

DOUGLAS COUNTY PERSONNEL POLICY

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SECTION 1

PURPOSE AND APPLICATION OF POLICY

1.1 INTENT

The Douglas County Personnel Policy has been designed to provide Douglas County employees with policies for the administration of all employee-related matters. The policies stated herein are guidelines only, with the exception of Douglas County's policy on "at-will" employment, and are subject to change at the sole discretion of Douglas County, as are all other policies, procedures, benefits and other programs of Douglas County. From time to time, County employees may receive updated information concerning changes in policy. Any questions regarding this policy or any updates should be addressed to the Human Resources Manager.

These policies do not create a contract, express or implied, guaranteeing employment for any specific duration or guaranteeing that a County employee will only be terminated for cause or only after following the progressive discipline procedure. The disciplinary process contained in these policies is merely set forth as a guideline and should not be construed as preventing, limiting or delaying the County's right to take disciplinary action, including immediate discharge without prior notice or warning in circumstances where the County deems such action appropriate. As such, no County employee should have an expectation that he or she will only be terminated for cause or only after following a specific progressive discipline procedure. Douglas County or any County employee may terminate the employment relationship at any time, for any reason, with or without cause or notice. No Department Head, Elected Official, supervisor, manager, or other representative of Douglas County, other than the County Commission acting as such, has the authority to enter into any agreement for employment for a specified period of time or to make any promises or commitments or adopt any policies contrary to the foregoing.

1.2 STATEMENT OF NON-DISCRIMINATION

- a. **EQUAL EMPLOYMENT OPPORTUNITY.** It is the official policy of Douglas County not to discriminate against any employee or applicant for employment in any manner because of race, color, religion, age, military status, sex, national origin, sexual orientation, gender identification, or based on any other factor prohibited by law. All solicitations or advertisements for employees placed by Douglas County will state that qualified applications will receive consideration for employment without regard to race, color, religion, age, military status, sex, or national origin.

- b. **QUALIFIED PERSONS WITH DISABILITIES.** It is the official policy of Douglas County not to discriminate against any employee or applicant for employment in any manner because of a physical or mental disability in regards to any position which the employee or applicant for employment is qualified to perform with or without reasonable accommodation. Douglas County will provide to disabled employees reasonable accommodations that do not impose undue hardship on the County.

- c. ACCOMODATION REQUEST PROCEDURE. Qualified individuals with disabilities may make a written request for reasonable accommodation to the Human Resources Manager. On receipt of an accommodation request, the Human Resources Manager will meet with the individual to discuss the request and potential accommodations. The Human Resources Manager will investigate the feasibility of the requested accommodation and inform the individual of the County's decision.
- d. DISCRIMINATION. Any employee who has been found to engage in discrimination or intimidation of another person based upon the other person's race, color, religion, age, military status, sex, national origin, disability, sexual orientation, gender identification, or any other factor prohibited by law shall be disciplined and may be subject to dismissal. Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964 as set out in Section 1.3.
- e. REPORTING ALLEGED DISCRIMINATION. Any employee or applicant for employment with a bona fide complaint that he or she has been discriminated against in violation of this policy shall promptly report such alleged discrimination to the appropriate Department Head or Elected Official or to the Human Resources Manager. The Department Head or Elected Official is responsible for immediately informing the Human Resources Manager of such allegations, who shall be responsible for conducting an investigation into the incident(s).
- f. NO RETALIATION. Douglas County prohibits any form of retaliation against any employee or applicant for employment who files a bona fide complaint under this policy or who assists in a complaint investigation.
- g. DUTY TO COOPERATE. Each employee has a duty to fully cooperate with an investigation conducted by Douglas County, including the duty to reveal any information that may bear on the investigation. This may include both oral interviews of employees and/or the employee may be asked to provide a written statement. Failure to cooperate may result in discipline up to and including immediate termination.

1.3 STATEMENT OF NON-HARASSMENT

- a. DEFINITION. Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. An employee shall not in any way make unwelcome sexual advances, make requests for sexual favors, or exhibit any other verbal, written, or physical conduct of a sexual nature toward another employee or a member of the public. Prohibited acts of conduct include, but are not limited to, sexual flirtations, touching, propositions, verbal abuse of a sexual nature, sexually graphic verbal comments, sexually degrading words used to describe an individual, and displays of sexually suggestive objects or pictures. These actions constitute sexual harassment when submission or rejection of

this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment.

- b. **REPORTING ALLEGED SEXUAL HARASSMENT.** Any incident of discrimination, insult, intimidation, or harassment in any form shall be promptly reported to the employee's supervisor, the alleged harassers' supervisor, or the Human Resources Manager. Any of the previously listed individuals are responsible for immediately informing the Human Resources Manager of such allegations, who shall be responsible for conducting an investigation of the incident(s). A complaint or allegation against the Human Resources Manager shall be reported to the County Administrator. The County Administrator or his or her designee shall be responsible for conducting an investigation into any complaint or allegation against the Human Resources Manager. No employee shall be retaliated against by Douglas County for reporting such conduct.
 - c. **CONSEQUENCES OF ENGAGING IN SEXUAL HARASSMENT.** Following a thorough investigation, any employee who has been found to have engaged in such conduct shall be disciplined and may be subject to dismissal.
 - d. **CONSENSUAL RELATIONSHIPS.** Consensual romantic and sexual relationships between supervisor and employee or between coworkers are strongly discouraged. In the event of an allegation of sexual harassment, the County will be less sympathetic to a defense based upon consent when the facts establish that a professional power differential existed within the relationship. These relationships may be subject to concerns about the validity of consent, conflicts of interest, and unfair treatment of other employees. Further, such relationships can undermine the atmosphere of trust essential to the function of County governance and the employment relationship and may subject Douglas County to liability. No person involved in a consensual relationship will have direct responsibility for evaluating the employment of, performance by, or for making decisions regarding the promotion or compensation of the other party to the relationship.
 - e. [SEE APPENDIX G](#) Harassment-Free Workplace Policy for additional information.
- 1.4** **DEFINITIONS.** For purposes of this policy, the use of the term "Department Head" within this policy, except in Section 3.1B & C (2) shall refer to both Elected Officials and appointed Department Heads of Douglas County government. This policy shall not apply to any officer of the District Attorney or of the 7th Judicial District of the State of Kansas.

SECTION 2

RECORDS AND REPORTS

2.1 PERSONNEL FORMS. Personnel-related forms are maintained in the County Clerk's Payroll Office and in Administrative Services. Processing of these forms will be addressed under the appropriate section relating to the specific action.

2.2 RECORDS

a. COUNTY CLERK. The County Clerk shall maintain the following records for each Douglas County employee:

1. Vacation leave earned, used and unused.
2. Sick leave earned, used and unused.
3. Compensatory time earned, used and unused.
4. Employee name, address, telephone number.
5. Title of position.
6. Date employed.
7. Social security number
8. Department
9. Appointment status.
10. Salary rate.
11. Change in status or transfer.
12. Retirement records and forms.
13. Other records as required for payroll purposes.

b. HUMAN RESOURCES MANAGER. The Human Resources Manager shall maintain the official employee records including, but not limited to, the following:

1. Application form, resumes, transcripts and letters of recommendation.
2. Disciplinary action forms.
3. Performance evaluations.
4. Payroll change forms.
5. Other records as required for personnel purposes.

The Human Resources Manager shall maintain a separate confidential file for all medical information regarding an employee.

2.3 AVAILABILITY OF EMPLOYEE RECORDS

a. EMPLOYEE RIGHTS. Employees have the right at any time to inspect their own official employee files within either the County Clerk's Payroll Office or Administrative Services. Requests by an employee for copies of his/her files shall be directed to the Human Resources Manager and shall be provided within a reasonable time.

EMPLOYEE INFORMATION. To ensure that personnel files are up-to-date at all times, employees shall use the online self-service online application to provide current information regarding, telephone number, home address, marital status and emergency

contact. Name changes should be reported to the Payroll and Personnel Office with documentation.

- b. KANSAS OPEN RECORDS ACT. Under K.S.A. § 45-215 et seq., the Kansas Open Records Act, any member of the public may request and shall be provided the names, positions, salaries and dates of employment of officers and employees of Douglas County once they are employed as such. Only the County Administrator, the Assistant County Administrator, Human Resources Manager and/or the Freedom of Information Officer, have the authority to give out any other information.

2.4 PROTECTION OF INFORMATION OTHER THAN PERSONNEL RECORDS

- a. Each Department Head is responsible for authorizing the release of any non-confidential information (other than personnel information) from County records. Employees shall request such authorization from the Department Head prior to the release of information from County records. Requests for information from public records must be honored within three (3) work days of the request.
- b. Requests for release of confidential information and/or for questions about the release of information shall be referred to the Freedom of Information Officer.

2.5 **EMPLOYMENT REFERENCES.** Any request for employment references on a current or previous employee must be referred to the Personnel Office. No information other than that specifically allowed under the Open Records Act will be provided, even when a signed release from the individual authorizing the release of information is submitted. Exceptions to this policy may only be authorized by the County Administrator or the Human Resources Manager, or as specifically required by law.

SECTION 3

POSITION INFORMATION

3.1 **CATEGORIES AND TYPES OF APPOINTMENTS.** All Douglas County positions shall be assigned to one of the following categories.

- a. UNCLASSIFIED. Unclassified positions are exempt from the Douglas County Personnel Policy and are not eligible for any benefits, such as paid leaves or health insurance. Unclassified positions include the following:

1. Part Time, No Benefits: authorized at less than half time. The salaries for these positions are established by the Department Head with the approval of the Human Resources Manager and County Administrator.
 2. Temporary/Seasonal: appointed for a designated period of time not to exceed ten (10) months. Employees in these positions may work either part time or full time.
Emergency: must be based upon an emergency situation within the department and be approved by the County Administrator or Human Resources Manager. Emergency appointments shall not exceed ninety (90) calendar days unless extended by the County Administrator or the Human Resources Manager. These appointments are exempt from the advertising process as described in Section 3.3A.
 3. Internship/School-related appointments: authorized at less than half time. The salaries for these positions are established by the Department Head with the approval of the Human Resources Manager and County Administrator. These appointments are exempt from the advertising process as described in Section 3.3A.
- b. ELECTED OFFICIALS. (Note: Also referred to as Unclassified Elected.) Elected Officials occupy positions that are filled by election. These positions are exempt from all personnel policies, but shall receive health insurance and retirement benefits.
- c. CLASSIFIED EXEMPT. (Note: Also referred to as Unclassified Appointed.) Classified Exempt personnel are not subject to personnel policies with respect to discipline, termination, and/or grievance rights. This classification does not refer to overtime requirements. Classified exempt appointments include the following:
1. Appointed Department Heads
 2. Political appointees occupy positions created by statutory authority to serve at the discretion of Elected Officials.
- d. CLASSIFIED. Classified positions (except as described below) are totally governed by all Douglas County Personnel Policies. These positions are eligible for all benefits. Classified Appointments include the following:
1. Part Time with Benefits.
 2. Full Time.
 3. Grant Status: supported by State and/or federal grant funds earmarked for a specific purpose and may be either part time with benefits or full time. Grant status employees may be terminated without grievance rights when grant funds are no longer available for their salaries and/or benefits.
 4. Special Project: appointed for a fixed period of time longer than ten (10) months for the purpose of assisting with a special project under the direction of a Department Head. These positions may be part time with benefits or full time. Special Project employees may be terminated without grievance rights at the end of the special project period.

- e. OTHER CATEGORIES – This section is intended to meet the criteria established by the Federal Highway Administration and Department of Transportation (“DOT”) regarding controlled substances and alcohol use and testing for employees operating commercial motor vehicles. The Human Resources Manager and County Administrator shall have the authority to designate additional positions to be covered by this policy.
1. **Safety Sensitive Positions.** The Federal Transit Administration (FTA) has determined that “safety-sensitive” functions are performed by those who (49 CFR, part 655.4):
 - i. Operate revenue service vehicles including when not in revenue service.
 - ii. Operate non-revenue service vehicles that require drivers to hold CDL’s.
 - iii. Dispatch or control revenue service vehicles.
 - iv. Maintain (including repairs, overhaul, and rebuilding) a revenue service vehicle or equipment used in revenue service, unless the recipient receives funding under 49 U.S.C. 5309, is in an area less than 50,000 in population and contracts out such services, or funding under 49 U.S.C. 5311 and contracts out such services.

These categories include supervisors who perform these functions. Supervisors of employees in these categories who do not themselves perform these functions are excluded.

Douglas County positions covered by this policy, hereinafter referred to as “safety-sensitive positions” include, but may not be limited to, the following:

- i. Equipment Operator/Maintenance Workers I, II, and III
- ii. Fairgrounds Coordinator
- iii. Grounds Maintenance Workers I, II and III
- iv. Maintenance Supervisor
- v. Road & Bridge Superintendent
- vi. Fleet Maintenance Superintendent
- vii. Fleet Mechanic
- viii. Parks Maintenance Supervisor
- ix. Public Works Asst. Operations Div. Manager
- x. Vegetation Control Superintendent
- xi. Vegetation Control Workers I and II
- xii. Operations Division Manager
- xiii. Buildings & Grounds Workers I II, and III
- xiv. Buildings & Grounds Lead Worker
- xv. Director, Buildings & Grounds

2. **Public Safety Positions.** Douglas County positions covered by this policy, hereinafter referred to as “public safety positions” include, but may not be limited to, the following:
- i. Criminal Justice Services: Adult Services Officers I & II, Adult Services Supervisors, Corrections Officers I, II, III, & IV Training Officer, Juvenile Intake Officer, Juvenile Services Officer, Juvenile Services Supervisor, Corrections Officer Supervisors, Detention Operations Manager, Assistant Director, Director
 - ii. Sheriff’s Office: All Commissioned Officers, Corrections Officers I, II, III & IV
 - iii. Emergency Communications: Communications Officers, Communications Supervisors, Training Officer, Shift Supervisor Communication, Asst. Shift Supervisor Communication
 - iv. Other Positions: The County Administrator shall have the authority to designate additional positions to be covered by this policy.

3.2 CONTACT PERSON FOR DOT INFORMATION AND MATERIALS. Each department having DOT safety-sensitive positions will have a contact person from whom employees may obtain materials and information about the federal regulations and Douglas County policy. These contacts are listed below:

- a. Public Works Department: Operations Division Manager
- b. Maintenance Department: Director, Buildings & Grounds

3.3 SAFETY SENSITIVE POSITION TRAINING. All Douglas County employees in safety sensitive positions will be required to receive at least 60 minutes of training on the effects and consequences of prohibited drug use and misuse of alcohol on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use.

3.4 CERTIFICATE OF RECEIPT. Each employee occupying a DOT safety-sensitive position will be required to sign a statement certifying that he/she has received a copy of this policy. The original of this Certificate of Receipt will be filed in the employee’s official personnel file in the Personnel Office.

3.5 WORK DAY DEFINED. For purposes of this policy, these regulations apply whenever an employee is actually performing, ready to perform, or immediately available to perform any work-related duties, including safety-sensitive functions. Thus, the work day under this policy will be considered to be any time the employee is performing the functions of his/her position, which includes the regular work day, overtime hours, and/or snow removal or other emergency duty.

3.6 SUPERVISORY TRAINING. All Douglas County employees who perform supervisory functions over safety-sensitive positions will be required to receive at least sixty (60) minutes of training on alcohol misuse and an additional sixty (60) minutes of training on

controlled substance use during each calendar year. The training will include the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances. Supervisors will be expected to immediately report concerns about potential alcohol misuse and/or controlled substance use to the Contact Person in their department. Failure to do so could result in disciplinary action. The Contact Person must notify the Human Resources Manager of these concerns immediately.

3.7 MINIMUM AGE EMPLOYMENT POLICY. Employees shall be at least sixteen (16) years of age for unclassified appointments and eighteen (18) years of age for classified appointments.

3.8 EMPLOYMENT PROCEDURES

- a. **ADVERTISING.** The Personnel Specialist shall coordinate the development of advertisements for County positions.
 1. **External Notices.** Job vacancy notifications shall be posted in and on the County's website and various other publicly accessible locations and sources as the Human Resources Manager determines will be useful in notifying the public of openings. All advertisements must include the job title, the required and preferred qualifications, the application process, the deadline for application and the phrase "EOE". The application collection process shall be open for at least five (5) work days. Exceptions to this process must be approved by the Human Resources Manager or County Administrator.
 2. **Internal Notices.** The Personnel Specialist shall provide notices of all searches to each department. These notices shall be posted in a visible location, and shall include the job title, required qualifications, and deadline for application.
 3. **Exceptions.**
 - i. **Internal Searches.** The Human Resources Manager or County Administrator may designate some positions to be filled internally, and the requirement for an external search may be waived.
 - ii. **Transfer/Promotions.** In circumstances where a vacancy may be filled through a transfer or promotion of a current employee, particularly in situations where no other employees qualify for such transfer or promotions, and with the approval of the Human Resources Manager or County Administrator, the requirement for a search may be waived.
- b. **APPLICATION PROCESS.** All candidates for County positions, whether internal or external, must submit applications and/or resumes through the Personnel Office by the advertised deadline. Internal applications for promotions need only complete the abbreviated application. Each application shall be recorded and shall be provided to the Department Head for review after the deadline for application has passed. The Human Resources Manager has the discretion to accept late applications (submitted after the deadline) when special circumstances exist.

- c. INTERVIEW PROCESS. Applications shall be screened down to a manageable number within the department. The screening process shall be based on required and preferred qualifications by the Department Head. If a candidate was interviewed for the same position within the previous six months, it will not be necessary for the candidate to be re-interviewed during the first interview process. Any reimbursement of interview expenses will be approved in advance by the County Administrator or Human Resources Manager.
- d. DOUGLAS COUNTY EMPLOYEES. In an effort to encourage upward mobility, Douglas County employees may be given priority over external candidates with matching backgrounds, qualifications and suitability.
- e. DRUG SCREENING. Pursuant to the County's employment, transfer, or promotion procedures, final candidates for public safety positions (including but not limited to law enforcement, emergency communications, emergency management), and "safety-sensitive" positions (see Section 13) which fall under federal DOT requirements shall be required to take and pass a post-offer, pre-employment drug screening test as a condition of employment, transfer, or promotion.
 - 1. PRE-EMPLOYMENT DRUG SCREENING APPLIES TO ALL NEW EMPLOYEES IN SAFETY SENSITIVE POSITIONS. Final candidates for Safety Sensitive positions will be given a conditional offer and will be required to submit to a drug screening test. To be eligible for employment, the candidate's test results must be negative (DOT results must be verified by our Medical Review Officer). If an applicant fails a drug screening test or refuses to take a test, the applicant will not be considered for hire for a period of two years.
 - 2. PRE-EMPLOYMENT DRUG SCREENING APPLIES TO ALL NEW EMPLOYEES IN PUBLIC SAFETY POSITIONS. Final candidates for Public Safety positions will be given a conditional offer and will be required to submit to a drug screening test. To be eligible for employment, the candidate's test results must be negative. If an applicant fails a drug screening test or refuses to take a test, the applicant will not be considered for hire for a period of two years.
- f. CRIMINAL RECORD CHECKS. Background investigations shall be conducted on all positions with access to law enforcement information. This shall include any position which has unescorted access to law enforcement offices and for employees who will be driving Douglas County vehicles, and for other positions as required. All such positions shall be identified by the Human Resources Manager or County Administrator. Failure to sign a release for such a background investigation shall make the applicant ineligible for employment in that position. Background checks may include finger printing. A criminal history may or may not disqualify a potential employee, depending on the position, the

nature of the past offense, when it occurred, and consideration of the totality of the circumstances.

- g. RECOMMENDATION AND APPROVAL. Hiring processes and procedures are outlined in the [Douglas County New Hire](#) user guide available on the County intranet site.
- h. RECORDS. All applications, interview notes, and any other non-confidential information relating to the hiring process shall be returned to and retained by the Administrative Services Department for a period of two (2) years. Confidential information resulting from background checks shall be maintained in the appropriate law enforcement office as prescribed by law.
- i. MEDICAL EXAMS. As part of the County's employment, transfer, or promotion procedures, positions which are required by State or federal law to take and pass a post-offer, pre-employment medical examination will first be offered employment based upon satisfactory completion of the examination and a determination by the examining physician selected by the County that the candidate can perform the essential functions of the position offered, with or without reasonable accommodations.

3.9 EMPLOYEE QUALIFICATION

- a. PHYSICAL EXAMINATIONS. The Human Resources Manager may at any time require an employee to be examined by a licensed medical provider selected by the County for the purpose of determining the employee's ability to safely perform the duties of his/her position.
- b. ALCOHOL AND DRUG SCREENING EXAMINATIONS. In situations in which a Department Head or Human Resources Manager has determined that there is reasonable suspicion to believe an employee has used a controlled substance or has consumed an alcoholic beverage in violation of County policy as outlined in Section 13, the Human Resources Manager may require the employee to submit to a drug screening test and/or an alcohol screening test. Should the employee refuse, he/she may be subject to disciplinary action up to and including termination. Should the results of any test be positive, the employee shall be required to participate in the Employee Assistance Program, and may be subject to disciplinary action up to and including termination. All costs of the testing shall be borne by the County.

- 3.10 VACANCY/DESIGNEE.** The Douglas County Personnel Policy provides that certain functions will be performed by specific County personnel. In the event there is a vacancy in any position with a specified duty or responsibility under this policy, the County Administrator may, in his or her discretion, designate another individual to perform the duty or responsibility until such time as the vacant position has been filled.

