

## TABLE OF CONTENTS

Current as of  
April 27, 2010

### GENERAL POLICY FORMATION AND OPERATION:

- 01 Personnel Policies, Authorization, Scope, & Procedures
- 02 General Personnel Responsibilities
- 03 Employee Records
- 04 Non-Discrimination

### STRUCTURE OF POSITIONS AND PAY:

- 10 Employment Status
- 11 Job Descriptions, Classifications
- 12 Pay Plan
- 13 Pay Increases
- 14 Overtime Pay
- 15 Pay Periods & Pay Day

### SCHEDULES AND LEAVE

- 20 Work Schedules and Breaks
- 21 Paid Time Off (PTO)
- 22 Official Holidays
- 23 Pregnancy Leave
- 24 Military Leave
- 25 Jury Duty
- 26 Leaves of Absence
- 27 Family and Medical Leave
- 28 Snow Days

### INSURANCE AND RETIREMENT BENEFITS

- 30 Health Insurance
- 31 Workers' Compensation
- 32 Retirement Program
- 33 Retirement

Table of Contents

Current as of  
April 27, 2010

OTHER PERSONNEL MANAGEMENT TOOLS

40	Tuition
41	Performance Evaluation
42	Promotion & Demotion
43	Termination
44	Disciplinary Action
45	Appeals & Grievances
46	Employee Rules
47	Use of Drugs or Alcohol
48	Nepotism
49	Staff Meetings
50	Hiring Guidelines for McPherson County
51	Use of Publicly Owned Motor Vehicles
52	Sexual Harassment Policy and Procedures for Enforcement

**Policy 01:**

- 1.1 McPherson County Government shall maintain a current and complete Personnel Policy Manual. The policies therein shall apply to all employees of McPherson County, (except for Commissioners and certain employees excluded by State statute). Any employee covered by State statute shall be exempt from McPherson County policies only with respect to those matters on which they are covered by other policies. For purposes of these policies department head shall include appointed department heads and elected officials unless stated otherwise.
- 1.2 A current set of McPherson County Personnel Policies shall be provided for, and kept by, each department head within McPherson County Government. At the election of the department head, a set of these personnel policies may also be provided for any or all employees other than the department head. If copies are provided to other persons, it shall be the responsibility of the department head to arrange for proper distribution of revised, updated, or new policies, as specified in Policy 1.5. Any employee who has possession of a copy of this Policy Manual shall turn that Manual in to his/her department head upon termination from County employment.
- 1.3 Each policy shall contain the subject and the number of the policy, and the date on which the Board of McPherson County Commissioners approved the policy.
- 1.4 No policy shall be effective until approved by the Board of McPherson County Commissioners at a regular meeting. Personnel policies may be amended from time to time by the Board of McPherson County Commissioners with or without notice to employees. No final vote on an amendment or approval of a personnel policy shall be taken at the same meeting at which the amendment or the policy was first proposed.
- 1.5 Any time a policy is approved or amended as provided above, a synopsis of the action shall be recorded in the minutes of the Board of McPherson County Commissioners, and the date of that meeting shall be the date that appears in the upper right corner of the policy. Copies of the policies shall then be distributed to each Commissioner and each department head, with appropriate instructions on the discarding of old policies and/or the placement of the new policy in the Manual. Department heads shall be responsible for seeing that copies of any revision or new policy are properly distributed to employees in their department.
- 1.6 Pursuant to Kansas Attorney General Opinion 81-146, it is not required that any new or amended personnel policies approved hereunder be published in any newspaper.
- 1.7 At any time a question may arise with respect to the interpretation of these policies, the Board of County Commissioners shall have the final authority to make such interpretation.
- 1.8 **This policy manual does not constitute a contract between the County and its employees, and should not be construed as such. Employment by the County is “at-will”, not for a definite term. Employment may be terminated by the County or the employee at any time, for any reason. No supervisor of the County or any other person, except the Board of McPherson County Commissioners, has any authority to enter into any agreement for employment for any specified period of time or make any binding representations or agreements inconsistent with this Personnel Policy Manual.**

## General Personnel Responsibilities

Policy 02  
April 27, 2010

### **Policy 02:**

- 2.1 The intent of this policy is to establish the authority and responsibility of administering the policies set out in this Manual.
- 2.2 The Board of McPherson County Commissioners, under home rule, shall be responsible for approving personnel policies and procedures, maximum salary appropriations for the employees of all departments, elected officials, and department heads within the County. The County Administrator shall be responsible for administering the Personnel Policies and Procedures Manual. Department heads shall be responsible for compliance with personnel policies and procedures as outlined in this Manual.
- 2.3 The Board of McPherson County Commissioners shall have the ultimate authority to recruit, hire, train, promote, transfer, compensate, demote, lay off, terminate and take all other employment actions with respect to all County employees, except for certain employees covered by State personnel policies or statutes. The powers delegated to the County Administrator and department heads in this Manual may be exercised by the Board of McPherson County Commissioners at any time.

## Employee Records

Policy 03  
April 27, 2010

### Policy 03:

- 3.1 Personnel-related forms are maintained in the Administrator's Office and in the Personnel Office.
- 3.2 Employee records shall be established and maintained for all employees of McPherson County as set out below:
- (a) The Administrator's Office shall maintain the following records for each McPherson County employee:
    - 1. Employee name, address, telephone number.
    - 2. Title of position and department
    - 3. Date employed.
    - 4. Social security number.
    - 5. Driver's License Number
    - 6. Salary rate.
    - 7. Appointment status.
    - 8. Fringe benefit information.
    - 9. Change in status; transfers.
    - 10. Other records as required.
  - (b) The Personnel Office shall establish and maintain individual permanent employee records for all active status full-time and part-time employees including, but not limited to, the following:
    - 1. Original application form, resumes, transcripts and letters of recommendation.
    - 2. Original copies of personnel change forms.
    - 3. Copies of retirement forms and correspondence.
    - 4. Copies of licenses and permits.
    - 5. Original copies of performance evaluations.
    - 6. Certificates and other forms/correspondence recognizing special achievement, special training or education earned.
    - 7. Disciplinary forms
    - 8. Medical forms.
    - 9. Injury reports.
    - 10. Other records as required.
  - (c) Department heads are discouraged from maintaining supplemental employee files within their departments. Any supplemental files should be secure with limited access to ensure confidentiality. Employee data maintained in these satellite files is not considered part of the employee's personnel file.
  - (d) Department heads are responsible for forwarding original employee documents to the Personnel Office for placement in the official personnel file.

- 3.3 The following guidelines will determine the availability of employee records:
- (a) Employee's Rights. Employees have the right to inspect their own official employee files within the Personnel Office.
  - (b) Kansas Open Records. Under K.S.A. 45-221 et seq., the Kansas Open Records Act, any member of the public may request, and shall be provided, the names, positions, salaries and length of service of officers and employees of the County. No other information shall be provided without the written permission of the employee or officer.
  - (c) Other Access. Employee records may not be inspected except by the employee, the department head, the Board of County Commissioners or their designee unless the employee provides written permission to the Personnel Office for the inspection.
  - (d) Information concerning employees shall not be given nor shall records be permitted for review if the requestor is seeking information for commercial or private gain.
  - (e) Records MAY NOT be removed from the Personnel Office during inspection.
- 3.4 Employees are expected to promptly notify their department head and the Personnel Office of any changes in name, address and telephone number and drivers license number.

## Non-Discrimination

Policy 04  
April 27, 2010

### **Policy 04:**

- 4.1 It is the policy of McPherson County to provide equal employment opportunity without unlawful discrimination based on race, color, religion, sex, age, national origin, ancestry, disability, genetic information, veteran status, or any other unlawful reason.

The County strongly disapproves of any employee or supervisor engaging in sexual harassment, which has been defined as follows:

"Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."

Any person employed by the County who engages in such unlawful conduct will be subject to discipline, including discharge.

Any questions or complaints concerning equal employment opportunity, including sexual harassment, are to be reported immediately to the County Administrator. Any question or complaint in this regard will be handled promptly.

## Employment Status

Policy 10  
April 27, 2010

### Policy 10:

10.1 Each person in the employment of McPherson County shall, for various purposes under these Policies, be identified as having one of the following types of status:

- (a) **Introductory Status.** Shall apply to all persons who are newly hired, or promoted into a new position classification within County Government, and who are not otherwise "temporary" as described below. The introductory period shall last for six months from the date of appointment to the position, unless extended according to the terms of this policy.
- (b) **Regular Status.** Shall apply to all employees who have successfully completed the introductory period, and whose position description requires regular employment.

10.2 In addition to being identified according to the introductory status or regular status described in Policy 10.1, each employee shall also be identified as either **Full Time, Part Time, Partial Part Time**, or **Temporary** as follows:

- (a) A **Full Time** employee is regularly scheduled to work 40 hours or more in each work week.
- (b) A **Part Time** employee is regularly scheduled to work at least 20 but less than 40 hours in each work week or is an employee who is anticipated to work at least 1000 hours in a calendar year. A part time employee receives prorated benefits for health insurance, earned PTO and holiday pay. This will be based on the actual hours worked, or hours approved as stated on their Personnel Change Notice (PCN), whichever is less. An employee who works part time during a portion of the year and full time during the remainder of the same year remains a part time employee (i.e., a student working part time during the school year and full time during the summer).
- (c) A **Partial Part Time** employee is scheduled to work less than 20 hours in each workweek or is an employee who is anticipated to work less than 1000 hours in a calendar year.
- (d) A **Temporary** employee works full time or part time for a specific period needed. Temporary employees are employees whose position description requires seasonal or intermittent employment and have the designation of temporary status.

Partial part time and temporary employees are entitled only to specified benefits such as rest periods and workers' compensation coverage. Partial part time and temporary employees are not entitled to participate in general employment benefits such as: PTO (Paid Time Off), holiday pay, group health insurance, group life insurance, group disability insurance, retirement program, jury duty pay, leave of absence (except maternity and military) and tuition reimbursement.

