property is returned.

D. LAY-OFF: Department Heads may lay-off an employee when it is deemed necessary because of a shortage of funds, shortage of work, the elimination of a position, or other material changes in duties or organization. The employee shall be notified fourteen (14) days prior to the effective date of the lay-off. Employees shall be selected for lay-off in the following order:

- Temporary and part-time employees shall be laid-off first,
- Probationary employees shall be laid-off next; and,
- Full-time employees shall be selected for lay-off based on their job performance, critical aspect of their job and duties, required training, and length of service, provided that the employees who are retained have the demonstrated ability and fitness to perform the available work.

Employees who are laid-off will be placed on a recall list for six (6) months following lay-off. It is the responsibility of the laid-off employee to maintain a current home address on file with Finney County. Employees will be recalled according to need, classification, and the ability to perform available work. Unless an employee responds to a recall notice within seven (7) days following the day on which a certified letter is sent, the employee's name will be removed from the recall list and employment with Finney County will be terminated.

Following six (6) months from the date of lay-off, or after removal from the recall list, a laid-off employee will be considered terminated from employment and will receive final payment of unused vacation leave and compensatory time, subject to return of County property. Employees may elect to receive compensation for accrued vacation leave during the lay-off period. Health insurance benefits will be provided for the first ninety (90) days of the lay-off period. Thereafter, the employee may continue coverage subject to COBRA provisions. Longevity and leave benefits will not accrue during a lay-off period. Recalled employees will have all benefits reinstated upon return to regular employment status.

E. COBRA PROVISIONS: Federal law provides that the County health insurance provider shall make available to certain employees the opportunity to continue group health coverage after their coverage would otherwise terminate. Generally, survivors of a deceased employee are eligible to continue coverage for up to thirty-six (36) months. Covered employees who lose coverage due to voluntary resignation, termination, retirement, layoff, or a reduction in work hours, are eligible to continue coverage up to eighteen (18) months. There are specific conditions related to COBRA requirements for continued health coverage and employees will be fully advised of the requirements at the time COBRA provisions become effective. During the continuation of coverage periods provided pursuant to COBRA provisions, the eligible person must pay the full monthly cost of health coverage. The group health continuation right will terminate: at the end of the authorized period; or, the date the County ceases to provide any group health plan for employees; or, the date the eligible person fails to make required premium payments; or, the date the eligible person becomes covered under any other group health plan.

## **DISCIPLINE**

The Department Head may use progressive disciplinary action when any employee violates standards of job performance and/or conduct. Implementation of disciplinary action does not alter the employment-at-will relationship. The County may, at any time, terminate the employment of any individual violating standards of job performance and/or conduct. Disciplinary action may include verbal and written warnings, suspension without pay, demotion, and termination.

A. DISCIPLINARY WARNINGS: For situations wherein progressive discipline is appropriate, the following guidelines may be used:

- (1) On the occasion of the first incident the Department Head or Supervisor may take the following action:
  - a. Meet with the employee to discuss the matter,
  - b. Inform the employee of the nature of the problem and the action necessary to correct it, and
  - c. Prepare a memorandum for the Department Head's or Supervisor's own records indicating that the meeting has taken place.

(2) Should a second incident occur, the Department Head or Supervisor may hold a second meeting with the employee at which the following action shall be taken:

- a. Issue a written reprimand to the employee,
- b. Warn the employee that a third incident will result in more severe disciplinary action, and
- c. Prepare and forward to the County Administrator a written report describing the first and second incidents and summarizing the action taken during the meetings with the employee.

(3) Should additional incidents occur, the Department Head or Supervisor may take progressive disciplinary action as follows:

- a. Issue a written reprimand or warning,
- b. Recommend suspension of the employee without pay for up to five (5) working days,
- c. Recommend demotion, or
- d. Recommend termination.

After taking action pursuant to paragraph A (2) and A (3) immediately preceding, under this Policy, the Department Head or Supervisor shall prepare and forward to the County Administrator another written report describing the violations and summarizing and justifying the action taken or recommended.

(4) The progressive disciplinary procedures described in paragraphs (1), (2) and (3), above, may be applied to an employee who is experiencing a series of unrelated problems involving job performance and/or conduct.

(5) During any disciplinary interview conducted for the purpose of determining the facts involved in any suspected violation of the County's rules and regulations, the employee who is suspected of violating the rules and regulations must be told in general terms about the subject matter of the interview.

(6) Employees will be given the opportunity to comment on, and sign, any written warnings or reprimands. Copies of the same will be made available to the employee.

(7) An employee terminated pursuant to disciplinary action will be subject to the provisions of the Termination procedures established in this Section of the Personnel Policy.

B. DEMOTION: An employee may be demoted for disciplinary reasons, provided that the demotion shall be to a vacant position with a lower salary. A demoted employee cannot remain in the same position and have a decrease in salary.

## **DISCRIMINATION GRIEVANCE**

It is the right of each and every individual who feels himself aggrieved through discrimination on the basis of race, color, religion, sex, age, physical handicap, or national origin, to file a grievance complaint with the head of the department in which the particular act of discrimination is alleged to have originated and with the County Administrator. If the complaint concerns a Department Head, the County Administrator shall investigate the matter and recommend disciplinary action to the Board of County Commissioners.

After the specific department (within 30 days) has reviewed and decided on the matter and if the complainant is still not satisfied, he or she may by notice take the matter before the Board of Commissioners. The Board shall review the case and hold a hearing within thirty (30) days of the complaint filing to make a decision. After the decision is made, if the complainant is still not satisfied, he or she may then file an additional grievance complaint with the Kansas Commission on Civil Rights.

The complainant may, at any time within six (6) months from the date of the alleged act of discrimination, file a grievance complaint with the Equal Opportunity Office, Department of the Interior, Washington, D.C. Further, the complainant shall have full recourse to all remedies at law in seeking satisfactory disposition of any alleged act of discrimination. The complainant may at any time during the course of settlement of the grievance, withdraw his or her complaint by notification to all parties involved. Such withdrawal shall not jeopardize the right of any person complained against from seeking legal relief for slander, libel, or false accusation, if such action is believed warranted.

Any act of discrimination by an employee or agent of Finney County established and proven, shall be grounds for disciplinary action, including dismissal. Such disciplinary action may be in addition to any penalties imposed through due process of law.

## **OUTSIDE EMPLOYMENT**

Employees of Finney County may hold a second job, provided that the responsibilities of the second job do not interfere with performance of Finney County job responsibilities. Tardiness, absenteeism, or refusal to work overtime may result in termination from Finney County employment. All employees are expressly prohibited from engaging in any work activity that conflicts with or compromises the best interests of Finney County. This prohibition includes the use of any County owned property and the use of paid working time or paid break periods. An employee may not seek or work a second job pursuant to this section of the personnel policy while receiving paid sick leave or on family medical leave.