SECTION 4

INTRODUCTORY PERIOD

- 4.1 PURPOSE.** The introductory period is to be used as an evaluation process for new employees. An employee may be dismissed at any time during the introductory period without the right of appeal or hearing, except in cases where the introductory employee makes an allegation of discrimination or harassment, which will be handled according to the procedures set out elsewhere in the policy. Nothing contained herein is intended to create an express or implied contract and the employee remains an employee at will. The successful completion of this introductory period should not be construed as creating a contract or as a guarantee of employment for any specific duration or as establishing a just cause standard for termination.
- 4.2 INTRODUCTORY PERIOD**
- a. **NEW EMPLOYEES.** The introductory period for new employees shall be a minimum of twelve (12) months in length. At the end of the first six (6) months, an interim evaluation of the employee's performance shall be performed. Following the completion of the twelve month period, a performance evaluation shall be conducted. At that point, the Department Head shall recommend extension of the introductory period, dismissal of the employee, or release of the employee from introductory status. The evaluation and recommendation shall be submitted to the Human Resources Manager for final approval.
 - b. **DISMISSAL.** Introductory employees may be dismissed at any time. These positions have no right to appeal or grieve a dismissal except in cases of alleged discrimination or harassment.

SECTION 5

CODE OF CONDUCT

- 5.1 GENERAL ETHICS POLICY.** This policy establishes standards of conduct expected for those who work for Douglas County. Government service is a public trust; this policy defines proper ethical behavior for Douglas County employees and encourages employees to do their work with the highest regard for moral principles. These policies are also intended to establish guidelines to assist employees in determining the proper course of action in

situations of uncertainty regarding ethical obligations. It is the policy of Douglas County that:

- a. All citizens be provided fair and equal access to and from the government without any appearance or element of discrimination, favor, or consideration of any special interest.
- b. All official actions taken in the performance of government duties or responsibility be motivated by service of the public interest and protection of the public trust without any regard for personal accomplishment, enhancement, or personal benefit.
- c. All persons who act for or represent the interests of the County adhere to the highest standards of ethical conduct in the performance of their official duties.
- d. The policies and procedures for operation of the County government provide for efficient and cost effective service, responsive to the public interest, which will preserve and promote confidence in Douglas County government and the integrity of its staff.
- e. Uphold the constitution, laws and regulations of the United States, the State of Kansas, and Douglas County.
- f. All actions, whether official or unofficial, shall not undermine the public's confidence with respect to the appropriate use of Douglas County funds and resources.
- g. Failure to abide by any of the following provisions may be grounds for disciplinary action and/or dismissal.

5.2 CONFLICT OF INTEREST. A County employee should always avoid conflicts of interest and even the appearance of such conflicts by full, public disclosure of such interests to appropriate officials, and where possible, by abstaining from participation in the performance or exercise of the official, discretionary actions.

5.3 FINANCIAL/BUSINESS INTERESTS. Employees shall refrain from participation in any selection process, contract negotiation, or purchase of goods or services where they, or their family members or business associates, have any beneficial or financial interest in the award or selection of contract. Further, a County employee shall not engage in or have a financial interest in any business providing goods or services to the County except when the goods or services are provided through formal competitive bid process under the purchasing policies of the County. In this case a full disclosure regarding the financial interest should be made to all the appropriate officials. Employees shall not participate in outside employment or outside activities involving financial or business interests which conflict with their duties as an employee of Douglas County.

5.4 FINANCIAL DISCLOSURES. County employees shall always fully and publicly disclose any material, financial or other beneficial interest that the employee has or may have in any contract, legislative action, formal decision or governmental ruling or determination whenever the employee will or may participate in any manner in the discussion, deliberation, decision or administration of the matter.

5.5 INTERNET AND E-MAIL. Internet and e-mail usage shall be in accordance with the official Douglas County Computer Usage and Security Policy. No employee has any property interest or expectation of privacy in any electronic communication while using Douglas County information technology systems or equipment. Furthermore, the ethical guidelines contained in this policy shall be applied to such computer use while on County time or while using any County property. Employees are prohibited from sending personal e-mails to “All County Employees” distributions list using County equipment or County assigned e-mail addresses.

5.6 EMPLOYMENT OF RELATIVES. Douglas County discourages the hiring of immediate family members in a Classified full time or Classified part time position in the same division of a department, such divisions to be determined by the Human Resources Manager or County Administrator. The definition of immediate family member is as follows:

- a. Spouse, Sibling, Child, Parent, and In-laws and Step relationships of these relatives.
- b. Grandchild, Grandparent

Should a Department Head desire to hire a family member as defined above, prior approval must be given by the Human Resources Manager or County Administrator. If a family relationship as listed above develops after the hiring of the affected employee(s), the Human Resources Manager must be notified of the relationship. The County Administrator may require the transfer of one or both employees to another division or department.

Additionally, a relative as defined above of a County Commissioner, County Administrator, or Assistant County Administrator may not be employed in any capacity by Douglas County, unless the individual was employed at the time of election of the Commissioner or appointment of the Administrator.

5.7 SPECIAL TREATMENT. No employee shall either directly or indirectly give, promise, render or pay any money, any service or other valuable thing to any person on account of, or in connection with, his/her test, appointment, proposed appointment, promotion or proposed promotion. Additionally, no employee will accept any of the foregoing in exchange for consideration of the testing, appointment, proposed appointment or promotion or proposed promotion of any person.

5.8 EQUAL EMPLOYMENT OPPORTUNITY. Douglas County will not discriminate against any employee or applicant for employment in any manner because of race, color, religion, age, sex, sexual orientation, gender identification, or national origin. All solicitations or advertisements for employees placed by Douglas County will state that qualified applications will receive consideration for employment without regard to race, color, religion, age, sex, sexual orientation, gender identification, national origin, or any other factor prohibited by law. Douglas County will not retaliate against any employee who makes a claim of discrimination.

5.10 USE OF COUNTY PROPERTY. County property shall only be used for the purpose of carrying out official County business. Any exception to this regulation must be approved in writing by the County Administrator.

a. **Mobile Devices** - The purpose of this Policy is to set guidelines and requirements as to the appropriate use, security, support of, assignment of, governance, and responsibilities for the use of mobile devices, whether owned solely by Douglas County or supplied by any person for any purpose relevant to the work flow processes of the Douglas County, Kansas government. This Policy shall apply to Douglas County employees and employees of other affiliated entities, agencies, and contractors using a Mobile Device to access the Douglas County network. This Policy also includes the use of intellectual property used, downloaded, stored, etc. by mobile technology and communication devices.

i. Definitions:

- **Mobile Device:** Any device or medium not permanently connected to the Douglas County network used for the purpose of receiving, sending, or storing information. This may include, but is not limited to, cell phones, laptops, computers, smart phones and tablets.
- **Exempt Employee:** Any employee considered Exempt from FLSA (Fair Labor Standards Act) guidelines.
- **Non-Exempt:** Any employee that is covered under the FLSA (Fair Labor Standards Act).

ii. Employee Responsibilities and Restrictions:

- In the event that an employee elects to use any equipment belonging to Douglas County, including cell phones and/or email accounts, for limited personal use, the employee waives any expectation of privacy in such communications and understands that Douglas County retains the right to monitor, review, and discipline employees based on information sent by any equipment owned by Douglas County and that the County's acceptance of limited personal use does not change any expectations.
- Employees are prohibited from using a cellular phone while driving (either a County vehicle of a personal vehicle used for County business and/or while operating county equipment) for the following purposes:
 1. Sending or reading text messages or emails;
 2. Accessing the internet
- Employees are encouraged not to use cellular phones while driving a County vehicle or a personal vehicle for County business, except in cases of public safety issues.

- Employees shall refrain from using the cell phone for purposes of photography except for official County business.
- Employees are expected to restrict text messaging within the limits of the plan; failure to do so will result in reimbursement from the employee and possible disciplinary action.

iii. Additional Responsibilities and Enforcement:

- Douglas County sets forth this Policy in an effort to meet organizational goals, improve employee satisfaction, to improve efficiency for county departments, agencies, courts, authorities, and employees by enabling the use of Mobile Devices, and enabling those devices with access to county resources (such as email).
- Each Douglas County employee, and any other person subject to this Policy, is responsible for the conditions set forth within this Policy, as well as any other employee policy set forth within the Douglas County Personnel Policy or elsewhere, and any subsequent policy set forth by the department, agency, court, authority, etc. for which an employee works within Douglas County, Kansas government.
- The County Administrator, Department Directors, Division Directors, Elected Officials, Managers, and Supervisors at all levels shall fully understand this Policy and be held responsible for any employee under his/her management for meeting the requirements set forth within this Policy, and shall communicate the requirements of this Policy for any and all persons that this Policy applies.
- The Information Technology Department Director or designee shall oversee all technical aspects of enforcing this Policy, including creating and updating all approval forms, etc. which enable mobile devices to access county resources.
- Every user of a Mobile Device with access to the Douglas County network must use reasonable care to protect Douglas County data and to prevent unauthorized access to the Douglas County network.
- Information used or stored on any Mobile Device shall be considered as important for security as any paper document in the operation of county business.
- Violations of this Policy will subject the Mobile Device to disconnection from the Douglas County network. In addition, the violator will be subject to normal departmental and/or county enforcement policies, including termination as per the Personnel Policy.

iv. County Purchased Mobile Devices

- All cell phones and smart phones that Douglas County purchases for its employees shall be purchased through the Douglas County Administration Services Department.
- All tablets and other mobile computing devices that Douglas County purchases for its employees shall be purchased through the Douglas County Information Technology Department.
- The need for a county purchased Mobile Device is determined by each Department Director and/or Division Director. If the cost of the Mobile Device was not included in the current budget, it must be approved by the Human Resources Manager or County Administrator and the Information Technology Director.
- The Information Technology Department in conjunction with Administration Services Department shall have sole authority to determine the type and model of any Mobile Device that Douglas County purchases.
- Any mobile device that connects to the Douglas County network shall be managed by MDM (Mobile Device Management) software. This includes any device that accesses Douglas County email, phone system, or other system or resource located within the Douglas County network.

v. Additional considerations. Employees who are assigned Douglas County cell phones are subject to the following:

- Ensure minimal use of this phone for personal use; excessive use of County cell phones for personal calls could result in cell phone privileges being revoked.
- See the **Appendix A: Mobile Device Policy** for additional information and procedures which must be followed for any Mobile Device to be enabled to access Douglas County.

b. County Vehicles. Employees who are authorized to drive County-owned vehicles are subject to the following:

- i. Vehicles owned by Douglas County are not to be used for personal use except for commuting to and from work and lunch unless previously approved by the County Administrator. (Note: use of a County-owned vehicle in some cases is a taxable benefit for the employee. Contact the payroll office for more information.)
 - Employees are to leave County vehicles in a clean condition and with at least one-quarter tank of fuel after use.

- ii. Conceal Carry in County Vehicles. In accordance with the County's Employee Conceal Carry Policy, employees are required to comply with the following when using a vehicle owned by Douglas County:
- If an employee leaves his or her handgun inside a County vehicle, the employee is solely responsible for providing a gun locker in which the employee's handgun may be safely stored while inside the County vehicle. Such gun locker, when left unattended, must also be out of plain view. The County is not responsible for providing such gun lockers for County vehicles for the employee's convenience or to enable compliance with this requirement.
 - Employees storing handguns inside a County vehicle must lock the County vehicle when leaving it unoccupied.
 - Employees storing handguns inside a County vehicle are permitted to do so only temporarily and are prohibited from leaving such handgun inside the County vehicle overnight or for an extended period of time.
 - If an employee leaves his or her handgun inside a County vehicle, and the vehicle is damaged and entered into for theft of the handgun, the employee who left the handgun in the County vehicle generally may be responsible for the cost of property damage to the vehicle if such handgun was not properly stored in a gun locker and out of plain view, or was otherwise carried or used in violation of this policy.

5.11 PUBLIC RELATIONS. As an employee of Douglas County, you are providing a service to the citizens of Douglas County. Your behavior can and will influence the public's perception of County governance. We believe that the citizens of Douglas County expect exemplary behavior from the employees of Douglas County. Therefore, employees are expected to act with courtesy and professionalism when performing their duties or otherwise representing the County. They are expected to be governed by principles and ordinary rules of good behavior and judgment. Employees are expected to be just and honorable in their relations with citizens; they shall not make false reports. Employees shall refrain from altercations, disorderly conduct, and the use of profane, abusive or improper language while working.

5.12 EMPLOYEE RELATIONS. Employees shall be courteous and respectful at all times to other employees when performing their duties or otherwise representing the County. They are expected to be governed by principles and ordinary rules of good behavior and judgment. Employees are expected to be just and honorable in their relations with each other; they shall not make false reports concerning another employee or department. An employee shall not threaten or abuse, either verbally or physically, any person, including a person in custody, unless the act committed occurred in self-defense, to protect the lives of others,

or to prevent the escape of a person lawfully in custody. While working employees shall refrain from altercations, disorderly conduct, and the use of profane, abusive or improper language.

- 5.13 ATTENDANCE.** Employees are expected to arrive at work on time. They are expected to attend work regularly, and to report any inability to report to work in a timely way to supervisors as required by policy. An unauthorized absence is time away from regular scheduled working hours for which the employee has not received explicit approval or authorization from his/her supervisor.
- 5.14 PERFORMANCE.** Employees shall perform their duties promptly, competently, efficiently, and honestly. While at work an employee shall tend to their official duties diligently, and refrain from any actions that take away from the usual course of County business. Such actions include, but are not limited to, excessive personal telephone calls and excessive attention to personal business. A performance rating of less than satisfactory on any factor within the performance evaluation form may lead to use of discipline (Section 6).
- 5.15 STEALING.** Employees shall not steal, take, or remove anything of value from any premise, household, person, or office which does not belong to him/her.
- 5.16 GAMBLING.** Employees shall not engage in gambling while at work. This policy includes, but is not limited to, athletic game pools.
- 5.17 VIOLATION OF DEPARTMENT REGULATIONS.** Employees shall not violate any written departmental regulation.
- 5.18 INSUBORDINATION.** Employees shall not be insubordinate. Insubordination is the failure or refusal of an employee to obey any proper directive or order of a supervisor or to abide by established and lawful County policy or procedure.
- 5.19 NEGLIGENCE IN THE CARE OF COUNTY MONEY OR PROPERTY.** Employees shall not be careless or negligent with the money or other property of the County or the public.
- 5.20 INFLUENCE OTHERS TO COMMIT AN UNLAWFUL ACT.** Employees shall not induce or attempt to induce an employee of the County to commit an unlawful act or to act in violation of any departmental regulation or order.
- 5.21 ACCEPTANCE OF GIFTS OR SERVICES.** A gift or gratuity refers to anything of value, whether it is money, services, loan, travel, entertainment, hospitality, promise, favor, or material objects. Individual employees and departments are discouraged from accepting any gift or gratuity from any person or company in connection with his/her work. Individual employees are prohibited from accepting goods and/or services (including food) with a value of greater than twenty-five dollars (\$25.00). Departments are prohibited from accepting goods and/or services (including food) with a value of greater than seventy-five dollars (\$75.00), and such goods and/or services must be shared with all employees and

not given to any individual employee. Should an employee and/or department receive a gift in excess of the amounts allowed, the employee and/or department head must donate this gift to a non-profit agency for use by clients and must notify the County Administrator of the donation.

- 5.22 COMPLIANCE WITH LAWS.** Employees shall abide by all State, local and federal laws. The conviction of an employee for a crime which makes the individual unsuitable for that position is grounds for immediate dismissal.
- 5.23 POLITICAL CAMPAIGNS.** Douglas County employees are prohibited from any appearance of campaigning for a candidate for an elected office during the employee's work hours and/or at any Douglas County facility during the work hours of that facility. This includes, but is not limited to, wearing or displaying political badges, buttons or signs on their person or on County property, distributing literature on County property, using County equipment to communicate regarding a political campaign, or in any other way participate in the administration of any political campaign during on-duty hours. This shall include the use of County equipment, including the use of email, for mass mailings with respect to a particular political campaign. Employees desiring to become a candidate for a County elective office in which he/she will run against an incumbent shall notify the County Administrator of such intent, and shall abide by all provisions of this policy.
- 5.24 USE OF SOCIAL MEDIA.** It is the policy of Douglas County to respect an employee's personal and private affairs, however, it is the responsibility of employees when working or otherwise representing the County to conduct themselves in a manner that will not reflect negatively on Douglas County or impair the ability of Douglas County to conduct its operations. This includes any participation in social media or social networking sites. Furthermore, the ethical guideline contained in this policy shall apply to any employee engaging in any communication on social media or social networking sites when such communication relates to County operations or if it impairs the employee's ability to perform their duties. Employees may, in their personal capacity and on their personal time, speak publicly on matters of public concern when the employee's interest in free speech outweighs the County's interest in discipline and order. When speaking in their personal capacity, employees will ensure that any communication clearly reflects that any opinion expressed is the individual's opinion and is not the opinion of Douglas County or given in the employee's official capacity as a Douglas County employee.
- a. Douglas County Social Media Sites**
- i. All official Douglas County Kansas presences on social media sites or services are considered an extension of the county's information networks and are governed by the Douglas County Kansas Computer Use Policy. Official sites are administered by the County Administrator, County Webmaster, or an official department designee, and used for the limited purpose of informing the public about county business, services and events.

- ii. All Douglas County Kansas social media sites must comply with applicable federal, state and county laws, regulations and policies. This includes adherence to established laws and policies regarding copyrights, records retention, Kansas Open Records Act (KORA), First Amendment, privacy in information technology, web standards, brand standards and media policies established by Douglas County Kansas.
- iii. Please see Appendix B: Computer Use Policy and Appendix C: Social Media Policy for additional information, guidelines and procedures.

SECTION 6

DISCIPLINE

6.1 DISCIPLINARY ACTION. Department Heads may use any of the following actions, up to and including termination, for any County employee within their department for violation of the Code of Conduct (Section 5) or for any other job performance issues as they deem appropriate. All such disciplinary actions must have the prior approval of the Human Resources Manager. Nothing contained herein is intended to create an express or implied contract and the employee remains an employee at will. Employees have no right to progressive discipline, and these disciplinary actions may be taken in any order. In some cases, the first action may be demotion or termination of employment, depending on the severity of the circumstances.

- a. **Counseling** - When the employee's job performance or personal conduct is unsatisfactory, the Department Head may, at his/her discretion, counsel the employee. The Department Head will document this counseling session and forward the documentation to the Human Resources Manager. This documentation is not filed in the employee's personnel file unless further action is taken.
- b. **Reprimand** - The Department Head shall notify the employee in writing, preferably using the Reprimand Form, of the nature of the problem and the expectations for improvement. The Reprimand Form must be dated and signed by the employee and the Department Head. One copy of the Reprimand Form shall be provided to the employee and the original shall be forwarded to the Human Resources Manager to be placed in the employee's personnel file.
- c. **Suspension Without Pay** - The Department Head shall complete the Suspension Notice with a description of the misconduct or poor performance and the length of the suspension without pay. The Suspension Notice shall be shared with the

employee and must be dated and signed by the employee and the Department Head and forwarded to the Human Resources Manager.

- d. **Demotion** - With the approval of the Human Resources Manager or County Administrator, the Department Head may demote an employee to a position of lower pay and responsibility. A Demotion Notice must be completed and submitted to the Human Resources Manager; the notice must contain a statement to the employee of his/her right to a pre-demotion hearing (see Section 8.2A). An employee may only be demoted if a vacancy exists or with the approval of the Human Resources Manager or County Administrator.
- e. **Dismissal** - With the approval of the Human Resources Manager or County Administrator, the Department Head may recommend dismissal. A Dismissal Notice must be completed and submitted to the Human Resources Manager; the Notice must contain a statement to the employee of his/her right to a pre-termination hearing (see Section 8.2A), and the employee shall be suspended with or without pay at the discretion of the County Administrator for at least five (5) work days during which time he/she may request such hearing. The employee shall be given compensation due for accumulated vacation, sick and compensatory leave in accordance with County policies. (guidelines are in Section 9)
- f. **Exceptions for Certain Classifications** - These disciplinary actions may or may not be used with Introductory employees, Unclassified employees, and Classified Exempt employees. Like all County employees, these classes of employees are employees at will and their employment may be terminated at any time. These positions have no right to grieve or disciplinary action except that these positions may grieve or appeal a dismissal in cases of alleged unlawful discrimination or harassment.

6.2 SERIOUS OFFENSES. If the employee has committed one of the following offenses, the Department Head may dismiss the employee immediately with the approval of the Human Resources Manager or County Administrator. This is not an all-inclusive list; other acts of misconduct may also lead to immediate dismissal:

1. Conviction of commission of a crime while on or off the job if the crime reflects on the employee's suitability to perform the employee's job duties.
2. Physical violence on the job.
3. Breach of security procedures.
4. Two (2) unauthorized absences in a twelve (12) month period.
5. Sexual harassment or other professional misconduct.

6. Any conduct which threatens the rights of other employees.
7. Serious violation of County policy, such as, but not limited to, insubordination, drugs & alcohol, threats of violence, using abusive language, etc.
8. Fraud, dishonesty, or abuse of County property, such as falsifying County records.

6.3 GRIEVANCE RIGHTS. All Classified employees have the option to request a grievance hearing for disciplinary actions (see Section 8). As stated in the Section 8 (Grievance), when the action is demotion or dismissal, the employee must request a hearing within five (5) calendar days of notification of the action.

6.4 REMOVAL OF DISCIPLINARY ACTION FROM EMPLOYEE FILE. An employee may request in writing the removal of disciplinary action from the employee's personnel file if no further disciplinary action of any kind has been taken for a period of 2 years from the date of the original action. Such request will be submitted to the Human Resources Manager who, along with the employee's department head, will make a recommendation to the County Administrator. Recommendations will be based upon, but not limited to, lack of further disciplinary action, the employee's performance at work, attendance, and dedication to the job. The County Administrator's decision will be final and is not subject to grievance. If the request is denied, the employee must wait for a period of 2 years prior to submitting another request.