If a partial part time or temporary employee is transferred to a regular full time or regular part time position, the date of transfer becomes his or her anniversary date.



- 10.3 For any employee on introductory status, the supervisor and/or department head may conduct an informal performance evaluation (not on file) at the end of three months after employment or appointment, and a formal performance evaluation (filed) at the end of the introductory period (six months after employment or appointment). This performance evaluation shall be made according to the procedures set forth in Policy 41. At the time of the evaluation at the end of the introductory period, the supervisor or department head must decide one of the following:
- (a) That the employee is performing satisfactorily and shall be placed on regular status upon completion of six months' employment,
  - (b) The employee has not been performing satisfactorily, that it is not foreseen that the employee can develop into a satisfactory worker, and that the employee shall be terminated, demoted, or transferred to another position, at the discretion of the supervisor or department head, or
  - (c) The employee has not been performing satisfactorily, but there is significant evidence that he/she can become so, and that the introductory period shall be extended. This option shall not be taken unless the supervisor or department head has specific reason to believe employee performance will significantly improve with such an extension. No more than one such extension shall be granted, which shall not exceed three months, at which time another performance evaluation shall be made.

**Policy 11:**

- 11.1 Each position in the County Service shall have a position description, which shall include the usual working title of the position, minimum qualifications required in order for a person to perform the job, special skills required, the nature and extent of responsibility in the job, and a reasonably detailed synopsis of the duties and work performed. A standard format shall be maintained for all job descriptions so that there is a reasonable degree of comparability between positions and departments.
- 11.2 As position descriptions are developed, they shall be reviewed and approved by the Board of County Commissioners, who shall assign a classification title to each. Positions requiring similar skills, responsibilities, duties, and background shall be classified alike.
- 11.3 Any new position created by the action of the Board of County Commissioners must be given a classification title and an appropriate Grade on the County's Grade/Step chart, based on the job description prepared by the department, before the department may hire an employee to fill the position.
- 11.4 Any time an existing position is to be reclassified, a new position description must be prepared, which shall be evaluated by the Board of County Commissioners to determine whether duties and responsibilities of the position are changed in a significant enough way to merit reclassification.
- 11.5 No new position shall be created, nor any existing position reclassified, without prior approval of the Board of County Commissioners.

## Pay Plan

Policy 12  
April 27, 2010

### Policy 12:

- 12.1 A pay scale shall be established consisting of grades, each of which shall be identified by a number. Each grade shall have steps identified by a letter. Each grade will have a minimum and a maximum hourly wage to be applied to all positions in that grade.
- 12.2 Each classification in the County Service shall be assigned to a grade, based on the following factors:
- (a) Responsibilities and relative difficulty of the job.
  - (b) Qualifications required for the job.
  - (c) Prevailing wages for similar positions in the McPherson area.
  - (d) Prevailing wages for county employees in counties of similar size and wealth to McPherson.
  - (e) Any other appropriate factors.
- 12.3 Once a classification is placed in a grade, no changes shall be made in the grade assigned to that classification or position unless:
- (a) A salary survey of other agencies and/or competing businesses leads the Board of County Commissioners to conclude that the comparative relationship of salaries for various classifications in McPherson County Service is out of step with the market, or
  - (b) There is a change in responsibility or skill required for a position, in which case there should be a reclassification according to Policy 11, or
  - (c) Adjustments are necessary after the implementation of this Plan because inadequate job description information was available as of the date of adoption of this Plan.
- 12.4 New employees will start at Step A of their assigned position grade; after six months, if the employee receives a satisfactory or above performance evaluation, they will be eligible for a pay increase to Step B of their pay grade. The Board of County Commissioners may, upon specific review of the candidate's qualifications, authorize a starting wage at a level deemed appropriate by the Board of County Commissioners.
- Employees who are promoted should receive a minimum salary increase of two (2) percent or the minimum starting salary of the grade applicable to the new position, whichever is more; after six months, if the employee receives a satisfactory or above average performance evaluation, they would be eligible to receive a pay increase of one step.
- Employees who change positions and promoted employees whose current salary is at or above the maximum for their new grade will not receive a salary increase, and the employee's salary will be set at the maximum of the new grade.
- 12.5 The Grade/Step pay scale will be adjusted to reflect the cost of living allowance approved by the Board of County Commissioners.

## Pay Increases

Policy 13  
April 27, 2010

### Policy 13:

- 13.1 Wage increases may be given as (1) "step" increases, which may be given annually on the basis of growth and proficiency of performance on the job, (2) "cost of living allowance" (COLA) increases, and/or (3) through any other method as may be decided by the Board of County Commissioners. The Commissioners may choose any one or more of these approaches, and nothing herein shall be construed as requiring that one type of increase be ordered as a prerequisite to the giving of another.
- 13.2 Annual step increases may be given only when it is demonstrated that the employee's performance is satisfactory. The procedure for giving the step increase shall be to raise the employee's wage level to that amount permitted by the Grade/Step schedule.
- (a) No employee shall be permitted a step increase until he/she successfully completes his/her six months' (or longer) introductory period under the terms of Policy 10.3.
  - (b) An Employee, on Regular Status, whose performance is not satisfactory shall be evaluated by the Department Head and placed on Probationary Status. An employee is not eligible for a step increase during the probationary period. At the end of the probationary period the department head shall conduct a formal performance evaluation and decide if the employee shall be taken off probation, terminated, demoted or transferred to another position.
  - (c) No step increase will become final until approved by the Board of County Commissioners. The department head is responsible to present a request for such increase to the Board of County Commissioners on a time schedule that reasonably permits the change to be submitted to the payroll clerk's office by the payroll cutoff day for the pay period in which the increase is to be effective. There will be no retroactive pay.
- 13.3 When an employee reaches the maximum on the grade to which his/her position is assigned, the employee may continue to receive pay increases for COLA.
- 13.4 Cost of living increases shall be granted as deemed appropriate by the Board of County Commissioners, and shall be granted to all employees on the County's Grade/Step pay scale.

## Overtime Pay

Policy 14  
April 27, 2010

### Policy 14:

- 14.1 As set forth in Policy 20, the ordinary workweek shall be 40 hours unless otherwise stated. Any non-exempt employee who works in excess of 40 hours in a work week shall be paid at the rate of one and one-half times regular pay for any time worked in excess of 40 hours in that work week. Overtime shall not be paid to any county employee who is compensated as an exempt employee.
- 14.2 There shall be an established workweek for the purpose of computing overtime pay. The beginning and end of this workweek shall remain constant and shall not be permitted to change from one week to the next. Any time the workweek is changed, it must be done so in such a way that it does not deprive any employee of overtime pay that would have been due had the workweek remained the same. The workweek shall begin at 12:01 A.M. Sunday and end at 12 midnight the following Saturday. Any department head that wishes to establish a different workweek for his/her department may do so only after reasonable notice to and with the prior approval of the Board of County Commissioners. A copy of the Board of County Commissioners meeting minutes, authorizing a different workweek, shall be maintained in the Personnel Policy Manual.
- 14.3 Hours worked shall include all time the employee is required to be on duty or at a prescribed work place, or is permitted to work. Hours worked shall also include time spent in job related training or training required by the employer.
- 14.4 Overtime pay shall be reported and paid on the same schedule, as is regular time for the pay period in which the overtime hours are worked.
- 14.5 Any employee that works a holiday shall be compensated according to the terms of Policy 22.4.
- 14.6 The work period for full-time employees shall be 80 hours in a two-week period.
- 14.7 The provisions of Sections 14.1 and 14.2 shall not apply to the Sheriff's Department.  
  
The Sheriff shall establish separate departmental policies to address the same issues covered in Policy Sections 14.1 and 14.2. Such policies shall be in writing, shall be consistent with K.S.A. 44-1204(b), and shall be approved by the Board of County Commissioners.
- 14.8 Commissioned officers will be paid at the regular rate for all hours up to and including 86 hours. The rate of one and one-half times the regular rate shall be paid for all hours worked in excess of 86 hours. Any hours required on a scheduled day off shall be at the rate of one and one-half times the regular rate.
- 14.9 Non-commissioned officers shall be paid at the rate of one and one-half times the regular rate for all hours in excess of 80 hours in any work period.

## Pay Periods and Pay Day

Policy 15  
April 27, 2010

### **Policy 15:**

- 15.1 The pay period for all County employees will be a two-week period beginning at 12:01 A.M. on Sunday, ending at midnight on the fourteenth day following the start of the pay period, a Saturday.
- 15.2 Pay day shall be the Friday following the end of the pay period unless determined otherwise by the Board of County Commissioners or their designee.
- 15.3 Any discrepancies or unforeseen errors that occur in the amount of the check shall be handled as a correction on the employee's check for the following pay period, unless the error causes a discrepancy in the employee's net pay of more than two hundred dollars. In this case, a new payroll check will be generated within three working days.

## Work Schedules and Breaks

Policy 20  
April 27, 2010

### **Policy 20:**

- 20.1 A workday or work shift shall be eight hours. A workweek shall be five days, making a normal workweek 40 hours.
- 20.2 For all employees who work in an office having public contact, the workday shall begin at 8 o'clock A.M. and end at 5 o'clock P.M. There will be available a one hour lunch break and one 15-minute rest break each in the morning and afternoon. For employees not working in an office open to the public, department heads may set other comparable schedules or arrangements according to the demands of the work performed. Whatever workday schedule is established, it shall be a regular schedule, and shall be published in writing to the employees whom it affects.
- 20.3 It is left to the discretion of each department head to work out satisfactory schedules for lunch break and rest breaks. Such schedules shall be publicized to the employees affected, with reasonable advanced notice.
- 20.4 The times allotted in this policy for lunch break (one hour) and for rest breaks (fifteen minutes each, morning and afternoon) are intended as the total time to be taken off work, including travel time.
- 20.5 Public vehicles may not be used to drive to and from locations for rest breaks or lunch, unless the employee is already away from his/her home office in a public vehicle.
- 20.6 This Policy 20 shall not apply to law enforcement personnel.

