



DOUGLAS COUNTY PERSONNEL POLICY

Approved by BOCC
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DOUGLAS COUNTY PERSONNEL POLICY

June 2025

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SECTION 1: PURPOSE AND APPLICATION OF POLICY

1.1. INTENT. The Douglas County Personnel Policy (“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. NON-DISCRIMINATION AND ACCOMMODATION.

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, disability, military or veteran status, sex, national origin, sexual orientation, gender identification, or based on any other factor prohibited by law.

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 regard 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. Reasonable accommodations may include job restructuring, leave, modifications to policy, or other accommodations needed to perform the essential functions of the job. Whether an accommodation is reasonable and whether it will impose an undue hardship are determined on a case-by-case basis.

C. **ACCOMMODATION REQUEST PROCEDURE.** Qualified individuals with disabilities may make a 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 reasonableness and feasibility of the requested accommodation, including that medical information may be required, and inform the individual of the County’s decision. Accommodation forms for submission are available in the Human Resources office. An employee whose sincerely held religious beliefs or practices conflict with job duties, work schedule, or other aspects of employment 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 reasonableness and feasibility of the requested accommodation, including that substantiation may be required, and inform the individual of the County's decision.

D. **DISCRIMINATION.** Any employee who has been found to engage in discrimination of another person based upon the other person's race, color, religion, age, disability, military or veteran status, sex, national origin, disability, sexual orientation, gender identification, or any other factor prohibited by law shall be disciplined and may be subject to termination.

E. **REPORTING ALLEGED DISCRIMINATION.** Any employee 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 investigating the incident(s). Employees can also file a complaint with:

Kansas Governor's Grant Program:

900 SW Jackson Street
Landon State Office Building, Room 304 North
Topeka, Kansas 66612
Telephone: 785-291-3205
Fax: 785-291-3204
Email: kggp@ks.gov

Or the Link on Office of Civil Rights website: <https://ocrportal.hhs.gov/ocr/smartscreen/main.jsf>

Centralized Case Management Operations
The U.S. Department of Health and Human Services
200 Independence Avenue, S.W
Room 509F HHH Bldg.
Washington, D. C. 20201

The Douglas County Human Resources Manager will report to the Office of Civil Rights and the Kansas Governors Grant Program findings of discrimination against the sub- grantee (Douglas County) issued by the federal or state court, or federal or state administrative agency, on the grounds of race, color, religion, sexual orientation, gender identity, national origin, sex, sexual orientation, or gender identity.

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 or participates in a complaint investigation. For additional information about retaliation, see the Harassment-Free Workplace policy.

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 with 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. HARASSMENT-FREE WORKPLACE. Douglas County is committed to maintaining a workplace that is free from any form of harassment because of race, color, religion, age, disability, military or veteran status, sex,

national origin, sexual orientation, gender identification, or 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 against any employee who exercises his or her rights under this policy or who cooperates or participates in any County investigation under this policy.

A. RESPONSIBILITIES OF SUPERVISORS. 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 to the Human Resources Manager. Supervisors must be especially mindful of their obligation to not retaliate against individuals under this policy.

B. RESPONSIBILITIES OF ALL EMPLOYEES. 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:

- i. Conducting himself/herself in a non-harassing manner at all times and in a manner that is consistent with this policy; and
- ii. Immediately reporting violations or possible violations of this policy in accordance with the reporting procedures in this policy; and
- iii. 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 their conduct is unwelcome and offensive and asking that he/she stops the behavior).

C. RESPONSIBILITIES OF THE 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 Human Resources Manager be involved in allegations or otherwise possess a conflict of interest with regard to a claim under this policy, the County Administrator or their designee will serve as an alternate to ensure that this policy is strictly adhered to and enforced. 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 their designee will serve as an alternate to ensure that this policy is strictly adhered to and enforced.

D. 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-based nature directed at or affecting an employee on the basis of the employee's sex, sexual orientation, or gender identification. "Non-sexual harassment" means conduct that is offensive or shows hostility toward an employee because of his or her race, color, religion, age, disability, military or veteran status, national origin, or any other characteristic protected by law.

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

- i. 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.
- ii. If the employee is threatened with or suffers adverse employment action because he/she rejected or

refused to tolerate the harassing behavior in question.

- iii. 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.

E. EXAMPLES OF 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.

Sexual harassment can include, without limitation, the following:

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

Non-sexual harassment can include, without limitation, the following:

- i. Epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts that relate to race, color, religion, age, disability, military or veteran status, sex, national origin, or any other characteristic protected by law.
- ii. Written or graphic materials that denigrate or show hostility or aversion toward an individual or group because of race, color, religion, age, disability, military or veteran status, sex, national origin, or 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.

F. REPORTING & INVESTIGATING VIOLATIONS.

- i. 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 investigation of harassment; and 5) If after reporting harassment, the harassment has continued.
- ii. 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 an employee obtains knowledge that there has been a possible violation of this policy.

- iii. 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 your supervisor reports; 3) the harasser's supervisor; or 4) the Human Resources Manager.
- iv. 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, as well as the collection of documentation. The investigation will include a review of the credibility of the evidence and of the witnesses who have provided information.
- v. 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.
- vi. 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.
- vii. Confidentiality: Confidentiality will be maintained by the County to the extent possible under the circumstances.
- viii. 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.

G. OTHER INAPPROPRIATE BEHAVIOR. Behavior that may not rise to the level of harassment under the law might still be inappropriate behavior for the workplace and a violation of this 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 may be imposed under this paragraph if the County concludes 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.

H. DEFINITION OF RETALIATION. The County will not fire, demote, harass or otherwise "retaliate" against an individual for reporting a possible violation of this Harassment-Free Workplace policy or the Statement of Non-Discrimination and Accommodation Process policy, filing a charge concerning the foregoing,

participating in an investigation or other proceeding regarding the foregoing, or otherwise exercising their rights under or opposing conduct that may violate this Harassment-Free Workplace policy or the Statement of Non-Discrimination and Accommodation Process policy.

For purposes of this Harassment-Free Workplace policy and the Statement of Non-Discrimination and Accommodation Process policy, retaliation occurs when the County takes adverse action against an employee because he or she reported a possible violation, filed a charge, participated in an investigation or other proceeding, or otherwise exercised their rights under or opposed conduct that may violate these policies.

Examples of adverse actions may include, but are not limited to:

- i. Employment actions such as termination, discipline, and denial of promotion;
- ii. Other actions affecting employment such as threats, unjustified negative evaluations, unjustified negative references, or increased surveillance; and
- iii. Any other action that is likely to deter reasonable people from pursuing their rights.

Whether conduct constitutes an adverse action is fact-specific. If an employee has a concern about possible retaliation, the employee is required to report it to your department head or the Human Resources Manager. Reports of possible retaliation will be treated and responded to in the same manner as reports of possible violations of the Harassment-Free Workplace policy.

SECTION 2: RECORDS AND REPORTS

2.1 PERSONNEL FORMS. Personnel-related forms are maintained digitally in the Clerk's Office and Human Resources. Processing of these forms will be addressed under the appropriate section relating to the action.

2.2 EMPLOYEE RECORDS.

A. COUNTY CLERK. The County Clerk shall maintain the following records for each Douglas County employee: Vacation leave earned, used and unused; Sick leave earned, used and unused; Compensatory time earned, used and unused; Employee name, address, telephone number; Title of position; Date employed; Social security number; Department; Appointment status; Salary rate; Change in status or transfer; Retirement records and forms; 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: Application form, resumes, transcripts and letters of recommendation; Disciplinary action forms; Performance evaluations; Payroll change forms; Other records as required for personnel purposes. The Human Resources Manager shall maintain a separate confidential file for all medical information regarding an employee.

C. 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 Human Resources Office. Requests from an employee for copies of their files shall be directed to the Human Resources Manager and shall be provided within a reasonable time.

D. 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 Human Resources Office with documentation.

E. 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.

2.3 PROTECTION OF INFORMATION OTHER THAN PERSONNEL RECORDS. 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) workdays of the request. Requests for the release of confidential information and/or for questions about the release of information shall be referred to the Freedom of Information Officer.