## **RECORD KEEPING**

Finney County shall maintain records on each employee which are directly related to employment with Finney County or which are required by Federal or State law. Personnel records shall be maintained by the County Clerk. Department Heads may maintain supplemental records pursuant to the provisions set forth below. The employee's right to privacy will be maintained consistent with the County's need for pertinent information about the employee. Employee records maintained may include the following:

- a. Application form
- b. Payroll information
- c. Performance evaluations
- d. Disciplinary records
- e. Medical information

It is the employee's responsibility to assure that information on record is current and accurate. Employees should contact their Department Head in writing when there are any changes in name, address, telephone number, and beneficiary designations. Employees are encouraged to notify their Department Head of any changes in marital status, dependents, or persons to be notified in case of emergency. The Department Head shall be responsible to notify Payroll of any of the above changes.

Medical information and forms related to Family and Medical Leave shall be maintained in a separate file.

Pursuant to the Kansas Open Records Act, any member of the public may request, and shall be provided, the names, positions, salaries and length of service of officers and employees of Finney County. No other information will be provided without the express permission of the subject employees or officers. The Board of County Commissioners and the County Administrator may inspect all personnel records. Employees may inspect and make copies of their own records, and may request that records be updated. The request for updating of records shall be reviewed and may be changed as deemed appropriate. Any employee disagreeing with information in their own records may submit a written statement of disagreement, which shall be placed in the file. All personnel records of employees covered by this Personnel Policy, and all other records and materials relating to the administration of the Personnel Policy shall be considered confidential and the property of Finney County.



### **SECTION III EMPLOYEE CONDUCT**

The Employee Conduct section of the Personnel Policy outlines general rules of conduct for employees and discourages activities which may be construed to be unethical, illegal, or contrary to the positive image of Finney County and its employees.

#### **SEXUAL HARASSMENT**

Sexual harassment is a form of discrimination, which violates Finney County's Equal Employment Opportunity policy as well as federal law. Sexual harassment occurs when employment decisions affecting an applicant or employee (such as hiring, termination, promotion, transfer or disciplinary action) result from submission to or rejection of unwelcome sexual conduct. Sexual harassment can also be any activity, which creates an intimidating, hostile, or offensive work environment, whether such activity is carried out by a Supervisor or co-worker. Prohibited acts of conduct include, but are not limited to, displaying sexually demeaning pictures, telling sexually oriented jokes, making sexually offensive remarks, engaging in unwanted sexual teasing, subjecting another employee to pressure for dates, sexual advances, or unwelcome touching. These actions constitute sexual harassment when submission or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment. It is the responsibility of all Supervisors and Department Heads to maintain a work environment free of all forms of harassment.

Any incident of discrimination, insult, intimidation, or harassment in any form shall be promptly reported to the Department Head and County Administrator in accordance with the Discrimination Grievance procedure in Section II of the Personnel Policy. Following a thorough review, any employee who has engaged in such conduct shall be disciplined and may be terminated.

#### **EMPLOYEE CONDUCT**

All employees of Finney County are expected to conduct themselves in a manner which is conducive to the efficient operation of the County and which promotes a positive image of Finney County and its employees.

A. **WORKPLACE CONDUCT:** Employees are required to conduct themselves during working hours in accordance with the following:

- (1) Report to work punctually as scheduled and be at the workstation, ready for work, at the assigned starting time;
- (2) Notify the Supervisor when the employee will be absent from work, or is unable to report for work on time;
- (3) Comply with all County safety and health regulations;
- (4) Wear clothing appropriate for the work being performed;
- (5) Perform assigned tasks efficiently;
- (6) Maintain work place and work area cleanliness and orderliness;
- (7) Treat all citizens and visitors as guests of the County; and,
- (8) Refrain from behavior or conduct deemed offensive or undesirable, or which is

subject to disciplinary action.

B. CONDUCT PROHIBITED: The following conduct is prohibited and any conduct to the contrary will subject the employee to disciplinary action pursuant to the provisions of Section II of the Personnel Policy. Prohibited conduct includes, but is not limited to:

- (1) Use, possession or to have under the employee's control any alcoholic beverage or drug prohibited by law while at work or being under the influence of any alcohol or drug on the job;
- (2) The use of profanity or abusive language;
- (3) Sexual harassment and discrimination;
- (4) Insubordination - the refusal by an employee to follow management's instructions concerning a job-related matter;
- (5) Assault and/or battery on a fellow employee or citizen;
- (6) Theft or misuse of County property or of another employee's property;
- (7) Gambling on County property or worksite;
- (8) Falsifying any County record or report, such as an application for employment, a production record, a time record, or shipping or receiving records;
- (9) Being convicted of a felony or of a misdemeanor;
- (10) Being convicted of a crime other than minor traffic offenses unless the same renders the employee uninsurable;
- (11) Being absent without leave;
- (12) Excessive tardiness or abuses of sick leave;
- (13) Inefficiency or ineffectiveness;
- (14) Abuse of County property;
- (15) Willfully giving a false statement to Supervisors, officials, the public or the County Commission;
- (16) Violation of County administrative regulations or departmental rules;
- (17) Acceptance of gratuities in conflict with the policy outlined in the Finney County Personnel Policy;
- (18) Refusal to be examined by the County designated physician and/or psychologist when so directed;
- (19) Borrowing County property for personal use;
- (20) Conduct on or off the job unbecoming to a County employee or which brings discredit to the County;
- (21) Dishonesty; and,
- (22) Any other violation of federal, state, County laws, statutes or ordinances.

C. DRUG FREE WORKPLACE: It is the policy of Finney County to establish and maintain a drug free workplace. In this regard, Finney County shall establish a drug-free awareness program informing employees about:

- (a) The dangers of drug abuse in the workplace;
- (b) The County's policy of maintaining a drug free workplace;
- (c) The County's policy to encourage employees to obtain drug counseling, assistance from available programs, and rehabilitation at available facilities; and
- (d) Penalties that may be imposed for drug abuse violations occurring in the workplace.

D. GRATUITIES: Employees shall not, for their personal benefit, solicit, accept, or take any fee, gift, service or valuable thing in the course of work or in connection with their employment.

E. USE OF COUNTY PROPERTY: Employees shall not use County property except for County functions unless required as a condition of employment. When an employee resigns, is suspended, or is terminated, all County property under the employee's control shall be returned to the Department Head. It is the policy of Finney County that the Department Head, Supervisor, or other authorized representative of Finney County shall have, and does have, the right of access and the right to inspect at any time, for any reason, County property under the control of an employee.