## Paid Time Off (PTO)

Policy 21  
April 27, 2010

### Policy 21:

- 21.1 Paid time off (PTO) has been provided to add flexibility to McPherson County employees in taking time off away from their employment, but at the same time maintaining effective staffing at all levels of County Government. The Board of County Commissioners finds that it is in the best interest of County employees that the employee be responsible for determining how their time away from work will best suit their individual needs and preferences and that employees should be given flexibility in their paid time away from work.

McPherson County PTO was implemented to replace vacation, sick and bereavement leave.

- 21.2 Eligibility requirements:

In addition to being identified according to introductory status or regular status described in Policy 10.1, each employee shall also be identified as either **Full Time, Part Time, Partial Part Time or Temporary** as described in Policy 10.2. All Full Time and Part Time employees are eligible to earn PTO hours.

Partial Part Time and Temporary employees are entitled only to specified benefits such as rest periods and workers' compensation coverage. Partial Part Time and Temporary employees are not entitled to participate in general employment benefits such as: PTO, holiday pay, group health insurance, group life insurance, group disability insurance, retirement program, jury duty pay, leave of absence (except maternity and military) and tuition reimbursement.

If a Partial Part Time or Temporary employee is transferred to a regular Full Time or regular Part Time position, the date of transfer becomes his or her anniversary date.

- 21.3 Accrual method:

PTO accrual will be based on actual hours worked and the number of years of service for all full time employees not to exceed 40 hours per week or 80 hours per pay period. PTO accrual for part time employees will be calculated based on Policy 10.2 (b).



All Full Time Introductory and Regular employees shall earn PTO for each full year of employment with the County as follows:

<u>Years of Service</u>	<u>Hours per Pay Period</u>	<u>Hours</u>
During First Year	5	130 hours
After 1 year	6	156 hours
After 5 years	7	182 hours
After 10 years	8	208 hours
After 15 years	9	234 hours

County pay periods are every two weeks.

The maximum amount of PTO that may be accumulated is 520 hours for a full time employee. Part time employees maximum accumulation of PTO shall be prorated based on Policy 10.2 (b). Example: Scheduled to work 20 hours per week, the maximum accumulation would be 260 hours of PTO.

21.4 PTO time shall be regarded as “accrued” and available for use at the end of each pay period.

21.5 Regulations:

- (a) PTO shall be scheduled and approved by Department Heads in a manner that will adequately staff the department.
- (b) Except for illness, injury or emergency, all PTO shall be requested by the employee as early as practicable to ensure adequate staffing. Department heads shall set, in writing, the procedure used for their department with respect to the amount of advance notice for the use of PTO.
- (c) PTO may be requested in increments as authorized by the department head. However, the amount of PTO requested and authorized will not exceed the employee’s standard workweek. EXAMPLE: An employee’s standard work week is 40 hours – the employee can take up to 40 hours of PTO if no time was worked during the week.
- (d) All PTO must be used prior to an employee becoming eligible for unpaid Leave of Absence status. The County Administrator shall approve any exceptions.
- (e) PTO will not accrue during a Leave of Absence.
- (f) Time off for holidays and jury duty is covered by separate policies covered under the McPherson County Policy and Procedures Manual and will not be affected by the PTO policy.
- (g) Employees may be paid only for earned PTO. Requests for advances for unearned PTO will not be granted.
- (h) PTO shall not be counted as time worked for the calculation of overtime.

- (i) PTO shall not be shared or given to another employee.

21.6 Termination of Employment:

- (a) Upon termination (resignation, death, etc.) of employment, the employee shall be reimbursed for all accumulated PTO time, up to 520 hours, for a full time employee or the prorated maximum for a part time employee.
- (b) There is no provision for reimbursement for PTO above 520 hours.

21.7 The PTO policy replaced the previous vacation, sick and bereavement policies. The Board of County Commissioners authorized employees having a sick leave balance to convert their sick leave balance to long-term sick leave. The following guidelines shall be used:

- (a) Employees can access their long-term sick leave for actual illness/injury of the employee following five (5) consecutive days of PTO or leave of absence without pay.
- (b) Use of sick leave hours requires a doctor's report or other acceptable supporting evidence that the long-term sick leave is necessary.
- (c) There is no provision for payment of long-term sick leave upon termination of employment.

Official Holidays

Policy 22  
April 27, 2010

**Policy 22:**

22.1 For all Regular and Probationary employees, the following shall be paid holidays:

*New Year's Day	Veteran's Day
All Schools Day	*Thanksgiving Day
*Memorial Day	Friday following Thanksgiving
*Independence Day	*Christmas Eve Day, noon dismissal
*Labor Day	*Christmas Day
Columbus Day	

All regular and introductory part-time employees shall be paid holiday pay on a pro-rata basis under the terms of Policy 10.2 (b).

- 22.2 The Board of County Commissioners may, from time to time, alter the paid holidays allowed by resolution without notice to employees, except that the holidays noted by (\*) in Policy 22.1 shall not be so altered. In all cases at least ten paid holidays shall be allowed each calendar year. In years where Christmas Eve Day falls on a regular workday, there will be at least ten and one-half paid holidays for that calendar year.
- 22.3 In the event a paid holiday should fall on a day that is not a work day, then that holiday shall be allowed on such other day as approved by the Board of County Commissioners. This provision shall not apply to Christmas Eve Day. This holiday will be observed only if it falls on a regular workday. This holiday cannot be traded for another holiday in the year.
- 22.4 In the case of employees who work non-traditional shifts, if a holiday falls on a day that is otherwise scheduled as a day off, the employee may either be paid for that day or may take another day as a substitute holiday, as may be approved by the department head. If the employee is scheduled to work on that holiday, he/she shall be paid time and one-half for working that day. In addition, he/she shall be paid straight time as holiday pay, or alternatively, may take a substitute holiday at another time as may be worked out with the department head.
- 22.5 An employee will be paid holiday pay if the employee is: 1) employed by the County the day, prior to and following the holiday, and 2) is not on a leave without pay the day, prior to and following the holiday.
- 22.6 Holidays shall not be counted as time worked for the calculation of overtime pay.

## Maternity Leave

Policy 23  
April 27, 2010

### **Policy 23:**

- 23.1 PREGNANCY LEAVE. The Pregnancy Discrimination Act of 1978 prohibits discrimination on the basis of pregnancy. Women who are affected by pregnancy-related medical conditions must be treated on the basis of their ability or inability to work in the same manner as other applicants or employees. A pregnant woman may not be required to take mandatory leave unless she is unable to work. Under federal law, a woman who takes a leave due to pregnancy or childbirth is entitled to regain her position to the same extent as an employee who takes leave for any other reason. Pregnancy leave also may qualify for family and medical leave (Policy 27)
- 23.2 Maternity leave may be granted to an employee for a reasonable period of time during which the employee is physically unable to perform her normal work assignments. If requested by a department head, such physical inability may be shown by medical certification from the employee's physician; or, at the County's option, from a physician selected by the County. Requests for Family Medical Leave shall state the anticipated dates the leave is to begin and to end and shall advise the County that the employee intends to return to work at the end of such leave of absence. Such leave of absence shall be without pay after depletion of Paid Time Off (PTO). The taking of such leave shall, for the purposes of other Personnel Policies not be regarded as an interruption of seniority or of "continuous" service, but additional service time will not accrue during the period of such leave.
- 23.3 To the extent it requires absence from the job for medical reasons, an employee's pregnancy shall be considered an illness for the purposes of Paid Time Off (Policy 21) and shall be considered a disability of the type described in Policy 26.2.
- 23.4 Any employee on maternity leave shall notify her department head of her desire to return to work at least 10 days in advance and shall furnish the department with a doctor's statement authorizing employee to return to work on that date.

## Military Leave

Policy 24  
April 27, 2010

### **Policy 24:**

- 24.1 MILITARY LEAVE. Under federal law, a person cannot be denied initial employment, re-employment, retention in employment, promotion or any other benefit of employment on the basis of his or her membership in, application for membership in, performance of, application to perform, or obligation to perform military service, including the use of leave to do so. Generally, any employee who leaves a job to serve in the armed forces is entitled to reinstatement on satisfactory completion of the term of military service the length of which determines how soon after completion of the term of service the veteran must seek re-employment.
- 24.2 Each employee shall be granted military leave as provided in K.S.A. 73-2113, et. seq. and applicable law.
- 24.3 Military leaves shall be without pay, unless the employee chooses to use accumulated Paid Time Off for the leave.

## Jury Duty

Policy 25  
April 27, 2010

### **Policy 25:**

- 25.1 Any employee called for jury duty shall be allowed leave for that purpose up to the time his/her service on the panel or as a juror terminates.
- 25.2 Each employee shall be kept on the County payroll while on leave for jury duty.
- 25.3 Each employee on jury duty leave shall turn over to the County whatever jury duty payment is received for his/her service on the panel or as a juror, unless the employee takes jury days as Paid Time Off and such is approved by the department head. The employee may keep payments for mileage as a result of jury duty.
- 25.4 Each employee on jury duty is expected to report for work when they are able to do so during jury duty when there are substantial recesses or breaks.