2.4 EMPLOYMENT REFERENCES. Any request for employment references for a current or previous employee must be referred to the Human Resources 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 a category of employment. Employment with Douglas County in all of the following categories (except for ELECTED OFFICIALS) is at will. That means employment in this classification is for an indefinite period of time and may be terminated by you or Douglas County at any time, with or without cause, and with or without notice. Nothing in this Policy or any other policy of Douglas County shall be interpreted to be in conflict with or to eliminate or modify in any way the at-will employment status of Douglas County employees.

A. **UNCLASSIFIED HIRED.** Unclassified positions are exempt from the Douglas County Personnel Policy and are not eligible for any benefits, such as paid leave or health insurance. Unclassified positions include:

- i. **Part Time, No Benefits:** authorized at less than half time. The wages for these positions are established by the Department Head with the approval of the Human Resources Manager and County Administrator.
- ii. **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:** a type of temporary employee; 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.
- iii. **Internship/School-related appointments:** authorized at less than half time. The wages for these positions are established by the Department Head with the approval of the Human Resources Manager and County Administrator.

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, with the exception of compensation and pay plan assignments and health insurance/retirement benefits.

C. **UNCLASSIFIED APPOINTED.** Unclassified Appointed personnel are not subject to personnel policies with respect to discipline, termination, and/or grievance rights. Personnel in this classification are not subject to overtime requirements. Unclassified Appointed includes Appointed Department Heads and political appointees occupying 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:

- i. Part Time with Benefits.
- ii. Full Time.
- iii. **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.
- iv. **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. CATEGORIES FOR CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING PURPOSE.

Individuals in one of the foregoing classifications may also be placed into a category for purposes of testing employees for controlled substances and alcohol use. The Human Resources Manager and County Administrator shall have the authority to designate additional positions to be placed in these categories.

- i. Safety Sensitive Positions: Safety sensitive positions have criteria established by the Federal Highway Administration and Department of Transportation (“DOT”) and the Federal Transit Administration (FTA). Positions with “safety-sensitive” functions are performed by those who (49 CFR, part 655.4):
 - a. Operate revenue service vehicles including when not in revenue service.
 - b. Operate non-revenue service vehicles that require drivers to hold CDL’s.
 - c. Dispatch or control revenue service vehicles.
 - d. 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 that are categorized as “safety-sensitive positions” include, but may not be limited to:

- a. All Equipment Operator positions
 - b. All Facility Maintenance positions
 - c. Road & Bridge Superintendent
 - d. Public Works Asst. Operations Div. Manager
 - e. All Vegetation Control positions
 - f. Operations Division Manager
 - g. Director, Buildings & Grounds
- ii. Public Safety Positions: Douglas County may also categorize positions as Public Safety positions for purposes of controlled substances and alcohol testing. Public Safety positions include, but may not be limited to, the following:
 - a. 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
 - b. Sheriff’s Office: All Commissioned Officers, Corrections Officers I, II, III & IV
 - c. Emergency Communications: Communications Officers, Communications Supervisors, Training Officer, Shift Supervisor Communication, Asst. Shift Supervisor Communication
 - d. Other Positions: The County Administrator shall have the authority to designate additional positions to be covered by this policy.

3.2 WORKDAY DEFINED. The workday is any time the employee is performing the functions of their position, which includes performance of work-related duties during regular work hours, overtime hours, and/or snow removal or other emergency duties.

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

3.4 EMPLOYMENT PROCEDURES

A. ADVERTISING. The Human Resources Office shall coordinate the development of advertisements for County positions.

- i. 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) workdays. Exceptions to this process must be approved by the Human Resources Manager or County Administrator.
- ii. Internal Notices. The Human Resources Office 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.
- iii. Exceptions.
 - a. 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.
 - b. 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 County’s online Applicant Tracking System 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. 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 (as listed in Section 3.1.E.i) which fall under Federal Highway Administration and 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.

- i. PRE-EMPLOYMENT DRUG SCREENING. Final candidates for Safety Sensitive and 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 (DOT results must be verified by our Medical Review Officer). Applicants will be denied employment if the drug test reveals the presence of illegal drugs. Applicants may be denied employment if the drug test reveals the presence of prescription drugs unless properly prescribed.

F. **CRIMINAL RECORD CHECKS.** Background investigations shall be conducted on all positions, including rehires, regardless of length of absence. 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. 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. **RECORDS.** All applications, interview notes, and any other non-confidential information relating to the hiring process shall be returned to and retained by the Human Resources Office 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.

H. **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 pending 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.

3.5 EMPLOYEE QUALIFICATION. MEDICAL 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 their position, with or without a reasonable accommodation.

3.6 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 terminated at any time during the introductory period without the right to appeal or hearing. 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. As part of the twelve (12) month performance evaluation, the Department Head shall recommend either the extension of the introductory period, termination 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. **TERMINATION.** Introductory employees may be terminated at any time. These positions have no right to appeal or grieve a termination.

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 bias, 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 the operation of the County government provide for an 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 termination.

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 official, discretionary actions.

5.3 FINANCIAL/BUSINESS INTERESTS. Employees shall refrain from participating 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. Furthermore, the ethical guidelines contained in this policy shall be applied to such computer use. Among other expectations, no employee has any property interest or expectation of privacy in any electronic communication while using Douglas County information technology systems or equipment. Additionally, 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 RELATIONSHIPS BETWEEN EMPLOYEES. Consensual romantic and sexual relationships between a supervisor and an employee are prohibited as there may be 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. Any supervisor or manager who, despite their best efforts to prevent it, finds themselves engaging in such a relationship must report it to the Human Resources department immediately. Reporting such a relationship is not intended to be an intrusion into personal lives but rather a measure to ensure fairness and avoid potential conflicts. Human Resources will assess the situation to determine a resolution.

Additionally, if any relationship between two employees:

- has the effect of involving the employees, co-workers, or the County in any kind of dispute or conflict between the employees or with other employees or third parties, or
- interferes with the work of any employee, or
- creates a harassing, demeaning or hostile work environment for any employee, or
- disrupts the smooth and orderly flow of work within the workplace, or
- places in doubt the reliability, trustworthiness, or sound judgment of the County or any employee,

the employee(s) responsible for such problem will be subject to counseling, transfer to another department, and/or disciplinary action, including potentially the termination of employment, depending on the circumstances and the severity of the problem.

5.7 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. The definition of immediate family member is as follows: spouse, sibling, child, parent, including in-law/step relationships of these relatives, and grandchild and 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, Deputy 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.

5.8 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, their 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.

5.9 EQUAL EMPLOYMENT OPPORTUNITY. Douglas County will not discriminate against any employee or applicant for employment in any manner because of race, color, religion, age, disability, military or veteran status, sex, national origin, sexual orientation, gender identification, or any other factor prohibits by law. Douglas County prohibits harassment based on the foregoing characteristics. Douglas County will not retaliate against any employee who makes a claim of discrimination or harassment, who participates in an investigation of discrimination or harassment, or as otherwise outlined in these policies. For additional information, please refer to the Statement of Non-Discrimination and Accommodation Process and Harassment-Free Workplace policies.

5.10 USE OF COUNTY PROPERTY. County property shall only be used for the purpose of carrying out official County business. County property includes tangible property owned by the County (such as mobile devices and vehicles), or the County's electronic systems that are accessed by personal equipment (such as a personal cell phone). 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. For detailed information about what can and cannot be done with County property, please see the Mobile Device Policy, the Computer Security and Use Policy, and the Employee Concealed Carry 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 or abusive 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 unless the act committed occurred in self-defense, to protect the lives of others. While working, employees shall refrain from altercations, disorderly conduct, and the use of profane 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 manner to supervisors as required by the department procedures. An unauthorized absence is time away from regular scheduled working hours for which the employee has not received explicit approval or authorization from their 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 the use of discipline (Section 6).

5.15 STEALING. Employees shall not steal, take, or remove anything of value from any premises, 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 their 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 termination.

