

## BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

**WEDNESDAY, MAY 24, 2017**

4:00 p.m.

### **CONSENT AGENDA**

- (1) (a) Consider approval of Commission Orders;
  - (b) Consent agenda approval of 5 Ton commercial weight limit resolution for N 1300 Road from E 1600 Road to just east of E 1700 Road (Keith Browning);
  - (c) Consent agenda approval of speed limit resolution for N 1300 Road from E 1600 Road to just east of E 1700 Road (Keith Browning)
  - (d) Consent agenda approval of Douglas County Personnel Policies 2017 Update (Sarah Plinsky)
  - (e) Consent agenda approval of speed limit resolution for N 2050 Road (Keith Browning)
  - (f) Consider accessing the National IPA Cooperative contract to purchase equipment for Public Works (Jackie Waggoner)

### **REGULAR AGENDA**

- (2) Determine the 2018 road maintenance budget for the Hesper Charter Road Improvement District (Keith Browning).
- (3) **PF-17-00228:** Consider acceptance of easement as shown on Final Plat, PF-17-00228 for Applied Ecological Addition, a one-lot subdivision on approximately 11.7 acres located at 1269 N 222 Road. Submitted by Landplan Engineering PA on behalf of Applied Ecological Services, Inc., property owner of record. Mary Miller is the Planner.
- (4) (a) Consider approval of Accounts Payable (if necessary)
  - (b) Appointments
    - MPO Bicycle Advisory Committee (1) position**
    - Board of Zoning Appeals (1) position 10/16**
    - Lawrence-Douglas County Housing Authority Board (1) position 06/17**
    - Metropolitan Planning Commission – Positions (2) 05/17**
  - (c) Public Comment
  - (d) Miscellaneous
- (5) Adjourn

**WEDNESDAY, MAY 31, 2017**

4:00 p.m.

### **CONSENT AGENDA**

- (1) (a) Consider approval of Commission Orders;
  - (b) Authorize the Assistant County Administrator to execute the Order to Bind Coverage with Midwest Employers Casualty for Workers' Compensation excess coverage at a \$500,000 retention level for all employees for \$76,949 for the period June 15, 2017 through June 14, 2018, with the option to renew for successive one (1) year term in the amount of \$76,949 for the period June 15, 2018 through June 14, 2019 (Sarah Plinsky)

### **REGULAR AGENDA**

- (2)(a) Consider approval of Accounts Payable (if necessary)
  - (b) Appointments
  - (c) Public Comment
  - (d) Miscellaneous
- (3) Adjourn

**WEDNESDAY, JUNE 7, 2017**

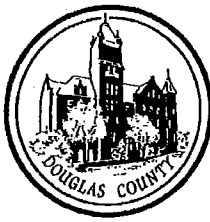
-Relay for Life proclamation (Caroline Wrocznski)

**WEDNESDAY, JUNE 14, 2017**

-Consider adoption of Douglas County Food System Plan (Helen Schnoes)

**WEDNESDAY, JUNE 21, 2017-** canceled

***Note:*** The Douglas County Commission meets regularly on Wednesdays at 4:00 P.M. for administrative items and/or 6:00 P.M. for public items at the Douglas County Courthouse. Specific regular meeting dates that are not listed above have not been cancelled unless specifically noted on this schedule.



## DOUGLAS COUNTY PUBLIC WORKS

3755 E. 25<sup>th</sup> Street  
Lawrence, KS 66046  
(785) 832-5293 Fax (785) 842-1201  
dgcopubw@douglascountyks.org  
www.douglascountyks.org

**Keith A. Browning, P.E.**  
Director of Public Works/County Engineer

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### MEMORANDUM

To : Board of County Commissioners

From : Keith A. Browning, P.E., Director of Public Works/County Engineer *KAB*

Date : May 11, 2017

Re : Consent agenda approval of 5 Ton commercial weight limit resolution  
N 1300 Road from E 1600 Road to just east of E 1700 Road

COMMERCIAL WEIGHT LIMIT 5 TONS signs were installed on N 1300 Road from E 1600 Road to E 1700 Road during construction activities for the South Lawrence Trafficway. The signs were needed to prevent SLT construction traffic on this Wakarusa Township maintained road. Following completion of the SLT, the signs were not removed. Given the road's structural capacity and condition, Wakarusa Township and we feel a permanent commercial truck prohibition is appropriate.

The attached resolution establishes a 5 ton commercial weight limit on N 1300 Road from E 1600 Road (O'Connell Road) to a point 370 feet east of the N 1300 Road/E 1700 Road intersection. East of this point, the road was reconstructed by KDOT as part of the SLT project. Signs will be adjusted to adequately cover the restricted road section. For westbound traffic on N 1300 Road, the commercial weight limit sign will be placed just west of the entrance into the King's Recycling facility.