**Policy 26:**

- 26.1 Any employee injured on the job shall receive up to a one-year leave of absence, if, because of such injury, he/she is unable to work as determined by the employee's treating medical doctor or, at the County's option, by a doctor designated by the County. During such absence, the employee may continue to be paid under the terms of the PTO policy (Policy 21) or the Workers' Compensation policy (Policy 31) as long as those benefits remain available. Any employee on extended disability leave under this subsection shall notify the department head of his/her desire to return to work at least 30 days in advance, and shall furnish the department head with the doctor's statement authorizing employee to return to work on that date.
- 26.2 Any employee who becomes disabled for reason other than injury on the job may receive up to twelve weeks' leave of absence (per FMLA), if, because of such disability, he/she is unable to return to work as determined by the employee's treating medical doctor or, at the County's option, by a doctor designated by the County. During such absence, the employee may continue to be paid under the terms of the PTO policy (Policy 21) as long as those benefits remain available. Any employee on extended disability leave under this subsection shall notify the department head of his/her desire to return to work at least 30 days in advance, and shall furnish the department head with the doctor's statement authorizing employee to return to work on that date. Leave of absence for disability (over and above available PTO leave or long term sick leave) under this subsection shall be available only to employees with at least one year of service with McPherson County and who have worked 1250 hours during the most recent 12 months prior to the disability.
- 26.3 Any employee may be granted a leave of absence for purposes other than injury or disability, if such leave is recommended by the employee's department head and is ordered by the Board of County Commissioners. The grounds for such leave include, but are not limited to, educational purposes, travel, extraordinary and unusual family or personal crisis. In no event shall such leave exceed one year. In determining whether to grant leave of absence under this section, the department head and the Board of County Commissioners shall take into account such factors as:
- (a) Likelihood that the employee will return to County service after the leave.
  - (b) Likelihood that the County will benefit upon the employee's return, as a result of the employee's leave of absence.
  - (c) Prospects for covering the employee's position while he/she is on leave.
- 26.4 Any leave of absence of any type may only be granted by order of the Board of County Commissioners after a showing of good cause why it should be granted.
- 26.5 Each employee who is granted leave of absence shall be responsible for providing to the Office of the County Administrator information needed for retirement and health insurance records, as well as any other personnel information required by that office, so that proper records may be kept on the status of the employee during the leave.
- 26.6 All requirements for Commission approval and other procedures set forth under this Policy 26 shall apply to any employee whose absence from the job without pay will exceed 20

consecutive workdays.

- 26.7 Any leave of absence of whatever type taken under this Policy shall be taken without pay, except as noted otherwise in Policies 26.1 and 26.2. Time spent on leave of absence without pay shall not be construed as interrupting seniority or "continuous" service for purposes of other personnel policies, but neither shall it count as service time accrued under these Policies.



## FAMILY AND MEDICAL LEAVE

Policy 27  
April 27, 2010

Policy 27:

27.1 **Benefits of Policy.** If eligible, employees may take, or be placed on, a leave of absence for up to 12 weeks for certain qualifying family and medical related reasons (“F/ML”) in accordance with the Family and Medical Leave Act of 1993, as amended (“FMLA”) and the terms of this policy. Employees may also take up to 26 weeks for Military Caregiver Leave (“MCL”). While on leave, employees will be able to continue their health insurance coverage as if they were actively employed. Employees will be restored to their same or an equivalent position upon their timely return from leave, unless they are notified in advance that they are a “key employee” ineligible for restoration of employment.

27.2 **Eligibility.** To be eligible employees must have:

- a. Worked for the County for at least 12 months, considering all periods of employment in the seven (7) years preceding the first day leave is needed; and
- b. Worked for the County at least 1,250 hours in the 12 months immediately preceding the first day leave is needed.

27.3 **Reasons for and Amount of Leave.**

- a. Family or Medical leave (“F/ML”). Employees may request (or the County may designate) time off for up to 12 weeks F/ML in any rolling 12 month period (the “leave year”) for any of the following reasons:
  - (1) The birth of a son or daughter and/or to care for him/her (within one year of the birth);
  - (2) The placement of a child with employees for adoption or foster care;
  - (3) Employees are certified as needed to care for a spouse, son, daughter, or parent (“covered relations”) with a serious health condition;
  - (4) Because employees are unable to work due to their own certified serious health condition; or
  - (5) Because a son, daughter, or parent who is in the National Guard or Reserves (“covered family member”) is on, or has been called to, active military duty in support of a “contingency operation” and there is certified need for the employee to assist him/her with certain non-medical activities related to the active duty. These activities are also called “qualifying exigencies” and are specifically defined by federal regulations.

**Limitation:** Leave taken for reasons (1) or (2) must be completed within 12 months after the date of birth or placement. Spouses both employed by the County who utilize leave because of reasons (1), (2) or (5) may take a combined total of 12 weeks during the County’s leave year.

b. Military Caregiver Leave (“MCL”). If eligible:

- (1) Employees may be granted up to 26 weeks of MCL,

- (2) In any single 12 month period beginning on the date such leave is to begin,
- (3) If the employee is the spouse, son, daughter, parent, or next of kin ("closest blood relation") of a member of any of the Armed Services ("Service Member"),
- (4) Who is injured or becomes ill while on active duty, and
- (5) Whose health care provider or other military official has certified that the employee is needed to care for the Service Member while undergoing medical treatment, recuperation, or therapy, or while otherwise in outpatient status, or on the military's temporary disability retirement list.

**Limitation:** Spouses both employed by the County who utilize MCL may take a combined total of 26 weeks in a single 12 month period.

27.4 **F/ML & MCL Combined Leave Total.** If employees are utilizing both F/ML and MCL in the same 12 month period, they are entitled to a combined total of 26 weeks of leave in that 12 month period. Note: Employees may utilize no more than 12 weeks of F/ML in the same 12 month period with the balance available as MCL, up to a combined total of 26 weeks. Use of both types of leave in a single 12 month period will not limit the availability of F/ML during any other 12 month period.

27.5 **Notice/Requesting Leave; County Response.**

- a. Foreseeable leave. If employees' need for leave for any type of leave is foreseeable, they must give the County 30 days' prior notice of their need for leave.
- b. Non-Foreseeable Leave. If employees' need for leave is not foreseeable, they must give notice as soon as practicable, ordinarily within two (2) business days of learning of the need for leave.
- c. Form of Notice of Need/Request for Leave.
  - (1) **Initial Request Should Be In Writing.** The County prefers that every initial request for leave for a particular purpose be in writing. Request for Family and Medical Leave of Absence forms are available from the County Administrator's office. Using this form will expedite the processing leave requests.
  - (2) **Verbal notice of Intermittent Leave.** If employees have been certified as needing leave on an intermittent basis for a particular purpose, each time they need to use such leave they must at least verbally inform their immediate supervisor or the HR Department that they will utilizing intermittent leave for that particular purpose. Use of intermittent leave is subject to the County's policy and procedure for giving prior notice of an absence from work.
- d. **County Response.** Within five (5) business days of receiving of employees' requests, the County Administrator's office will provide them with a two part Notice of Eligibility and Rights & Responsibilities (Form WH-381). This form will notify them whether or not they are eligible for leave (Part A). If they are not eligible, the reason(s) will be explained to them. If they are eligible, they will also receive notice of their rights and responsibilities relating to the use of leave (Part

B), and whether certification of the need for leave will be required before leave can be approved.

- e. Consequences of Failure to Provide Timely Notice. Failure to provide timely notice when otherwise practicable to do so may cause delay of leave and/or cause any leave taken before proper notice is given to be unexcused and subject to the County's attendance policy.

27.6 **Certification/Re-Certification of Need for Leave.**

a. Certification Required for Certain Leaves.

- (1) **F/ML for Employees' Own Serious Health Condition.** If employees need F/ML because of their own injury or illness, they must provide certification from a health care provider that they have a serious health condition for which leave is needed. The County will provide them with Form WH 380-E for that purpose.
- (2) **F/ML for the Serious Health Condition of a Covered Relation.** If employees need F/ML because they are needed to care for an ill or injured covered relation, they must provide certification from a health care provider of the covered relation that he/she has a "serious health condition" and that they need leave in order to care for him/her. The County will provide employees with Form WH 380-F for that purpose.
- (3) **MCL for a Service Member.** If employees are the next of kin of a Service Member and need MCL in order to care for him/her, they may be required to provide verification of their next of kin status and the Service Member's active duty status. The County Administrator will determine what documentation is sufficient for these matters. In all cases, employees will be required to provide certification that they are needed to care for the Service Member. The County will provide employees with Form WH 385 for that purpose, or they may submit certain government issued travel authorizations.
- (4) **F/ML for a Qualifying Exigency.** If employees need F/ML for a qualifying exigency, they may be required to provide proof that the person they want to assist is a "covered family members" as well as his/her National Guard/Reserve membership and active duty status. The County Administrator will determine what documentation is sufficient for these matters. In all cases, employees will be required to provide certification that the reason for leave is a "qualifying exigency." The County will provide employees with Form WH-384 for that purpose.

- b. Due Date. If employees are required to obtain initial certification of their need for leave, they must submit a complete and sufficient certification form to the County Administrator within 15 calendar days after the date they are notified of the certification requirement.

- c. Re-Certification. The County will require re-certification of the need for leave for on-going serious health conditions on at least an annual basis, and may require re-certification more frequently under the particular circumstances and as allowed by the FMLA.

- d. Consequences for Failure to Provide Certification. If a required certification is not timely returned, any leave employees take or have taken in the interim will be unexcused and subject to the County's attendance policy.