5.23 POLITICAL CAMPAIGNS. Douglas County employees are prohibited from any appearance of campaigning for a candidate for an elected office during the employees' 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. This policy addresses the use of social media as a part of one's duties for the County, as well as personal use of social media as a Douglas County employee. Social media refers to all forms of

electronic communication through which users share information. Examples of social media include, but are not limited to, blogs, wikis, social networks, virtual worlds, video posts, podcasts, online forums, and message boards; common social media types include Facebook, LinkedIn, X (Twitter), Instagram, TikTok, Reddit, Snapchat, and YouTube. All Douglas County, Kansas Government 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, and policies established by Douglas County, Kansas, including but not limited to the County's Computer Security and Use policy. Procedures concerning management of the County's social media presence are established by the County's Communications and Media Coordinator. Employees representing the County via social media outlets must conduct themselves at all times as representatives of Douglas County, Kansas Government, and in accordance with all policies. This includes, but is not limited to, the following:

- A. The use of a County email address and/or communication in an official capacity will constitute conducting County business.
- B. Updating and posting to County social media sites must be done through the employee's County email account and as part of the employee's job duties. Appropriate permissions will be granted to specified staff for this purpose.
- C. Follow all privacy protection laws (e.g., HIPPA), and employees may not disclose 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 slurs, profanity, personal insults, or engage in any conduct in violation of the County's discrimination and harassment-free workplace policies.

Elected officials and advisory boards may not post as "Douglas County, Kansas Government" and are discouraged from discussing campaigns and other political matters on County accounts. 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 must ensure that, if they are identified as a County employee, they must clearly state that any opinion expressed is the individual's personal opinion and is not the opinion of Douglas County, or that it is not given in the employee's official capacity as a Douglas County employee. Social media is an excellent outreach tool and has proven very effective during times of crisis or emergencies. When Douglas County begins operating under the special circumstances of a crisis, all communication will be posted by the County Communication Specialist or the County Administrator's designee to ensure consistent, timely and factual information. Douglas County, Kansas Government reserves the right to temporarily or permanently suspend access to official County social media sites at any time.

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), other policies, or for any other job performance or conduct 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 County's sole discretion and assessment of the circumstances.

A. COUNSELING. The Department Head may, at their 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 their right to a pre-demotion hearing (see Section 8). An employee may only be demoted if a vacancy exists, and with the approval of the Human Resources Manager or County Administrator.

E. TERMINATION. With the approval of the Human Resources Manager or County Administrator, the Department Head may recommend termination. A Termination Notice must be completed and submitted to the Human Resources Manager; the Notice must contain a statement to the employee of their right to a pre-termination hearing (see Section 8), 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.

6.2 SERIOUS OFFENSES. While the County may choose, in its sole discretion, how to address performance and conduct issues, the following are examples of conduct that may result in immediate termination by the Department Head, 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 termination:

- A. 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.
- B. Physical violence on the job.
- C. Breach of security procedures.

- D. Discrimination, harassment, or other professional misconduct.
- E. Any conduct which threatens the rights of other employees.
- F. Serious violation of County policy, such as, but not limited to, insubordination, drugs & alcohol, threats of violence, using abusive language, etc.
- G. 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 written disciplinary actions, suspensions, demotion or termination (see Section 8). As stated in Section 8 (Grievance), when the action is demotion or termination; 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 a request will be submitted to the Human Resources Manager who, along with the employees' 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 OF RESIGNATION. An employee who desires to terminate their 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 FOR RESIGNATION. 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 OF RESIGNATION. The use of vacation, personal or compensatory leave is at the Department Head's discretion.

D. RESIGNATION/TERMINATION: 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. When an employee's employment is terminated for any reason (voluntarily or involuntarily), the last paycheck the employee receives shall include the following:

A. REGULAR PAY. Regular earnings through the last day of employment.

B. ACCUMULATED VACATION PAY. The employee shall be compensated at their regular rate of pay for all accumulated vacation leave.

C. ACCUMULATED COMPENSATORY TIME. The employee shall be compensated for all accumulated compensatory time.

D. 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 their accumulated sick leave up to a maximum 240 hours at their 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 their 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. Contact the Human Resources office for more information.

SECTION 8: GRIEVANCES/APPEALS

8.1 ELIGIBILITY FOR USE OF GRIEVANCE PROCEDURE. Except as provided in this section, only Classified employees who have completed their introductory period are eligible to file a grievance.

8.2 ACTIONS ELIGIBLE FOR GRIEVANCE. Grievances may be filed only for the following reasons: demotion, suspension, and termination. For situations not falling into the eligibility criteria, employees should follow the chain of command within their department or other reporting requirements set forth in particular policies. For questions about grievance eligibility or processes, contact the Human Resources Manager. 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 PROCESS FOR AN EMPLOYEE TO FILE A GRIEVANCE. 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. Employees must try to work the situation out within their department prior to submitting a grievance.

A. **FILING PROCEDURES FOR DEMOTION OR TERMINATION.** The employee must initiate the grievance process by contacting the Human Resources Manager within five (5) calendar days of the action. A grievance hearing will be scheduled with the County Administrator or Elected Official within a reasonable time.

B. **FILING PROCEDURES FOR ANY OTHER ACTION.** The aggrieved employee shall submit a grievance to the Human Resources Manager within five (5) calendar days of the action. The Human Resources Manager shall investigate and respond within seven (7) calendar days of receipt of the grievance. If the foregoing fails to resolve the issue, the aggrieved employee(s) shall submit to the Human Resources Manager a request for grievance hearing within seven (7) calendar days following the response by the Human Resources Manager. A grievance hearing will then be scheduled with the County Administrator or Elected Official within a reasonable 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 three days before the hearing. At that time, the County may reschedule 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. **ATTENDANCE.** The hearing shall be a closed session and only the following may be present: aggrieved employee and their attorney, Department Head or Elected Official and/or their designee, County Administrator, County Counselor, Human Resources Manager, and witnesses at appropriate intervals.

E. **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.

F. **FINDINGS.** The County Administrator or Elected Official shall complete their findings and conclusions regarding the grievance within a reasonable time and submit such findings in writing to the aggrieved employee with a copy to the Human Resources Manager. The County Administrator's or Elected Official's decision shall be final and binding.

SECTION 9: LEAVES

9.1. GENERAL CONDITIONS.

- A. **REPORTING ABSENCES.** It is the employee's obligation to report reasons for an absence to their supervisor as soon as possible (no later than within one-half (1/2) hour after the beginning of the workday) or in accordance with departmental procedures.
- B. **APPROVAL OF LEAVES.** All requests for leave shall be considered by the Department Head or their 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, except for leaves required by law.
- C. **TYPES OF LEAVES.** The following types of leaves are hereby established: Vacation Leave, Sick Leave, Family Medical Leave, Domestic Violence or Sexual Assault Leave, Military Leave, Civic Leave, Funeral Leave, Work Injury Leave, Personal Leave, Leave With Pay, and Leave Without Pay.
- D. **NO OUTSIDE EMPLOYMENT WHILE ON LEAVE.** Employees on FMLA or Sick Leave or leaves for similar reasons but not under those policies, 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.

9.2. 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 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, until accrued vacation hours are used.
- 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).

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

E. DONATION OF VACATION LEAVE. Employees may, on a voluntary basis, donate accrued vacation hours to the Shared Leave Pool (see Section 9.3.J). Employees donating hours must have sufficient vacation leave accumulated to retain at least forty (40) hours of vacation leave after the donation.

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 9.4, 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:

- i. Personal Use: illness or physician/dental appointment (shift personnel are expected to schedule such appointments during off duty hours).
- ii. 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 stepchild and foster child), grandchild, parent or grandparent (including in-laws), sibling (not including in-laws) or spouse who requires transportation, care or hospitalization.
- iii. 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 their duties due to a non-work-related injury or illness.