SECTION 7

SEPARATIONS

7.1 RESIGNATIONS AND TERMINATIONS

- a. **Notification.** An employee who desires to terminate his/her service with the County is requested to submit a written resignation to the Department Head. Should the employee provide verbal notice, it shall be the responsibility of the Department Head to prepare a notice for the employee's signature. A copy of the resignation shall be provided to the Human Resources Manager for the employee's personnel file.

- b. **Length of Notice** - Douglas County asks that an employee provide at least fourteen (14) calendar days' notice prior to the final day of work. The Department Head has the discretion to waive the notice period.
- c. **Use of Paid Leave Following Notification** - The use of vacation, personal or compensatory leave is at the Department Head's discretion.
- d. **Return of County Property** - The employee shall surrender to the Department Head all property in the employee's possession belonging to the Department or County.

7.2 **LAST PAYCHECK.** If an employee's employment is terminated for any reason (voluntarily or involuntarily), the last pay check the employee receives shall include the following:

1. **Regular Pay:** Regular earnings through the last day of employment.
2. **Accumulated Vacation Pay:** The employee shall be compensated at his/her regular rate of pay for all accumulated vacation leave.
3. **Accumulated Compensatory Time:** The employee shall be compensated for all accumulated compensatory time.
4. **Accumulated Sick Leave:** If the employee has been employed for at least two (2) years in a Classified or Classified Exempt position, the employee shall be compensated for one-third (1/3) of his/her accumulated sick leave up to a maximum 240 hours at his/her regular rate of pay. Employees with less than two years of service are not compensated for accumulated sick leave.

7.3 **DEATH WHILE EMPLOYED.** In the case of death of an employee, the Department Head shall notify the County Administrator and the Human Resources Manager as soon as possible. The estate of the employee shall be paid his/her earnings, including accumulated compensatory time, since the last pay period. Additionally, regardless of length of service, the estate of the employee shall be paid all accumulated vacation leave and one third (1/3) of the accumulated sick leave up to a maximum of 240 hours at the employee's regular rate of pay. The estate must ensure that all County property is returned to the Department Head.

7.4 **HEALTH INSURANCE.** Employees separating from Douglas County may be eligible for COBRA benefits. Please refer to the [Health Insurance and Benefits](#) section of the County intranet site for additional information.

SECTION 8

GRIEVANCES/APPEALS

8.1 ELIGIBILITY FOR USE OF GRIEVANCE PROCEDURE. Except as provided in this section, only Classified Non-Exempt employees who have completed their introductory period are eligible to file a grievance. Introductory, Unclassified, and Classified Exempt employees may only file a grievance for alleged discrimination or harassment resulting in termination of employment.

8.2 ACTIONS ELIGIBLE FOR GRIEVANCE. Grievances may be filed only for the following reasons:

1. Demotion
2. Disciplinary Action
3. Alleged Discrimination or Harassment
4. Violations of the Douglas County Personnel Policy

For situations not falling into the above eligibility criteria, employees should follow the chain of command within their department. For questions about grievance eligibility or processes, contact the Human Resources Manager.

Performance Evaluation - Any complaint by an employee related to the outcome of a performance evaluation is ineligible to be heard through the grievance procedure. Employees who disagree with their performance evaluation may submit written comments to be filed with their performance evaluation with a copy provided to the Human Resources Manager

8.3 EMPLOYEES OF APPOINTED DEPARTMENT HEADS.

- a. **Filing Procedures for Demotion or Dismissal** - In cases of demotion or dismissal, the employee must initiate the grievance process by contacting the Human Resources Manager within five (5) working days of notification of the action.
- b. **Filing Procedures for Any Other Action** - The following steps are to be taken in sequential order for an employee grievance. Extensions to all time periods may be made with the written agreement of both parties. Failure to meet a deadline by a Department Head shall automatically cause the process to move to the next step; failure by the employee to meet a deadline without an authorized extension shall terminate the process. Employees must make an attempt to work the situation out within their department prior to submitting a grievance.
 1. The aggrieved employee shall submit the grievance to the Human Resources Manager within five (5) calendar days of the receipt of the incident or action, or within seven (7) calendar days of the date he/she could reasonably be expected to have knowledge of the incident or action. The Human Resources Manager shall investigate the complaint and respond to the aggrieved employee(s) within seven (7) calendar days of receipt of the employee's grievance.

2. If the foregoing fails to resolve the grievance issue, the aggrieved employee(s) shall submit to the Human Resources Manager the request for grievance hearing within seven (7) calendar days following the response in Step 2; a grievance hearing will then be scheduled with the County Administrator within a reasonable time.
- c. **Employee Rights** - The employee may be accompanied and represented by an attorney retained by the employee; however, the hearing shall not be bound by the rules of evidence. The employee must inform the Human Resources Manager if he/she will be accompanied by an attorney at least one day in advance of the hearing. At that time, the County shall have the option of rescheduling the hearing to accommodate the schedule of the County Counselor. Witnesses and documentation applicable to the grievance may also be presented at the hearing.
 - d. **Supervisor Rights** - The supervisor may be accompanied and represented by the County Counselor. Witnesses and documentation applicable to the grievance may also be presented at the hearing.
 - e. **Attendance** -The hearing shall be conducted in closed session and only the following individuals may be present: the aggrieved employee and his/her attorney, the supervisor, the Department Head and/or his/her designee, the County Administrator, the County Counselor, the Human Resources Manager, and witnesses at appropriate intervals.
 - f. **Process** - The proceedings should be conducted with sufficient formality to preserve an orderly presentation of both sides of the issues, provide opportunities for the introduction of evidence either in the form of testimony or exhibits, and preserve the opportunity to cross examine opposing witnesses.
 - g. **Findings** - The County Administrator shall complete his/her findings and conclusions with regard to the grievance within a reasonable time following the hearing and submit such findings in writing to the aggrieved employee with a copy to the Human Resources Manager. The County Administrator's decision shall be final and binding (except when the complaint is based on alleged discrimination or harassment as set out in Section 8.2).
 - h. **Appeals** - In cases of alleged discrimination or harassment, the aggrieved employee shall have the right to appeal the grievance findings to the Board of County Commissioners. Notification of the appeal shall be made to the Human Resources Manager within seven (7) calendar days of receipt of the findings. All documentation shall be submitted to the County Commissioners for consideration; the Commissioners shall consider the appeal on the record and will have the discretion to hold a hearing. The County Commissioners shall respond to the appeal in writing within a reasonable time of the filing of the appeal. The findings of the County Commissioners shall be final and binding.

8.4 EMPLOYEES OF ELECTED OFFICIALS

- a. **Filing Procedures for Demotion or Dismissal** - In cases of demotion or dismissal, the employee must initiate the grievance process by contacting the Human Resources Manager within five (5) working days of notification of the action.

- b. **Filing Procedures for Any Other Action** - The following steps are to be taken in sequential order for an employee grievance. Extensions to all time periods may be made with the written agreement of both parties. Failure to meet a deadline by an Elected Official shall automatically cause the process to move to the next step; failure by the employee to meet a deadline without an authorized extension shall terminate the process. Employees must make an attempt to work the situation out within their department prior to submitting a grievance.
 - 1. The aggrieved employee shall submit the grievance to the Human Resources Manager within five (5) working days of the receipt of the incident or action, or within seven (7) working days of the date he/she could reasonably be expected to have knowledge of the incident or action. The Human Resources Manager shall investigate the complaint and respond to the aggrieved employee(s) within seven (7) working days of receipt of the employee's grievance.

 - 2. If the foregoing fails to resolve the grievance issue, the aggrieved employee(s) shall submit to the Human Resources Manager the request for grievance hearing within seven (7) working days following the response in Step 2; a grievance hearing will then be scheduled with the Elected Official in a reasonable amount of time. The Elected Official may ask the County Administrator to act as the Hearing Officer

- c. **Employee Rights** - The employee may be accompanied and represented by an attorney retained by the employee; however, the hearing shall not be bound by the rules of evidence. The employee must inform the Human Resources Manager if he/she will be accompanied by an attorney at least one day in advance of the hearing. At that time, the County shall have the option of rescheduling the hearing to accommodate the schedule of the County Counselor. Witnesses and documentation applicable to the grievance may also be presented at the hearing.

- d. **Supervisor Rights** - The supervisor may be accompanied and represented by the County Counselor. Witnesses and documentation applicable to the grievance may also be presented at the hearing.

- e. **Attendance** - The hearing shall be conducted in closed session and only the following individuals may be present: the aggrieved employee and his/her attorney, the supervisor,

the Elected Official, the County Counselor, the Human Resources Manager, and witnesses at appropriate intervals.

- f. **Process** - The proceedings should be conducted with sufficient formality to preserve an orderly presentation of both sides of the issues, provide opportunities for the introduction of evidence either in the form of testimony or exhibits, and preserve the opportunity to cross examine opposing witnesses.
- g. **Findings** - The Elected Official shall complete his/her findings and conclusions with regard to the grievance within a reasonable time following the hearing and submit such findings in writing to the aggrieved employee with a copy to the Human Resources Manager. The Elected Official's decision shall be final and binding (except when the complaint is based on alleged discrimination or harassment as set out in Section 8.2.).
- h. **Appeals** - In cases of alleged discrimination or harassment, the employee may seek to appeal the grievance findings to the Board of County Commissioners. Notification of the appeal shall be made to the Human Resources Manager within seven (7) calendar days of receipt of the findings. The Human Resources Manager will then inquire whether the elected official consents that the Board of County Commissioners may hear the appeal. If the elected official consents, all documentation related to the appeal shall be submitted to the County Commissioners for consideration; the Commissioners shall consider the appeal on the record and will have the discretion to hold a hearing. The County Commissioners shall respond to the appeal in writing within a reasonable time of the filing of the appeal. In this event, the findings of the County Commissioners shall be final and binding. However, if the elected official does not consent to the Board of County Commissioners hearing the appeal, no appeal will be authorized and the decision of the elected official will be final.

SECTION 9

LEAVES

9.1 GENERAL CONDITIONS

- a. **Reporting Absences** - It is the employee's obligation to report reasons for an absence to his/her supervisor as soon as possible (no later than within one-half (1/2) hour after the beginning of the work day) or in accordance with departmental policy.
- b. **Approval of Leaves** - All requests for leaves shall be considered by the Department Head or his/her designee for conformance with County and departmental rules established for each type of leave. The Department Head has the discretion to deny a request for most leaves.

c. **Types of Leaves** - The following types of leaves are hereby established:

1. Vacation Leave
2. Sick Leave
3. Personal Leave
4. Holidays
5. Family Medical Leave
6. Military Leave
7. Civil Leave
8. Funeral Leave
9. Work Injury Leave
10. Leave Without Pay
11. Leave With Pay

9.2 VACATION LEAVE

- a. **Eligibility** - Vacation leave is only granted to Classified and Classified Exempt employees. Vacation leave accrues from the date of employment as a Classified or Classified Exempt employee.
- b. **Utilization** - Department Heads may use their discretion when considering requests for vacation leave or when requiring that an employee utilize accumulated vacation hours in order to ensure a minimum disruption of departmental and County work. Utilization of vacation leave will be charged at a minimum of one-quarter (.25) hour increments for non-exempt staff and a minimum of four (4.00) hour increments for exempt staff.
- c. **Maximum Accumulations** - The maximum accumulation of vacation leave is 320 hours for full time employees, 256 hours for part time employees with an FTE value of 0.80-0.99 and 160 hours for part time employees with an FTE value of 0.50-0.79. Vacation hours will stop accruing if the maximum amount is reached. There will be no excess payment for unused vacation hours.
- d. **Accrual Rates** - All eligible employees and Department Heads shall be subject to the following accrual schedule. Employees who are "Part Time with Benefits" shall earn and accrue vacation leave on a pro-rata basis (based on the position's FTE).

i. VACATION LEAVE ACCRUAL SCHEDULE:

<u>Years of Service</u>	<u>Accrued Hours per Pay Period</u>
0-4	4.5

5-9	5.0
10-14	6.0
15+	7.0

a. **Donation of Vacation Leave** - Employees may, on a voluntary basis, donate vacation hours to another employee on medical leave. An employee may not donate, during a calendar year, more than a maximum of forty (40) vacation leave hours. Such donations must be coordinated through the Human Resources Manager. If an employee receives multiple donations, they will be applied as needed in the order the donations are received. The employee receiving the donation shall not be responsible for repaying any leave donations. Once donated hours are applied to the recipient's HR and payroll records any excess of the amount needed shall remain with the recipient, and will not be returned to the donor.

- i. **Eligibility.** Employees donating hours must have sufficient vacation leave accumulated to retain at least forty (40) hours of vacation leave after the donation. The employee receiving the donation must have depleted all other accumulated paid leave and, if applicable, have requested and used the maximum sick leave loan from the County (see Section 9.3H) prior to receipt of the donation.
- ii. **Calculation.** The donated hours shall be transferred from the donor to the recipient on an hour for hour basis.
- iii. **Limit.** An employee may not receive more than 400 hours of combined sick or vacation leave donations over a 2 calendar year time period. The limit will be adjusted on a pro-rata basis (based on the position's FTE) for employees with an FTE of less than 1.0.

9.3 **SICK LEAVE**

- a. **Eligibility** - Sick leave is only granted to Classified and Classified Exempt employees. Sick leave accrues from the date of employment. Employees may also want to refer to Section 9.7, Family Medical Leave Act.
- b. **Utilization** - Utilization of sick leave will be charged at a minimum of one-quarter (.25) hour increments for non-exempt staff and a minimum of four (4.00) hour increments for exempt staff. Sick leave hours may be utilized for the following purposes:
 - 1. **Personal Use:** illness or physician/dental appointment (shift personnel are expected to schedule such appointments during off duty hours).
 - 2. **Family Use:** family illness or physician/dental appointment (shift personnel are expected to schedule such appointments during off duty hours). For this purpose, family is defined as child (including step-child and foster child), grandchild, parent or grandparent

(including in-laws), sibling (not including in-laws) or spouse who requires transportation, care or hospitalization.

3. Required by Department Head: the employee may be required to take sick leave by the Department Head (with the approval of the Human Resources Manager) when there is a concern about the ability of the employee to safely perform his/her duties due to a non-work related injury or illness.
- c. **Notification** - In order to be granted the use of sick leave, an employee must report to the Department according to departmental regulations the reason for the absence as soon as possible (no later than one-half (1/2) hour after the beginning of the work day) or in accordance with departmental policy on the work day for which sick leave is being requested. Employees are expected to schedule appointments in advance when possible. It is the employee's responsibility to keep the appropriate supervisor informed each day the employee is absent, unless sick leave is authorized for a specific period of time.
 - d. **Maximum Accumulation** - Employees may accumulate a maximum of 1,040 hours of sick leave. Once an employee reaches that maximum level, no additional hours will be added to the accumulated total until sick leave hours are used.
 - e. **Accrual Rate** - Full time employees will accrue 4.75 hours per pay period. Employees who are "Part Time with Benefits" will accrue sick leave on a pro-rata basis (based on the position's FTE).
 - f. **Medical Documentation** - The Department Head, at his/her discretion, may require that the employee submit medical documentation of illness or injury prior to returning to work for any of the following reasons:
 1. The employee is absent three (3) or more consecutive days.
 2. There is a concern about possible sick leave abuse.
 3. Sick leave is being substituted for vacation leave.
 - g. **Medical Release** - The Department Head, at his/her discretion, may require that the employee, prior to returning to work, submit a medical release containing a statement from a physician confirming the illness or injury and providing the date the employee is released to perform his/her full duties when there is a concern about the ability of the employee to safely perform his/her duties. A medical release is required anytime an employee requests the use of sick leave following notice of resignation.
 - h. **Sick Leave Loan** - If an employee who is suffering from a prolonged illness or injury, or has been approved for Family Medical Leave, and has depleted his/her accumulated sick leave, compensatory time, and vacation leave, the employee may apply for a sick leave loan not to exceed 160 hours in any 3 year period. The limit will be adjusted on a pro-rate basis

(based on the position's FTE) for employees with an FTE of less than 1.0. The Department Head and Human Resources Manager must approve the loan request in order for it to become effective. Upon the employee's return to employment, the loan will be repaid at a rate of 3.5 hours per pay period. Should the employee leave the service of the County prior to repaying the loan, he/she will contribute first any accumulated sick leave, then compensatory time, and then vacation leave toward repayment of the loan. The value of any remaining hours will be deducted from the employee's last paycheck, as authorized in the sick leave loan application, and any remainder shall be repaid by the employee. A maximum of four work weeks in any 3-year period may be awarded. An employee may receive a second loan to be combined with the first loan up to the maximum number of weeks stated above.

- i. **Sick Leave Donation** - Employees may, on a voluntary basis, donate a calendar year maximum of forty (40) sick leave hours to another employee(s) on medical leave. Such donations must be coordinated through the Human Resources Manager. If an employee receives multiple donations, they will be applied as needed in the order the donations are received. Donations are not applied to the recipient's payroll record until the pay period in which they are needed. Once donated hours are applied to the recipient's HR and payroll records, the hours will remain with the recipient, and will not be returned to the donor. Once an employee has returned to work, any unapplied donations will return to the donor.
 - i. Eligibility. Employees donating hours must have sufficient sick leave accumulated to retain at least eighty (80) hours of sick leave after the donation. The employee receiving the donation must have depleted all other paid leave, including sick, vacation and compensatory hours, and have requested and used the maximum sick leave loan from the County (if eligible) (see Section 9.3H) prior to receipt of the donation.
 - ii. Calculation. The donated hours shall be transferred from the donor to the recipient on an hour for hour basis.
 - iii. Limit. An employee may not receive more than 400 hours of combined sick or vacation leave donations over a 2 calendar year time period. The limit will be adjusted on a pro-rata basis (based on the position's FTE) for employees with an FTE of less than 1.0.

9.4 MILITARY LEAVE. Douglas County provides military leave for training and service performed by a member of any governmental military organization in compliance with the Uniform Services Employment and Reemployment Rights Act (USERRA).

- a. **Copies of Military Orders** - Copies of the employee's military orders will be submitted to the Department Head prior to the employee's departure.

- b. **Pay and Benefits** - When on military leave, an employee will not receive regular pay. However, the employee may choose to use accumulated vacation leave. The employee will continue to accrue leave benefits for ninety (90) days; the County's portion of the health insurance premium for the employee will continue to be paid for a period of ninety (90) days (the employee will be responsible for paying his/her portion of the premium during that period). After 90 days, the employee will be responsible for paying the premium for health insurance coverage or may discontinue coverage until the employee returns to work.
- c. **Scheduling** - If possible, the employee should attempt to schedule military training so that it does not interfere on a regular basis with the employee's work schedule.
- d. **Return to Work** - Employees will be expected to return to work within two (2) weeks of release from active military duty, or as specified by USERRA.

9.5 CIVIL LEAVE. Classified and Classified Exempt employees (including introductory employees) will be given time off without loss of pay for the reasons outlined below. An employee is expected to return to work one (1) hour after release from Civil Leave, unless other arrangements are made with the Department Head.

- a. **Jury Duty** - The employee must provide notice to the Department Head that he/she has been called for jury duty.
- b. **Witness In Court** - An employee will be given necessary time off when appearing in court as a witness as the result of a subpoena, a copy of which will be provided to the Department Head.

9.6 FAMILY MEDICAL LEAVE

- a. **Description** - Pursuant to the Family Medical Leave Act, Family Medical Leave is available for employees who must take off work for a prolonged period due to Family Leave (birth, adoption of a child, placement of a foster child in the home) or Medical Leave (a serious medical condition of the employee, or a serious medical condition of a family member, defined as spouse, son, daughter, or parent, but not parent-in-law). This leave does not guarantee pay, but it does preserve the job of the employee for up to twelve weeks. The employee is limited to one twelve-week leave of Family Medical Leave in a rolling twelve month period, starting from the first day of the employee's Family Medical Leave. The FMLA definition of "serious health condition" and additional information including the "Notice of Employee Rights and Responsibilities" is available from the Human Resources Manager.
- b. **Eligibility** - The employee must have at least twelve (12) months of service and 1250 hours over the previous twelve (12) months with the County prior to commencing leave. When

requesting Family Medical Leave, the employee must notify both his/her Department Head and the Human Resources Manager. The County will notify you of your eligibility in writing once a request has been made.

- c. **FMLA Leave Maximums** - Employees may request up to a maximum of twelve weeks off in a year, such year (or twelve month period) to begin with the date of the first day off work under approved Family Medical Leave. Employees must make a reasonable effort to schedule leave for planned medical treatment so as not to unduly disrupt the County's operations. Qualifying leave may also be taken on an intermittent basis as necessary and appropriate.
- d. **Forms** - The employee must complete the Family Medical Leave Act Certification Form provided by the Human Resources Manager; the Form requires information from the medical provider. The form must be submitted within 15 calendar days after our request unless it is not practicable under the particular circumstances to do so despite your diligent, good faith efforts. After submission of this completed form to the County, the Human Resources Manager will notify the employee in writing of approval or non-approval of the request with a Designation Form.
- e. **Pay** - The employee is not required to utilize accumulated time in any particular order, however; employees are required to utilize accumulated paid time off during FMLA leave until it has been fully depleted, at which time any remaining FMLA leave will be without pay. The employee may also request a sick leave loan (see Section 9.3H). Paid time off shall run concurrently with FMLA leave.
- f. **Benefits**
 - i. Vacation and Sick Leave. Vacation and sick leave accrual will continue for a period not to exceed twelve weeks.
 - ii. Health Insurance. The County's portion of the health insurance premium for the employee will continue to be paid During the FMLA leave. It will continue to be the employee's obligation to pay his/her portion of the premium directly to the Administrative Services Department during the FMLA period. Failure to pay the employee portion of the health insurance premium will result in loss of coverage; however, before coverage is dropped, the County will provide written notice to the employee that the payment has not been received at least 15 days in advance of termination of coverage.
 - iii. Other Benefits. Employees should contact the County Clerk's Payroll Office for information about coverage by life insurance or other voluntary benefits while on leave without pay.
- g. **Conclusion of Family Medical Leave** - Should the employee be unable to return to work on the date specified in the Family Medical Leave documentation, the employee may request

additional leave or other accommodation in writing to the Human Resources Manager. The Human Resources Manager will be required to respond to such a request in writing. In no case, however, will the Family Medical Leave be extended beyond twelve weeks.