F. USE OF COUNTY OWNED VEHICLES: Vehicles owned by Finney County are to be used for official business only. Under normal circumstances, only employees of Finney County may operate County owned vehicles. The Sheriff's Office shall establish appropriate vehicle use policies applicable to law enforcement personnel. Any employee driving a County vehicle shall have a valid Kansas driver license and shall observe all traffic laws. Employees operating specific classes of vehicles or equipment, which requires a commercial driver license, shall have and maintain the proper license. No smoking will be permitted in County vehicles at any time. If an employee is caught smoking in a County owned vehicle disciplinary action will be taken.

Employees who retain vehicles overnight shall not use such vehicles for private purposes. Employees shall be subject to federal withholding based upon the fringe benefit value of the vehicle. Social Security, FICA, and federal income tax will be withheld based upon the benefit value. The applicable fringe benefit value and required withholding shall be determined in accordance with Internal Revenue Service regulations and shall be withheld in accordance with procedures established by the County Clerk.

## **SECTION IV OPERATING POLICIES**

This section of the Finney County Personnel Policy contains guidelines for general operation of Finney County departments and establishes County policy responsive to federal and state law.

### **EQUAL EMPLOYMENT OPPORTUNITY**

Finney County is an equal opportunity employer and it is the policy of Finney County to provide equal employment opportunity to all employees and applicants for employment. No person shall be discriminated against in employment because of race, religion, color, sex, age, national origin, disability, veteran status, genetic conditions or predisposition to certain diseases. If required by law, additional policy statements and a written affirmative action plan will be developed. The Director of Human Resources shall serve as EEO Officer and shall assist Finney County in developing necessary additional policies and in complying with statutory record keeping and notice requirements.

### **AMERICANS WITH DISABILITIES ACT**

It is the policy of Finney County to provide reasonable accommodations to known physical and mental limitations of qualified disabled applicants and employees. When an applicant or employee requests in writing or requires an accommodation, the following steps will be followed:

- (a) The particular job function will be analyzed to determine its purpose and essential functions.
- (b) The individual requesting/requiring an accommodation will be consulted to determine how disability limits job function and how limitations can be overcome with accommodations.
- (c) Possible accommodations will be identified and their effectiveness in helping the individual will be assessed.
- (d) The employee's preference will be identified and the most appropriate accommodation for employer and employee will be implemented unless it is determined that implementation of the accommodation will impose undue hardship on Finney County.

The County Administrator shall serve as the ADA Coordinator.

## **FAIR LABOR STANDARDS ACT**

Finney County shall comply with the provisions of the Fair Labor Standards Act (FLSA) as amended. Each Department Head shall establish operating procedures which assure compliance with FLSA and which satisfy the practical aspects of departmental operations. Employment practices of Finney County shall comply with the following:

A. MINIMUM WAGE: Each employee of Finney County will be paid the FLSA minimum wage for all hours worked.

B. CHILD LABOR: No person under the age of sixteen (16) years shall be employed by Finney County. Prior to employing a person seventeen (17) years of age or younger, the Department Head, Human Resources and County Administrator shall determine that the safety aspects of the particular position comply with federal and state child labor laws.

C. EQUAL PAY: Male and female employees who perform work with equal skill, effort, and responsibility requirements under similar working conditions shall receive equal pay.

D. EXEMPT EMPLOYEES: Employees in positions expressly exempted by FLSA guidelines are exempted from the minimum wage and overtime provisions of the Personnel Policy. Generally, exempt employees include elected officials, executive positions, administrative positions, professional positions and certain seasonal employees. The FLSA status for each position will be identified on a position job description. All positions classified as exempt shall be designated based on the exemption criteria established by FLSA. All other positions shall be considered non-exempt.

E. OVERTIME AND COMPENSATORY TIME: All non-exempt employees shall receive one and one-half (1.5) times the regular rate of pay for all hours actually worked over forty (40) hours in a work week or may be provided compensatory time off at a rate of one and one-half hours of compensatory time off for every hour of overtime worked up to a maximum of two hundred and forty (240) hours (480 hours for public safety and emergency response employees). Any employee who has accrued the maximum number of compensatory hours must be paid overtime compensation in cash for any additional overtime hours worked. The overtime and/or compensatory time policy for each department shall be established by the Department Head and shall be transmitted in writing to each employee of the department. It shall be the responsibility of each Department Head establishing a compensatory time policy to assure that compensatory time records are maintained in accordance with FLSA requirements. Generally, these records shall document overtime hours worked each workweek, hours of compensatory time used each workweek, and the number of hours of compensatory time compensated in cash, the amount, and the date paid. Department Heads and other exempt employees do not earn compensatory time off. These employees work whatever hours are necessary to perform the requirements of their positions, which may be in addition to the required normal business hours as specified in General Operating Policies, Section A. In accordance with FLSA and written supplemental department policies, appointed Department Heads and other exempt employees will be charged vacation leave if more than one-half day of vacation is taken for any reason other than sick leave, which is covered by the sick leave provisions of the Finney County Personnel Policy.

## **WORKER'S COMPENSATION**

All County employees are insured against injuries on the job through Worker's Compensation insurance. Should employees be injured on the job or contract an occupational disease while employed by Finney County, they will receive benefits and sick leave pay in accordance with the Worker's Compensation Act and the sick leave policy of the County. See supplemental Workers Compensation policy for complete details.

If an employee is injured on the job it is the employee's responsibility to report the injury to the Department Head immediately. All accidents must be reported and the Employer's Report of Injury Form filled out by the employee and given to the Department Head/Supervisor within twenty-four (24) hours after the injury (or knowledge of the injury). The Department head/Supervisor must fill out the State of Kansas Employer's Report of Accident form and send it to Human Resources along with the Report of Injury form within twenty-four (24) to forty-eight (48) hours of being advised of the injury.

If an injury results in time off from work, the employee may use accumulated sick leave for the time period before Worker's Compensation benefits take effect. If sufficient sick leave is not available, the employee must use accrued vacation leave before leave without pay. Once the Worker's Compensation benefits take effect, the employee shall receive benefits in accordance with State law and accrual of County leave benefits shall be suspended until the employee returns to work. Workers Compensation and FMLA leave will run concurrently.

Employees injured on the job shall not be allowed to return to work without a signed doctor's release. The employee's supervisor shall make every effort to provide an appropriate alternative productive work assignment that meets the physical and medical restrictions placed on the injured worker. If no appropriate work assignment is available within the employee's department, with the approval of Human Resources, an appropriate work assignment may be made in another County Department should suitable work be available.