C. NOTIFICATION. To be granted the use of sick leave the employee must report to their supervisor as soon as possible (no later than within one-half (1/2) hour after the beginning of the workday) or in accordance with departmental procedures on the 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 their discretion, may require that the employee submit medical documentation of illness or injury prior to returning to work for any of the following reasons: the employee is absent three (3) or more consecutive days; there is a concern about possible sick leave abuse; or sick leave is being substituted for vacation leave.

G. MEDICAL RELEASE. The Department Head, at their 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 their duties, with or without a reasonable accommodation, when there is a concern about the ability of the employee to safely perform their duties. Medical documentation of illness or injury is required any time the employee requests use of sick leave following notice of resignation.

H. SICK LEAVE LOAN. If an employee, or immediate family member as defined by FMLA, is suffering from a prolonged illness or injury, or has been approved for Family Medical Leave and has depleted their accumulated sick leave, compensatory time, and vacation leave, the employee may apply for a sick leave loan not to exceed 160 hours in any 2-year period. An employee may receive multiple loans, if necessary, not to exceed 160 hours total in the 2-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 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 to the extent allowed by applicable law, and any remainder shall be repaid by the employee.

I. SICK LEAVE DONATION. Employees may, on a voluntary basis, donate accrued sick leave hours to the Shared Leave Pool (see Section 9.3.J.) Employees donating hours must have sufficient sick leave accumulated to retain at least eighty (80) hours of sick leave after the donation.

J. SHARED LEAVE POOL. The Shared Leave Pool is a means to transfer sick leave or vacation time to eligible employees. The maximum amount of time to be held in the Shared Leave Pool each year will be a total of 3,500 hours. This maximum allowed balance will be reviewed from time to time and updated, if necessary.

- i. Donations to the Pool: Employees may donate sick leave and/or vacation leave to the Shared Leave Pool one time per year to a maximum of 96 hours annually (Consolidated Fire District 1 personnel working 24-hour shifts may donate up to 136 hours annually). The time frame for the donation drive will be determined by the Human Resources Manager. Donations will be accepted up to the maximum allowed balance in the pool. Employees who wish to contribute to the Shared Leave Pool will complete the Shared Leave Donation Form and submit to Human Resources.
- ii. Grants of Hours from the Pool: Employees with a serious health condition or employees with an immediate family member (as defined under the FMLA) with a serious health condition will be eligible to apply to use time from the Shared Leave Pool if they have:
 - a. A serious health condition as defined under the Family and Medical Leave Act.
 - b. Depleted their own sick leave, personal days and comp time.
 - c. Used all but twenty (20) hours of vacation leave.
 - d. Received and exhausted the full sick leave loan amount.
- iii. Shared Leave Pool Application Process: The employee will initiate the application process by contacting their department head or Human Resources. The employee will be provided with an application to complete. In addition to the application, the employee must provide a physician's report (typically the FMLA Certification of Healthcare Provider) documenting the nature of their own or immediate family member's illness or injury and the approximate date the employee expects to return to work per the reporting requirements outlined in the County's FMLA policy. The department head will complete a brief questionnaire/recommendation form to be turned in with the employees' application. Shared leave requests will be reviewed by the Shared Leave Review Committee. The committee will consist of three people: one from Human Resources and two employees from outside of Administration chosen by the County Administrator's Office. The maximum number of hours from the Shared Leave Pool that may be granted to an employee is 400 every two years (520 for

Consolidated Fire District 1 personnel working 24- hour shifts). Shared Leave will only be granted to an applicant as the result of a unanimous vote by the Shared Leave Review Committee. The Shared Leave Review Committee shall determine the amount of shared leave to grant to the individual, considering all relevant factors, including the amount of shared leave available in the shared leave pool, the length of proposed leave and effective past usage of sick leave by the employee. Any shared leave granted to an employee shall be conditioned upon continued compliance with this policy and the County's FMLA policy, if applicable.

9.4. FAMILY MEDICAL LEAVE

A. DESCRIPTION. Pursuant to the Family Medical Leave Act, Family Medical Leave is available for employees who must take off work 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 their 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 or reduced schedule basis as necessary and appropriate. FMLA leave for the birth or placement of a child for adoption or foster care must be concluded within 12 months of the birth or placement. Leave for bonding with a child following birth, adoption, or foster care placement must be continuous; intermittent FMLA leave is not permitted.

D. FORMS. If leave is for the serious health condition of the employee or their family member, 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 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 order, however; employees are required to utilize accumulated paid time off (if consistent with the reason for the FMLA leave) 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 9.3.H) or donated time from the shared leave pool (see Section 9.3.J) if eligible. 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 employees' obligation to pay their 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 unless in accordance with the FMLA Expanded leave for Military Families (see below).

H. MEDICAL RELEASE. The employee on leave for their own serious health condition will be requested to submit a release to return 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 Covered 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 in a single 12-month period. A covered service member is (1) 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 their 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; or (2) a covered veteran undergoing medical treatment, recuperation, or therapy for a serious injury or illness that was incurred or aggravated while on active duty in the Armed Forces and the veteran was discharged (other than dishonorably) within five (5) years of the date leave is taken.
- 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.

9.5. 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.

9.6. 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 employees' military orders will be submitted to the Department Head prior to the employees' departure, for any leaves greater than 30 days.

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 their 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. 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.

9.7. CIVIC LEAVE. Classified and Unclassified Appointed 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 Civic 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.

C. VOTING. Generally, employees can find time to vote either before or after their regular work schedule or by mail. If employees are unable to vote in an election during non-working hours, advance notice to their supervisor or department head is required so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule. Up to two hours of paid time off can be granted for voting purposes.

9.8. BEREAVEMENT LEAVE

A. Employees will be allowed five (5) workdays of paid bereavement 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.

B. Employees will be allowed one (1) workday of paid bereavement leave for the following family members: Niece, Nephew, Cousin, Aunt, Uncle and in-laws and step relationships of these relatives.

C. Should the employee require more than 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.

D. Bereavement leave may be used in connection with the death, and the imminent death, of the identified family members.

E. Employees may be allowed a maximum of two (2) hours off with pay to attend the funeral of a co-worker or 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 Risk Management Coordinator within one (1) workday.

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 to return to work. Exceptions may be authorized by the Risk Management Coordinator 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 Risk Management Coordinator 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 Risk Management Coordinator. 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. PERSONAL LEAVE. Full-time employees will be awarded eight hours (8) of Personal Leave in January each 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 the award of Personal Leave, an employee's status must be full-time or part-time with benefits. Employees hired on or before May 31 will be awarded personal leave. Employees hired on or after June 1 will be eligible for the award of Personal Leave the following January.

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 during the calendar year in which it was awarded and prior to the first day of the last pay period in December. Unused personal leave will not carry over to the following calendar year and will be forfeited.
- ii. Shift Workers. Shift workers will be permitted to carry a balance of Personal Leave from year to year. All but twenty-four (24) hours must be used prior to the first day of the last pay period in December each year. There is no payment for hours in excess of 24 and the hours will be forfeited.

9.11. 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.

9.12. 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).

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 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 members of KPERS.

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 members of 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 Human Resources 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.

- i. Retirees: Group health insurance benefits are extended to Classified, Classified Exempt, and Elected Officials who retire from the County. Retirees must provide written notification of their intent to retire to Human Resources at least thirty (30) days before their retirement date.
 - a. 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).
 - b. 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).

B. 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 Human Resources Office by the first of the month for which coverage is being provided.

C. COVERAGE. Coverage shall be considered a primary insurer until the retiree reaches the age of eligibility for Medicare, at which point the County health insurance plan shall become a secondary insurer. Should a retiree on the 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. 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. If provided, 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. If provided, such subsidy will be considered compensation, and thus taxable income, under IRS regulations.

10.4. REIMBURSEMENT OF TRAVEL AND MEAL EXPENSES. The County will reimburse travel and meal expenses incurred by its employees if the expense is ordinary and necessary in the conduct of County business and the expense complies with the Travel and Meal Expense policies. See Appendices C and D for more information.