- h. Medical Release** - The employee on leave for their own serious health condition will be requested to submit a release to return to full duties from the employee's medical provider prior to returning to work.
- i. FMLA Expanded for Military Families** - There are special provisions that expand the leave available under FMLA for employees who are a family member of a service member in the armed forces or eligible veteran. Expanded FMLA leave is available for family members of a service member under the following circumstances:

 - i. Caregiver Leave for Injured Service member** - An eligible employee who is the spouse, son, daughter, parent, or next of kin (defined as the closest blood relative of a covered service member) shall be entitled to a total of twenty-six (26) work weeks of leave during a twelve month period to care for a covered service member or eligible veteran in a single 12-month period. A covered service member is a member of the armed forces, including the national guard or reserves, who has a serious injury or illness incurred or aggravated in the line of duty while on active duty that may render the service member medically unfit to perform his/her duty for which the service member is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability list for a serious injury or illness that occurred while on active duty. An eligible veteran is a veteran who has a serious injury or illness that was incurred or aggravated while on active duty in the Armed Force and the veteran was discharged within five (5) years of when the condition occurred.
 - ii. Family Leave due to Qualifying Exigency** - An eligible employee may use up to 12 weeks of FMLA leave for any qualifying exigency arising from a spouse, son, daughter, or parent who is either on active duty in the armed forces, or who has been notified of an impending call or order to active duty in the armed forces or is being deployed with the Armed Forces to a foreign country. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. FMLA leave for qualifying exigency is not an addition to the standard FMLA twelve week entitlements; rather it constitutes additional qualifying basis for FMLA leave.

Employees will need to notify the Human Resources Manager and complete the relevant Certification form to initiate FMLA leave for military families.

- j. **No Outside Employment While on FMLA Leave** - Employees on FMLA paid or unpaid leave are prohibited from working any outside employment while on leave from Douglas County.

9.7 DOMESTIC VIOLENCE OR SEXUAL ASSAULT LEAVE. Douglas County will comply with the Kansas Domestic Violence Leave Act pertaining to leave granted to an employee who is a victim of domestic violence or sexual assault. Employees may take sick, vacation, and/or compensatory accrued paid leave or leave without pay not to exceed eight (8) days per calendar year as provided by the Act.

9.8 FUNERAL LEAVE

a. **Family members –**

- i. Employees will be allowed three (3) work days of funeral leave for the following family members: Spouse, Sibling, Parent, Child (including foster child), Grandparent, Grandchild, and in-laws, step, and great relationships of these relatives.
- ii. Employees will be allowed one (1) work day of funeral leave for the following family members: Niece, Nephew, Cousin, Aunt, Uncle and in-laws and step relationships of these relatives.
- iii. Should the employee require more the above number of days, and with the approval of the Department Head, the employee may utilize accumulated compensatory time, accumulated vacation leave, or authorized leave without pay.

- b. **Co-Workers** - Employees may be allowed a minimum of two (2) hours off with pay to attend the funeral of a co-worker or a former co-worker. Extensions of this time may be granted at the discretion of the Department Head.

9.9 WORK INJURY LEAVE - Douglas County provides Worker’s Compensation benefits for all employees who are injured on the job in accordance with Kansas statutes.

- a. **Notification** - All accidents and incidents must be reported to the employee’s supervisor immediately; the supervisor or Department Head must report the incident to the Management Information Analyst within one (1) work day.
- b. **Physicians** - All Douglas County employees injured in the course of employment will use the County appointed physicians.
- c. **Return to Work** - A County employee who has experienced a work injury which required medical attention must have a signed release from the County physician in order to return to work. Exceptions may be authorized by the Management Information Analyst or County

Administrator. The employee will be expected to report to work on the day specified by the physician.

D. Procedure When Injured

- i. Notification. Following notification and treatment, the employee and supervisor must complete the Work Injury Report Form. The form will be forwarded to the Management Information Analyst by the Department Head.
- ii. Treatment. For minor injuries, the employee will be directed to the County physician for treatment. The employee will not use the hospital emergency room for minor injuries that occur during regular business hours. For major injuries, an ambulance will be summoned immediately and the employee will be transported to the appropriate hospital (as determined by the paramedics) for treatment. Under no circumstances will a seriously injured employee be transported to the emergency room by County or personal vehicle.
- iii. Medical Expenses. All medical expenses incurred as a result of a work injury will be paid by Douglas County, except if the employee refuses to use the County designated physicians or other medical providers (see Kansas statutes). The employee will also be required to purchase all pharmaceuticals from the pharmacy with which the County contracts for this service.

E. Compensation

- i. First Week. Under Kansas statutes, the first week off due to a work injury is not compensable until the employee is off three (3) consecutive weeks. An employee who has a work injury may use accumulated sick leave, compensatory leave, or vacation leave during that week, or may choose to be on leave without pay.
- ii. Subsequent Weeks. Beginning on the first day of the second week, and continuing until the employee returns to work, Douglas County will pay Total and Temporary Disability to the employee in the amount of two-thirds (2/3) of the employee's average weekly wage up to the maximum established by Kansas statutes. It will be assumed for the administration of compensation to the employee that the employee elects to use accumulated sick leave (and vacation leave when sick leave is depleted) to bring the total compensation up to the amount equal to a full paycheck. The employee may elect not to use sick leave by contacting the Management Information Analyst. The worker's compensation checks will be mailed directly to injured employees at their home address on regular pay days by the third party administrator.

F. Accrual of Leave Benefits - An employee will continue to earn sick leave and vacation leave benefits while off on a work injury for a period of six (6) months.

9.10 NO OUTSIDE EMPLOYMENT WHILE ON LEAVE

Employees on FMLA or Sick Leave are prohibited from working outside employment while on leave from Douglas County. Employees on other types of paid or unpaid leave need written approval from their department head to work outside of their employment at Douglas County.

9.11 HOLIDAYS

- a. **Permanent Holiday Schedule** - All full-time and regular part-time employees of the County shall be scheduled off or receive compensation for the following holidays:
 - i. New Year's Day- January 1
 - ii. Martin Luther King's Birthday- 3rd Monday in January
 - iii. Memorial Day- Last Monday in May
 - iv. Independence Day- July 4
 - v. Labor Day- 1st Monday in September
 - vi. Veteran's Day- November 11
 - vii. Thanksgiving Day- 4th Thursday in November
 - viii. Day after Thanksgiving- 4th Friday in November
 - ix. Christmas Day- December 25

The Governing Body may designate other days as holidays as well. Holidays that fall on a Saturday will be observed on the preceding Friday and those that fall on a Sunday will be observed on the following Monday. Should Christmas day fall on a Thursday, December 26 will also be a holiday. Should Christmas day fall on a Tuesday, December 24 will also be a holiday.

- b. **Non-Shift Workers** - All Classified and Classified Exempt employees and Elected Officials of the County will receive their regular compensation for days proclaimed as holidays by the Board of County Commissioners.
 - i. Value of Holiday Pay - Holiday pay is defined as 2.5 times the employee's regular rate of pay.
 - ii. Required to Work on Holiday - Employees who are required to work on authorized holiday will be compensated at two and a half (2.5) times their regular rate for all hours worked on a holiday. Required to work on holiday hours are always paid hours, no hours will be added to an employee's compensatory leave accrual.
 - iii. Forfeit of Holiday Pay - An employee will forfeit his/her right to compensation for the holiday if he/she has an unauthorized absence on the last regular work day preceding such holiday or on the first regular work day following the holiday.
 - iv. Employees Scheduled Off on Holiday - For employees that are not scheduled to work on a designated holiday, the department head will shift the holiday to another day in the same work week. If the employee does not re-designate the holiday, they do not receive holiday pay.

- c. **Shift Workers** – (Note: Shift Workers are those working in departments that operate 24 hours per day, 7 days a week.) For purposes of holiday pay, July 4 (Independence Day), December 25 (Christmas Day), and January 1 (New Year's Day) will be considered the authorized holidays and not any other day designated by the Board of County Commissioners to recognize those specific holidays. The holiday will be considered the day on which the employee's shift begins. For example, an employee whose shift begins at 11:00p.m. on the holiday will be paid holiday pay for that shift.
- i. Value of Holiday Pay. Holiday pay is defined as two and a half (2.5) times the employee's regular rate of pay.
 - ii. Required to Work on Holiday. Employees who are required to work on an authorized holiday will be compensated at two and a half (2.5) times their regular rate for all hours worked on a holiday. Required to work on a holiday hours are always paid hours, no hours will be added to an employee's compensatory leave accrual.
 - iii. Holiday While on Leave. Employees on authorized leave status will receive compensation for the holiday which will not be charged to vacation or sick leave. An employee who receives approval for use of vacation on a holiday for which he/she was scheduled to work shall be paid regular hours charged to holiday and not to vacation.
 - iv. Employees Scheduled Off on Holiday. Shift personnel whose regular non-work day falls on a holiday will have their accumulated personal leave balance increased by eight hours (8) for full time employees and on a pro-rata basis for part time employees with benefits.
 - v. Forfeit of Holiday Pay. Any employee will forfeit his/her right to compensation for the holiday if he/she has an unauthorized absence on the last regular work day preceding such holiday or on the first regular work day following the holiday. An employee also forfeits holiday pay if the employee uses sick leave on the holiday.
- d. **Unclassified Positions** - Unclassified employees will receive compensation for the holiday only if they work that day. Time will be paid at the regular rate (no holiday pay will be applied).

9.12 PERSONAL LEAVE. Full time employees will be awarded eight hours (8) of Personal Leave per year. Part time employees with benefits will be awarded Personal Leave on a pro-rata basis (based on the employee's FTE).

- a. **Eligibility** - To be eligible for Personal Leave, an employee's status must be full time or part time with benefits, with an employment date on or before May 31 of that year. Employees hired after June 1 will be eligible for the Commission awarded Personal Leave the following year.

- b. **Utilization** - Utilization of personal leave will be charged at a minimum of one-quarter (.25) hour increments.
- c. **Accumulation** - Accumulated Personal Leave is not paid upon separation from employment
 - i. Non-Shift Workers. Non-shift workers must utilize personal leave days during the calendar year for which they were authorized and prior to the first day of the last pay period in December for which a paycheck is issued during the next calendar year.
 - ii. Shift Workers. Shift workers will be permitted to carry a balance of Personal Leave from year to year. Hours will accumulate throughout the year with no cap. At the last pay period in December for which a pay check is issued during the current calendar year the Personal Leave balance will be reduced to 24.00 hours. There is no payment for hours lost in excess of 24.00.

9.13 CURTAILMENT OF SERVICES. The duty of all County officials and employees is to serve the public. There may be situations, however, when those services can be minimized to protect the welfare of employees. Examples may be inclement weather, power outages, etc. Under any but the most extreme weather conditions, all County offices will be open and staffed by as many employees as the Department Head deems necessary to serve the public's need under the conditions then in effect.

- a. **Announcement** - If it is necessary to close facilities due to inclement weather or other conditions, it will be the responsibility of the County Administrator or his/her designee to make that announcement. Employees will be paid for those days. If the County offices are open and are forced to close early, all employees who reported to work will be paid for the full day. In instances where some employees are required to remain at work and others have been released (with pay) to leave, those employees remaining at work will be paid for hours worked and, in addition, will receive paid time off at a later date equal to the time off received by the employees who were released early; in the case of shift workers at maximum accumulated vacation leave, the hours will be added as personal leave. In every instance, the decision to curtail County services will be based on local weather, road conditions, current weather forecast information, the status of the utility service to the offices, or any other emergency situation.
- b. **No Announcement** - If the announcement is not made and employees do not come to work, that work day will be charged to the employee's accumulated vacation leave or leave without pay, at the discretion of the Department Head. In order for this to be an authorized absence, the employee must call his/her supervisor within one-half (1/2) hour of the beginning of the work day (or in accordance with departmental policy).
- c. **Vacation/Sick Leave Adjustments** - If an employee is on authorized vacation or sick leave and the facilities are closed, the amount of vacation or sick leave used will be adjusted to reflect only the time the facilities were open.

9.14 OVERTIME POLICY (FAIR LABOR STANDARDS). It is the County's policy to comply with the requirements of the Fair Labor Standards Act (FLSA). Therefore, the County prohibits all improper deductions from the salaries of exempt employees and requires compliance with the FLSA for overtime pay. If an employee believes that an improper deduction has been made to his/her salary, or that the employee has not been paid the correct amount of overtime, the employee should immediately report this to his/her supervisor or the Human Resources Manager. Reports of improper deductions or overtime payments will be promptly investigated. If it is determined that an improper deduction or overtime payment has occurred, the employee will be reimbursed.

- a. **Eligibility** - It is the policy of Douglas County that overtime work is not encouraged and will be avoided when possible. Overtime work must be approved in advance by the Department Head or other appropriate supervisor. An employee working unauthorized overtime may be subject to disciplinary action.
- b. **Compensation** - Two types of pay are available for overtime hours:
 - 1. **Cash**. The employee will receive cash compensation at a rate of one and one-half (1-1/2) times the employee's regular rate of pay.
 - 2. **Compensatory Pay**. The employee will receive one and one-half (1-1/2) hours of compensatory leave for each "overtime" hour worked. Maximum accumulation limits are not to exceed 480 hours for employees in public safety positions and 240 hours for other employees.

The availability of compensatory time will be determined by each Department Head. Should a Department Head allow the employees to choose the type of compensation, the employee must sign documentation of the choice, and the documentation must be forwarded to the Payroll office.

- c. **Utilization** - Approval of employee requests for use of compensatory time will be at the discretion of the Department Head. Requests will be granted within a reasonable period and must not unduly disturb the operations within the department. Department Heads, with the approval of the Human Resources Manager, may pay out the value of the compensatory time accumulation to employees at any time.

9.15 LEAVE WITHOUT PAY. The Department Head may, with the approval of the Human Resources Manager, authorize Leave Without Pay if the employee has utilized all accumulated vacation, compensatory, personal leave and, if appropriate, sick leave for circumstances which the Department Head deems warranted. Unless otherwise approved in writing by the Human Resources Manager, such leaves are limited to thirty (30) calendar days. If appropriate, the employee must submit a request for Family Medical Leave (Section 9.7). Unless specifically authorized by the Department Head, time off without pay will be considered as an unauthorized absence (see Section 5.13).

- 9.16 **LEAVE WITH PAY.** The Human Resources Manager and Department Head can place an employee on Leave with Pay for administrative reasons for a limited period of time.

SECTION 10

BENEFITS

10.1 **RETIREMENT**

- a. **KPERS** - All Classified and Classified Exempt employees and Elected Officials become members of the Kansas Public Employees Retirement System (KPERS) as per K.S.A. 74-4902(14) Members contribute the appropriate percentage (established by KPERS) of their gross salary to their KPERS account. The County Clerk's Payroll Office will be responsible for the enrollment of employees in KPERS as well as assisting members with information and application of benefits. KPERS.org has resources for employee members of KPERS and KPF.
- b. **KP&F** - Classified and Classified Exempt employees and Elected Officials in designated public safety positions become members of Kansas Police & Fire (KP&F) immediately upon employment. (Per KSA 74-4952(12) KP&F is a division of and fully coordinated with the administrative structure of KPERS. Members contribute the appropriate percentage (established by KP&F) of their gross salary to their KP&F account. The County Clerk's Payroll Office will be responsible for enrollment in KP&F as well as assisting members with information and application of benefits. KPERS.org has resources for employee members of KPERS and KPF.

10.2 **GROUP HEALTH INSURANCE.**

- a. **Eligibility** - Any Elected Official, Classified, or Classified Exempt employee may join the Douglas County group health plan. Specific benefits are set forth in booklets which are available in the Personnel Office and on the Douglas County Intranet. If information in this Personnel Policy and the Summary Plan Description conflict, the information in the Summary Plan Description controls. Douglas County reserves the right to amend or terminate any of its benefit programs or to increase the employee premium contributions.
- b. **Retirees** - Group health insurance benefits will be extended to Classified and Classified Exempt employees and Elected Officials who retire from the County
 - i. **Retiree Eligibility**

1. Elected Officials: Elected Officials who have served a minimum of four years and are of retirement age (as defined within the retirement plan in which they are participating).
 2. Appointed Staff: Employees who have served a minimum of five (5) consecutive years and are of retirement age (as defined within the retirement plan in which they are participating).
 3. Notice. Retirees must provide written notification of their intent to retire to the Personnel Office at least thirty (30) days prior to their retirement date.
- c. **Premiums** - Premium charges may be as much as 150% of the employee premium, as determined by the Board of County Commissioners each plan year. Payment of premiums must be made to the Personnel Office by the first of the month for which coverage is being provided.
- d. **Coverage** - Coverage shall be considered as a primary insurer until the retiree reaches the age of eligibility for Medicare, at which point the Douglas County health insurance plan shall automatically become a secondary insurer. Should a retiree on the health insurance plan choose to decline Medicare A and B benefits, the health insurance plan shall still pay as secondary insurer based upon an estimate of what Medicare A and B benefits would have been.
- 10.3 FLEXIBLE BENEFITS (CAFETERIA) PLAN.** Douglas County offers employees the opportunity, at their own expense, to participate in a Flexible Benefits Plan under IRS regulations. Eligible payments are payroll deducted before taxes. The plan year runs June 1 through May 31, and agreements to participate must be signed for the entire twelve (12) month period. More information is available in the Personnel Office.
- 10.4 CREDIT UNION.** The County is a member of the Midwest Regional Employees Credit Union. All employees are eligible for membership. Contact the credit union for additional information.
- 10.5 ATHLETIC CLUB MEMBERSHIP.** Douglas County shall allow payroll deduction for athletic club memberships in an amount to be established each year by the Human Resources Manager. Agreements shall not extend beyond the calendar year, but may be renewed at the beginning of each calendar year. Contact the Personnel Office for additional information. The employee's use of such facilities is at his or her own risk. By authorizing the use of this membership, Douglas County in no way assumes liability for personal injuries sustained at an athletic facility.
- 10.6 DIRECT DEPOSIT.** Employees have the option of having their paycheck wired directly into their bank account(s) rather than receiving a paper check. This option may be initiated and terminated at any time. More information is available in the County Clerk's Payroll Office.

10.7 DEFERRED COMPENSATION. Douglas County offers two deferred compensation plans which may be payroll deducted (before taxes). Employees participate at their own expense. Brochures and contact names and telephone numbers for additional information may be obtained from the Personnel Office.

10.8 COMPUTER LEASE/PURCHASE PROGRAM. The purpose of this program is to assist County employees with developing and/or expanding computer literacy skills, so that these employees will improve their value to Douglas County and enhance their career progression potential. This is accomplished by assisting employees in acquiring computer equipment and software, which are similar and compatible with the equipment and software currently used by Douglas County, under favorable financial conditions.

a. **Acquisition of Equipment** - The employee purchases the equipment and Douglas County, in turn, purchases the equipment from the employee (except for the cost of sales tax) and leases it back to the employee through a payroll deduction plan (interest free). Upon final lease payment, the employee can purchase the equipment for \$1.00.

b. Program Requirements

- i. Eligibility - To be eligible for participation in the program, the employee's position must have an FTE of at least 0.50, the employee must have passed his/her introductory period, have at least a satisfactory performance rating, and not have any garnishments or other withholdings (except child support)against his/her salary. Once an employee has made a purchase through this program, the employee is not eligible to make another purchase until the first purchase has been paid in full.
- ii. Maximum - A maximum of \$1,620 will be made available toward the purchase of an approved computer system and/or printer, software and peripherals. PC systems are defined as complete systems and do not include purchasing components to upgrade currently owned systems. (Computer components are defined as internal parts, such as motherboards; complete systems are defined as equipment, such as a printer, monitor or CPU.)
- iii. Repayment - Repayment will be made over a maximum period of 52 pay periods. The employee may choose to pay the outstanding balance in full at any time.
- iv. Warranty and Insurance - A full parts and labor warranty must be included in the purchase for the entire lease period. Maintenance and other support will NOT be the responsibility of Douglas County. Employees must provide proof of insurance (Homeowner's or Renter's) for fire and theft coverage. Anti-virus software must be purchased for use on the computer system.

- c. **Documentation** - Administrative Services will be responsible for assisting employees in completing the Lease/Purchase Agreement with final approval by the Human Resources Manager. Administrative Services will maintain necessary documentation, including financial records on the transactions and arrangements for payroll deduction. The Payroll Office will be responsible for maintaining accounts on lease payments. Please refer to the [Douglas County Computer Lease/Purchase Program](#) materials available on the County intranet site for additional information.