For the purposes of promoting on the job safety and reducing lost work time, a Worker's Safety Committee is established to promote worker safety. The Worker's Safety Committee shall consist of at least one elected Department Head, an appointed Department Head, and three non-exempt employees. The County Administrator shall appoint members of the committee.

## **GENERAL OPERATING POLICIES**

- A. **HOURS OF WORK:** All full time employees of Finney County shall work a minimum eight hours per day and forty hours per week. Part-time employees shall work twenty hours per week. The eight-hour day shall serve as the basis for determining leave benefits provided in Section V of the Personnel Policy. While an individual employee's work schedule shall be determined by the Department Head, all County departments shall maintain regular office hours between 8:00 A.M. and 5:00 P.M. each week day. If circumstances require, office hours may start earlier or end later, subject to approval from the Board of County Commissioners. Each employee shall receive an unpaid lunch

period each day and may receive break time authorized by the Department Head, except that public safety employees are exempted in accordance with the Fair Labor Standards Act. Break time may not be accumulated or used for time off from work or used in placement of being tardy to work.

B. HOLIDAYS: The following days are designated as official holidays each year for all employees of Finney County:

January 1 .....	New Year's Day
Third Monday in January .....	Martin Luther King Day
Third Monday in February .....	President's Day
Last Monday in May .....	Memorial Day
July 4 .....	Independence Day
First Monday in September.....	Labor Day
Fourth Thursday in November .....	Thanksgiving Day
Fourth Friday in November.....	Day after Thanksgiving
December 24 .....	Christmas Eve
December 25 .....	Christmas Day

When a holiday falls on a Saturday it shall be observed on the proceeding Friday. When a holiday falls on a Sunday it shall be observed on the following Monday.

Only full time and permanent part-time employees are eligible to receive holiday pay. Temporary employees are not eligible to receive holiday pay. Holiday pay is a benefit whereby employees shall be paid not to exceed eight (8) hours per holiday. Any employee normally scheduled for less than eight (8) hours on any day which may fall on a designated holiday, shall in no event be paid for more hours than normally scheduled for that day. When employees are required to work on a holiday the Department Head may authorize holiday pay (double time) or may authorize an alternative day off. Holidays that occur during approved leave shall not be charged against that leave time.

Any employee who has shown proof of being a military veteran or current member of the Reserves or National Guard receives a floating holiday. Use of this floating holiday is up to the respective Department Head, but with strong emphasis on its use during Veteran's Day dependent on staffing needs.

C. CANCELLATION OF WORK DUE TO WEATHER CONDITIONS: When severe weather conditions are such that, in the opinion of the County Administrator, continued general operation of the County is impractical, work shall be cancelled. Whenever possible, the County Administrator shall notify local radio stations KIUL and KWKR before 6:30 A.M. so that notice of work cancellation can be broadcast. If there is no announcement on KIUL-KWKR before regular starting time, employees should report to work. If it is necessary to cancel work during regular working hours, the County Administrator shall notify Department Heads to that effect essential personnel (law enforcement, snow removal, etc.) should follow procedures established by their Department Head.

If work is cancelled because of severe weather conditions, all non-essential personnel shall receive regular pay for the period not worked. Essential personnel may be given compensatory time off in accordance with the policy of their department. Employees unable to report to work due to weather conditions will be charged vacation leave. Persons on approved leave when a weather cancellation occurs will be charged leave time as approved.

D. SOLICITATION: Representatives of regular County employee benefit providers may meet with employees during regular working hours after pre-arranging meeting times with the County Administrator and Department Heads. Representatives of KPERS, the employee health insurance provider, and the deferred compensation plan providers may meet with County employees during working hours. Department Heads shall encourage attendance at those meetings so that all employees understand the benefits provided by the County.

Representatives of providers of any other special insurance or other benefit programs, which have been approved for payroll deduction by action of the Board of County Commissioners, may make arrangements with the County Administrator for a meeting of interested County employees after regular working hours. Individual solicitation of employees shall not be permitted.

E. TRAVEL REIMBURSEMENT: When out of town travel is required for County business, employees shall be reimbursed for all reasonable travel expenses. Out of town travel must be approved by the Department Head. Employees shall be reimbursed for reasonable expenses for meals, lodging, commercial transportation tickets, conference fees, taxi and bus fares, parking fees, toll fees, and other reasonable expenses, provided that supporting receipts are submitted to document expenses. Finney County will not reimburse expenses for the purchase of alcoholic beverages. The Department Head, subject to vendor requirements, may make prearranged billing approval for commercial transportation and lodging costs. When out of town travel requires an employee to use a personal vehicle, the County shall reimburse approved mileage at the prevailing rate established by the Kansas Department of Administration.

It shall be the responsibility of Department Heads to review requests for travel reimbursements and to verify that all reported expenses are authorized and reasonable.



## **SECTION V EMPLOYEE BENEFITS**

The purpose of this section of the Finney County Personnel Policy is to review the various benefits made available to regular County employees. Private companies provide some benefits and the specific details of benefit coverage may change from time to time. Detailed information on benefits will be provided to employees through Human Resources and Department Heads.

### **HEALTH INSURANCE**

Finney County provides health insurance coverage to all full-time employees, elected officials, and part-time employees working at thirty (30) hours a week. Health insurance coverage shall become available on the first day of the second month following the date of employment. Health insurance coverage will stop at the end of the month in which an employee resigns, retires, or is terminated, subject to COBRA provisions explained in Section II. Health insurance coverage for laid-off employees shall end at the end of the month following conclusion of the first ninety (90) days of the lay-off period, subject to COBRA provisions. Employees with other health insurance coverage may elect not to receive County provided coverage by notifying Human Resources (Payroll).

### **IRC 125 REIMBURSEMENT**

County employees may enroll in a medical and dependent care flexible spending account reimbursement program to utilize pre-tax dollars deducted from wages. The flexible spending account is authorized pursuant to Section 125 of the Internal Revenue Code. Pre-tax dollars deposited in the spending account can then be used for eligible medical and dependent care expenses. Employees may obtain information on the program and enrollment information from Human Resources (Payroll). Employees are eligible to participate in the flexible spending upon hire or during open enrollment.

### **RETIREMENT**

A. KPERS: All regular employees are enrolled in KPERS (Kansas Public Employee Retirement System) upon hire. New employees who were enrolled in KPERS through their previous employer will be enrolled in KPERS in accordance with applicable KPERS regulations. Both the employee and Finney County make contributions to KPERS at rates established by KPERS. Employees have 6% of their wages deducted. For more information on the KPERS benefit or contact human resources.