10.5. HOLIDAYS. All full-time and part-time Classified employees of the County shall be scheduled off and receive regular compensation, or shall be scheduled to work and receive additional compensation, for the following ten (10) holidays: New Year's Day- January 1, Martin Luther King's Birthday- 3rd Monday in January, Memorial Day- Last Monday in May, Juneteenth- June 19th, Independence Day- July 4, Labor Day- 1st Monday in September, Veteran's Day- November 11, Thanksgiving Day- 4th Thursday in November, Day after Thanksgiving- 4th Friday in November, and Christmas Day- December 25. The Board of County Commissioners 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.

A. **NON-SHIFT WORKERS.** All Classified, Classified Exempt, and Elected Officials of the County will receive their regular compensation for days proclaimed as holidays by the Board of County Commissioners.

- i. **Working on a Holiday** - Employees who 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. Hours are always paid hours; no hours will be added to an employee's compensatory leave accrual.
- ii. **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.

B. **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 employees' 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. **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.
- ii. **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.
- iii. **Employees Scheduled Off on Holiday.** Shift personnel whose regular non-workday 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.

C. **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).

SECTION 11: COMPENSATION SYSTEM

11.1. 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. All Classified, Classified Exempt, and Elected positions will be assigned to the classification system and pay plan. Elected positions will be placed at the base of their assigned pay range upon swearing in. County Commissioners will not be assigned to the classification system and pay plan and will receive the same compensation regardless of which district they represent.

11.2. COMPENSATION PLAN

A. **MERIT-BASED PAY AND PERFORMANCE EVALUATION – PHILOSOPHY ON MERIT.** Superior performance by Douglas County employees may be rewarded through merit compensation. The standard for superior performance will be established through the performance evaluation system.

- i. Performance evaluations will be administered annually. Completed (and signed) evaluations will be forwarded to the Human Resources Office. Employees must have at least six (6) months of service by the date that performance evaluations are due each year.
- ii. It is at the discretion of the Department Head to conduct evaluations on employment anniversary or annually at the same time for all staff.
- iii. Evaluations for introductory employees MUST be submitted to the Human Resources 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 Human Resources 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 by the date that annual performance evaluations are due each year 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** - Merit awards will be added to the employee's base salary until the employee reaches the maximum salary in their 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 a specific date determined by Administration. Merit awards are not guaranteed and depend on the appropriation of funds.

B. **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 may 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 a specific date determined by Administration. Market increases are not guaranteed and depend on the appropriation of funds.

C. LONGEVITY PAY. Longevity pay is not guaranteed and depends on the appropriation of funds.

- i. ELIGIBILITY - Longevity pay may 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. There is no cap on the dollar amount received by employee. Longevity will be paid on a specific date determined by Administration. Payment includes the “waiting period” of five years.

11.3. ON-CALL COVERAGE. Douglas County recognizes that situations occur after regular working hours that necessitate the call back of some employees. On-call employees will not engage in activities that would prevent them from complying with Section 12 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 their services are required, response should be as quickly as possible. Each department will set maximum response times.

11.4. 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 their salary, or that the employee has not been paid the correct amount of overtime, the employee should immediately report this to their 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 FOR OVERTIME.** Non-exempt employees are eligible for overtime. 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:

- i. **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.
- ii. **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 the 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. 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.

11.5. 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 and/or the County. Examples may be inclement weather, power outages, and cyber incidents. 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. If the County Administrator deems it necessary to curtail services due to a cyber security incident, departments will refer to their Continuity of Operations Plan (COOP) to determine which functions are essential and assign staff accordingly. Staff not assigned to essential functions may be reassigned to other functions within the County.

A. **ANNOUNCEMENT.** If it is necessary to close the County facilities due to any conditions, it will be the responsibility of the County Administrator, or their designee, to make that announcement. Announcements will be made directly to the employees as well as posted on designated communication channels.

B. **NO ANNOUNCEMENT.** If an employee does not report to work and no announcement is made, that workday will be charged to the employee's accumulated vacation leave. At the discretion of the Department Head, leave without pay may also be used. For this to be an authorized absence, the employee must call their supervisor within one-half (1/2) hour of the beginning of the workday (or in accordance with departmental policy).

C. **COMPENSATION.** Only employees who work at least half-time (FTE >= .50) will be compensated for curtailment of services in the following ways:

- i. **Non-shift, non-exempt employees:** Will receive curtailment pay equal to the time the County is closed, not to exceed the amount of a normal workday. In the event the employee worked during the closure, this will result in double pay. Non-shift, non-exempt employees that are scheduled to work during curtailment of services but are not otherwise required to, must receive prior authorization from their department head to work during curtailment, due to the additional compensation cost.

- ii. Shift, non-exempt employees: Will receive curtailment pay equal to the time the County is closed, not to exceed the amount of a normal workday. When an employee is scheduled to start a shift after the curtailment, but before midnight, the entire shift will be paid at double pay. Department head discretion can be used if the conditions of reporting to work after midnight still merit double pay. If an employee is scheduled off during the curtailment, they will be awarded personal time equal to the amount of the closure or a regular work shift (whichever is less). Personal time awarded is subject to yearly carryover restrictions and earnings limits.
- iii. Exempt employees: Will receive curtailment pay equal to the time they did not work and the County is closed. This amount is not to exceed eight (8) hours. Exempt employees are not eligible for double pay or additional personal time.

D. VACATION/SICK LEAVE ADJUSTMENTS. If an employee is on authorized vacation or sick leave and the facilities are closed, the amount of leave used will be adjusted to reflect only the time the facilities were open. Curtailment time will be used in conjunction with the other leave time to fulfill the employee's workday.

SECTION 12: WORK ENVIRONMENT AND WORKPLACE SAFETY

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

1.2. DRUGS AND ALCOHOL. 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 are prohibited from:

- A. Having consumed enough alcohol to have a blood alcohol concentration of 0.04 or greater while on duty.
- B. Possessing or consuming alcohol while working or otherwise on duty.
- C. Consuming alcohol within four (4) hours before reporting to work.
- D. Using, possessing (except when prescribed by a physician or other licensed health care provider), manufacturing or distributing controlled substances. 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 the employee can safely perform the employee's duties while taking the medication.
- E. Having a positive test for controlled substances (other than as prescribed by a physician or other licensed health care provider) or alcohol.
- F. Refusing to submit to any required drug or alcohol testing.

1.3. POST-ACCIDENT TESTING FOR ALL EMPLOYEES

A. DOT DRIVERS. Following a Motor Vehicle Accident involving a Douglas County Motor 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 Motor 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:

- i. Injury to anyone
- ii. The driver receiving a citation for a moving traffic violation
- iii. More than Minor Damage to property or vehicle

C. EQUIPMENT ACCIDENTS. Referral for post-accident follow-up drug or alcohol testing is at the discretion of the Department.

D. DEFINITIONS.

- iv. Motor Vehicle: A car, truck, or similar motorized wheeled device for carrying passengers, goods, or equipment, and licensed for use on public roadways.
- v. 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.

- vi. **Equipment:** Motorized rolling stock used in construction or maintenance activities and not licensed for use on public roadways.
- vii. **Equipment Accident:** An incident or occurrence in the operation of equipment that results in injury to person(s) or damage to property.
- viii. **Minor Damage:** Inconsequential impairment of the usefulness or value of property.

E. **REASONABLE SUSPICION TESTING.** The Human Resources Manager or Department Head may 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. Reasonable suspicion criteria include, but are not limited to, “specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors” of the employee. 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.

F. **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.

G. **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.

1.4. 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.

1.5. 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 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 includes:

- A. Refusing to provide specimen (includes insufficient volume of urine without a valid medical explanation).
- B. Tampering with, adulterating, or substituting a specimen.
- C. Failing to appear for testing within sixty (60) minutes of being notified.
- D. Leaving the scene of an accident without just cause prior to submitting to a test.
- E. Leaving collection facility prior to test completion.
- F. Failing to permit an observed or monitored collection when required.
- G. Failing to take a second test when required.
- H. Failing to undergo a medical examination when required.
- I. Failing to cooperate with any part of the testing process.
- J. Failing to sign the alcohol test form.
- K. Once the test is underway, failing to remain at site and provide a specimen.