10.9 INTRANET. The County provides an intranet site for the use of employees. This site will contain documents of interest to the employee, such as the Personnel Policy, Health Insurance Plan, Payroll Facts, etc. It will also allow for posting of notices, including but not limited to items for sale, information about special events, calendar items, etc. All such postings must be handled by the Webmaster, and must meet the County guidelines established for such purpose.

10.10 CLOTHING

- a. **Clothing** - (other than uniforms). For commissioned officers in the Sheriff's Office who are requested to wear street clothing instead of a uniform, and for corrections officers in the Criminal Justice Services Department, the County may provide a clothing subsidy at a rate to be determined by the department head. Such subsidy will be considered compensation, and thus taxable income, under IRS regulations.
- b. **Work Boots** - In situations where employees are requested to wear specific footwear, the County may provide a boot subsidy at a rate to be determined by the Department Head. Such subsidy will be considered compensation, and thus taxable income, under IRS regulations.

10.11 REIMBURSEMENT OF TRAVEL EXPENSES. The reimbursement of employee travel expenses are subject to the following rules:

- a. The expense must be ordinary and necessary in the conduct of County business, i.e., the employee must have paid or incurred a deductible expense while performing services as an employee of the County.
 - i. Meals purchased while on overnight travel for the County are included.
 - ii. Douglas County will not reimburse the employee for alcoholic beverages.
 - iii. See Appendix D: Meal Expense Policy for additional information.
- b. The employee must adequately account to the County for such expenses within 60 days after they were paid or incurred.

- c. The employee must return any excess reimbursement within 120 days after the expense was paid or incurred. An excess reimbursement is any amount that is more than the business-related expenses for which the employee properly accounted.
- d. [See Appendix E](#): Reimbursement of Employee Travel Expenses for additional information.
- e. MILEAGE - The reimbursement of employee travel expenses are subject to the following:
 - i. Requests for reimbursement must include the destination and purpose of the travel, the year, model, and make of the vehicle, the vehicle tag number, and the total miles. Any toll charges paid may be included in the request.
 - ii. Employees are encouraged to use Douglas County vehicles for out of town travel, unless otherwise directed by the Department Head.

SECTION 11

EMPLOYEE ASSISTANCE PROGRAM

- 11.1 PURPOSE.** Douglas County sponsors an employee assistance program to provide a resource for employees to deal with personal issues that may be impacting the workplace. Administrative Services is responsible for administering the service. Information on the program can be obtained from Administrative Services.

SECTION 12

PERSONNEL SYSTEM

- 12.1 CLASSIFICATION SYSTEM & PAY PLAN.** The Human Resources Manager and County Administrator will be responsible for maintaining and updating the Douglas County Classification System and Pay Plan, as approved by the Board of County Commissioners. The County Administrator will have the authority to reallocate positions by two (2) grade levels, to reclassify any position within the classification system, and to create new positions when appropriate. All other changes to the classification system or pay plan must be authorized by motion of the Board of County Commissioners. With the exception of the County Administrator, County Commissioners, and District Attorney, all Classified, Classified Exempt, and Elected positions will be assigned to the classification system and pay plan.

12.2 COMPENSATION PLAN

- a. **Merit-Based Pay and Performance Evaluation –**
 - i. PHILOSOPHY ON MERIT. Superior performance by Douglas County employees will be rewarded through merit compensation. The standard for superior performance will be established through the performance evaluation system.

b. Performance Evaluation System Process –

- i. All performance evaluations, EXCEPT for employees who have not completed at least six (6) months of service on November 30, will be administered by the end of November of each year. Completed (and signed) evaluations will be forwarded to the Personnel Office immediately.
- ii. It is at the discretion of the Department Head to conduct evaluations on employment anniversary or in November of each year so long as they are submitted to the Personnel Office by the end of November each year.
- iii. Evaluations for introductory employees MUST be submitted to the Personnel Office on or around the employee's six-month anniversary and on or around the employee's first anniversary date.
- iv. The immediate supervisor and the Department Head will review the evaluation before it is discussed with the employee.
- v. Employees may submit comments regarding performance evaluations.
- vi. The evaluation form will be signed by the employee, supervisor, and the Department Head prior to being forwarded to the Personnel Office. Employees refusing to sign the evaluation form will not be eligible for a merit award and a witness will be asked to sign the form (in the employee's presence) acknowledging that the employee reviewed the form but refused to sign it.
- vii. Employees must have successfully completed six (6) months of service on November 30 in order to be eligible for a merit award.
- viii. Each year the Human Resources Manager will provide each Department Head with the average merit increase pool approved by the Board of County Commissioners. Department Heads may recommend merit amounts, but awards should be internally consistent with the performance evaluation scores for that year. Final approval of awards will be made by the Human Resources Manager or County Administrator.
- ix. Merit awards will be added to the employee's base salary until the employee reaches the maximum salary in his/her assigned pay grade, at which point merit awards are provided to the employee in the form of a lump sum payment.
- x. Merit Awards
 - Merit awards will be added to the employee's base salary until the employee reaches the maximum salary in his/her assigned pay grade, at which point merit awards are provided to the employee in the form of a lump sum payment.
 - Merit awards will be distributed on the paycheck that represents the second full pay period in the calendar year.

- c. Market-Based Pay** - Douglas County uses a market based system to target increases in the marketplace to ensure that pay ranges stay competitive. Pay ranges will vary according to job families, based on market-based data. As part of the annual budget process the County Commission will determine pay range increases by the minimum percentage

recommendation. Job families with a higher than minimum recommendation will receive the difference in pay but the pay range will not be further adjusted. Market adjustments will be distributed on the paycheck that represents the first full pay period in the calendar year.

d. Longevity Pay –

- i. **ELIGIBILITY** - Longevity pay will be awarded to all employees with an FTE of 0.50 or higher. There shall be no pro-ration in dollars received based on FTE value. The employee shall have 60 months of continuous service as of the end of the last full pay period in October each year. In cases of employees that have left the County and returned, the most recent hire date will be utilized in the determination of eligibility and the resulting payment.
- ii. **PAYMENT** - Award amount per year after five years is designated by the County Commission. (In November of 2018 the amount is \$50 per year and in November of 2019 the amount is \$40 per year.) There is no cap on the dollar amount received by employee. Payment will be included in the employee's first check in November each year. November 10th, 2016 will be the first payment. Payment includes the "waiting period" of five years.

12.3 ON-CALL COVERAGE. Douglas County recognizes that situations occur after regular working hours that necessitate call back of some employees. On-call employees will not engage in activities that would prevent them from complying with Section 13 or any other provision of the Douglas County Personnel Policy, performing their required duties, receiving their on-call summons, or responding to a situation within the designated time frame.

- a. **Notification** - Employees subject to on-call status will be notified in writing by their Department Head with a copy to the Human Resources Manager. Call back procedures will be spelled out either in that memo or in a departmental regulation.
- b. **Exemptions** - Department Heads will have the authority to make discretionary exceptions to the call back policy for employees with special circumstances, such as illness, personal emergencies, scheduled vacations, etc.
- c. **Compensation** - On-call compensation will be established by the Human Resources Manager or County Administrator for all hourly County employees.
- d. **Failure to respond** - Failure to reach a designated on-call employee may result in disciplinary action. Trades for on-call schedules must be pre-approved by the appropriate supervisor(s). If approved, the scheduled on-call employee is ultimately responsible for ensuring that coverage is maintained and that all necessary staff are notified of any change.

- e. **Response time** - Once the designated on-call employee is notified that his/her services are required, response should be as quickly as possible. Each department will set maximum response times.

SECTION 13

WORK ENVIRONMENT AND WORKPLACE SAFETY

13.1 PURPOSE. Douglas County has a long standing commitment to maintain high standards for employee safety and health.

13.2 DRUGS AND ALCOHOL. Douglas County recognizes that alcohol and drug abuse in the workplace has become a major concern. We believe that by reducing drug and alcohol use, we will improve the safety, health, and productivity of employees. The object of Douglas County's alcohol and drug policy is to provide a safe and healthy workplace for all employees, to comply with federal and State health and safety regulations, and to prevent accidents. Employees must not manufacture, distribute, dispense, possess, or use controlled substances without a valid prescription or use or possess alcohol while on Douglas County property or during the work day.

Employees are prohibited from:

- Having consumed enough alcohol to have a blood alcohol concentration of 0.04 or greater while on duty.
- Possessing or using alcohol while working or otherwise on duty.
- Consuming alcohol within four (4) hours before reporting to work.
- Using, possessing, manufacturing or distributing controlled substances (except when prescribed by a physician or other licensed health care provider.) If a prescribed controlled substance may impact performance of the employee's job duties, the employee must notify their supervisor who, in consultation with the Human Resources Manager, will determine whether or not the employee can safely perform the employee's duties while taking the medication.
- Having a positive test for controlled substances (other than as prescribed by a physician or other licensed health care provider) or alcohol.
- Refusing to submit to any required drug or alcohol testing.

13.3 POST-ACCIDENT TESTING FOR ALL EMPLOYEES

- a. **DOT Drivers** - Following a motor vehicle accident involving a Douglas County vehicle, the driver will be tested for both alcohol and controlled substances as soon as possible.

- b. All Other Employees (not limited to Safety Sensitive or Public Safety Employees)**
- Following a motor vehicle accident involving a Douglas County vehicle within the boundaries of Douglas County, the driver will be tested as soon as possible for both alcohol and controlled substances when the accident results in any of the following:
- Injury to anyone
 - The driver receiving a citation for a moving traffic violation
 - More than minor property or vehicle damage
- c. Equipment Accidents** – Referral for post-accident follow up drug or alcohol testing is at the discretion of the Department.
- d. Definitions**
- i. “Motor Vehicle”: A car, truck, or similar motorized wheeled device for carrying passengers, goods, or equipment, and licensed for use on public roadways.
 - ii. “Motor Vehicle Accident”: An incident or occurrence when a motor vehicle operated in public right-of-way strikes or collides with another vehicle, object, pedestrian, or animal, and that results in injury to person(s) or damage to property.
 - iii. “Equipment”: Motorized rolling stock used in construction or maintenance activities and not licensed for use on public roadways.
 - iv. “Equipment Accident”: An incident or occurrence in the operation of equipment that results in injury to person(s) or damage to property.
 - v. “Minor Damage”: Inconsequential impairment of the usefulness or value of property.
- e. Random Testing**
- i. Safety Sensitive Employees - Each calendar year, at least fifty percent (50%) of the employees in safety-sensitive positions will be tested for controlled substances and ten percent (10%) of the employees DOT covered positions will be tested for alcohol. These employees will be selected randomly throughout the calendar year. This testing will be unannounced and will be coordinated by the Human Resources Manager. The employee must report to the testing site immediately upon notification. Testing will be conducted while the employee is on duty; alcohol testing will only be conducted immediately before, while or just after an employee performs a safety sensitive function.
 - ii. Public Safety Employees - Public Safety employees are subject to unannounced random testing for controlled substances. Such testing will be coordinated by the Human Resources Manager. The employee must report to the testing site immediately upon notification.
- f. Reasonable Suspicion Testing** - The County will require an employee in any position to submit to an alcohol test and/or a controlled substance test when the County has reasonable suspicion to believe that the employee has violated the County and/or federal regulations regarding use of alcohol and/or controlled substances during, just preceding, or just after performing work duties or just before the employee is to perform safety-sensitive

functions. Reasonable suspicion criteria include, but are not limited to, “specific, contemporaneous, articulable observations, concerning the appearance, behavior, speech or body odors” of the employee.

- g. Return to Duty Testing** - If an employee has been off duty due to conduct prohibited in this policy, the employee must test negative to an alcohol and/or controlled substance test, whichever is applicable, prior to returning to duty.
- h. Follow-Up Testing** - Any employee (not limited to Safety Sensitive and Public Safety employees) who has failed a drug screen test and/or alcohol test will be subject to future unannounced follow-up alcohol and/or controlled substance testing.

13.4 TESTING PROCEDURES. All tests will be performed at the medical facility designated by Douglas County. The professionals performing the testing for safety sensitive positions will be trained with respect to DOT regulations and the test results will be reviewed by a Medical Review Officer, who will be responsible for communicating results to the employee and to the Human Resources Manager. All drug and alcohol testing will be conducted in compliance with the federal DOT procedure listed in 49 CFR 40 & 655.

- a. Alcohol** - A breath screening device will be used for alcohol testing and shall comply with 49 CFR 40.
- b. Controlled Substance** - A urine sample will be requested under the direct observation of a trained professional. The sample will be sealed and initialed in the presence of the employee.
- c. Positive Results** - If the result of the initial drug screen test is positive, a further confirmation test will be performed on the same sample. The second test will be a gas chromatography/mass spectrometry test. If the result of the initial alcohol test is 0.04 or greater, a second breath test will be performed with a printout of the results.

13.5 REFUSING TO SUBMIT TO TESTING. Compliance with this testing policy is a condition of employment for all Douglas County employees (regardless of position). Any employee refusing to submit to a post-accident test, a random test, a reasonable suspicion test, return to duty test, or a follow-up test for either alcohol or controlled substances will not be permitted to return to work and will be considered suspended without pay. Such refusal will constitute insubordination under the Douglas County Personnel Policy and may result in disciplinary action up to and including termination.

Behavior that constitutes refusal to test:

- Refusing to provide specimen. This includes an insufficient volume of urine without a valid medical explanation.

- Tampering with, adulterating, or substituting a specimen.
- Failing to appear for testing within sixty (60) minutes of being notified.
- Leaving the scene of an accident without just cause prior to submitting to a test.
- Leaving collection facility prior to test completion.
- Failing to permit an observed or monitored collection when required.
- Failing to take a second test when required.
- Failing to undergo a medical examination when required.
- Failing to cooperate with any part of the testing process.
- Failing to sign the alcohol test form.
- Once test is underway, failing to remain at site and provide a specimen.

13.6 CONSEQUENCES FOR VIOLATIONS OF SECTION 13. Violations of this Section 13 are considered a serious offense and will result in disciplinary action.

- a. Employees who violate this policy shall be subject to disciplinary action up to and including termination.
- b. When termination does not occur, employees will be required to use the Douglas County Employee Assistance Program.
- c. In consultation with the Human Resources Manager the employee will be expected to follow the rehabilitation program established by a substance abuse professional, including, but not limited to, providing verification of participation in such program.
- d. Repeated violations of this section by an employee may result in termination.
- e. Before an employee may return to work after a violation of this policy, the employee will undergo a return-to-duty alcohol and/or drug screening test, and must have a result of less than 0.02 blood alcohol concentration and/or a negative drug screen result.

13.7 EMPLOYEE ASSISTANCE PROGRAM. Administrative Services is responsible for administering the service. Information on the program can be obtained from Administrative Services. See Section 11.1 of the Douglas County Personnel Policy for specific details on the use of this program.

13.8 DRESS. Employees shall dress according to the position held. All employees are expected to wear some type of footwear while at work. Appropriate dress will vary by occupation, but all employees are expected to abide by custom or policy established by the Department Head.

13.9 SEXUAL HARASSMENT. Employee shall not sexually harass other employees or the general public. See Section 1.3 for the statement of Non-Harassment and Appendix G: Harassment-Free Workplace Policy for additional information.

- 13.10 SMOKE-FREE WORK PLACE.** Employees shall not violate the Smoke Free Work Place regulation established by the County Commissioners in Resolution 93-15. This resolution prohibits smoking within a building which is owned or leased by Douglas County, and specifies that there will be no designated smoking areas within any Douglas County owned buildings.
- 13.11 VISITORS AND TELEPHONE CALLS.** Personal visits and telephone calls shall be allowed at the discretion of the Department Head. Excessive personal telephone calls and excessive attention to personal business may lead to disciplinary action (Section 6).
- 13.12 TELECOMMUTING POLICY.** Telecommuting is an alternative work arrangement available to qualifying ([see Appendix H for additional information](#)) County employees. In circumstances deemed appropriate, management will establish a work arrangement with their qualifying employees. The arrangement is not permanent and may be changed or terminated for any reason. Telecommuting is working from a remote workplace, such as one's home or satellite office, rather than commuting to a designated worksite. Emphasis is placed on information or communication exchange through telephone and computers.

APPENDIX

Appendix A	Mobile Device Policy
Appendix B	Computer Security and Use Policy
Appendix C	Social Media Policy
Appendix D	Food/Meal Expense Policy
Appendix E	Employee Travel Expenses
Appendix F	Employee Conceal Carry Policy
Appendix G	Harassment-Free Workplace Policy
Appendix H	Telecommuting Policy

Appendix A

Information Technology Department Mobile Device Policy

Purpose:

The purpose of this Policy is to set guidelines and requirements as to the appropriate use, security, support of, assignment of, governance, and responsibilities for the use of mobile devices, whether owned solely by Douglas County or supplied by any person for any purpose germane to the work flow processes of the Douglas County, Kansas government. This Policy shall apply to Douglas County employees and employees of other affiliated entities, agencies, and contractors using a Mobile Device to access the Douglas County network. This Policy also includes the use of intellectual property used, downloaded, stored, etc. by mobile technology and communication devices.

Definitions:

1. **Mobile Device:** Any device or medium not permanently connected to the Douglas County network used for the purpose of receiving, sending, or storing information. This may include, but is not limited to, cell phones, laptops, computers, smart phones and tablets.

2. Exempt Employee: Any employee considered Exempt from FLSA (Fair Labor Standards Act) guidelines.
3. Non-Exempt: Any employee that is non-exempt under the FLSA (Fair Labor Standards Act).

Responsibilities and Enforcement of this Policy:

1. Douglas County sets forth this Policy in an effort to meet organizational goals, improve employee satisfaction, to improve efficiency for county departments, agencies, courts, authorities, and employees by enabling the use of Mobile Devices, and enabling those devices with access to county resources (such as email).
2. Each Douglas County employee, and any other person subject to this Policy, is responsible for the conditions set forth within this Policy, as well as any other employee policy set forth within the Douglas County Personnel Policy or elsewhere, and any subsequent policy set forth by the department, agency, court, authority, etc. for which an employee works within Douglas County, Kansas government.
3. The County Administrator, Department Directors, Division Directors, Elected Officials, Managers, and Supervisors at all levels shall fully understand this Policy and be responsible for any employee under his/her management for meeting the requirements set forth within this Policy, and shall communicate the requirements of this Policy for any and all persons that this Policy applies.
4. The Information Technology Department Director or designee shall oversee all technical aspects of enforcing this Policy, including creating and updating all approval forms, etc. which enable mobile devices to access county resources.
5. Every user of a Mobile Device with access to the Douglas County network must use reasonable care to protect Douglas County data and to prevent unauthorized access to the Douglas County network.
6. Information used or stored on any Mobile Device shall be considered as important for security as any paper document in the operation of county business.
7. Violations of this Policy will subject the Mobile Device to disconnection from the Douglas County network. In addition, the violator will be subject to normal departmental and/or county enforcement policies, up to and including termination as per the Personnel Policy.

County Purchased Mobile Devices:

1. All cell phones and smart phones that Douglas County purchases for its employees shall be purchased through the Douglas County Administration Services Department.
2. All tablets and other mobile computing devices that Douglas County purchases for its employees shall be purchased through the Douglas County Information Technology Department.
3. The need for a county purchased Mobile Device is determined by each Department Director and/or Division Director. If the cost of the Mobile Device was not included in the

current budget, it must be approved by the Administrative Services Director and the Information Technology Director.

4. The Information Technology Department in conjunction with Administration Services Department shall have sole authority to determine the type and model of any Mobile Device that Douglas County purchases.
5. Any mobile device that connects to the Douglas County network shall be managed by MDM (Mobile Device Management) software. This includes any device that accesses Douglas County email, phone system, or other system or resource located within the Douglas County network.
6. Conditions which must be met for any Mobile Device to be enabled to access Douglas County email:
 - a. All Mobile Device users must sign Section A of the Mobile Device Security Request Form acknowledging the employee has read this Policy, and agrees to abide by all policy statements within.
 - b. The Employee then must obtain the signature of the Employee's Department Director on Section B of the Mobile Device Security Request Form, acknowledging the director's approval that connection will assist the employee in performing his or her job.
 - c. All requests for email enabled devices are handled through the employee's department and must be approved by the Department Director.
 - d. If the Department Director approves the request they will notify the Information Technology Department by putting in a help desk ticket with the request.
 - e. All Department Directors and/or equivalent shall be aware of FLSA and appropriate use of email for Exempt and Non-Exempt employees.
 - f. If at any time any email enabled device is lost or stolen, the employee for whom the device is assigned is responsible for immediately reporting the loss to the Information Technology Department. The Information Technology Department shall then remotely disable, lock, and/or "wipe" the device, thereby rendering the device inoperable.
 - g. All email enabled devices shall be required to automatically "Lock" after a reasonable period of inactivity (no longer than 5 minutes), and must be password protected to "unlock" the device. This is to ensure that a device left unattended will not be able to access devices or information by unauthorized persons.
 - h. Non-Exempt Employees granted access to email on mobile devices shall strictly follow work schedules when replying to or sending any email request. Replying or sending when not at work or otherwise "on the clock" is not authorized for Non-Exempt Employees without explicit written directions from the Department Director and/or the County Administrator.