B. DEFERRED COMPENSATION: Employees may voluntarily enroll in a deferred compensation program, which allows pre-tax dollars to be placed in a special retirement savings program. Human Resources will provide information on the deferred compensation programs available to County employees.

C. HEALTH INSURANCE: All County employees retiring between the ages of sixty two (62) and sixty-five (65) shall have the privilege of maintaining County health insurance coverage by paying the monthly premium for said coverage to the offices of the County Treasurer on or before the first day of the month for which said premium shall be applicable.

**Early Group Health Care Benefit**: an eligible employee who has been approved to take the early retirement will be entitled to receive health insurance coverage under either the employee or the family option. The cost for the retiring employee will be equal to the applicable employee cost for family coverage. The county will contribute the employer's administrative fee based on the type of coverage selected. Retiree is subject to annual increases relative to employee increases and any changes in the type of plan that is offered, i.e. change from self-insured to premium-based plan. The type of plan (single – family) that the retiree has at the time of retirement is the plan that they are eligible for at the beginning of retirement. The plan type can decrease in size, but cannot increase without a life-changing event per Blue Cross/Blue Shield of Kansas.

- a. **Eligibility**: an employee is eligible for early group health care benefits if such employee:
  - a. Currently works full-time;
  - b. Is less than 65 years old at effective date of retirement;
  - c. Has completed 15 years or more of full-time employment with the county (last 10 years continuous employment);
  - d. Currently has 8 years of continuous health coverage through the county's group health plan; and
  - e. Is eligible for unreduced KPERs benefits and will participate in KPERs retirement (85 points or more) immediately after leaving the county.
  - f. Military service leave will count toward years of service if such leave took place during employment with the County.
  - g. For more information on the Early Retirement Policy, see supplemental policy.

## **EMPLOYEE LEAVE**

Employee leave is a benefit provided to regular employees to promote the physical and mental health of employees. Employees are encouraged to utilize the various types of leave available, consistent with the need for time away from work and the guidelines established for leave. Leave must be requested and approved by the Department Head in order for an employee to receive paid leave. Paid leave time will be reimbursed based on the regular workday hours of the department in which the employee works. Paid leave days will be accrued and provided based on an eight-hour day.

A. VACATION LEAVE: All regular full-time, part-time, and probationary employees shall accrue vacation leave from the first day of employment in accordance with the following accrual rates:

<u>Period of Employment</u>	<u>Accrual Rate</u>
Less than 5 Years	1 Day/Month
5 to 10 Years	1.25 Days/Month
10 to 15 Years	1.5 Days/Month
15 to 20 Years	1.75 Days/Month
More than 20 Years	2 Days/Month

Part-time employees shall accrue vacation leave at one-half (1/2) the above accrual rate. Probationary employees shall be eligible to utilize vacation leave after six (6) months of employment. Probationary employees terminated prior to attaining regular status shall not be paid for any accrued vacation leave.

Vacation leave may be taken subject to approval by the Department Head. Paid holidays that occur during vacation leave shall not be counted as vacation leave. No employee shall be permitted to use vacation leave for any period spent on unauthorized leave or for participating in any unlawful work stoppage. No more than twenty-four (24) days of accrued vacation leave may be carried over from one calendar year to the next. Upon termination, an employee shall be compensated for accumulated unused vacation leave with a special cap of 30 days.

B. SICK LEAVE: All regular employees shall be entitled to sick leave with pay for absences resulting from illness, injuries, accident, or other physical incapacitation, occurring either on or off the job. Employees using sick leave of three (3) days or more for an illness other than a “serious health condition” may be required to provide a physician’s statement upon returning to work. No employee shall be permitted to use sick leave for any periods spent on unauthorized leave or for participating in any unlawful work stoppage. Sick leave may be taken to care for a sick or injured spouse, child, or parent.

(1) Amount of Sick Leave: Full-time employees shall earn one (1) day of sick leave for each full month of service. Part-time employees shall earn one-half (1/2) of the above.

(2) Accumulation of Sick Leave: No more than sixty (60) days of sick leave may be carried over from one calendar year to the next, except as otherwise provided by this paragraph.

(3) Termination of Employment: An employee shall not be paid for any unused sick leave upon termination of his or her employment with the County.

(4) Abuse of Sick Leave: An employee who improperly claims sick leave shall be

subject to disciplinary action in accordance with Section II of the Personnel Policy. For more information, see Attendance and Punctuality Section.

(5)Notification: To be eligible for paid sick leave, an employee shall notify his immediate Supervisor of the reason for his absence no later than one hour after the beginning of the first work day for which sick leave is taken.

(6)Family and Medical Leave: Pursuant to the Family and Medical Leave Act of 1993 (FMLA) full-time and part-time employees are eligible for up to twelve (12) weeks of unpaid leave per year for the birth or adoption of a child, to care for a seriously ill child, spouse, or parent or when the employee is unable to work because of his or her own serious health condition, subject to the conditions set forth below. Any employee completing FMLA leave shall be returned to the same or an equivalent position of employment with the County. FMLA and Workers Compensation leave will run concurrently.

a. To be eligible for unpaid FMLA leave the employee shall have been employed for a minimum of one full year and shall have worked at least 1,250 hours in the preceding twelve month period. Employees shall be required to utilize accrued sick leave until such time accrued sick leave is exhausted and all other accrued leave to include vacation and comp leave must be exhausted. Thereafter any remaining FMLA leave shall be unpaid leave.

b. A serious health condition is defined as a condition that involves inpatient care in a recognized medical care facility, a condition involving treatment by a health care provider which requires an absence from work or school of more than three calendar days, or a condition requiring continuous treatment by a health care provider for conditions that are so serious that, if not treated, would result in a period of incapacity of more than three calendar days. This definition shall include prenatal care.

c. The County shall continue to provide health benefits to the employee. Costs for said health coverage may be recovered by the County if the employee chooses not to return to work for non-medical reasons. Vacation and sick leave shall continue to accrue during the FMLA leave period, but the accrual will end after 12-weeks if they are not back to work.

d. An employee utilizing FMLA leave for the birth or adoption of a child shall be required to take leave continuously up to twelve weeks. If the County employs a husband and wife, they may only take a combined total of 12 weeks for a birth or adoption of a child. Intermittent FMLA leave may be permitted when the health care provider certifies the need.