1.6. CONSEQUENCES FOR VIOLATIONS OF SECTION 12. Violations of this Section 12 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 a 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.

1.7. 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.

1.8. SMOKE-FREE WORKPLACE. Employees shall not violate the Smoke Free Workplace regulation established by the County Commissioners in Resolution 93-15. This resolution prohibits smoking within a building or vehicle which is owned or leased by Douglas County and specifies that there will be no designated smoking areas within any Douglas County owned buildings.

1.9. 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).

1.10. TELECOMMUTING. Telecommuting is an alternative work arrangement available to qualifying (see Appendix F) employees. In circumstances deemed appropriate, management will establish an 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 A: Mobile Devices

A.1. 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 workflow 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.

A.2. DEFINITIONS.

- A. **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.
- B. **EXEMPT EMPLOYEE.** Any employee considered Exempt from FLSA (Fair Labor Standards Act) guidelines.
- C. **NON-EXEMPT.** Any employee that is non-exempt under the FLSA (Fair Labor Standards Act).

A.3. RESPONSIBILITIES AND ENFORCEMENT OF THIS POLICY. Douglas County sets forth this policy in an effort to meet organizational goals, improve employee satisfaction, and 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. 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 their management for meeting the requirements set forth within this policy and shall communicate the requirements of this policy for any and all persons to whom 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. Employees are prohibited from using a cellular phone while driving (either a County vehicle or a personal vehicle on County business or while operating County equipment) to compose, send, or read text messages or emails, or to access the internet. Employees are encouraged not to use cellular phones while driving for phone calls except in cases of public safety issues, and only if employees take precautions to ensure such use is done in a safe manner. 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. 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.

A.4. 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 Administrative Services Director and the Information Technology Director. The Information Technology Department in conjunction with the Administration 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. An employee with a cellular phone provided by the County must ensure minimal use of such phones for personal use; excessive use of County cell phones for personal calls could result in cell phone privileges being revoked.

A. CONDITIONS WHICH MUST BE MET FOR ANY MOBILE DEVICE TO BE ENABLED TO ACCESS DOUGLAS COUNTY EMAIL.

- i. 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.
- ii. 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.
- iii. All requests for email-enabled devices are handled through the employee's department and must be approved by the Department Director.
- iv. If the Department Director approves the request, they will notify the Information Technology Department by putting in a help desk ticket with the request.
- v. All Department Directors and/or equivalent shall be aware of FLSA and appropriate use of email for Exempt and Non-Exempt employees.
- vi. 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.
- vii. 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.
- viii. 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.

A.5. 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 rules 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:

A. There must be a clear business need for access to the Douglas County network.

B. Any personal device enabled to access any resource provided within the Douglas County network and the employee given access to said resources on their personal device SHALL adhere to all rules within this policy. 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.

C. 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.

D. 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.

E. Employee acknowledges that if the Mobile Device is lost or stolen, he/she must report the loss to the Information Technology Department immediately.

F. 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.

G. 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.

H. 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.

I. 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.

A.6. OTHER GENERAL ISSUES.

A. APPS (APPLICATIONS) ON MOBILE DEVICES.

- i. 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.
- ii. 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.

- iii. If at any point the 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.

- iv. 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.

- v. 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 back up, maintain, or otherwise protect any personally downloaded application, content, music, video, movie, etc. unless expressly approved and paid for by Douglas County.

Appendix B: Computer Security and Use

B.1. PURPOSE AND OVERVIEW. 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. This policy has been established in order to protect this investment, safeguard the information contained within these systems, reduce legal risk, and protect the goodwill of the County.

A. **DEFINITIONS.**

- i. 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.
- ii. 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.
- iii. The Internet – A worldwide computer network that connects several thousands of businesses, schools, research foundations, individuals, and other networks.
- iv. Malware – Intrusive software designed to damage computers and/or networks. Examples of common malware include viruses, worms, Trojan viruses, spyware, adware, and ransomware.
- v. 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.
- vi. Removable Media – Any type of storage device that can be removed from a computer while the system is running. Examples of removable media include DVDs, memory sticks, and USB hard drives.

B. **VIOLATIONS OF POLICY.** Violations of this policy may result in disciplinary action. 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).

C. **CONTENTS.** The topics covered in this policy include:

- i. Statement of policy responsibility
- ii. Privacy and Ownership of Data
- iii. The Internet and e-mail
- iv. Downloads
- v. Computer malware
- vi. Access codes and passwords
- vii. Physical security
- viii. Copyrights and license agreements

B.2. STATEMENT OF POLICY RESPONSIBILITY. General responsibilities pertaining to this policy are set forth in this section. The following sections list additional specific responsibilities.

A. **HUMAN RESOURCES RESPONSIBILITY.** Ensure that all appropriate personnel are aware of, have read, understand, and sign this policy.

B. **IT DEPARTMENT RESPONSIBILITIES.** The IT department must:

- i. Develop and maintain written standards and procedures necessary to ensure implementation of and compliance with these policy directives.

- ii. Provide appropriate support and guidance to assist employees to fulfill their responsibilities under this directive.

B.3. 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. All files 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.

B.4. THE INTERNET AND E-MAIL.

A. 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 enhances the ability of County employees to provide efficient and effective customer service.

B. 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, acquire information to assist in increasing job knowledge and function, and business-to-business productivity. 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:

C. USAGE GUIDELINES FOR THE INTERNET AND E-MAIL (INTERNAL AND EXTERNAL).

- i. The use of these services shall be for lawful purposes only.
- ii. Transmission of harassing, threatening, rude or obscene material (as defined by U.S. and local law) is prohibited.
- iii. The use of these services to send copies of documents or files in violation of copyright laws is prohibited.
- iv. The use of these services to send copies of documents or files in violation of privacy laws is prohibited.
- v. These services are not to be used for chain letters (i.e., messages containing instructions to forward the message to others), job searches, or an advertisement for personal business. Messages broadcast to all employees for general employee review shall be only for the purpose of conducting County business communications.
- vi. 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.
- vii. E-mail messages containing protected information (PHI and/or PII) must be sent with appropriate security measures (i.e., encryption).
- viii. The use of e-mail to harass or intimidate others or to interfere with the ability of others to conduct County business is prohibited.
- ix. Composing or sending e-mail messages that violate the County's discrimination and harassment-free workplace policies, or that are otherwise slanderous or defamatory, is prohibited.
- x. 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.

- xi. 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.

D. 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 under the circumstances listed below or whenever there is some other legitimate purpose to do so.

- i. 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.
- ii. Upon termination of employment with the County.
- iii. 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.
- iv. 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.
- v. In the course of an investigation triggered by indications of impropriety or policy violations, or as necessary to locate substantive information related to incidents of impropriety or policy violations.
- vi. When necessary to troubleshoot an email transmission problem.
- vii. 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.

E. 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 and any other County policy.

- F. EMPLOYEE RESPONSIBILITIES. An employee who uses the Internet or Internet e-mail shall:
- i. Ensure that all communications adhere to this policy and that its usage does not interfere with their productivity.
 - ii. Be responsible for the content of all text, audio, or images placed to or sent over the Internet. All communications should clearly identify the sender.
 - iii. Not transmit copyrighted materials without permission.
 - iv. Know and abide by all applicable policies dealing with security and confidentiality of county records.
 - v. 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.

G. 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.

B.5. DOWNLOADS. Restrictions on Internet download of files and software are incorporated for the following reasons:

- A. To reduce the risk of computer systems being unavailable due to malicious code (viruses, worms, Trojans, etc.)
- B. 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.
- C. To reduce unnecessary network traffic allowing faster response for business applications
- D. 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.