- e. Incomplete/Insufficient Certification. All certifications must be complete and provide sufficient information for the County to determine whether leave is needed for a qualifying reason. If any certification is deemed to be incomplete and/or insufficient, employees will be given up to seven (7) calendar days to cure any incomplete or insufficient certification after they are given written notice from the County Administrator of what additional or clarified information is needed.
  - f. Questionable Certification. If the County reasonably doubts the certification of a serious health condition and/or the need for leave, it may, at its expense, require an examination of the employee or family member by a second health care provider designated, but not employed, by the County. If the second health care provider's opinion conflicts with the original certification, the County, at its expense, may require a third, mutually agreed on, health care provider to conduct an examination and provide a final and binding opinion.
- 27.7 **Designation of Leave.** Even if employees are otherwise eligible for any type of FMLA leave, their leave will not qualify as such unless it is for one of the reasons described above in paragraph III. The County Administrator will provide employees with a written Designation Notice (Form WH-382) within five (5) business days after receipt of sufficient information to determine whether or not the leave requested by an eligible employee qualifies, and if not, why it does not qualify. For example, if leave requires the certification of a health care provider, written designation that leave taken and to be taken qualifies as FMLA leave will be provided within five (5) business days after receipt of a timely, complete and sufficient certification form.
- 28.8 **Reporting While On Leave.** If employees are on leave because of any serious health condition, including MCL, they must contact the County Administrator's office **on the first and third Tuesday of each month** regarding the status of the serious health condition, their anticipated need for continued leave and their intention to return to work.
- 29.9 **Leave Is Generally Unpaid.** All leave under this policy is generally unpaid. However, if employees have accrued paid leave benefits they may elect to use all or part of the accrued balance to offset unpaid leave during the first six (6) weeks of leave. Employees will be required to use accrued paid leave benefits and accrued vacation benefits leaves for periods of leave in excess of six (6) weeks to the extent necessary to offset the leave that would otherwise be unpaid. The substitution of paid leave for unpaid leave does not extend the maximum amount of leave available. **Note:** If employees have a serious health condition which also qualifies them to receive workers' compensation, disability insurance benefits or other form of wage replacement, they and the County may agree to supplement the wage replacement benefits up to the amount of their regular base pay while on leave to the extent of their accrued paid leave and vacation benefits.
- 27.10 **Health and Other Insurance Premiums.**
- a. Generally Coverage Continues. During a designated leave under this policy, the County will continue employees' health insurance and other insurance coverage as if they were actively employed. This means the County will pay the employer portion of the monthly premiums and employees will pay the employee portion of the premiums. If employees' accrued paid leave and/or vacation benefits are substituted for unpaid leave, the County will deduct the employees' portion of the premiums as a regular payroll deduction. If the leave is unpaid, employees must pay their portion of these premiums to the County at the same time as if made by payroll deduction. Contact the County Administrator for more details.
  - b. Consequences for Failure to Timely Pay Health Insurance Premiums. If the employees' portion of any monthly health insurance premium is more than 30

days late, the County will notify employees. If employees do not make the payment within 15 days from the date of the notice, their health care coverage may lapse retroactive to the last month for which all premiums were timely paid.

- c. **Consequences for Failure to Pay Other Insurance Premiums.** If the employees' portion of the premium for any other insurance coverage is not paid when due, the County, at its option, may make the payment for them and recover the amount of all such premiums from their pay after they return to work. If the County does not choose to pay employees' portion of a premium, their coverage may lapse retroactive to the last month for which the premium was timely paid.
- d. **Failure to Return to Work from Leave.** If employees elect not to return to work before or at the end of a designated period of leave, they will be required to reimburse the County for the cost of all insurance premiums paid by the County to maintain their insurance coverage during leave, unless they cannot return to work because of a serious health condition or other circumstances beyond their control.

27.11 **Intermittent and Reduced Schedule Leave.** F/ML taken because of a serious health condition or for a qualifying exigency relating to active military duty, and MCL may be taken intermittently (in separate blocks of time due to a single health condition or qualifying exigency) or on a reduced leave schedule (reducing the usual number of hours employees work per workweek or workday) if the need for such leave is properly certified. If such leave is needed after all paid-time-off benefits have been used, the County will reduce employees' salary or wages based on the amount of time actually used for intermittent or reduced schedule leave. If such leave is required for employees, a covered family member or a related service member to receive planned medical treatment, the County may temporarily transfer employees to an alternative position which better accommodates their need for such leave and the County's business needs. Any transfer position will be at an equivalent rate of pay (based on hours actually worked) and benefits and will continue until the earlier such leave is no longer needed or all available leave is exhausted.

27.12 **Returning From Leave.** If employees are on leave because of their own serious health condition, they are required to provide the certification from their health care provider that they are fit to return to duty with or without medical restrictions. At the time employees receive the Designation Notice, they will be notified whether such certification is required and be provided with a Fitness for Duty Certification Form ("FFD") and a job description. These must be submitted to employees' health care provider for review and completion. If such certification is required, employees will not be permitted to return to work until they have provided a complete and sufficient FFD to the County. If the FFD is incomplete or insufficient, employees will be notified in writing of the additional or clarified information needed, and then be given seven (7) calendar days to provide that information. The cost of a FFD examination is the responsibility of employees. If employees want to return to work before the expiration of any type of designated leave, they must provide reasonable notice to the County (at least one or two days) of their intent to return and the date they expect to do so.

27.13 **Questions.** All questions about leave under this policy should be directed to the County Administrator.

## Snow Days

Policy 28  
April 27, 2010

### **Policy 28:**

- 28.1 McPherson County recognizes that its climatic conditions during the winter months may create temporarily hazardous driving conditions. The County maintains the following policies to respond to situations where travel by employees to home or work would appear to be a matter of concern.
- 28.2 In those instances where it is determined by the Board of County Commissioners or their authorized representative, that the weather conditions do not warrant the official closing of County offices, the individual department heads may choose to excuse employees from work, because of individual travel concerns caused by adverse weather conditions. In these instances, the County will not reimburse the excused employee for the hours they are absent from work. The employee shall use PTO to supplement their pay for absences under these conditions.
- 28.3 In those instances where it is determined by the Board of County Commissioners or their authorized representative, that the weather conditions do warrant the official closing of County offices, the employee will be reimbursed for the hours they are absent from work. If the employee is required to work during the "official snow day," he/she shall be paid time and one-half for working that day. In addition, he/she shall be paid straight time as though the "official snow day" was an "official holiday." The employee may take a substitute snow day at another time, as may be worked out with the department head.
- 28.4 The Board of County Commissioners or their authorized representative makes the determination of an official snow day. Employees have the responsibility to determine safe travel to and from County offices.

## Health Insurance

Policy 30  
April 27, 2010

### **Policy 30:**

- 30.1 The Board of County Commissioners shall provide for a group health insurance policy through Blue Cross and Blue Shield, or through any other carrier as may be determined from time to time.
- 30.2 Every employee working more than 1,000 hours per year shall have a right to participate in the group coverage, subject to the insurance carrier's requirements.
- 30.3 The Board of County Commissioners shall determine annually the Health Insurance Plans offered and the employer and employee premium portion of each Plan. For any employee whose employment schedule requires at least 1,000 hours' work per year, the County will pay the prorated costs, under the terms of Policy 10.2 (b).
- 30.4 Any employee who is covered by the group insurance may also acquire coverage under the same plan for his/her family (as "family" may be defined in the insurance contract) by paying for the ongoing cost of such coverage through payroll deduction.
- 30.5 Any employee who takes a leave of absence under the terms of Policy 26 shall be permitted to remain in the McPherson County health insurance group (subject to insurance carrier's requirements), but shall be required to pay his/her own premium. Such payment shall be made in a manner and on such schedule as is required by the Office of the County Administrator.

## Workers' Compensation

Policy 31  
April 27, 2010

### **Policy 31:**

- 31.1 The Board of County Commissioners shall provide for Workers' Compensation Insurance on each employee as required by State Law.
- 31.2 Any employee receiving compensation pay for disability may receive additional pay from the County, to be charged pro rata against accrued PTO and/or long-term sick leave time, in such amount as is necessary so that the employee's total income from Workers' Compensation and from the County equals his/her normal salary. Payment from the County under this section shall continue only so long as the employee has available PTO and/or long-term sick leave.
- 31.3 After PTO is exhausted, the County will pay its portion of a single health insurance premium, provided the employee is participating in the County's group health insurance, for three months for any employee who is receiving compensation for a disability, or three months for an employee on FMLA. If the employee is paying for any portion of their health insurance premium, the additional insurance payment will be due by a date set by the County Administrator's Office and as required to maintain the policy with the insurance provider. If the employee fails to pay his portion of the premium, the County will not be held responsible if the plan is terminated. After the three-month period the employee will be responsible for payment of the entire insurance premium. The only grace period allowed would be that established by the insurance provider and applicable law.



## Retirement Program

Policy 32  
April 27, 2010

### **Policy 32:**

- 32.1 The County shall make available the Kansas Public Employees Retirement System program to all employees who are eligible according to the terms and guidelines of that program.
- 32.2 All employees eligible for KPERS shall be required to participate in the program.
- 32.3 The County will pay its proportionate share of the KPERS retirement plan.

## Retirement

Policy 33  
April 27, 2010

### **Policy 33:**

- 33.1 Any employee planning to retire should give written notice, through his/her department head, to the County Administrator's Office at least 30 days prior to the intended retirement date

Appropriate action may then be taken to place the employee on KPERS retirement pay, to the extent justified by employee participation in the plan as stipulated by K.S.A. 74-4901 et. seq.

- 33.2 There is no mandatory retirement age. Employees may take retirement, subject to the provisions of the KPERS retirement plan.

- 33.3 All county employees who retire during the current year shall be allowed to attend the county's annual Christmas party for that year.