e. An employee shall advise Human Resources in writing on an approved Application for Leave form, thirty days prior to commencement of FMLA

leave, or as soon as otherwise practical if thirty (30) days' notice cannot be given. The employee shall verify the need for FMLA leave by submitting a certification of the medical need for leave signed by the health care provider, on forms provided by the County. For the purposes of FMLA leave, a health care provider shall be defined as a doctor of medicine or osteopathy licensed by the state, podiatrists, dentists, clinical psychologists, optometrists, chiropractors and any other person approved by the U.S. Department of Labor. The employee shall be required to report to the Department Head every two weeks during FMLA leave the status of the employee's intent to return to work.

f. Available FMLA leave shall consist of any balance of twelve (12) weeks FMLA leave entitlement, which has not been used during the twelve (12) months immediately preceding the commencement of requested FMLA leave.

g. Military Family Leave: Pursuant to the Family Medical Leave Act of 1993 with amendment of 2008 allows eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

h. FMLA also includes a special leave entitlement that permits eligible employees to take up to twenty-six (26) weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

C. CIVIL LEAVE

- (1) Civil Leave With Pay. Regular employees shall be given necessary time off without loss of pay when performing jury duty, appearing in court as a witness in answer to a subpoena, in an official capacity in connection with the County, or as an expert witness, either because of professional or observed knowledge. Any compensation received for such service during regularly scheduled work hours shall be paid to the County Treasurer.
- (2) Civil Leave Without Pay. If an employee is involved in court in a personal case, as either plaintiff or defendant in a suit not resulting from his duties with the County, the employee may be granted leave without pay, unless the employee elects to utilize any available vacation leave.

A. BEREAVEMENT LEAVE: Each employee may be granted bereavement leave not to exceed three (3) working days. Such leave, when granted, shall be charged against any unused sick leave, vacation, or leave without pay, at the employee's option. In case of death of a member of the employee's immediate family, bereavement leave may be negotiated with the employee's Department Head. Immediate family consists of an employee's spouse, children, parents, siblings, grandparents, grandchildren and the same relatives to the employee's spouse.

B. MILITARY LEAVE: All employee rights related to Military Leave shall be in accordance with State and Federal Regulations. An employee who is inducted into or enlists in, or is a member of the Armed Forces of the United States, or who performs active or inactive duty with the Armed Forces while a member of a Reserve unit or component, will be granted Military Leave of Absence without pay. Copies of military orders shall be submitted to the Department Head, who shall provide them to the County Clerk. An employee on Military Leave of Absence shall receive no County pay provided that, an employee may use accrued vacation leave, leave without pay, or a combination thereof.

LEAVE WITHOUT PAY: Leave without pay may only be granted by the Department Head when other leave types are unavailable and when the Department Head is satisfied that the granting of such leave will not interfere with normal departmental operations. Health insurance coverage will be provided during Leave Without Pay but no other benefits will be allowed to accrue.

C. ADMINISTRATIVE LEAVE: A Department Head may place an employee on Administrative Leave when an employee is charged with a criminal violation of law and the Department Head believes that the employee's continued presence on the job will be contrary to the best interests of the department. The County Administrator shall review the matter, shall make a determination that the Administrative Leave will be with or without pay, and shall determine the length of the Administrative Leave. Health insurance coverage will be provided during paid Administrative leave but no other benefits will be allowed to accrue, unless specifically authorized by department policy. During unpaid Administrative leave, no benefits will be allowed to accrue and health insurance will be available at COBRA rates

once an employee runs out of vacation and/or comp time to cover the expense. In addition, during the Administrative Leave an employee must keep their respective supervisor aware of their status by making contact every two (2) weeks.

The conviction of an employee that makes the employee unsuitable for continued employment will result in termination in accordance with Section II.

D. PROFESSIONAL DEVELOPMENT LEAVE: Employees attending approved professional conferences, meetings or other official County business functions will be granted Professional Development Leave with pay as approved by the Department Head, subject to FLSA provisions.

E. ATTENDANCE AND PUNCTUALITY:

It is the policy of Finney County that all employees report for work punctually and work all scheduled hours and any required overtime. Excessive tardiness and/or poor attendance disrupts work flow and customer service and are unacceptable and may result in Disciplinary Action up to and including termination.

- A. Supervisors will notify employees of their normal starting and ending times and any deviations or changes in such times. Employees are expected to be engaged in carrying out their duties during all scheduled work time and should be ready to begin working at their scheduled starting time.
- B. Employees should notify their supervisor as far in advance as possible whenever they are unable to report for work, know they will be late, or must leave early. The notice shall include the reason for the absence or tardiness and an indication of when the employee can be expected to report for work. If the supervisor is unavailable, notification should be made to the next person in the chain of command.
- C. Employees will be compensated for authorized absences only in accordance with County policies. Failure by the employee to provide proper notice of any absence in accordance with County policy will result in the loss of compensation during the absence and may be grounds for disciplinary action.
- D. Employees who report for work in attire not appropriate for the work place will be sent home and may not be permitted to work until they are properly attired. Employees who report for work in a condition considered not fit for work, whether from illness or for any other reason, will not be allowed to work.
- E. Non-exempt employees will not be required or permitted to work any period of time before or after scheduled starting or quitting times for the purpose of making up time lost because of tardiness, unauthorized absence, authorized absence or any other reason if the result will be that the employee works more than 40 hours during the workweek.
- F. Employees must report immediately to their supervisor after arriving late or being absent, explain the circumstances surrounding their tardiness or absence, and, when applicable, certify that they are fit to return to work. The supervisor will



record the information and send to the Human Resources Department.

- G. Unexcused (unscheduled) absences or tardiness may result in disciplinary action, up to and including termination. An absence is considered to be unexcused (unscheduled) if the employee has not followed proper notification procedures or the absence has not been properly approved in accordance with the Leave Policy. Generally, tardiness more than three times in a three-month period is grounds for disciplinary action.
- H. Habitual offenders (those who have established a pattern of absenteeism occurrences above six occurrences in a year's time without a valid doctor's approval) may trigger disciplinary action.
- I. Employees who are absent from work for three consecutive days without giving prior notice and/or permission for unpaid leave to the County will be considered as having voluntarily quit. At that time, the County will formally note the termination and advise the employee of the action by certified mail to the employee's last known address.

### **LONGEVITY**

Finney County shall provide a longevity incentive payment to regular employees at the successful completion of every five-year increment of continuous employment with the County. The first five-year increment will begin on the initial date of employment and the five-year increment thereafter will be determined from the subsequent five-year anniversaries of the date of employment. The longevity incentive payment shall be a one-time payment of five percent (5%) of an employee's salary for the twelve-month period preceding the incremental anniversary date of employment. Longevity incentive payments will be subject to all applicable withholding requirements for income tax, retirement, social security, etc.