B.6. COMPUTER MALWARE. It is important to know that:

- A. Computer malware is much easier to prevent than to cure.
- B. Defenses against computer malware include protection against unauthorized access to computer systems, using only trusted sources for data and programs, keeping patches up to date, maintaining malware-scanning software, and end-user security training.
- C. IT responsibilities
 - i. Install and maintain appropriate anti-malware software on all network-attached computers.
 - ii. Respond to all malware infections, destroy any malware detected, and document each incident.
 - iii. Keep operating systems up to date with patches to reduce vulnerabilities.
 - iv. Periodic end-user security awareness training.
- D. Employee responsibilities
 - i. Employees shall not knowingly introduce malware into county computers.
 - ii. Employees shall not load removable media of unknown origin.
 - iii. Employees shall not open e-mail attachments or click on links within emails or text messages unless they are expected.
 - iv. Any employee who suspects a malware infection shall IMMEDIATELY POWER OFF the workstation and notify the IT department.
- E. Additional Laptop user responsibility: Employees must bring in all county owned laptops at least once a month, plug them into the county network and logon. Malware definitions will be updated, and any needed patches will be automatically installed. If you are unable to bring the laptop in monthly, 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. Exceptions to this policy

include telework devices that only connect to the county network using the county VPN.

B.7. 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.

A. IT RESPONSIBILITIES.

- i. The IT department shall be responsible for the administration of access controls to all county computer systems.
- ii. The IT department will process additions, 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.
- iii. The IT Director will maintain a list of administrative access codes and passwords and keep this list in a secure area.
- iv. 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.

B. EMPLOYEE RESPONSIBILITIES.

- i. Responsible for all computer transactions.
- ii. 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.
- iii. Log out or lock the workstation when leaving for an extended period.
- iv. Require password changes at any point of security concern.
- v. Use passwords that conform to the password policy implemented by the IT department.

C. PASSWORD POLICY. The password must meet the following requirements:

- i. Must be at least 12 characters in length
- ii. Contain both upper- and lower-case letters
- iii. Contain at least one numeric character
- iv. May NOT contain any part of the user's name.
- v. 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:
 - a. 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".
 - b. Use a common word replacing regular letters with special characters or numbers, such as "Dodge Viper" becoming "d0dgev!per"
 - c. NOTE: These are examples ONLY; please do not use either as your password!

D. DEPARTMENT HEADS' RESPONSIBILITY. Department Heads should notify the IT Director promptly whenever an employee leaves the County or transfers to another department so that their access can be revoked. Involuntary terminations must be reported concurrently with the termination.

B.8. PHYSICAL SECURITY. It is County policy to protect computer hardware, software, data, and documentation from misuse, theft, unauthorized access, and environmental hazards.

A. EMPLOYEE RESPONSIBILITIES.

- i. Environmental hazards to hardware such as food, smoke, liquids, magnets, high or low humidity, and

extreme heat or cold should be avoided.

- ii. Removable media should be kept away from environmental hazards such as heat, direct sunlight, and magnetic fields.
- iii. Employees should save all data to a network file server (network share). 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.
- iv. The IT department is responsible for all equipment installations, disconnections and modifications. Employees are not to perform these activities. This does not apply to mobile computing devices.
- v. 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.
- vi. 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.
- vii. 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.

B. DEPARTMENT HEAD RESPONSIBILITIES.

- i. All computer equipment should be protected by a surge suppressor.
- ii. Keep a record of portable computer equipment that is taken off the premises. See item 5 under employee responsibilities.
- iii. NOTE: Surge suppressors/power strips MUST BE LEFT ON for them to protect the equipment. PCs and monitors should be turned off after use.

C. IT RESPONSIBILITIES.

- i. 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.
- ii. A comprehensive Disaster Recovery Plan will be developed and revised as necessary.
- iii. User data will be backed up according to an appropriate schedule as determined by the IT Director

B.9. COPYRIGHTS AND LICENSE AGREEMENTS. It is Douglas County's policy to comply with all laws regarding intellectual property.

A. LEGAL REFERENCE. Douglas County and its employees are legally bound 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.

B. 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.

C. IT RESPONSIBILITIES.

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

D. EMPLOYEE RESPONSIBILITIES. Employees shall not:

- i. Copy software unless authorized by IT.
- ii. 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.
- iii. Department-specific software must be licensed and must be installed by an authorized IT employee.

E. CIVIL PENALTIES. Violations of copyright law expose the county and the responsible employee(s) to the following civil penalties:

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

F. 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)),” expose the company and the employee(s) responsible to the following criminal penalties:

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

B.10. MANAGEMENT: Ownership of this policy falls to the Information Technology Director. For any questions about this policy please contact them at ITDirector@douglascountyks.org .

Appendix C: MEAL EXPENSES

C.1. RULES. Meal expenses that are paid or incurred are reimbursable, subject to the following rules:

- A. Meal expenses must be ordinary and necessary in the conduct of County business, i.e., the meal must be a deductible expense and incurred while performing services as an employee of the County.

- B. Meals falling into one of the following categories qualify as a deductible expense (will NOT be considered income to the employee):
 - i. Meals provided to employees on overnight travel. (See more in Travel Expense Policy, Appendix D.)
 - ii. Meals provided on County premises for the County's convenience. Examples include lunch ordered in for a staff meeting, or the cost of dinner for employees working overtime.
 - iii. Meals with a business purpose (for example, a meal is held in connection with a business meeting or discussion).
 - iv. De minimis expenses, such as County picnics or holiday parties.

C.2. REIMBURSEMENT FOR TRAVEL-RELATED MEALS. Meals purchased while on overnight travel for the County are discussed under the "Travel Expense Policy", Appendix D.

C.3. REIMBURSEMENT FOR ALL OTHER MEALS. In order to be reimbursed for a meal, the employee must provide the following documentation:

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

C.4. COSTS. 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:

- A. Breakfast \$10.00
- B. Lunch \$15.00
- C. Dinner \$25

Appendix D: TRAVEL EXPENSES

D.1. EXPLANATION. 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 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:

- A. 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.
- B. At all times employees shall uphold the constitution, laws and regulations of the United States, the State of Kansas, and Douglas County.
- C. 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.
- D. 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.
- E. Failure to abide by any of the following provisions may be grounds for disciplinary action and/or termination.

D.2. PER DIEM. 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. 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:

- A. Departure date, return date, and number of days spent on business
- B. Destination city and state
- C. Business purpose for the expense or the business benefit gained or expected to be gained
- D. Meals provided as part of the conference or meeting registration will be deducted from the per diem amount.
- E. In some cases, the employee will be reimbursed for meals purchased while traveling but not staying overnight. (See more below.) Douglas County will not reimburse the employee for alcoholic beverages. Hotel expense should be paid with a Douglas County P-card, and therefore not require reimbursement. Airline tickets shall be purchased with a Douglas County P-card and therefore do not require reimbursement. 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. 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.

D.3. MILEAGE. The reimbursement of employee travel/driving expenses is 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 for 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.

D.4. MEAL EXPENSE. For more on meal expenses unrelated to Travel, see the Meal Expense Policy in Appendix C. The Internal Revenue Service distinguishes between taxable and non-taxable meals.

A. FOOD THE COUNTY WILL PURCHASE AND IS NON-TAXABLE:

- i. 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.
- ii. 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 Per Diem Section.
- iii. Food or beverage that does not comprise a complete meal (i.e. light refreshments) provided for:
 - a. inter-agency meetings involving non-county staff
 - b. meetings where the public is expected to attend
- iv. 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.

B. FOOD THE COUNTY WILL PURCHASE, BUT THE IRS CONSIDERS A TAXABLE BENEFIT:

- i. Meals purchased immediately before or after training or professional association meetings 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.
- ii. In all situations except overnight travel, employees may use the P-card or submit receipts for reimbursement. (Overnight travel will use a per diem, not P-card.) 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 at 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.

C. FOOD THE COUNTY WILL NOT PURCHASE: (If an unallowable charge is made to the P-card. The amount will be withheld from the employee’s wages.)

- i. The County will not pay for alcohol.
- ii. The County will not pay for food costs above the stated maximums, breakfast: \$ 10, lunch \$15 and dinner \$25.

- iii. 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.)
- iv. The County will not pay for two employees to go out to lunch.
- v. The County will not pay for a meal or light refreshments during a routine meeting held at mealtime, during work hours.
- vi. The County will not pay for holiday, birthday, or seasonal meals.