**Policy 40:**

- 40.1 McPherson County desires to establish a system whereby each regular full-time and part-time employee may be compensated for attendance and successful completion of courses and/or seminars, which are undertaken to enhance and/or maintain his/her job skills.
- 40.2 It is recognized that completion of certain courses, seminars, workshops, Masters, Advanced Licenses, etc. are **required** of County employees in order to maintain his/her current position. The County shall pay the costs associated with these required courses. Approval of the following reimbursable expenditures must first be obtained from the department head: registration/tuition fees - 100%; lodging - 100%; meals - 100%; materials and supplies (not covered by tuition) - 100%; travel - base cost, which shall be the lowest of actual air fare or mileage at the approved County rate. For department heads, approval of the above mentioned expenditures must be received from the Board of County Commissioners before enrolling in the course, seminar, or workshop. It is recognized that there are situations, in which one mode of travel would be more efficient and economical than another, due to travel time considerations. In these instances, the department head or Board of County Commissioners may choose to reimburse employees for a specific mode of travel. The employee will be reimbursed for his/her time, at their approved rate, for time spent in traveling to and/or attending these required courses, seminars, or workshops.
- 40.3 There are courses, seminars, or workshops that are not required for employment, but are considered **beneficial** by the department head for the continued success of the employee in his/her position. The County shall pay for those courses designated as beneficial by the department head and approved in advance as such by the Board of County Commissioners, in full. Beneficial courses are directly related to the employee's assigned job responsibilities. Employees, including department heads, desiring to attend these courses must first obtain approval for the following reimbursable expenses from their department head and the Board of County Commissioners: registration/tuition fees - 100%; materials and supplies (not covered by tuition) - 100%;
- (a) In order to receive reimbursement, the employee must present documentation, a grade slip or letter from the instructor, that the course was successfully completed. For credit courses, successful completion will be defined as the receipt of a "C" or better for the course.
  - (b) Any additional registration/tuition charges, above the base charge, for converting the course to college credit must be borne 100% by the employee.
  - (c) Since these courses are not required, the County will not reimburse the employee for time spent in traveling to and/or attending these courses.
- 40.4 There are courses, seminars, or workshops, which the employee desires to attend, that are **optional** courses. The subject of an **optional** course may not be directly related to the employee's assigned tasks, but would contribute to that individual's skills in such a way that it directly benefits the County. The employee, in these instances, may request of the department head that such course be considered for approval by the Board. However, final decision as to whether a course will be submitted to the Board for approval rests with the department head. Failure to gain prior approval will result in no reimbursement of expenses to the employee. The following expenses are reimbursable, once they are approved: registration/tuition fees - 50%; materials and supplies (not covered by tuition) - 50%.

- (a) In order to receive reimbursement, the employee must present documentation, a grade slip or letter from the instructor, that the course was successfully completed. For credit courses, successful completion will be defined as the receipt of a "C" or better for the course.
  - (b) An employee does not qualify for reimbursement for optional courses until they have completed one year of employment.
  - (c) An employee may receive reimbursement for an optional course, which received approval, at a rate of one per calendar year.
  - (d) Any additional registration/tuition charges, above the base charge, for converting the course to college credit must be borne 100% by the employee.
- 40.5 Course materials may become the property of the County, in those instances when the County has reimbursed 100% of the expenses, if it exercises that option at the time the employee completes the course. This shall not include the worksheets of the employee.
- 40.6 Should an employee terminate employment within one year of completion of an optional or beneficial course, seminar, or workshop, whose cost was reimbursed by the County, the employee shall reimburse the County's expenses within 30 days prior to the employee's termination of employment.
- 40.7 If an employee terminates his employment under emergency or unusual circumstances, within one year of the completion of an optional or beneficial course, seminar, or workshop, the employee may request a waiver of the required reimbursement of the County's share of the cost of the course, seminar, or workshop. As a result of an emergency and/or unusual circumstance the Board of County Commissioners may grant a waiver.

EDUCATIONAL REIMBURSEMENT SCHEDULE

DEPARTMENT:

BENEFICIAL COURSE/WORKSHOPS/SEMINARS:

	Date		
Course	Course Name/Description	Sponsor	Approved

OPTIONAL COURSE/WORKSHOPS/SEMINARS:

	Date		
Course	Course Name/Description	Sponsor	Approved

REIMBURSABLE COSTS:

REQUIRED

Registration/Tuition Fees:		100%
Lodging	100%	
Meals	100%	
Materials and Supplies (Not covered by tuition)		100%
Travel	Base Cost	
(Shall be lowest of: actual airfare or the County's mileage rate.)		

BENEFICIAL COURSES

Registration/Tuition Fees:		100%
Materials and Supplies (Not covered by tuition):		100%

OPTIONAL COURSES

	COUNTY	EMPLOYEE
Registration/Tuition Fees:	50%	50%
Materials and Supplies (Not covered by tuition):	50%	50%

## Performance Evaluation

Policy 41  
April 27, 2010

### **Policy 41:**

- 41.1 It is the policy of the Board of County Commissioners that there shall be the obligation and the opportunity for performance evaluation for each employee. It is intended that evaluation and communication with the employee regarding his/her performance shall be an ongoing process between supervisor and employee. Further, however, it shall be required at specified times, as set forth below, that formal reports of performance evaluation be completed, discussed with the employee, and placed in the personnel file.
- 41.2 An informal performance evaluation shall be conducted at the end of three months after employment or appointment and a formal performance evaluation at the end of the probationary period (six months after employment or appointment); thereafter, a formal performance evaluation shall be completed annually prior to the employee's position date.
- 41.3 The Board of County Commissioners or their designee shall develop and maintain a procedure and a format for formal employee evaluation by all departments. This procedure and format shall be developed in such a way that performance evaluation is built upon the performance requirements set forth in the individual employee's position description. It shall be sufficiently flexible to accommodate individual differences in department responsibilities and performance standards while at the same time providing a common framework for general comparisons across departmental lines.
- 41.4 Performance evaluation shall be completed by the immediate supervisor of the employee, and shall be reviewed thereafter by the department head and County Administrator. After conference with the employee regarding the evaluation, a copy shall be forwarded to the Board of County Commissioners or their designee for central filing.
- 41.5 If, during the course of any performance evaluation, it is discovered that the position description on which the evaluation is based is inaccurate or contains outdated requirements, a position description shall then be revised to reflect the actual expectations on which the employee's future performance will be based.

## Promotion and Demotion

Policy 42  
April 27, 2010

### **Policy 42:**

- 42.1 Any employee may be promoted to a higher position classification if recommended by the department head. Upon being promoted, each employee shall have a six-month introductory period, and shall be considered for Regular status in that position as described in Policy 10.3.
- 42.2 Any employee who is promoted to a higher job classification and who does not demonstrate the ability necessary to attain Regular status may be demoted back to his/her previous job classification or its equivalent (if a position is available for which the employee is qualified), transferred or terminated. When an employee is demoted under the terms of this section, he/she shall be returned to the same salary as if the promotion had never been made. An employee shall in no case be permitted a salary increase as a result of a demotion.
- 42.3 Any person promoted into a new position shall be placed on the salary grade for that position, at such step as is necessary for the person. Any salary change would be subject to Commission discretion.
- 42.4 Any employee may be demoted to a lower position if it is determined by the department head that he/she is not able to satisfactorily perform in the present position, but that he/she would be suitable for County employment in another position. Any person so demoted shall receive the salary appropriate to the assigned grade/step following the demotion. This section is intended as an elective option for the department head; nothing herein shall be construed as placing a burden on the County to find alternative positions for unsatisfactory performers as opposed to termination.

## Termination

Policy 43  
April 27, 2010

### **Policy 43:**

- 43.1 Introductory status employees serve at the pleasure of the department head, County Administrator, or other appropriate hiring authority and may be terminated by the County at any time, for any reason.
- 43.2 The County Administrator and appointed department heads serve at the pleasure of the Board of McPherson County Commissioners and may be terminated by the County at any time, for any reason.
- 43.3 The procedure for terminating an employee (except for introductory status employees or for other employees who serve at the pleasure of the Board of McPherson County Commissioners, and except where the following procedure is impractical due to circumstances beyond the control of the County) shall be as follows:
- (a) The appropriate department head or County Administrator shall conduct an administrative investigation of the circumstances relating to the proposed termination of the employee. If necessary, the department head or County Administrator may suspend the employee with pay during this investigation. Prior to a suspension, the department head shall give notice of the proposed action to the County Administrator.
  - (b) If the department head or County Administrator determines termination is appropriate, notice shall be given to the employee of the County's intent to terminate the employee along with reasons for the termination and a date and time for a pre-termination hearing.
  - (c) The department head or County Administrator shall be responsible for conducting the pre-termination hearing. The department head or County Administrator may have supervisors or other employees present during the hearing. During this pre-termination hearing neither party shall be represented by an attorney nor shall the hearing be electronically recorded. At the hearing, the employee shall be given the opportunity to present oral or written reasons why the employee should not be terminated. If the department head or County Administrator or employee believes that further investigation is necessary, a decision may be made following such additional investigation.
  - (d) Following the pre-termination hearing, if the department head or County Administrator finds that the termination is justified, a final written notice shall be presented to the employee, along with the reason for termination.
- 43.4 The County would appreciate two (2) weeks' notice if an employee decides to resign.
- 43.5 The termination date for an employee shall be the last day the employee worked for the County. For purposes of this section, time worked shall not include PTO or holiday. An employee will not be paid for any leave days or holidays after their last day worked, except as provided in Personnel Policy 21.9, 21.6 and 31.2.



**Policy 44:**

- 44.1 Any department head or supervisor or County Administrator may use the following guidelines for disciplining an employee. The following steps are merely a guide, and it is not required that the department head or supervisor or County Administrator proceed through each step or any steps before terminating an employee.
- (a) Informal discussion with employee upon first minor infraction.
  - (b) On second minor infraction within a reasonably close time frame, or on any major infraction: a formal counseling interview with a written record of that interview, and/or with a written reprimand.
  - (c) On as many subsequent infractions (if any) for which it seems appropriate under the circumstances: continued counseling, written record of interview, and/or written reprimand. If in the discretion of the department head it is appropriate at this stage, he/she may also suspend the employee for a period up to 10 days without pay. This step (c) may be exercised once, several times, or skipped entirely, as may be decided in the discretion of the department head. The extent to which this step is utilized, and whether suspension is or is not used with it, will depend on the following criteria: (i) the seriousness of the performance problem in question, (ii) whether this step (c) has been reached because of repetition of the same kind of nonperformance/infraction or whether because of a series of dissimilar or unrelated problems, and (iii) the likelihood that the employee's performance will be improved through further work with him/her in clarifying performance expectations and in counseling.
  - (d) Termination.
- 44.2 Any employee arrested and charged with a felony criminal offense may be suspended without pay while criminal proceedings are pending in court. Any employee arrested and charged with a misdemeanor offense may, at the discretion of the department head, be suspended without pay while criminal proceedings are pending in court.

If an employee is found guilty of any criminal charges, pleads guilty, or is placed on diversion from any criminal charges, an administrative investigation into the incidents, which are the subject of the criminal charges, will be conducted, and the employee may be terminated or otherwise disciplined.