BYOD (Bring Your Own Device):

In an effort to satisfy demand from Douglas County employees and employees of other affiliated entities, agencies, and contractors using a Mobile Device to access the Douglas County network, Douglas County sets forth the following policies to allow for personally owned technology enabled devices to access resources within the Douglas County network. These include, but are not limited to, smart phones, tablets, laptops, GPS, etc. utilizing a variety of operating systems and varied technologies:

1. There must be a clear business need for access to the Douglas County network.
2. Any personal device enabled to access any resource provided within the Douglas County network and the employee given access to said resources on his/her personal device SHALL adhere to all policy statements within this Policy, Personnel Policy, any supplemental departmental policies that are more stringent, such as Standard Operating Procedures. The security, password protection, and use requirements applicable to County purchased Mobile Devices shall apply to personally owned Mobile Devices that have access to the Douglas County network.
3. Any employee requesting their personal device to be enabled to access Douglas County network resources (such as email) must read and fully complete Section A and Section B of the Mobile Device Security Request Form which must include the signature of the employee requesting access AND the Department Director.
4. Employees granted access to Douglas County network resources on their personal devices shall allow the Information Technology Department to have the ability to remotely manage some aspects on the device for which access is granted. Employee understands this gives the Information Technology Department the ability to manage, disable, lock, change passwords, track, and wipe any device under the management platform.
5. Employee acknowledges that if the Mobile Device is lost or stolen, he/she must report the loss to Information Technology Department immediately.
6. Personal Devices given access to Douglas County network resources shall be managed in a way which is capable of remotely disabling, locking or wiping the device. It will not be the responsibility of Douglas County, or Douglas County Information Technology Department to maintain, safeguard, backup, protect the employee's personal device and/or data.
7. When using a personally owned device for Douglas County business, information contained on that device could be the subject of a Kansas Open Records request, court discovery or other legal investigation. If this occurs, the employee will be required to relinquish the device and provide all necessary passwords to fulfill the Open Records request, court discovery or legal investigation.
8. The Information Technology Department will not provide technical support for any personally owned Mobile Device, except to provide initial setup, security and to disable, lock, and/or wipe devices when needed to ensure the security and integrity of the Douglas County network. Employees are encouraged to utilize the Internet (www.google.com, youtube.com, and user groups), third parties, and their devices manufacture resources for any problem resolution with their personally owned device.

9. Failure to meet any of the conditions set forth within this Policy may result in the termination of access to Douglas County network resources, disciplinary procedures by the employee's Department or the County Administrator or their designee up to and including termination and seizure of the device used in the violation.

Other General Issues:

1. APPS (Applications) on mobile devices:
 - a. Unless previously approved by the Department Head and budgeted for, no applications shall be downloaded to any device that cause a charge, invoice, withdrawal, etc. to any County funding mechanism, credit mechanism, or purchasing mechanism.
 - b. Consumer Grade mobile devices are generally capable of downloading and using APPS (Applications or programs). The Information Technology Department may at its discretion limit, restrict, or allow the capability for devices granted access to Douglas County network resources the ability to download and use commercially available Apps.
 - c. If at any point Information Technology Department discovers any downloaded App has, or has the potential to compromise security to the network, the Information Technology Department shall disable, lock, and/or wipe the compromised device as soon as possible, and render it unusable for network access. The Information Technology Department will report the incident to the Department Director or equivalent of the employee whose device was deemed to be compromised.
 - d. It shall be considered a violation of this Policy for any device approved for connection to the Douglas County network to be "hacked", "Jail Broken", "rooted", or any changes to the operating system provided by the manufacturer. Any unauthorized changes to the Operating System of any device compromises security, and will result in termination of service to the device.
 - e. Other "for a fee" downloads such as Music, Videos, Movies, etc.: It is the sole responsibility of the end user / employee to pay for any downloaded media of any type for which a fee is charged. It shall not be the responsibility of the County including the Information Technology Department, to backup, maintain, or otherwise protect any personally downloaded application, content, music, video, movie, etc. unless expressly approved and paid for by Douglas County.

Attachments: See the ["Mobile Device Security Request Form"](#)

Reviewed By:	Jim Lawson, IT Director	Date:	09/08/16
Approved By:	County Commission	Date:	04/01/15
Last Updated By:	Jim Lawson	Date:	09/08/16

Douglas County, Kansas
Information Technology Department
Mobile Device Security Request Form

Section A: Acknowledgement (All Employees)

I acknowledge that I have received and read the Douglas County Mobile Device Policy, dated April 1, 2015, that includes sections on **Responsibilities and Enforcement**, **County Purchased Mobile Devices**, **BYOD (Bring Your Own Device) requirements**, and **Other General Issues**. I also acknowledge that I am responsible for complying with policy requirements.

I am requesting (check one):

- County supplied Mobile Device** access to Douglas County network

- Personally owned Mobile Device** access to Douglas County network

Name: _____

Signature: _____

Date: _____



Section B: Director Approval

I approve the Mobile Device requested in Part A and acknowledge that access to the Douglas County network will assist the employee in performing his or her job functions.

- Non-Exempt Employee

Director Name: _____

Director Signature: _____

Date: _____

Please forward this completed form to the Information Technology Department

Appendix B

Computer Security and Usage Policy

Introduction

Computer information systems and networks are an integral part of daily business at Douglas County (KS). The county has made a substantial investment in human and financial resources to create these systems.

The enclosed policies and directives have been established in order to:

- Protect this investment.
- Safeguard the information contained within these systems.
- Reduce legal risk.
- Protect the goodwill of the county.

Definitions

Internal e-mail – computerized electronic mail communications that provides Douglas County personnel an efficient way to conduct County business within and between County offices. Currently Douglas County uses Microsoft Outlook to send and receive internal e-mail.

External e-mail – computerized electronic mail communications that provides Douglas County personnel a way to conduct County business with outside agencies via the Internet or other network service.

The Internet – A worldwide computer network that connects several thousands of businesses, schools, research foundations, individuals, and other networks.

Viruses - Computer viruses are programs designed to make unauthorized changes to programs and data. Therefore, viruses can cause destruction of county resources.

Downloads – A data copy (typically an entire file) that originated from a source server. The term is often used to describe the process or the resultant files that have been copied from a server located on the Internet.

Violations of the Security and Usage Policy - Violations of this policy may result in disciplinary action in accordance with the current “Douglas County, KS Personnel Policy”. Failure to observe these guidelines may result in the loss of Douglas County computer network access and disciplinary action by the County depending upon the type and severity of the violation, whether it causes any liability or loss to the county, and/or the presence of any repeated violation(s).

Contents

The topics covered in this document include:

- Statement of policy responsibility
- Privacy and Ownership of Data
- The Internet and e-mail
- Downloads
- Computer viruses
- Access codes and passwords
- Physical security
- Copyrights and license agreements

Statement of policy responsibility

General responsibilities pertaining to this policy are set forth in this section. The following sections list additional specific responsibilities.

Department Head responsibility:

Ensure that all appropriate personnel are aware of, have read, understand, and sign this policy.

IT Department responsibilities

The IT department must:

1. Develop and maintain written standards and procedures necessary to ensure implementation of and compliance with these policy directives.
2. Provide appropriate support and guidance to assist employees to fulfill their responsibilities under this directive.

Privacy and Ownership of Data

Any person using County owned equipment shall have no expectation of privacy dealing with any files that are stored on the device, or any transactions that occur on the device, or any other action involving the device. All files and data that are stored on a device are the property of Douglas County and the County reserves the right to inspect these files at any time. Records of all transactions that occur on the device are the property of Douglas County and the County reserves the right to review the transactions at any time.

Any person that logs in to the County network shall have no expectation of privacy dealing with any activity that occurs on the County network. The county reserves the right to monitor all network activity and will review the logs for usage which violates this policy and/or any local, state or federal laws.

The Internet and e-mail

E-Mail Purpose

Electronic mail has been provided to employees to efficiently conduct County business within and between County departments and with other organizations with which the County has associations. Communication by e-mail is encouraged when it results in more efficient and effective communication and to enhance the ability of County employees to provide efficient and effective customer service.

Internet Purpose

Internet access has been provided to County employees so that they might gather information from other professionals on business-related topics, research topics related to their work, and to acquire information to assist in increasing job knowledge and function. All such communication should be for professional reasons, and conducted in a manner that is ethical, lawful, and presents a positive image of the County. A list of guidelines is provided below:

Usage Guidelines for Internet and E-mail (internal and external)

1. The use of these services shall be for lawful purposes only.
2. Transmission of harassing, threatening, rude or obscene material (as defined by U.S. and local law) is prohibited.
3. The use of these services to send copies of documents or files in violation of copyright laws is prohibited.
4. The use of these services to send copies of documents or files in violation of privacy laws is prohibited.
5. These services are not to be used for chain letters (i.e., messages containing instructions to forward the message to others), job searches, or advertisement of personal business. Messages broadcast to all employees for general employee review shall be only for the purpose of conducting County business communications.
6. These services are not to be used for personal gain, advancement of individual views, or soliciting or proselytizing on behalf of other causes or organizations.
7. Sending any personnel action as an e-mail message, including disciplinary action and performance appraisals is prohibited.
8. The use of e-mail to harass or intimidate others or to interfere with the ability of others to conduct County business is prohibited.
9. Composing or sending e-mail messages that contain racial or sexual slurs or jokes, innuendo, or any material of an inappropriate, slanderous, defamatory, fraudulent, sexually oriented, or derogatory nature is prohibited.
10. All messages communicated on the Internet should have your name attached. No message should be transmitted under an assumed name, and users should not attempt to obscure the origin of any message.
11. All messages created, sent or retrieved through our e-mail system may be regarded as public information. Conduct yourself accordingly and don't put anything in your e-mail messages that you wouldn't want to see on the front page of the newspaper or be required to explain in a court of law.

Confidentiality/Ownership

Employees who use e-mail provided by the County cannot be guaranteed absolute privacy. All e-mail messages or Internet communications composed, sent or received electronically using County resources are and remain the property of the County.

As a routine, the County will not monitor electronic mail messages. The County does, however, reserve the right to access messages at any time, including but not limited to the circumstances listed below.

1. All communications including text and images may be disclosed if required by law to do so or to conduct county business, without prior consent of the sender or receiver.
2. Upon termination of employment with the County.
3. When necessary to investigate a possible violation of a County policy including but not limited to the Computer Security and Usage Policy or a breach of the security of the electronic mail system.
4. In the event there is reasonable suspicion that a user has committed or is committing a crime against the County or for which the County could be held liable.
5. In the course of an investigation triggered by indications of impropriety or as necessary to locate substantive information related to incidents of impropriety.

All messages should be treated as confidential by other employees and accessed only by the intended recipient or someone the recipient has given access to. County employees are not authorized to retrieve or read any e-mail messages that are not sent to them.

Personal use of e-mail and Internet access

Personal use of e-mail and Internet access is permitted when it does not generate a direct cost for the County, when personal use does not interfere with the user's employment or obligation to the County, when it does not create a security or liability risk to the County and when such use neither expresses nor implies sponsorship or endorsement by the County. Personal use of these resources for educational or recreational purposes during breaks, lunch hours, or outside of regular business hours is permissible only to the extent that such usage otherwise conforms to the guidelines contained in this policy.

Employee responsibilities

An employee who uses the Internet or Internet e-mail shall:

1. Ensure that all communications adhere to this policy and that its usage does not interfere with his/her productivity.
2. Be responsible for the content of all text, audio, or images that (s)he places or sends to other employees or over the Internet. All communications should clearly identify the sender.
3. Not transmit copyrighted materials without permission.
4. Know and abide by all applicable policies dealing with security and confidentiality of county records.
5. Avoid transmission of nonpublic information. If it is necessary to transmit nonpublic information, employees are required to take steps reasonably intended to ensure that information is delivered to the proper person who is authorized to receive such information for a legitimate use.

Logging/Filtering

All Internet activity will be logged by the IT department and will be reviewed periodically for inappropriate access. The IT department will also maintain Internet filtering software to help ensure the integrity of Internet usage by employees. Anyone who attempts to circumvent the logging or filtering of Internet usage will be immediately removed from Internet access and subject to the penalties for being in violation of this policy.

Downloads

Restrictions on Internet download of files and software are incorporated for the following reasons:

- To reduce the risk of computer systems being unavailable due to malicious code (viruses, worms, Trojans, etc.)
- To reduce the amount of support and maintenance required by users due to unsupported software and thereby increasing the level of service and response time for other issues.
- To reduce unnecessary network traffic allowing faster response for business applications

The downloading of program files from the Internet or other sources is not permitted. A limited library of utilities will be made available by the IT department. Requests for additional utilities may be submitted to the IT department for inclusion in this group. The requested software will be reviewed for suitability before being added. Periodic software audits will be conducted and any non-compliant software installed by the user will be reported and removed immediately.

Computer viruses/worms

Background

It is important to know that:

- Computer viruses are much easier to prevent than to cure.
- Defenses against computer viruses include protection against unauthorized access to computer systems, using only trusted sources for data and programs, keeping patches up to date and maintaining virus-scanning software.

IT responsibilities

1. Install and maintain appropriate antivirus software on all network-attached computers.
2. Respond to all virus attacks, destroy any virus detected, and document each incident.
3. Keep operating systems up to date with patches to reduce vulnerabilities.

Employee responsibilities

1. Employees shall not knowingly introduce a computer virus into county computers.
2. Employees shall not load diskettes of unknown origin.
3. Do not open e-mail attachments unless you are expecting them.
4. Any employee who suspects that his/her workstation has been infected by a virus shall IMMEDIATELY POWER OFF the workstation and notify the IT department.

Additional Laptop user responsibility

Employees **must** bring in all county owned laptops at least once a week, plug them into the county network and logon, so the virus definitions will be updated and any needed patches will be installed. If you are unable to bring the laptop in weekly, you must contact someone in the IT department to check your laptop **before** you plug it into the county computer network. Failure to follow this responsibility will be considered a violation of this policy.

Access codes and passwords

The confidentiality and integrity of data stored on County computer systems must be protected by access controls to ensure that only authorized employees have access. This access shall be restricted to only those capabilities that are appropriate to each employee's job duties.

IT responsibilities

1. The IT department shall be responsible for the administration of access controls to all county computer systems.
2. The IT department will process adds, deletions, and changes upon receipt of a written request from the end user's department head. Deletions may be processed by an oral request prior to reception of the written request.
3. The IT manager will maintain a list of administrative access codes and passwords and keep this list in a secure area.
4. The IT department may, in case of emergency or at the discretion of the department head, reset an employee's password in order to allow access to critical files.

Employee responsibilities

1. Responsible for all computer transactions that are made with his/her User ID and password.
2. Shall not disclose passwords to others, including other department employees and department heads. Passwords must be changed immediately if it is suspected that they may have become known to others. Passwords MUST NOT be written down under any circumstances.
3. Log out or lock the workstation when leaving for an extended period.
4. Change passwords at least every 90 days.
5. Use passwords that conform to the password policy implemented by the IT department.

Password Policy

The password must meet the following requirements:

- Must be at least 6 characters in length
- Contain both upper- and lower-case letters
- Contain at least one numeric character
- May NOT contain any part of the user's name.

Do NOT use passwords that are easily guessed by others, such as a spouse, child, or pet's name, birthdays, etc.

Suggestions for creating good passwords:

- Use the first letter of an easily remembered phrase and adding or incorporating a number. For example, the phrase "a stitch in time saves nine" could be turned into the password "aSits9".
- Use a common word replacing regular letters with special characters or numbers, such as "Dodge Viper" becoming "d0dgev!per"

NOTE: These are examples ONLY; please do not use either as your password!

Department Heads' responsibility

Department Heads should notify the IT manager promptly whenever an employee leaves the County or transfers to another department so that his/her access can be revoked. Involuntary terminations must be reported concurrent with the termination.

Physical security

It is County policy to protect computer hardware, software, data, and documentation from misuse, theft, unauthorized access, and environmental hazards.

Employee responsibilities

1. Environmental hazards to hardware such as food, smoke, liquids, magnets, high or low humidity, and extreme heat or cold should be avoided.
2. Diskettes, CD's and DVD's should be kept away from environmental hazards such as heat, direct sunlight, and magnetic fields.
3. Employees should save all data to a network file server (mapped drive). Any data NOT stored on a file server is NOT backed up and will be lost in the event of file corruption or physical damage to the computer.
4. Since the IT department is responsible for all equipment installations, disconnections and modifications, employees are not to perform these activities. This does not apply to moves of computers for which an initial connection has been set up by IT.
5. Employees shall not take shared portable equipment such as laptop computers, projectors and portable drives off the premises without the informed consent of their department head. Informed consent means that the department head knows what equipment is leaving, what data is on it, and for what purpose it will be used.
6. Employees shall not bring in any computer equipment not owned and maintained by the county and attach it to their work computer or the county network without explicit written consent of the Information Technology Director.

Employees should exercise care to safeguard the valuable electronic equipment assigned to them. Employees who neglect these responsibilities may be accountable for any loss or damage that may result.

Department Head responsibilities

1. All computer equipment should be protected by a surge suppressor.
2. Keep a record of portable computer equipment that is taken off the premises. See item 5 under employee responsibilities.

NOTE: Surge suppressors/power strips MUST BE LEFT ON for them to protect the equipment. PCs and monitors should be turned off after use.

IT responsibilities

1. Critical computer equipment, e.g., file servers, must be protected by an uninterruptible power supply (UPS). Physical access to critical equipment will be limited to IT staff.
2. A comprehensive Disaster Recovery Plan will be developed and revised as necessary.
3. User data will be backed up according to an appropriate schedule as determined by the IT manager.

Copyrights and license agreements

It is Douglas County's policy to comply with all laws regarding intellectual property.

Legal reference

Douglas County and its employees are expected to comply with the Federal Copyright Act (Title 17 of the U. S. Code) and all proprietary software license agreements. Noncompliance can expose Douglas County and the responsible employee(s) to civil and/or criminal penalties.

Scope

This directive applies to all software that is owned by Douglas County, licensed to Douglas County, or developed using Douglas County resources by employees or vendors.

IT responsibilities

1. Maintain records of software licenses owned by Douglas County.
2. Periodically scan county computers to verify that only authorized software is installed.

Employee responsibilities

Employees shall not:

1. Copy software unless authorized by IT.
2. Install software unless authorized by IT. Only software that is licensed to or owned by Douglas County is to be installed on Douglas County computers.
3. Department-specific software must be licensed and must be installed by an IT authorized employee.

Civil penalties

Violations of copyright law can potentially expose the county and the responsible employee(s) to the following civil penalties:

- Liability for damages suffered by the copyright owner
- Profits that are attributable to the copying
- Fines up to \$150,000 for each illegal copy

Criminal penalties

Violations of copyright law that are committed “willfully and for purposes of commercial advantage or private financial gain (Title 18 Section 2319(b)),” can potentially expose the company and the employee(s) responsible to the following criminal penalties:

- Fines up to \$250,000 for each illegal copy
- Jail terms of up to five years

Acknowledgment of Computer Security and Usage Policy

This form is used to acknowledge receipt of, and compliance with, the Douglas County (KS) Computer Security and Usage Policy. Anyone who does not sign and return this page will not be allowed access to the Douglas County Computer Network.

Procedure

Complete the following steps:

1. Read the Computer Security and Usage Policy.
2. Sign and date in the spaces provided below.
3. Return this page only to the Douglas County Personnel Office.

Signature

By signing below, I agree to the following terms:

1. I have received and read a copy of the "Computer Security and Usage Policy" and understand the same;
2. I understand and agree that any computers, software, and storage media provided to me by the county remains the property of the county at all times;
3. I agree that I shall not copy, duplicate (except for backup purposes as part of my job), otherwise disclose, or allow anyone else to copy or duplicate any county information or software unless I am authorized to do so;
4. I agree that, if I terminate my employment with Douglas County (KS) for any reason, I shall immediately return to the county the original and copies of any and all software, computer materials, or computer equipment that I may have received from the county that is either in my possession or otherwise directly or indirectly under my control.

Employee signature: _____

Employee name: _____

Date: _____

Department: _____

Appendix C

Social Media Policy

The Social Media Policy comprises the philosophy, recommendations, and strategies necessary for providing professional county communications in social media. This policy outlines the protocol and procedures for use of social media to publicize official county services and events. In addition, this policy addresses the responsibilities of individual employees and county officials with regard to social media, as well as responsibilities related to public records and open meeting laws.

2.0 Definitions

Social Media – Various forms of Internet and electronic discussion and information-sharing, including blogs, wikis, social networks, virtual worlds, video posts, podcasts, message boards and online forums. Technologies include: interactive websites, social networking applications, picture sharing, wall postings, fan pages, e-mail and instant messaging.

Social Networking – The practice of expanding business and/or social contacts by making connections through web-based applications. This policy focuses on networking through social media to promote or conduct official county business.

3.0 Policies & Procedures

- A. All official Douglas County Kansas presences on social media sites or services are considered an extension of the county's information networks and are governed by the Douglas County Kansas Computer Use Policy. Official sites are administered by the County Administrator, County Webmaster, or an official department designee, and used for the limited purpose of informing the public about county business, services and events.
- B. All Douglas County Kansas social media sites must comply with applicable federal, state and county laws, regulations and policies. This includes adherence to established laws and policies regarding copyrights, records retention, Kansas Open Records Act (KORA), First Amendment, privacy in information technology, web standards, brand standards and media policies established by Douglas County Kansas.
- C. Individual departments are encouraged to utilize social media. Prior to creation, department social media sites must be approved by the County Administrator and the applicable Department Head. The County Webmaster will work with departments to reach their goals by assisting with the development of social media sites and helping the department define a strategy for engagement using social media.

Prior to launching the site, departments shall identify their specific goals and how they will achieve their goals through the use of social media. The County Webmaster will

also discuss how departments will maintain an acceptable frequency rate on social media sites to keep information timely and relevant. Douglas County Kansas understands that social media is an outlet that does not particularly adhere to normal business hours. However, it is essential that an expectation of service be designated that provides a framework for response times. If a response is warranted, during normal business hours (8:00 a.m. to 5:00 p.m., Monday-Friday), a response should be provided as quickly as the information can be captured. If a posting occurs outside of normal business hours, a response should be generated by the next business day. Information should not be released via social media unless it has been verified as factual. It is recommended that language be placed on the social media sites denoting appropriate response times.