### **TUITION ASSISTANCE**

Finney County has established a tuition assistance reimbursement program, which may be used by employees to enhance and maintain job-related skills. Employees must submit a request for tuition assistance to the Department Head. The Department Head shall determine that budget authority exists within the departmental budget and that the requested assistance is for the cost of educational coursework directly related to the employee's job responsibilities. Based upon the above determinations, the Department Head may authorize the requested tuition assistance subject to the

conditions listed below.

- (a) The employee may not receive time off with pay to attend courses.
- (b) The employee must pay all enrollment fees at time of enrollment.
- (c) The employee must successfully complete the educational coursework and attain a grade equivalent to a "C" or receive a certificate of completion if the coursework does not have a grade scale.
- (d) Reimbursement for tuition will be provided after submission of documentation of successful completion of the coursework.

The above provisions will not apply to certification and training requirements, which are mandated by state or federal law. The cost of completing such requirements shall be provided through departmental budgets.

### **EMPLOYEE ASSISTANCE**

County employees may seek assistance for problems in their off the job life from any number of health care facilities in Kansas or at any other approved facility that may accept the County's health insurance program. Employees may seek assistance on a self-referral basis. If job performance has declined, a Supervisor may suggest that the employee consider seeking assistance, which may be covered by health insurance. It will be up to the employee to determine whether to seek assistance. However, if job performance continues to decline, appropriate disciplinary action may be taken in accordance with Section II of the Personnel Policy. The costs for assistance obtained through self-referral or suggested referral shall be the responsibility of the employee. Time off from work for such assistance shall be subject to the employee leave procedures of this Section of the Personnel Policy.

**SECTION VI  
OTHER POLICIES**

**PERSONAL COMPUTER POLICY**

**ACQUISITION AND DISPOSITION**

A. PERSONAL COMPUTERS AND/OR PERIPHERALS: Computer Support shall assist with budgeting and acquisition prior to any personal computer (PC) or peripheral enhancement or new acquisition. Further, purchases shall be made pursuant to the Finney County Purchasing Policy.

Approval of purchases is necessary to ensure that new equipment is relevant to department operations and is compatible with the general direction of technological advances of the County.

It may also be necessary for Computer Support to make a preliminary disposition finding if the newly acquired equipment is to replace existing equipment and the Department Head does not have a use for the replaced equipment.

Disposition may be in the form of placement of the equipment with another department, placing it for sale at the next regularly scheduled County auction, or using it as trade-in on new equipment.

B. SOFTWARE: Computer Support shall review and make recommendations per the acquisition of any personal computer software enhancement or new acquisition. Further, purchases shall be made pursuant to the Finney County Purchasing Policy.

Approval of software purchases is necessary to ensure that new software is relevant to department operations and is compatible with the general direction of technological advances of the County. Further, it is necessary to ensure that the intended hardware is capable of running the software and that the software will not cause conflicts with other existing software or hardware configurations.

C. PURCHASE DENIAL: If Computer Support recommends against the Budget or purchase of hardware or software, the Department may request approval from the County Administrator. The finding of Computer Support will be forwarded to the County Administrator for consideration of the request.

## **USAGE**

A. GENERAL: Personal computers are provided to enhance employees' ability to do their jobs. As such, the PC is county property and is to be treated in that manner. Whether the PC is assigned to an individual or located for use by various employees, the same rules of use apply. Employees will be subject to disciplinary actions in accordance with the County Personnel Policy.

B. CONFIGURATION: Each PC will be setup and configured by Computer Support. Once the PC is configured to perform the designated task(s), an employee or other person shall not change that configuration. Configuration changes may only be made by Computer Support or by their direction or approval.

If an employee deliberately or intentionally changes or causes the configuration of a PC to be changed the employee may be subject to disciplinary action. If the change causes other problems with the PC or its attached system, further disciplinary action may be taken.

If the change requires Computer Support to take corrective action, renders a device unusable, or requires third part correction, maintenance, or repair, the offending employee may be subject to further disciplinary action, or be required to make monetary reimbursement, or both.

C. SOFTWARE: Software is loaded on PC's as deemed necessary by Computer Support and/or the respective Department head so that PC's may perform the functions necessary for employees to complete their jobs.

The Computer Technology Committee has adopted a selection of software programs for use within the County to provide uniformity. This uniformity will enable Computer Support to offer the best available support on these selected products. It will also enable users to share data/files as necessary without the need of conversions to different formats.

Software may only be loaded on a PC by the Computer Support or by their direction or approval.

No employee may load or cause to be loaded any software or screen saver on a provided PC, nor may an employee run or cause to be run an unauthorized program from diskette, CD, or USB device on a provided PC.

Acquisition of new software is addressed in section B. above.

If an employee deliberately or intentionally loads or runs software or causes software to be loaded or run on a PC the employee may be subject to disciplinary action. If the software causes other problems with the PC or its attached system, further disciplinary action may be taken.

If the software requires Computer Support to take corrective action, renders a device unusable, or requires third party correction, maintenance, or repair, the offending employee may be subject to further disciplinary action, or be required to make monetary reimbursement, or both.

## **INTERNET**

A. **INTERNET USE POLICY**: If an employee is to have access to a PC which has Internet access, said employee shall be provided a copy of the Finney County Internet Use Policy as adopted October 16, 1996, and amendment thereto, and shall execute an acknowledgment form.

B. **DOWNLOADING FILES**: Caution must be exercised when files are downloaded from the Internet due to the possibility of the file being infected with a computer virus. While it may be necessary to download a file to facilitate a job function, it is recommended to keep these instances to a minimum.

Many PC's are loaded with virus detection software that may or may not catch and/or destroy a virus automatically. If you download a file and later suspect the computer may be infected with a virus contact Computer Support immediately.

C. **ACCOUNT MANAGEMENT**: Account setup; email addresses, or any other Internet account information shall be constructed through Computer Support.

## **E-MAIL AND INTERNET USAGE POLICY**

The Finney County Electronic Mail System (e-mail) has been developed to facilitate County business communication among departments, key employees and other business associates for messages or memoranda. Since no computer system is completely secure, the e-mail system is not intended, and should not be used, to transmit sensitive materials, such as personnel decisions and other similar information, which may be more appropriately communicated by written memorandum or personal conversation.

The e-mail system is County property and is intended for County business. Use of the e-mail system is subject to the provisions of the Finney County Personnel Policy. Section III of the Personnel Policy addresses employee use of County property. The e-mail system is not to be used for personal gain or to support or advocate for non-county related business or purposes.