When an employee's driver's license is suspended or revoked for any length of time, and a valid driver's license is a requirement for the position occupied, the employee is required to notify his/her department head immediately (no later than the next work day). If the employee's driver's license is suspended for more than thirty (30) days, the employee may be reassigned to a position that does not require a driver's license or may be terminated.

None of the above suspension procedures preclude the County from terminating an employee before or during the period of suspension and prior to the disposition of criminal charges.

## Appeals and Grievances

Policy 45  
April 27, 2010

### **Policy 45:**

- 45.1 Any employee who is not on Introductory or Temporary status may appeal any adverse action against him/her if such action is, or is in the nature of, suspension, demotion, transfer, termination, or other action related to the employee's inability to perform the requirements of the job. In any such appeal, the employee shall follow the steps outlined in Policy 45.3.
- 45.2 Any employee who feels aggrieved or unjustly treated by the application or interpretation of these Personnel Policies or by other matters directly related to his/her employment shall have the right to file a grievance to seek a resolution on the matter within five working days after the incident occurs. Any employee who files such a grievance shall follow the procedure outlined in Policy 45.3.
- 45.3 Any employee filing an appeal or a grievance under the terms of Policy 45.1 or 45.2 shall do so in the following manner:
- (a) Set forth in writing, the following:
    - 1. Exactly what is the complaint or the problem or the action for which the employee seeks a hearing.
    - 2. The reasons he/she believes the matter should be heard and why he/she is correct in making the complaint.
    - 3. Any laws, policies, or rules or statements of his/her supervisor or department head that support his/her position.
  - (b) The appeal or grievance as written out according to (a) above, shall be presented to the department head within five working days after administrative action, and any discussion may be held at that time as the parties mutually believe useful. The department head shall then have a maximum of ten working days to respond to the employee in writing.
  - (c) If the employee is dissatisfied with the response of the department head, within five working days after receiving the response of the department head the employee may make a request to the County Administrator for a review hearing. The County Administrator shall schedule a review hearing not more than ten days after the request is filed and at that time the employee shall present their grievance and the department head shall present their response. The County Administrator shall then have a maximum of ten working days to submit a written response to both parties.
  - (d) If the employee is dissatisfied with the response of the County Administrator within five working days after receiving the response of the department head he/she may make a request to the Board of County Commissioners for a hearing, which hearing shall be scheduled for not more than ten days after the request is filed. At the time the employee's request is filed, the department head shall also file his/her written response from which the employee is asking for a new hearing. The Board of County Commissioners shall set a hearing date within ten days of the receipt of the notice, and shall notify the parties of the precise date, time, and location.

- 45.4 Each party shall have a right to be represented by counsel at any hearing before the County Commissioners, but such counsel shall be at their own expense. Each party shall notify the other party ten working days prior to the hearing that counsel will represent them.
- 45.5 The Board of County Commissioners shall have the power to make any ruling as it deems just, including but not limited to reinstatement, back pay, or no relief at all.
- 45.6 All decisions of the Board of County Commissioners shall be final.

## Employee Rules

Policy 46  
April 27, 2010

### Policy 46:

46.1 Whenever people work together, some rules and guidelines for conduct are necessary. The County has not attempted to list every County rule or policy, but instead has listed some basic rules. The County will discipline, up to and including discharge, for violations of any County rule or policy, including the following, or for any other inappropriate conduct or action:

- (a) Insubordination, or refusing to follow orders and instructions or to do work as directed by a department head or other supervisor, or failure to carry out County and/or Department policies and procedures set forth in this Manual or otherwise made known to employees;
- (b) Interference with County business, inefficiency, incompetence, or neglect of duties;
- (c) Repeated tardiness or absence from work;
- (d) Dishonesty;
- (e) Possession, unauthorized use or removal from the County, property of the County or others without authorization by the County;
- (f) Abusive or discourteous language, threats, fighting or injury to the person or property of County personnel or others doing business with or seeking to do business with the County;
- (g) Being under the influence, possession, sale or use of alcohol or unauthorized drugs on County time or property;
- (h) Possession of weapons on County time or County Buildings unless exempt by State law;
- (i) Engaging in conduct constituting a violation of the law of the State of Kansas, McPherson County, or any incorporated city, other than minor traffic offenses;
- (j) Failure to maintain proper licenses and certificates;
- (k) Falsification of documents or records;
- (l) Failure to report to work at the designated time without reasonable explanation and documentation.

Use of Illegal Drugs or Alcohol

Policy 47  
April 27, 2010

**Policy 47:**

- 47.1 Possessing, using, purchasing, distributing, selling, or being under the influence of alcohol or controlled substances or having controlled substances in an employee's system without medical authorization during the work day, on the County's property or while conducting County business, is prohibited and will be grounds for disciplinary action, up to and including immediate termination.

## Nepotism

Policy 48  
April 27, 2010

### **Policy 48:**

- 48.1 No person shall be employed by the County should any of the following conditions exist:
- (a) If such person is the father, mother, brother, sister, husband, wife, son, daughter, son-in-law, daughter-in-law, sister-in-law, or brother-in-law of any elected County official or department head.
  - (b) If such person is the father, mother, brother, sister, husband, wife, son, daughter, son-in-law, daughter-in-law, sister-in-law, or brother-in-law of their direct supervisor in the same County department.
- 48.2 Should any employee who is employed by the County prior to the adoption of this policy alter his/her employment status with the County after the adoption of this policy, they shall then be subject to the conditions as set forth in paragraph 48.1 above.
- 48.3 Except as provided herein, this policy shall not apply to any person, or limit their employment in any way, who is employed by McPherson County prior to the appointment of a McPherson County department head, or the election or appointment of any McPherson County official for an elected office.

## Staff Meetings

Policy 49  
April 27, 2010

### **Policy 49:**

- 49.1 The County will not pay overtime hours for staff meetings held before or after the regular workday or outside the County's regular place of employment. The County will not pay for any food or drink items for County employees at staff meetings. Staff meetings are defined as meetings between the department head and the employees. The Board of County Commissioners have the discretion to approve any exceptions.

## Hiring Guidelines for McPherson County

Policy 50  
April 27, 2010

### **Policy 50:**

#### 50.1 Initiation of Procedures:

- 1) Vacancy – A vacancy occurs or a need is established to hire a new employee.
- 2) Job description – A job description for said vacancy must be on file. Copies are made available to applicants upon request.
- 3) Permission to hire – The department head obtains permission from the County Administrator and/or the County Commission to start proceedings to hire.
- 4) Placement with Personnel Coordinator – After approval for hire is received; all job openings are placed with the Personnel Coordinator for recruitment. At this point, the department head (or designee) makes contact with the Personnel Coordinator to determine how to proceed. Any questions about procedures can then be answered. Internal and/or external advertising is determined as is salary detail.

50.2 Internal advertising – Jobs may be posted internally. The Personnel Coordinator prepares internal job postings from job description. This internal job opening will be provided to each department head for posting within their department or on a bulletin board in the building break rooms. All internal job listings must be posted for five full business days.

NOTE: To expedite the hiring process, it has become normal procedure to use the regular newspaper ad for the internal job posting and automatically post the job internally at the same time the external advertising is placed.

50.2 External advertising – If the department head wants to place an ad, he/she will tell the Personnel Coordinator which newspapers they want to use, how many days they want to advertise. The Personnel Coordinator can assist the department head in preparing the ad with final approval by the department head with the Personnel Coordinator placing the ad with the newspapers or trade magazines. Ad billing costs are sent to and paid by the appropriate department.

50.3 Applications are given out to walk-ins or mailed to those who call about the job. Applications are taken until the deadline specified in the ad. After the job ad closes, applicants are screened according to department head's specifications and copies of those applications chosen are sent to the department head. Department heads have the option of looking at all of the applications. Applications are required even if resumes are submitted.

Only copies of applications are given to the department head or designee. The original application always stays in the personnel office. The department can review applications in the personnel office rather than have copies of applications. The department head shall return all copies of applications except those chosen for an interview. After the interviews all applications and any reference check information is to be returned to the Personnel Office (reference checks are NOT to be retained in personnel files).

It is not always necessary to advertise; sometimes there are ample walk-in applications



and/or applications on file in the Personnel Office from previous vacancies. Other procedures should still be followed.

- 50.4 The department head determines how many applicants he/she wishes to interview as well as the final say on which applicants are to be interviewed. Department heads know their own schedule and shall contact applicants to set up the interviews.

Our fleet safety management policy requires new employees who may drive a county vehicle to provide to the Personnel Office a copy of their Motor Vehicle Record (MVR). The applicant's MVR must be received and approved before employment. The applicant shall provide a copy of their MVR prior to being interviewed if required by the department head.

- 50.5 References can be checked by the Personnel Coordinator as time allows or by the department head or designee. The reference checks can be preformed prior to or following the interview. Individuals performing the reference checks should be knowledgeable in asking proper and legal reference check questions.

- 50.6 The Department head and/or their designee can conduct interviews. Information and suggestions for effective interviewing are available from the Personnel Office. Questions used for interviews should be provided to the Personnel Coordinator for the position file if possible.

- 50.7 The department head or the Personnel Coordinator (department head's choice) can offer the job to a specific person. Any offer shall include the provision that it must be formally approved by the Board of County Commissioners (BOCC) to be effective.

After an applicant is selected and indicates he/she is interested in accepting the position, the department head submits a personnel change notice form (PCN) to the BOCC for signing and approval. The original and four pink copies of the personnel change form are submitted to the Personnel Coordinator to verify the information and ensure that copies are provided to the BOCC prior to their meeting. After the BOCC approves the PCN a copy is sent to the payroll clerk, employees department head with the original filed in the employees personnel file.

- 50.8 New employee orientation should be held on the first day of employment if possible, but no later than three days after employment. The PCN is completed, personnel policy issues are discussed, introductions are made and questions are answered. Then the new employee is taken to the payroll clerk to fill out all necessary payroll forms (I-9, W-4, insurance and optional benefit forms).