Each department will have an official designee who is responsible for the management of its social media presence. Accounts will be created by the County Webmaster and branch directly from the county's main social media sites. For Facebook, only "fan" pages will be allowed. The County Administrator and County Webmaster will have administrative access to the sites, including username and password information, and may monitor content on department sites to ensure adherence with Social Media Policy for appropriate use and to ensure that the message and branding are consistent with the goals of Douglas County Kansas. The county retains the authority to remove information, and repeated violation of these standards may result in the removal of department pages from social media outlets.

- D. Each social media site used by Douglas County Kansas will include an introductory statement that clearly specifies the purpose of the site and directs users to the county's web site. In addition, wherever possible, links to information should direct users back to the county's official web site for more information, forms, documents or online services necessary to conduct business with Douglas County Kansas.

It is highly recommended that sites be named based on functions performed rather than specific departments or divisions. This allows for greater flexibility and comprehensive organizational use of social media.

- E. Employees representing the county via social media outlets must conduct themselves at all times as representatives of Douglas County Kansas and in accordance with all personnel policies. Employees shall not disclose information about confidential county business on the county's social media sites. See section 4.0 – Guidelines for Employee Participation in Social Networking.
- F. Elected officials and advisory boards may not post as "Douglas County Kansas" and are discouraged from discussing campaigns, issues and other political matters on county accounts.
- G. Douglas County Kansas social networking content and comments containing any of the following forms of content shall not be allowed for posting:
 - a. Comments not topically related to the particular site;
 - b. Factually untrue or incorrect information;

- c. Comments that mention a coworker, citizen or other work contact by name without permission;
- d. Confidential county business;
- e. Profane language or content;
- f. Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
- g. Sexual content or links to sexual content;
- h. Solicitations of commerce;
- i. Conduct or encouragement of illegal activity;
- j. Information that may tend to compromise the safety or security of the public or public systems; or
- k. Content that violates a legal ownership interest of any party.

The county reserves the right to remove content that is deemed in violation of this policy or any applicable law. Any participants on the county's official social media sites who are in continual violation of the posting/commenting guidelines may be permanently removed from the county's site.

- H. Social media is an excellent outreach tool and has proven very effective during times of crisis or emergencies. When Douglas County Kansas begins operating under the special circumstances of a crisis, staff will immediately stop posting on their respective sites. All sites will be redirected to the county's main social media sites to ensure that followers receive consistent information from Douglas County Kansas. All communication in a crisis situation will be posted by the County Administrator, County Webmaster, or their designee. When the county decides to return to normal communications operations, individual departments may again begin posting information related to county services, programs and events.
- I. Douglas County Kansas reserves the right to temporarily or permanently suspend access to official county social media sites at any time.

4.0 Guidelines for Employees who participate in Social Networking as a part of their job function.

Douglas County Kansas understands that social networking and Internet services have become a common form of communication in the workplace and among stakeholders and citizens.

The following guidelines apply to any online posts that an employee performs as part of the employee's job function. In addition to being subject to the guidelines listed below, all such online activity is subject to the County's Computer, Email and Internet Use Policy and other policies found in Douglas County Kansas Employee Handbook.

- A. County policies, rules, regulations and standards of conduct apply to employees that engage in social networking activities while conducting county business. Use of county e-mail address and/or communicating in an official capacity will constitute conducting county business.

- B. Updating and posting to the county's social media sites must be done through the employee's county email account and completed as part of the employee's existing job duties. Appropriate Internet permissions will be granted to specified staff that have been designated as the department's social media designee. Department Heads may allow or disallow employee participation in any social networking activities for work-related purposes in their departments.
- C. Follow all privacy protection laws, e.g., HIPPA, and protect sensitive and confidential county information.
- D. Follow all copyright laws, public record laws, retention laws, fair use and financial disclosure laws and other laws that might apply to the county or your functional area.
- E. Do not cite vendors, suppliers, clients, citizens, co-workers or other stakeholders without their approval.
- F. Do not use ethnic slurs, profanity, personal insults, or engage in any conduct that would not be acceptable in the county workplace.
- G. If you identify yourself as a county employee, ensure that your profile and related content is consistent with how you wish to present yourself to colleagues, citizens and other stakeholders.

Infractions of these policies may result in disciplinary action up to and including termination of employment.

Appendix D

MEAL EXPENSE POLICY

Meals falling into one of the following categories will NOT be considered income to the employee:

- Meals provided to employees on overnight travel. (See more in Travel, Appendix E.)
- Meals provided on the employer's premises for the employer's convenience. Examples include lunch ordered in for a staff meeting, or the cost of dinner for employees working overtime.
- Meals with a business purpose (for example, a meal is held in connection with a business meeting or discussion).
- De Minimis expenses, such as employer picnics or holiday parties.

Reimbursement for Travel-Related Meals

Meals purchased while on overnight travel for the County are discussed under the "Employees' Travel" policy, Appendix E.

Reimbursement for All Other Meals

In order to be reimbursed for a meal, the employee must provide the following documentation:

- Receipt detailing the date and place and what was ordered.
- Receipt for total amount paid, including tip (not to exceed 20%).
- Business purpose.

Meals are expected to be at a reasonable cost, and shall not include alcohol or dessert.

Reimbursement will be limited to the lower of the amount actually expended or the amount stated below:

Breakfast \$10.00, Lunch \$15.00 & Dinner \$25

By signing below, I acknowledge that I have read and understand this policy

Date

Employee Signature

EMPLOYEE NAME: (Please Print): _____

Appendix E

EMPLOYEES' TRAVEL EXPENSES

Policy: Douglas County will pay for authorized expenditures incurred by County employees while traveling as a function of their employment with Douglas County. This policy establishes standards of conduct expected for those who travel in order to perform their work for Douglas County. This policy intends to establish guidelines to assist employees in planning travel and receiving reimbursements and/or per diems as is proper. It is the policy of Douglas County that:

1. The travel expense must be ordinary and necessary in the conduct of County business. Also the expense must be incurred while performing services as an employee of the County.
2. At all times employees shall uphold the constitution, laws and regulations of the United States, the State of Kansas, and Douglas County.
3. All actions, whether official or unofficial, shall not undermine the public's confidence with respect to the appropriate use of Douglas County vehicles, funds and other resources.
4. In situations where vacation time is extending a business trip, any cost variance in travel expense will not be paid by Douglas County (not even with the intention of being "repaid" at a later time) nor will any personal expenses be reimbursed.
5. Failure to abide by any of the following provisions may be grounds for disciplinary action and/or dismissal.

Procedures:

TRAVEL EXPENSES

- f. A per diem amount will be paid for meals related to a business trip with an overnight stay. Expenses for travel within the continental United States are reimbursed using the federal high-low method as described in IRS Publication 1542 to compute a per diem rate for the dates of travel. In order to receive reimbursement for food/meal expenses, an employee must submit Per Diem Form. (Fillable Per Diem Form is on the Intranet.) The expense statement must contain the following information:
 - Departure date, return date, and number of days spent on business
 - Destination city and state
 - Business purpose for the expense or the business benefit gained or expected to be gained
 - Meals provided as part of the conference or meeting registration will be deducted from the per diem amount.(Also read more about meals in item 2 below.)
- g. In some cases the employee will be reimbursed for meals purchased while traveling, but not staying overnight. (See more in item 2 below.)
- h. Douglas County will not reimburse the employee for alcoholic beverages.

- i. Hotel expense should be paid with a Douglas County Pcard, and therefore not require reimbursement.
 - j. Airline tickets shall be purchased with a Douglas County Pcard, and therefore not require reimbursement.
 - k. For any expense that is reimbursable the employee must adequately account to the County for such expenses within 60 days after they were paid or incurred.
 - l. The employee must return any excess reimbursement or per diem payment within 120 days after the expense was paid or incurred. An excess reimbursement is any amount that is more than the business-related expenses for which the employee properly accounted.
1. Mileage: The reimbursement of employee travel/driving expenses are subject to the following:
- a. Employees are encouraged to use Douglas County vehicles for out of town travel, when appropriate. In some situations employees may be directed otherwise by the Department Head. If the cost to drive is above the average cost of an airline ticket to the destination, the employee will only be reimbursed the average cost of an airline ticket regardless of how many miles are driven.
 - b. Requests for reimbursement must include the destination and purpose of the travel, the year, model, and make of the vehicle, the vehicle tag number, and the total miles. Any toll charges paid may be included in the request.
 - c. Douglas County uses the Mileage Reimbursement Rate set by the State of Kansas each July 1st. The State of Kansas, Department of Administration posts the rate to their website each year under informational circulars>accounting>fyYYYY. As of July 1, 2018 the rate is .545 cents per mile.

2. Meal Expense (fka Appendix D)

(For more on Food and Meals Policy & Procedures unrelated to Travel see [Appendix D](#))

Food purchases (meals/refreshments):

The Internal Revenue Service distinguishes between taxable and non-taxable meals.

Food the county will purchase and is non-taxable:

Meals directly related to business meetings. When the employee is asked to represent the county at meetings of exempt organizations, chamber of commerce, trade or professional associations and the meal is related and necessary to the meeting.

Meals provided to employees to occasionally enable them to work overtime or “work through” an unusually busy time. This does not include routinely occurring overtime. Meals consumed by the employee on a county related trip that requires an overnight stay, see more in the Overnight Travel Section/per diem.

Food or beverage that does not comprise a complete meal (i.e. light refreshments) provided for:

- inter-agency meetings involving non-county staff
- meetings where the public is expected to attend

Unusual and specifically authorized circumstances may be approved by the Chief Judge for District Court or County Administrator or Asst. County Administrator for other departments.

Food the county will purchase, but the IRS considers a taxable benefit:

Meals purchased immediately before or after training or professional association meeting in another city, but not requiring an overnight stay may be paid for by the county, if approved by the Department Head. However, this meal is a taxable benefit and will be accounted for by payroll.

In all above situations except Overnight Travel, employees may use the Pcard, or submit receipts for reimbursement. (Overnight travel will use a per diem, not Pcard.) The maximum costs for meals purchased by the county are: breakfast \$ 10, lunch \$15 and dinner \$25. Reimbursement will be limited to the lower of the amount actually expended or the maximum costs allowed. The registration fee for some business meetings in which the employee is required to represent the County in an official capacity includes the cost of the meal. In these situations, the county will pay the full amount of the fee.

Food the county will not purchase: (If an unallowable charge is made to the Pcard. The amount will be withheld from the employee’s wages.)

The county will not pay for alcohol.

The county will not pay for food costs above the stated maximums, breakfast: \$ 10, lunch \$15 and dinner \$25.

The county will not purchase meals for non-county employees unless there is an appropriate work related reason to do so. (Food for witnesses, invited speakers, jurors are examples of appropriate work related reasons.)

The county will not pay for two employees to go out to lunch.

The county will not pay for a meal or light refreshments during a routine meeting held at meal time, during work hours.

The county will not pay for holiday, birthday, or seasonal meals.

3. Guidelines for Hourly Employees Travel

When hourly employees travel they can still punch in and out in NOVAtime. The link to NOVAtime is available on the internet even outside of the Douglas County network. If the

supervisor prefers that employees not access NOVAtime outside the Douglas County network, then the time can be entered later with appropriate notes.

Douglas County follows the U.S. Department of Labor regulations for hourly employees reporting time while travelling.

Hourly workers must be paid for all time worked. This includes attending a conference or training. When an hourly employee attends an event like a conference or training that requires an overnight stay, they **should report time** for:

- Travel time during regular work hours on regular workday. (See Wednesday example.)
- Required attendance at meetings, conference sessions, training, etc. (See Monday example.)
- Travel time required during regular days off. (See Sunday example.)
- Meal time that is during a required meeting, session, training, etc. (See Wednesday example.)
- Time spent traveling on a work day but outside regular work hours, if the employee is the driver. (See Wednesday, Connie example.)

Time that is not reportable when an hourly employee attends an event like a conference or training that requires an overnight stay:

- Meal breaks outside of a required meeting, session, training, etc. (See Tuesday example.)
- Voluntary events that may be part of a conference, training, etc. (See Tuesday example.)
- Time spent traveling (but not being the driver) on a regular work day, but outside of regular work hours. (See Wednesday, Doug example.)

Example: Doug and Connie are hourly employees of Douglas County. Their normal workday is 8 to 5 (with an hour for lunch), Monday through Friday. They are required to attend a training in Denver, CO. It begins on Monday and ends on Wednesday.

Sunday their flight is at 1pm. They leave Lawrence at 11am and carpool to the airport. Connie drives. They arrive at their destination in Denver at 4pm.

Sunday NOVAtime entry: 11am to 4pm for both Doug and Connie

Monday there is an optional breakfast buffet at 7 am. Required opening session begins at 8 am. Breakout sessions continue until noon. Lunch is on your own. Afternoon meetings begin at 1pm and end at 5. Dinner is a required business meeting and keynote speech from 7pm to 9pm.

Monday NOVAtime entry: 8am to noon, 1pm to 5pm & 7pm to 9pm

Tuesday is same optional breakfast buffet at 7 am. Required training session begins at 8 am. Breakout sessions continue until noon. Lunch is on your own. Afternoon meetings begin at 1pm and end at 5. At 7pm is an optional entertainment and dinner provided by the conference.

Tuesday NOVAtime entry: 8am to noon, 1pm to 5pm (nothing for the optional dinner & entertainment)

Wednesday There is an official breakfast meeting and wrap up session from 8am to 11am. After that Doug and Connie head to the airport for a 3 pm flight. (There wasn't time for an actual lunch hour/break.) They get in the car at KCI to drive home at 5pm. Connie drives and they arrive back to Lawrence at 6pm.

Wednesday NOVAtime entry: 8am to 5pm for Doug and 8am to 6pm for Connie (she did the driving.)

Thursday and Friday are regular work days. Doug and Connie do have some extra hours from the previous days. Depending on the department policy, they may be able to work less on Thursday and Friday to "flex" the time in the 40 hour work week. Either that or they will earn overtime pay or compensatory leave time for the hours exceeding 40.

<https://www.dol.gov/whd/regs/compliance/whdfs53.htm>

https://www.ecfr.gov/cgi-bin/text-idx?SID=02ea757be79f6532d54e040642f2f965&mc=true&node=sg29.3.785_132.sg6&rgn=div7

- 4. Not tax or legal advice** – This policy does not constitute tax or legal advice. Employees are responsible for taxes owed for Federal, state and local taxing authorities. Taxes withheld by the County will be reported to taxing authorities and the employee in accordance with applicable law.

By signing below, I acknowledge that I have read and understand this policy

Date

Employee Signature

EMPLOYEE NAME: (Please Print): _____

Appendix F

EMPLOYEE CONCEALED CARRY Personnel Policy

Employee Concealed Carry

Applies to all Douglas County employees except (1) law enforcement officers commissioned by the Douglas County Sheriff, and (2) the district attorney and assistant district attorneys that have been authorized by the district attorney pursuant to K.S.A. 75-7c10(f)(2), subject to any restrictions or prohibitions imposed in any courtroom by the chief judge of the judicial district.

Updated January 9.2019

A. Purpose

1. Employees covered by this policy are prohibited from openly carrying firearms while on duty.
2. The Kansas Personal and Family Protection Act, K.S. A. 75-7c01 *et. seq.*, allows employees, who are legally allowed to possess a handgun under applicable federal, state and local law, to carry a concealed handgun while on duty.
3. Employees are not permitted to possess or carry any firearms in County buildings at the following locations:
 - Judicial and Law Enforcement Center
111 East 11th Street, Lawrence, KS 66044
 - Sheriff - Corrections (County Jail)
601 E 25th Street, Lawrence, KS 66046
 - Sheriff - Operations
111 East 11th Street, Lawrence, KS 66044
 - Youth Services
330 Northeast Industrial Lane, Lawrence, KS 66044
4. The purpose of this policy is to establish requirements and expectations for all County employees electing to carry a concealed handgun while on duty.
5. It is the overarching intent of the County and this policy to comply with State law while maintaining a safe and efficient operation for all employees and the public.

B. Applicability

1. This policy applies to all County employees, except that it shall not apply to (1) law enforcement officers commissioned by the Douglas County Sheriff, and (2) the district attorney and assistant district attorneys that have been authorized by the district attorney pursuant to K.S.A. 75-7c10(f)(2), subject to any restrictions or prohibitions imposed in any courtroom by the chief judge of the judicial district. Further, it shall not apply to any employee expressly authorized to carry a weapon as part of the employee's official job duties for the County, Douglas County Sheriff or the District Attorney.
2. This policy governs concealed carry under limited circumstances. The open carry of a firearm by employees continues to be prohibited under any circumstance.

3. **The carrying of a firearm is not within the course and scope of County employment and not a part of the employee's duties.**
4. Generally, any injury sustained by the use or carrying of a concealed firearm while on duty will not be considered arising out of and in the course of employment for the purposes of Kansas workers' compensation law or personal injury claim.
5. Any liability associated with the employee's decision to carry a concealed handgun will be of a personal nature to the employee and will not be defended or indemnified by the County since the carrying of a concealed handgun is outside the scope of County employment and not part of the employee's duties.
6. The County is not responsible for any damaged or stolen personal property, including handguns or gun lockers, of employees.

C. General Provisions

1. If he or she is allowed to possess a handgun under applicable federal, state and local law, an employee may carry a concealed handgun when he or she is on duty, subject to the provisions set out in this policy.
2. Employees are prohibited from carrying weapons, as that term is defined at Section O while on duty, except that employees may carry a concealed handgun in accordance with this policy and applicable federal, state, and local law.
3. The election of an employee to carry a concealed handgun must not interfere with the employee's ability to perform any duties, must not obstruct any required safety equipment and must not unreasonably delay an employee's deployment to an assignment or duty.
4. Employees are prohibited from cleaning a handgun or handling ammunition while on duty.
5. The employee must conceal his or her handgun in a secure manner on his or her person in a proper holster, with all safety features employed.
6. The employee must be truthful when asked by his or her supervisor whether he or she is carrying a concealed handgun.
7. The employee must abide by all Federal, State, and local laws, including those related to concealed carry, such as not entering any building - private or public – legally prohibiting concealed carry.

D. Concealment Required

1. An employee electing to carry a concealed handgun while on duty may not openly carry the handgun or knowingly expose it in any way such that it is visible to others. That includes a prohibition against carrying a handgun such that "printing" is visible, including a bulge or outline of the handgun underneath the employee's clothing.
2. An employee may not leave a handgun in plain view or unattended.
3. An employee electing to carry a concealed handgun while on duty must carry the handgun on his or her person at all times and within his or her immediate control and possession. An employee may not leave a handgun in or on a desk or workstation, or in a purse, bag, lunchbox or other storage container left in a gun locker, office, or other place on County property, with the limited exception of leaving it in a County vehicle pursuant to Section F below.

E. County Vehicles

1. If an employee leaves his or her handgun inside a County vehicle, the employee is solely responsible for providing a gun locker in which the employee's handgun may be safely stored while inside the County vehicle. Such gun locker, when left unattended, must also be out of plain view. The County is not responsible for providing such gun lockers for County vehicles for the employee's convenience or to enable compliance with this requirement.
2. Employees storing handguns inside a County vehicle must lock the County vehicle when leaving it unoccupied.
3. Employees storing handguns inside a County vehicle are permitted to do so only temporarily and are prohibited from leaving such handgun inside the County vehicle overnight or for an extended period of time.
4. If an employee leaves his or her handgun inside a County vehicle, and the vehicle is broken and entered into for theft of the handgun, the employee who left the handgun in the County vehicle generally may be responsible for the cost of property damage to the vehicle if such handgun was not properly stored in a gun locker and out of plain view, or was otherwise carried or used in violation of this policy.

F. Private Vehicles

1. Employees may store a handgun within their personal vehicle when it is parked on County property, provided it is stored outside of plain view and the vehicle is locked when the employee is not inside the vehicle.
2. The County is not responsible for any theft, damage or loss of a handgun, personal vehicle, or personal property.

G. Private Property

1. Employees who enter private property while on duty are required to comply with any restrictions established by the private property owner.
2. If a private property owner or other authorized person states or otherwise communicates that concealed carry is prohibited, the employee is prohibited from carrying a concealed handgun into the property and must securely store the handgun in either his or her personal vehicle or, if the employee uses a County vehicle in the course of his or her employment, a County vehicle, in compliance with Section F above.

H. Threatening Conduct Prohibited

1. Employees are prohibited from making any threats of violence or intimidating others.
2. Employees are prohibited from harassing others or otherwise creating a hostile, intimidating, or fearful work environment to a reasonable person.
3. Employees are prohibited from participating in violent or assaultive confrontations with other employees or members of the public, unless such confrontations are in lawful self-defense and not provoked by the employee.
4. Employees are prohibited from showing or making verbal reference to carrying a handgun or other weapon in a threatening manner, or brandishing or pointing a handgun or other weapon to others.

I. Notice to Supervisor

1. An employee electing to carry a concealed handgun while on duty must inform his or her supervisor that he or she is carrying a concealed handgun before reporting to work. Such notice must be provided each time the employee reports to work, including scheduled shifts and any extra duty work.
2. An employee who discharges or otherwise uses or displays a handgun while on duty must immediately report such use or display to his or her immediate supervisor.
3. An employee must demonstrate that he or she is qualified to carry a concealed handgun upon request of a supervisor.

J. Reporting a Policy Violation

1. Any employee who believes in good faith that an employee has violated this policy is required to report the matter, verbally or in writing, as soon as possible to his or her immediate supervisor or to the **Human Resources Manager**, without regard to the chain of command.
2. A supervisor, upon receiving notice of an alleged violation of this policy, shall immediately notify the Department Director and the **Human Resources Manager** so that guidance and assistance may be provided.
3. Retaliation against any employee for reporting a violation of this policy or participating in an investigation is strictly prohibited.
4. Employees shall cooperate in any personnel investigation conducted pursuant to this policy.