All data and other electronic messages within the e-mail system are the property of Finney County and therefore are not considered private. E-Mail messages may be County records depending on their content. E-Mail messages are similar to printed communication and should be written with the same care. The county, through its department heads and supervisors, and in accordance with Section III E of the Finney County Personnel Policy, reserves the right to review the contents of employee's e-mail when necessary for County business purposes. Employee e-mail will be accessed only if there are reasonable grounds to do so. Employees may not intentionally intercept, eavesdrop, record, read, alter, or receive

other employees' e-mail messages without prior authorization. The misuse of e-mail privileges shall be disciplined in accordance with the Finney County Personnel Policy, and/or other applicable rules or laws.

Department heads are responsible for the implementation of and adherence to this policy within their departments. In the event any department or division policy contradicts this policy, this policy shall govern.

A. PASSWORDS AND E-MAIL ADDRESSES: Users should be aware that the assignment of passwords and/or e-mail addresses does not suggest that the system is for personal or business confidential communication, nor does it suggest that e-mail is the property right of the user. The use of the e-mail system is for County business.

B. INTERNET: The Internet provides the County with significant access and dissemination of information to individuals outside of Finney County. The use of the County Internet system for access and dissemination is intended to serve County business. Like all e-mail messages, Internet messages are capable of being forwarded without the express permission of the original author. Therefore, users must use caution in the transmission and dissemination of messages outside of the County, and must comply with all state and federal laws.

C. PROHIBITED USES: Internet and e-mail access is intended for County business and is not to be used for personal gain. Solicitation of funds, political messages, harassing messages and other similar messages are specifically prohibited. All e-mail messages and all use of Internet and e-mail services are subject to the Finney County Personnel Policy and all state and federal laws and rules.

D. RETENTION OF E-MAIL: Generally, e-mail messages are temporary communications that are non-vital and may be discarded routinely. However, depending on the content and purpose of e-mail messages, some may be considered a more formal record and may need to be retained. It is the responsibility of the department head, when necessary, to develop and implement retention schedules for the information communicated through the e-mail system.

Employees should be aware that when they have deleted a message from their e-mail mailbox it might not have been deleted from the e-mail system. E-Mail messages may be residing in recipient's mailbox or may have been forwarded to other recipients. Furthermore, e-mail messages may be stored on the computer's back-up system.

E. APPLICABILITY POLICY: This policy applies to all employees, part-time employees, and other individuals and organizations that are provided access to Finney County's Internet and e-mail system. Third parties should not be provided access to the Finney County system. Users who are in violation of this policy may be removed from the e-mail system and/or have their access revoked. In addition, other legal remedies may be pursued.

Employees who are terminated or laid off have no right to the contents of their e-mail messages and are not allowed access to the e-mail system. Supervisors may access an employee's e-mail if employees are on leave of absence, vacation, or are transferred from one

department to another department and it is necessary for the County's business purposes.

F. PENALTIES: The misuse of e-mail and Internet access privileges shall be disciplined in accordance with the Finney County Personnel Policy and/or other applicable rules or laws. Violation(s) of this policy may be grounds for dismissal. In addition, violations of this policy or misuse of the e-mail system may be referred for criminal prosecution.

## **TIME CLOCK POLICIES**

### Non-exempt hourly employees:

1. Employees are required to clock in no more than six (6) minutes before their shift begins and clock out no more than six minutes after their shift ends unless their Supervisor or Department Head advises and approves the overtime. Clocking in and clocking out actions that occur within six minutes before or within six minutes after the assigned shift will be rounded to the actual shift starting and/or ending hours.
2. Overtime or comp time must be approved by the Supervisor or Department Head in advance of the time worked.
3. When an employee leaves the assigned work site for reasons unrelated to County business, the employee must clock out. The employee must clock in on return.
4. Employees must record their time only. Under no circumstances are employees to clock in or out for someone other than themselves. Employees clocking in or out for someone else are subject to disciplinary action up to and including the possibility of termination from employment.
5. Employees are required to report any clock in or clock out errors to their Supervisor or Department Head. Upon receipt of the employee's error report, the Department Head (or designee) will be responsible for making necessary corrections.
6. All employee leave information will be recorded by the Department Heads (or designee) in the time and attendance system. This includes sick leave, vacation leave, military leave, etc
7. Employees will be allowed a 30-day adjustment period to become familiar with the use of the time clock system. After that time, employees who fail to properly clock in and/or clock out are subject to disciplinary action in accordance with the Personnel Policy. This does not include missed punches due to employment related obligations or situations, such as meeting attendance, off-site job locations, and computer failures.
8. Any employee tampering with or defacing the time clock system is subject to immediate termination

### Salary exempt employees:

1. The time and attendance system will be used to track vacation and sick leave. Appointed

Department Heads will need to report these hours to the County Administrator for entry in the time and attendance system.

### **TIME AND ATTENDANCE CARD USE POLICY**

In order to implement the automated time and attendance system, each employee of Finney County will be provided a time and attendance card to be used in accordance with the following:

1. Human Resources will provide the supply of standard time and attendance cards for all Finney County employees. The Sheriff's Office will supply time cards for their employees.
2. The employee will be permitted to indicate preference for the first name to be used along with the surname (i.e. Pat Smith is acceptable vs. Patrick H. Smith or Howard Patrick Smith)
3. If the Department Head determines that the time and attendance card is to also serve as a name badge the surname may be omitted (i.e. Pat is acceptable vs. Patrick H. Smith).
4. The time and attendance card will include the position title, department, and identification number with the corresponding bar code.
5. Cards, whether or not used as name badges, are not to be altered in any way; for example, no stickers, embellishments or other markings will be permitted.
6. Upon employment, the first time and attendance card will be issued to new employees at no cost. If the card is lost, stolen, mutilated or destroyed, it is to be reported immediately to the employee's Supervisor and Human Resources. A replacement card will be issued to the employee at a cost of \$5.00.
7. Upon termination of employment, time and attendance cards must be returned to the Supervisor prior to issuing a final paycheck.



**EMPLOYEE ACCEPTANCE**

The Personnel Policy describes important information about Finney County, and I understand that I should consult my supervisor, Department Head and/or Human Resources regarding any questions not answered in the policy.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the Personnel Policy may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Various departments may have additional policies that apply to the respective department; those policies are in addition to the Finney County Personnel Policies not in lieu of the county policies.

Furthermore, I acknowledge that this Personnel Policy is not a contract of employment. I understand that the Personnel Policy is located on the County’s official website, and I understand that it is my responsibility to read and comply with the policies contained in this policy and any revisions made to it.

EMPLOYEE'S NAME (printed): \_\_\_\_\_

EMPLOYEE'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_