D.5. GUIDELINES FOR HOURLY EMPLOYEES TRAVEL. When hourly employees travel, they can still punch in and out in the County's electronic timekeeping system. The link to the timekeeping system is available on the internet even outside of the Douglas County network. If the supervisor prefers that employees not access the timekeeping system 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.

A. When an hourly employee attends an event like a conference or training that requires an overnight stay, they should report time for:

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

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

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

C. Example: Doug and Connie are hourly employees of Douglas County. Their normal workdays are 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.

- i. 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 time entry: 11am to 4pm for both Doug and Connie
- ii. 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 time entry: 8am to noon, 1pm to 5pm & 7pm to 9pm
- iii. 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 there is optional entertainment and dinner provided by the conference. Tuesday time entry: 8am to noon, 1pm to 5pm (nothing for the optional dinner & entertainment)

- iv. 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 time entry: 8am to 5pm for Doug and 8am to 6pm for Connie (she did the driving.)
- v. Thursday and Friday are regular workdays. 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.

D. Sources:

- i. <https://www.dol.gov/whd/regs/compliance/whdfs53.htm>
- ii. https://www.ecfr.gov/cgi-bin/text-id.x?SID=02ea757be79f6532d54e040642f2f965&mc=true&node=sg29.3.785_132.sg6&rgn=div7

D.6. 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.

Appendix E: EMPLOYEE CONCEALED CARRY

E.1. PURPOSE. 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. Employees covered by this policy are prohibited from openly carrying firearms while on duty. 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.

Employees are not permitted to possess or carry any firearms in County buildings at the following locations:

- A. Judicial and Law Enforcement Center 111 East 11th Street, Lawrence, KS 66044
- B. Sheriff - Corrections (County Jail) 601 E 25th Street, Lawrence, KS 66046
- C. Sheriff – Operations 111 East 11th Street, Lawrence, KS 66044
- D. Youth Services 330 Northeast Industrial Lane, Lawrence, KS 66044

The purpose of this policy is to establish requirements and expectations for all County employees electing to carry a concealed handgun while on duty. 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.

E.2. APPLICABILITY. 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.

This policy governs concealed carry under limited circumstances. The open carry of firearms by employees continues to be prohibited under any circumstance. The carrying of a firearm is not within the course and scope of County employment and not a part of the employee’s duties. 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. 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. The County is not responsible for any damaged or stolen personal property, including handguns or gun lockers, of employees.

E.2. GENERAL PROVISIONS. 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. Employees are prohibited from carrying weapons, as that term is defined at Section N while on duty, except that employees may carry a concealed handgun in accordance with this policy and applicable federal, state, and local law.

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. Employees are prohibited from cleaning a handgun or handling

ammunition while on duty. 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. The employee must be truthful when asked by his or her supervisor whether he or she is carrying a concealed handgun. 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.

E.3. CONCEALMENT REQUIRED. An employee electing to carry a concealed handgun while on duty may not openly carry the handgun or knowingly expose it in any way that it is visible to others. That includes a prohibition against carrying a handgun such that “printing” (as defined in Section N) is visible, including a bulge or outline of the handgun underneath the employee’s clothing. An employee may not leave a handgun in plain view or unattended. An employee electing to carry a concealed handgun while on duty must always carry the handgun on his or her person 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 E below.

E.4. COUNTY VEHICLES. 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 a 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 handguns 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 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.

E.5. PRIVATE VEHICLES. 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. The County is not responsible for any theft, damage or loss of a handgun, personal vehicle, or personal property.

E.6. PRIVATE PROPERTY. Employees who enter private property while on duty are required to comply with any restrictions established by the private property owner. 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 E above.

E.7. THREATENING CONDUCT PROHIBITED. Employees are prohibited from making any threats of violence or intimidating others. Employees are prohibited from harassing others or otherwise creating a hostile, intimidating, or fearful work environment to a reasonable person. 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. 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.

E.8. NOTICE TO SUPERVISOR. 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. 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. An employee must demonstrate that he or she is qualified to carry a concealed handgun upon the request of a supervisor.

E.9. REPORTING A POLICY VIOLATION. 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. 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. Retaliation against any employee for reporting a violation of this policy or participating in an investigation is strictly prohibited. Employees shall cooperate in any personnel investigation conducted pursuant to this policy.

E.10. 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.

E.11. SANCTIONS.: Violation of this policy by a County employee may result in disciplinary action (or criminal charges as noted in this policy), up to and including termination from employment.

E.12. POLICY SUPERSEDES THE PERSONNEL POLICY PROVISIONS RELATED TO FIREARMS.: It is the intention of this policy to replace any existing County Policy on Firearms.

E.13. DEFINITIONS.

A. 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.

B. 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.

C. Employee means any classification, as defined in section 3.1, who performs duties for or on behalf of the County and is on the County's payroll. For purposes of this policy only, "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.

D. 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.

E. Gun locker means a secure, locked container.

F. Handgun means a firearm as defined herein.

G. 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.

H. Reasonable person means an individual who is generally fair, proper, just, moderate, and suitable under the circumstances.

I. Pocket knife means a folding knife with a blade of four inches or less, carried in a pocket or other concealed manner.

J. 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 F: Telecommuting

- F.1. GOAL.** The goal of telecommuting is to promote the County’s strategic objectives including:
- A. Improve overall productivity
 - B. Make optimal use of County office facilities and equipment
 - C. Reduce traffic congestion and improve air quality through reduced employee trips
 - D. Improve employee satisfaction and retention
 - E. 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.
 - F. 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.
- F.2. 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.
- F.3. EMPLOYEE ELIGIBILITY CRITERIA.** Employees interested in telecommuting must meet the following criteria:
- A. Have the ability to work at a high-performance level with minimal supervision.
 - B. Have thorough knowledge and full understanding of the work tasks.
 - C. Have a history of reliability and responsible accomplishment of work duties and performance.
 - D. Have a demonstrated ability to establish priorities and manage time.
 - E. 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 eligible to telecommute under this policy.
 - F. Have duties/functions that lend themselves to the Telecommuting Program.
 - G. 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.
 - H. This policy provides for two separate categories of telecommuting:
 - i. Regular: Only exempt employees will be authorized to telework on a regular basis.
 - ii. 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.

F.4. RESPONSIBILITIES.

A. RESPONSIBILITIES OF DEPARTMENT HEADS, ELECTED OFFICIALS, AND SUPERVISORS:

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

B. RESPONSIBILITIES OF EMPLOYEES:

- i. If using employee-provided equipment, ensure the equipment and internet speed is compatible and sufficient to do the work.
- ii. Be familiar with and comply with the Telecommuting Policy.
- iii. Complete all telecommuting forms before beginning to telework regularly.
- iv. Coordinate teleworker technical needs with the Information Technology Department.
- v. Be responsible for maintaining any equipment owned by the employee.
- vi. Use County-owned equipment with care and in accordance with the Telecommuting Agreement Form.
- vii. Comply with all County-required security policies and procedures.
- viii. 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.
- ix. 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.
- x. Continue to participate in on-site meetings.
- xi. Adjust schedules to serve the needs of the department and organization.
- xii. 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, and to ensure accurate recording of work time and FMLA leave. No employee on FMLA is required to telecommute or otherwise work during the period of their leave.
- xiii. Comply with all County policies and guidelines for standards and ethics.
- xiv. 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.

- xv. Log into the County's electronic timekeeping system to have hours worked recorded accurately. Non-exempt employees shall not work overtime unless such overtime is approved by the 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.
- xvi. At all times maintain your workspace 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.

C. RESPONSIBILITIES OF INFORMATION TECHNOLOGY DEPARTMENT:

- i. Be responsible for coordinating teleworker equipment needs.
- ii. Coordinate repairs on County-owned equipment at the designated headquarters.
- iii. Establish standard hardware and software configurations for providing connections to County-wide areas and local area networks in a telecommuting environment.
- iv. Provide technical support to teleworkers for County-owned equipment and accessing County networks
- v. Address any teleworker related information security considerations.
- vi. 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.