K. Investigation

In the event that a County employee discharges a firearm while on duty, or threatens a person with a handgun or other weapon while on duty, the Douglas County Sheriff's Office, or another law enforcement agency, shall investigate the incident. Such actions while on duty may result in criminal charges and / or disciplinary action, up to and including termination.

L. Sanctions

Violation of this policy by a County employee may result in disciplinary action, up to and including termination from employment.

M. Policy Supersedes the Personnel Policy Provisions Related to Firearms

It is the intention of this policy to replace any existing County Policy on Firearms.

N. Definitions

1. Concealed means out of sight and not visible to a reasonable person under normal circumstances. A handgun is not concealed if there is "printing," which occurs when the outline of a handgun can be discerned beneath a person's clothing.

2. County Vehicle means any County-owned or leased vehicle and equipment used for carrying out official County business or by an employee in the performance of assigned job duties.
3. Employee means any full-time regular, part-time regular, full-time temporary or part-time temporary worker who performs duties for or on behalf of the County and is on the County's payroll. Employee also includes interns and volunteers working at the direction of County staff, whether or not on the payroll. Employee as used herein does not include (1) law enforcement officers commissioned by the Douglas County Sheriff, (2) the district attorney and assistant district attorneys that have been authorized by the district attorney pursuant to K.S.A. 75-7c10(f)(2), subject to any restrictions or prohibitions imposed in any courtroom by the chief judge of the judicial district, or (3) any employee expressly authorized to carry a weapon as part of the employee's official job duties for the County.
4. Firearm means a weapon which will or is designed to expel a projectile by the action of an explosive. This includes, but is not limited to, a handgun, pistol, or revolver.
5. Gun locker means a secure, locked container.
6. Handgun means a firearm as defined herein.
7. Qualified means a person who is of lawful age and is not otherwise prohibited by any Federal or State law from lawfully possessing a handgun.
8. Reasonable person means an individual who is generally fair, proper, just, moderate, and suitable under the circumstances.
9. Pocket knife means a folding knife with a blade of four inches or less, carried in a pocket or other concealed manner.
10. Weapon means a firearm, knife, or other dangerous object as described in K.S.A. 21-6301 and K.S.A. 21-6302, including a bludgeon, sand club, metal knuckles, throwing star, dagger, dirk, billy, blackjack, slungshot, slingshot, straight-edged razor, stiletto, sawed-off shotgun, automatic weapon, tear gas, or any other dangerous or deadly weapon or instrument of like character. The term weapon, as used herein, also includes a pellet or BB gun, or other similar device, but does not include the term pocket-knife.

Appendix G

Douglas County Harassment-Free Workplace Policy

Douglas County (County hereafter) is committed to maintaining a workplace that is free from any form of harassment because of race, color, religion, sex, national origin or ancestry, sexual orientation, gender identification, disability, age, military service, and any other characteristic protected by law. This policy sets forth the expectations of conduct and the reporting requirements for all County employees.

This policy not only prohibits harassment, but also prohibits retaliation or adverse employment action against any employee who exercises his or her rights under this policy, who cooperates or participates in any County investigation, or who participates in any manner in any investigation or proceeding conducted or pursued by a governmental agency.

Responsibilities

Supervisory Responsibilities:

All supervisors are expected to take responsible and appropriate steps to ensure that employees are not subjected to harassment and that employees do not engage in harassment, retaliation, or other inappropriate conduct that may become harassment. Each supervisor who observes or learns of any possible harassment in the workplace is required to immediately report it to their supervisor or to the **Human Resources Manager**. Supervisors are not to investigate claims on their own accord, but are to promptly report any inappropriate conduct. Supervisors must be especially mindful of their obligation to not retaliate against individuals under this policy.

Employee Responsibilities:

The County believes that cooperation from all employees is the best way to ensure that the work environment remains free of harassment and that any concerns about harassment are immediately addressed. Accordingly, each employee is responsible for the following:

1. Conducting himself/herself in a non-harassing manner at all times and in a manner that is consistent with this policy;
2. Immediately reporting violations or possible violations of this policy in accordance with the reporting procedures in this policy; and
3. Taking such other action as would be reasonably appropriate to prevent and/or stop any harassment (such as confronting the harasser, when appropriate and sensible to do so, telling him/her in a respectful manner that his/her conduct is unwelcome and offensive and asking that he/she stop the behavior).

Human Resources Manager:

The **Human Resources Manager** will be the primary contact for all allegations of harassment and is charged with ensuring this policy is adhered to by all employees. The **Human Resources Manager** will ensure that a timely and thorough investigation will be conducted when an allegation of harassment arises. Should the Assistant County Administrator be involved in allegations or otherwise possess a conflict of interest with regard to a claim under this policy, the County Administrator or his/her designee will serve as an alternate to ensure that this policy is strictly adhered to and enforced.

Definition of Harassment

Harassment encompasses a wide range of verbal, physical, and visual behaviors in the workplace and may be sexual in nature or may be non-sexual in nature. "Sexual harassment" means unwelcome, unsolicited, uninvited, offensive, or undesirable conduct of a sexual or gender-biased nature directed at or affecting an employee of the same sex or of the opposite sex. "Non-sexual harassment" means conduct that is offensive or shows hostility toward an employee because of his or her race, color, religion, sex, national origin or ancestry, sexual orientation, gender identification, disability, age, military service, or other characteristic protected by law.

Harassment is a violation of this policy in the following situations:

1. If the employee is promised or given some favorable employment action or benefit only if the employee will submit to or tolerate the harassing behavior in question.
2. If the employee is threatened with or suffers adverse employment action because he/she rejected or refused to tolerate the harassing behavior in question.
3. If the harassing behavior in question unreasonably interferes with the employee's work performance or creates an intimidating, hostile, abusive or offensive work environment (even if there is no tangible employment action taken, threatened, or promised).

It is not possible to define every action or all words that could be interpreted as harassment. Each situation depends on the severity/seriousness, frequency, and nature of the act, and whether a tangible employment action is taken. Each situation will be reviewed on a case-by-case basis. In some cases, one incident will be sufficient to constitute harassment. In other cases, a pattern or series of incidents may be necessary.

Examples of Sexual Harassment:

The examples listed below are not a complete list of behaviors that may be objectionable or that may constitute harassment. They are provided so that employees have a better understanding of the general range of behaviors that may constitute harassment, depending upon the circumstances.

Harassment can include, without limitation, the following:

1. Sexual advances, sexual propositions, or sexual flirtations, requests or pressure of any kind for sexual favors, activities, or contact;
2. Sexually explicit, graphic, abusive, degrading, intimidating, or offensive jokes, comments, remarks, or gestures;
3. Physical contact or touching of a sexual nature, including physical or sexual assault;
4. Display, circulation, or communication of any sexually suggestive, explicit, graphic, or offensive objects, pictures, or materials of any kind; and
5. Other similar types of unwelcome sexually-related or gender-biased conduct.

Examples of non-sexual harassment include without limitation:

1. Epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts that relate to gender, race, religion, color, national origin or ancestry, citizenship, age, sexual orientation, gender identification physical disability, mental disability, medical condition, pregnancy, military status, and any other characteristic protected by law.
2. Written or graphic materials that denigrate or show hostility or aversion toward an individual or group because of gender, race, religion, color, national origin or ancestry, sexual orientation, gender identification, citizenship, age, physical disability, mental disability, medical condition, pregnancy, military status, and any other characteristic protected by law, and that is placed on walls, bulletin boards, sent or received via e-mail, or elsewhere on county premises or is otherwise circulated at the workplace.

Reporting & Investigating Violations

What Must Be Reported: Each employee has the obligation to report the following: 1) If he or she has been harassed by another employee or by a non-employee in a work-related context; 2) If he or she has witnessed or observed first-hand the harassment of another employee; 3) If harassment has been reported to him or her by another employee; 4) If he or she has been retaliated against for reporting a violation of this policy or for cooperating or participating in any County or outside investigation of harassment; and 5) If after reporting harassment, the harassment has continued.

When to Report: Any of the above situations are to be reported immediately. This means that an employee must report as soon as the possible violation occurs or immediately after an employee obtains knowledge that there has been a possible violation of this policy.

Where to Report: Any of the above situations may be reported to any of the following individuals: 1) your immediate supervisor; 2) the individual to whom you're supervisor reports; 3) the harasser's supervisor; or 4) the **Human Resources Manager**.

Investigation: Upon receipt of a report or complaint, the County will immediately undertake an objective and thorough investigation. The investigation will generally include interviewing any individuals who were possibly harassed, any individuals who allegedly violated this policy, and other potential witnesses. The investigation will include a review of the credibility of the evidence and of the witnesses who have provided information.

Determination: Upon conclusion of the investigation, the County will determine if the behavior in question constitutes harassment or other form of inappropriate conduct. In determining whether alleged conduct constitutes harassment, the County will look at numerous factors, including without limitation, the evidence as a whole, the totality of the circumstances, the nature of the conduct, the context in which the alleged conduct occurred, the credibility of the witnesses, the frequency and severity of the conduct, patterns of inappropriate conduct, documentation, circumstantial evidence, and other factors. If the County believes that it is more likely than not that a violation has occurred, then the County will take appropriate action. Such action may include disciplinary action, up to and including discharge, as is warranted under the circumstances.

Confidentiality: Confidentiality will be maintained by the County to the extent possible under the circumstances.

Communication of Outcome: To the extent that it would be appropriate to do so, the County will inform the reporting or complaining employee and any others who have a legitimate need to know of the general outcome of the investigation.

Other Inappropriate Behavior

Behavior that is not unlawful harassment under the law might still be inappropriate behavior for the workplace and a violation of County policy. Even if the County determines that an individual's behavior does not rise to the level of unlawful harassment, the County may still impose appropriate disciplinary action, up to and including discharge. As a general rule, disciplinary action will be imposed under this paragraph if the County believes the behavior was otherwise inappropriate, was unprofessional, was unbecoming, was objectionable, was inconsistent with reasonable rules of conduct, has resulted in a loss of confidence or trust in the employee, was inconsistent with the spirit of the County's harassment-free workplace philosophy or policy, or was not in the best interests of the County.

Definition of Retaliation

An employer may not fire, demote, harass or otherwise “retaliate” against an individual for reporting unlawful harassment as discrimination, filing a charge of discrimination, participating in a discrimination proceeding, or otherwise opposing discrimination. The same laws that prohibit discrimination based on race, color, sex, religion, national origin, age, and disability, as well as wage differences between men and women performing substantially equal work, also prohibit retaliation against individuals who oppose unlawful discrimination or participate in an employment discrimination proceeding.

In addition to the protections against retaliation that are included in all of the laws enforced by EEOC, the Americans with Disabilities Act (ADA) also protects individuals from coercion, intimidation, threat, harassment, or interferences in their exercise of their own rights or their encouragement of someone else’s exercise of rights granted by the ADA.

Retaliation occurs when an employer, employment agency, or labor organization takes an adverse action against a covered individual because he or she is engaged in a protected activity.

Adverse Action is an action taken to try to keep someone from opposing a discriminatory practice, or from participating in an employment discrimination proceeding. Examples of adverse actions include:

- Employment actions such as termination, refusal to hire, and denial of promotion;
- Other actions affecting employment such as threats, unjustified negative evaluations, unjustified negative references, or increased surveillance; and
- Any other action such as an assault or unfounded civil or criminal charges that is likely to deter reasonable people from pursuing their rights.

Adverse Actions do not include petty slights and annoyances, such as stray negative comments in an otherwise positive or neutral evaluation, “snubbing” a colleague, or negative comments that are justified by an employee’s poor work performance or history.

APPENDIX H

Telecommuting Policy

The goal of telecommuting is to promote the County's strategic objectives including:

- Improve overall productivity
- Make optimal use of county office facilities and equipment
- Reduce traffic congestion and improve air quality through reduced employee trips
- Improve employee satisfaction and retention

These guidelines are intended to structure telecommuting as an option for County employees when an employee's work-tasks are achievable by telecommuting consistent with the objectives and requirements of this policy.

Implementation of this policy for any particular employee is at the sole discretion of the department head or elected official. No employee has a right to telecommute.

Definition:

Telecommuting is an alternative work arrangement available to qualifying (see criteria below) County employees. Department Heads will establish a work arrangement with their qualifying employees. The arrangement is not permanent and may be changed or terminated for any reason. Telecommuting is not an entitlement, it is not a County-wide benefit, and it in no way changes the terms and conditions of employment with the County.

Telecommuting is working from a remote workplace, such as one's home or satellite office, rather than commuting to a designated worksite. Accordingly, this policy is not intended to include activities such as working in the field, driving to and from meetings or worksites, attending offsite meetings or conferences, or otherwise performing work away from the employee's usual place of work, even if employee engages in electronic communications during those activities. All regular or occasional telecommuting must be pursuant to this policy and a written and signed Telecommuting Agreement Form.

Employee Eligibility Criteria

Employees interested in telecommuting must meet the following criteria:

- Have the ability to work at a high performance level with minimal supervision.
- Have a thorough knowledge and full understanding of the work tasks.
- Have a history of reliable and responsible accomplishment of work duties and performance.
- Have a demonstrated ability to establish priorities and manage time.
- Maintain Performance Evaluations with minimum overall ratings of "Meets Job Standards." The department head will have sole discretion to determine whether any particular employee will or will not be authorized to telecommute under this policy.
- Have duties/functions that lend themselves to the Telecommuting Program.
- Only employees exempt from overtime compensation under the Fair Labor Standards Act are potentially eligible to telecommute on a regular basis. Both exempt and non-exempt employees are potentially eligible to telecommute on an occasional basis.

This policy provides for two separate categories of telecommuting:

- Regular:** Only exempt employees will be authorized to telework on a regular basis;
Occasional: Other employees (exempt or non-exempt) may request permission to telework on occasion to accommodate family needs or illness, or to work on a specific project.

Responsibilities

Responsibilities of Department Heads, Elected Officials, and Supervisors:

- Help identify jobs, positions amenable to regular telecommuting.
- Select supervisors within the organizational unit that meet the established criteria for regular telecommuting.
- Ensure telecommuting guidelines are followed on a consistent basis.
- Maintain control over County-owned property used by teleworkers through written receipts for property as part of the Teleworker's Agreement Form.
- Review requests from employees and meet with them to discuss requests to work from home.
- Review paperwork (forms/agreements) and make sure it is complete before turning into County Administration.
- Secure approval from County Administration before offering an employee regular telecommuting privileges.
- Forward all signed paperwork to County Administration.
- Be responsible for day-to-day performance of telecommuting employees, as with other workers under their supervision [may be delegated to a supervisor].
- Adjust schedules to serve the needs of the department and organization.
- Evaluate feasibility of departmental telecommuting using multiple considerations, including but not limited to: budget capacity, equipment needs, and service expectations.

Responsibilities of Employees:

- If using employee-provided equipment, ensure the equipment and internet speed is compatible and sufficient to do the work.
- Be familiar with and comply with the Telecommuting Policy.
- Complete all telecommuting forms before beginning to telework regularly.
- Coordinate teleworker technical needs with Information Technology Department.
- Be responsible for maintaining any equipment owned by the employee.
- Use County-owned equipment with care and in accordance with the Telecommuting Agreement Form.
- Comply with all County-required security policies and procedures.
- Protect all records and data against unauthorized disclosure, access, mutilation, obliteration or destruction, etc. This may require locked filing cabinets, password protocols, and other reasonable security measures.
- Ensure County-owned equipment is used only for officially authorized purposes and take reasonable measures to protect that equipment from theft, loss, damage, or misuse.
- Continue to participate in on-site meetings.
- Adjust schedules to serve the needs of the department and organization.
- Employees eligible for FMLA that wish to telecommute during the period of their leave will notify their supervisor and administrative services to make appropriate arrangements.
- Comply with all County policies and guidelines for standards and ethics.

- The amount of time an employee is expected to work will not change solely due to Telecommuting. Work hours must be approved by employee's supervisor.
- Log into Novatime to have hours worked recorded accurately. Non-exempt employees shall not work overtime unless such overtime is approved by employee's supervisor in advance. Violating this provision can and will be grounds for revocation of telecommuting and possibly other discipline, up to and including termination of employment.
- At all times maintain your work space in a safe condition, free from hazards and other dangers to the employee, others, equipment, County documents, records and information. If work related accidents or injuries occur, contact Administrative Services.

Responsibilities of Information Technology Department:

- Be responsible for coordinating teleworker equipment needs.
- Coordinate repairs on County-owned equipment at the designated headquarters.
- Establish standard hardware and software configurations for providing connections to County-wide area and local area networks in a telecommuting environment.
- Provide technical support to teleworkers for County-owned equipment and accessing County networks
- Address any teleworker related information security considerations.
- IT will not be responsible for any non-County applications, patching, or maintenance on employee-owned equipment. IT will assist in telecommuting software installation and usage.

Telecommuting Agreement Form

The Douglas County Government Telecommuting Program is designed to make working at home an effective alternative under appropriate circumstances. When telecommuting is approved by the County, employee agrees to the following conditions:

1. Employee has reviewed and understands the County's Telecommuting Policy. Employee agrees to comply with that policy at all times.
2. Telecommuting is entirely voluntary on the part of the employee, and may be reduced or terminated by the employee. If employee decides to discontinue or modify a telecommuting schedule, employee must give at least 7 days advance notice to the County so that necessary arrangements can be made. County may discontinue or modify employee's telecommuting schedule at any time. County will attempt to give advance notice where possible, but this is not guaranteed.
3. Duties, obligations, responsibilities, and conditions of employment with the County shall remain consistent with the employee's classification. Telecommuting shall not affect the employee's salary and benefits status.
4. When the County provides equipment, hardware, software, data, supplies or furniture for use at the remote worksite, use of these items is limited to authorized persons for legitimate purposes relating to County business. The County will provide, and employee will sign, a receipt acknowledging the particular items of property or equipment provided by the County. Upon termination of telecommuting or separation from employment with County, employee will promptly return all items to County, in good condition and repair, ordinary wear and tear excepted.
5. Employees seeking to regularly telecommute shall designate a specific workspace in their residence for telecommuting. A diagram or picture of this room shall be presented to the Supervisor and/or Department Head. The workspace shall be maintained at all times in a safe condition, free from hazards and other dangers to the employee, equipment, County documents, records and information. The County will not be responsible for costs associated with initial set up of the employee's home office, such as remodeling, furniture or lighting, nor for repairs or modifications to the home office space.
6. Employees shall utilize equipment and/or software compatible with that used in the employee's department. The County IT Services will support only software and equipment purchased through the County, in compliance with County Policy and Standard Practice guidelines.
7. The employee is fully responsible for ensuring proper use of any County-supplied equipment. The County will provide for repairs to and/or support of County equipment and software at a County office, vendor location or by telephone during regular business hours. In-home support will not be provided.
8. If employee uses employee-provided equipment, the County accepts no responsibility for its maintenance and repair or any associated costs. Employee-provided equipment shall protect County data resident on or within magnetic or other storage media. The County reserves the right to make determinations as to appropriate equipment, subject to change at any time.

9. The employee will follow appropriate data backup and protection measures in compliance with County guidelines and requirements when using computer equipment during telecommuting.
10. Employee will not connect any equipment used to connect to the County network to unencrypted WIFI networks.
11. County-owned software shall not be duplicated.
12. The telecommuting employee shall be reachable by telephone, within reason, during the agreed-upon work hours.
13. The teleworker must maintain a proper and safe work environment. It is the expectation of this policy that childcare or eldercare arrangements be made so as not to interfere with the employee's responsibility to be productive while working and to maintain a proper work environment.
14. This policy anticipates that telecommuting may enable some employees to work remotely on days when the employee or some other family member is sick. However, if a telecommuting employee is sick or caring for family during a telecommuting day, sick leave or other leave approved by the employee's supervisor shall be used for scheduled hours not worked.
15. In order to use electrical equipment, including computers, in the employee's home, the home must be equipped with grounded, 3-prong electrical outlets. Surge protectors are required for all County-owned equipment.
16. The employee (teleworker) remains liable for injuries to any third parties and or family members that occur on the telecommuting employee's premises. The County will not accept liability or responsibility for any injuries or other losses suffered by third persons or family members at the employee's premises or remote workspace.
17. Requests to use vacation, sick time or other leave while telecommuting must be approved by the employee's supervisor in the same manner as when at the designated worksite.
18. Individual tax implications related to the residence workspace are the sole responsibility of the employee (teleworker). Employees are encouraged to consult with a qualified tax advisor.
19. Telecommuting employees and their supervisors shall participate in studies, when requested, to evaluate the County's telecommuting program.
20. An employee who teleworks is obligated to comply with all County rules, policies, practices, and instructions. Violation of these rules, policies, practices and instructions may result in changes to the employee's telecommuting privileges and/or disciplinary action up to and including termination of employment.
21. Upon reasonable notice, the County may make on-site visits to the telecommuting address to confirm that the worksite is safe and to inspect or retrieve County-owned property, including without limitation any equipment, software, data and supplies.

22. This is not a contract of employment or promise of employment for any specified term. Employee's employment remains "at-will" according to the Douglas County Personnel Policy.

The Telecommuting Candidate and Department Supervisor have jointly reviewed this. Employee agrees to comply with this agreement and the Telecommuting Policy.

Employee Signature: _____ **Date:** _____

Printed Name: _____

Title & Department _____

Supervisor Name: _____ **Date:** _____

Department: _____