- 50.9 After the BOCC signs the PCN the Personnel Coordinator sends appropriate letters to those applicants not chosen; these applications are kept on active file for possible consideration for other positions for up to one year. An attempt is made to let people know the outcome of their application in a timely manner.

## Use of Publicly Owned Motor Vehicles

Policy 51  
April 27, 2010

### **Policy 51:**

- 51.1 It is the intent of McPherson County to follow the Kansas Statutes and case law in regard to the use of publicly owned motor vehicles. Therefore, no employee of McPherson County shall operate or drive or cause to be operated or driven any county publicly owned automobile, truck or special equipment for private use, private business or pleasure. The following shall apply to all county departments:
1. No county-owned vehicle may be used for personal use.
  2. The use of county-owned vehicles shall be allowed only to perform the daily operations and business of McPherson County.
  3. All uses of county-owned vehicles shall be under the direction and approval of the department head. Each individual department is responsible for insuring that county-owned vehicles assigned to the department are used only for official county business and that only qualified and licensed individuals are allowed to operate these vehicles.
  4. All county-owned vehicles, when not in use, shall remain at the County Courthouse or at an assigned location on County property unless specifically provided for in the following sections of this policy.
  5. County owned vehicles shall not be taken home overnight, during the lunch hour or at breaks unless specifically provided for in the following section of this policy.
  6. Each department with assigned vehicles will keep mileage and maintenance records on those county-owned vehicles for a minimum of two years.
  7. The department head shall determine the priority on how the vehicle is used, daily work versus travel mileage, based on the most cost effective usage. For example, if the daily work requires more mileage on the vehicle than the distance to travel to a meeting, the vehicle will remain where the cost saving is the most beneficial to the County.
  8. County-owned vehicles may be utilized for travel to meetings, workshops, seminars and courses relating to county or department business. If an employee uses a county-owned vehicle to attend a meeting, workshop, seminar, or transportation of prisoners, outside the county, the department head shall approve the route taken.
  9. The only passengers permitted to accompany county employees in county-owned vehicles are persons dealing in work-related activities.
  10. Any person or persons riding in county-owned vehicles must receive monetary compensation or be billed on a contract basis in order to be eligible to receive workers compensation benefits.
  11. Under no circumstances will any employee operate a county vehicle while under the influence of intoxication liquor or drugs.

12. No department will loan or otherwise assign any county-owned vehicle to another department or agency without approval from the department head. County-owned vehicles will not be loaned to non-county employees.

#### 51.2 All Departments Authorized Uses

1. County personnel shall be allowed overnight take home of county-owned vehicles when a county-owned vehicle would be used for an in-state trip and where early morning departure or late-night return is involved. Example: Leave before 7:00 a.m. and/or return after 6:00 p.m.. In this particular instance the department head shall be held accountable for approving the overnight use of the vehicle.
2. County-owned vehicles may be used for rest breaks if work is being done in a remote part of the county and if the employee's lunch destination is within a reasonable distance when more time would be required to drive back to the office than driving to a neighboring town. At no time will the county-owned vehicle be driven out of the county on a lunch hour, unless to attend a business meeting for county purposes.
3. County-owned vehicles may be used for rest breaks if the employee is working in the immediate vicinity of a town, within 5 minutes, or is traveling through a town to the job site or to the office.

#### 51.3 Sheriff's Department

1. Officers are allowed to keep the vehicle assigned to them at their home. Officers are subject to twenty-four (24) hour call out and shall respond when requested.
2. Reserve officers are allowed to use a vehicle when assigned by a supervisor or senior deputy on duty. Reserve officers will return the vehicle to the location it was picked up from unless otherwise directed.
3. Office staff may drive vehicles under special circumstances when approved by a supervisor.
4. Office staff and commissioned law enforcement officers are allowed to ride with a deputy when approved by a supervisor.
5. A supervisor shall approve riding by any other person, except when in the performance of the officers' duties.
6. When an officer is in the patrol vehicle, off duty, the officer will respond to any calls if requested.

51.4 Emergency Management Director (EMD) shall be allowed twenty-four (24) hour use of the vehicle for official purposes including taking the vehicle home at night. The EMD is subject to twenty-four (24) hour call out and the fact, accompanied with the realization that a two-way communication radio is available in the vehicle for contact with the other emergency operations personnel makes such twenty-four (24) hour use appropriate.

51.5 County Building Maintenance Supervisor shall be allowed twenty-four (24) hour use of the vehicle for official purposes including taking the vehicle home at night. The Maintenance Supervisor is subject to twenty-four (24) hour call out to respond to fire alarm systems calls and from the police department call outs for vandalism and unlocked doors on county facilities.

## Sexual Harassment Policy and Procedures for Enforcement

Policy 52  
April 27, 2010

### **Policy 52:**

- 52.1 Harassment on the basis of a person's sex by a supervisor, co-worker or other person is a discriminatory practice which violates Title VII of the Civil Rights Act of 1964 and regulations passed by the United States Equal Employment Opportunity Commission.
- 52.2 Aside from being illegal, sexual harassment undermines the integrity of individual work relationships and damages the morale of the entire work force.
- 52.3 It is the policy of McPherson County that all employees are entitled to work in an environment free from all forms of illegal discrimination including that which is based upon a person's sex.
- 52.4 Any practice or activity, which constitutes sexual harassment, is strictly forbidden and shall, if substantiated in accordance with this policy, result in disciplinary action.
- 52.5 PROHIBITED CONDUCT.

Sexual harassment is defined as any unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment.
- (b) Submission to or rejection of such conduct by a person is used as a basis for employment decisions affecting that person.
- (c) Such conduct has the purpose or effect of unreasonably interfering with a person's work performance.
- (d) Such conduct creates an intimidating, hostile or offensive work environment.

Sexual harassment includes, but is not limited to:

- (a) Abusive, vulgar language of a sexual nature.
  - (b) Suggestive jokes or comments about an employee's body or wearing apparel.
  - (c) Sex oriented verbal "kidding" or abuse.
  - (d) Touching, propositions, advances.
  - (e) Subtle pressure for sexual activity; and/or
  - (f) Physical contact such as patting, pinching or constant brushing against another's body.
- 52.6 DISCIPLINARY SANCTIONS. Sexual harassment is a serious violation of the work rules of McPherson County and shall be grounds for disciplinary action up to and including termination. The disciplinary action taken shall depend upon:

- (a) The individual facts of the case.
- (b) The record as a whole and the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred.
- (c) The employment record of the person alleged to have violated this policy.
- (d) The mitigating or aggravating circumstances, which affect the nature and degree of discipline to be imposed.
- (e) The establishment of the violation of this policy by clear and convincing evidence.

52.7 EMPLOYEE RIGHTS. Any employee who believes that another employee has violated this policy shall immediately file a written complaint or report in accordance with this policy.

52.8 RETALIATION PROHIBITED. No employee filing a complaint under this policy or who legitimately assists another in the filing of such complaint shall be subjected to discipline of any kind, unless the allegations were known to be false (or untrue) by the employee making them, or were recklessly made without knowledge concerning them.

52.9 COMPLAINTS. All complaints or reports relating to sexual harassment of an employee shall be in writing and filed with an immediate supervisor or department head. Any complaints or reports filed with an immediate supervisor or department head shall be immediately delivered to the County Administrator. The County Administrator shall immediately proceed with an investigation of the matter unless the complaint or report is determined from its face to be frivolous or without merit, in which case, the County Administrator may dismiss the complaint or report without further investigation by notifying the employee(s) involved and the immediate supervisor or department head.

52.10 INVESTIGATIONS. All investigations, whether upon complaint or otherwise, shall be initiated and conducted by or under the supervision of the County Administrator. If the County Administrator is the subject of the complaint, then by a person appointed by the Board of County Commissioners.

The County Administrator may call upon other supervisors or department heads to investigate or assist in the investigation of any complaint upon the terms and conditions the County Administrator shall direct.

Upon conclusion of an investigation, the County Administrator shall document all relevant factual findings of the investigation. The County Administrator shall recommend to the Board of County Commissioners the appropriate disciplinary action, if any, to be taken.

52.11 TYPES OF DISCIPLINE. Violation of this policy shall be grounds for:

- (b) Termination; or
- (c) Suspension without pay; or
- (d) Suspension with pay; or
- (e) Informal admonition by the County Administrator or Board of County Commissioners; or
- (f) Any other form of discipline or conditions separate from or connected to any type of

discipline stated above, whether or not recommended by the County Administrator, which the Board of County Commissioners deems appropriate.

52.12            REFUSAL OF COMPLAINANT TO PROCEED. The unwillingness or neglect of the complainant to cooperate in the prosecution of the complaint, settlement or compromise between the complainant and the employee, or restitution by the employee, shall not necessarily justify abatement of any complaint.

52.13            MATTERS INVOLVING RELATED PENDING CIVIL OR CRIMINAL LITIGATION. Processing of complaint shall not be deferred or abated because of substantial similarity to the material allegations of pending civil or criminal litigation, except in exceptional circumstances authorized by the Board of County Commissioners.

52.14            ADMINISTRATIVE RESPONSIBILITIES.

Supervisors - Each department head has a responsibility to maintain a work place free of sexual harassment. This duty includes discussing this policy with all employees and assuring them that they are not to endure insulting, degrading or improper sexual treatment.

County Administrator - It is the responsibility of the County Administrator to:

(b) Provide information to supervisors and department heads regarding this policy specifically, and sexual harassment generally; the gravity of such behavior; and the procedure to be employed in the event a complaint of sexual harassment is made or conduct amounting to sexual harassment is observed.

(c) Provide necessary training to supervisors and department heads in order to reduce the likelihood of sexual harassment in the work place.

52.15            FALSE ACCUSATIONS. Due to the serious nature of allegations involving sexual harassment, false accusations of sexual harassment if known to be false (or untrue) by the employee making them, or were recklessly made without knowledge concerning them, shall be grounds for disciplinary action up to and including termination.