Action Required: Consent Agenda approval of a 5 Ton commercial weight resolution on N 1300 Road from E 1600 Road to a point 370 feet east of the N 1300 Road/E 1700 Road intersection.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION ESTABLISHING A 5 TON WEIGHT LIMIT FOR  
COMMERCIAL VEHICLES ON A PORTION OF N 1300 ROAD IN  
WAKARUSA TOWNSHIP

WHEREAS, pursuant to K.S.A. 8-1912(c), local authorities may impose limitations as to the weight or size of trucks or other commercial vehicles for roads under their jurisdiction: Provided, that adjacent premises to such restricted roads may be served; and

WHEREAS, The Board of County Commissioners of Douglas County, Kansas, has determined that in the interest of the public health, safety and welfare, commercial vehicles weighing in excess of five (5) tons should not be allowed over the following described township road, to-wit:

a portion of N 1300 Road, from the intersection with E 1600 Road to a point 370 feet east of the intersection of N 1300 Road with E 1700 Road, the centerline of which is more particularly described as follows:

Beginning at the Northwest Corner of Section 16, Township 13 South, Range 20 East at the intersection of N 1300 Road with E 1600 Road, thence East along the North line of said Section 16 one mile to the Northeast Corner of said Section 16 at the intersection of N 1300 Road with E 1700 Road, thence continuing southeasterly and easterly along the meandering centerline of N 1300 Road 370 feet, and terminating at said point;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS:

Section 1. No commercial vehicles weighing in excess of five (5) tons shall be permitted on the above-described roads. This limitation shall not apply to agricultural vehicles or to commercial vehicles engaged in the delivery of goods or services at the request of owners or occupants of properties adjacent to the roads above described.

Section 2. Definitions. For the purpose of this resolution:

(a) "Commercial vehicles" shall include, but not be limited to, vehicles that are used for the transportation or delivery of freight and merchandise, including combination units of truck tractors or road tractors and trailers or semitrailers. "Commercial vehicles" shall not include any vehicle owned or operated by the State of Kansas, Douglas County, or any other political subdivision.

(b) "Agricultural vehicles" shall include vehicles that are used for agricultural operations, including farm tractors, combines, fertilizer dispensing equipment or other farm machinery used for work upon farms.

This resolution shall become effective when appropriate signs giving notice thereof are erected upon the roads above described.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

BOARD OF COUNTY COMMISSIONERS  
OF DOUGLAS COUNTY, KANSAS

\_\_\_\_\_  
Mike Gaughan, Chairman

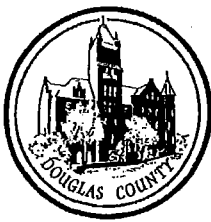
ATTEST:

\_\_\_\_\_  
Nancy Thellman, Member

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Michelle Derusseau, Member





## DOUGLAS COUNTY PUBLIC WORKS

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**Keith A. Browning, P.E.**  
Director of Public Works/County Engineer

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### MEMORANDUM

To : Board of County Commissioners

From : Keith A. Browning, P.E., Director of Public Works/County Engineer *KAB*

Date : May 11, 2017

Re : Consent agenda approval of speed limit resolution  
N 1300 Road from E 1600 Road to just east of E 1700 Road

SPEED LIMIT 35 signs were installed on N 1300 Road from E 1600 Road to E 1700 Road during construction activities for the South Lawrence Trafficway. The signs were needed due to increased traffic and resulting safety concerns on this Wakarusa Township maintained road. Following completion of the SLT, the speed limit signs were not removed. Given the road geometry, numbers and locations of entrances, and traffic volumes on this road section, Wakarusa Township and we feel a permanent 35 mph speed limit is appropriate.

The attached resolution establishes a 35 mph speed limit on N 1300 Road from E 1600 Road (O'Connell Road) to a point 370 feet east of the N 1300 Road/E 1700 Road intersection. East of this point, the road was reconstructed by KDOT as part of the SLT project. In the reconstructed section, a 45 mph speed limit is appropriate.

I have not heard any complaints from the traveling public concerning the speed limit signs that are already in place on this section of N 1300 Road.

Action Required: Consent Agenda approval of a speed limit resolution establishing a 35 mph speed limit on N 1300 Road from E 1600 Road to a point 370 feet east of the N 1300 Road/E 1700 Road intersection.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION ESTABLISHING A 35 MILES-PER-HOUR MAXIMUM  
SPEED LIMIT ON A PORTION OF N 1300 ROAD IN WAKARUSA  
TOWNSHIP

WHEREAS, pursuant to K.S.A. 8-1560, local authorities may determine and declare a reasonable and safe maximum speed limit for roads under their jurisdiction; and

WHEREAS, on the basis of an engineering and traffic investigation performed by the Douglas County Public Works Department, the maximum speed limit for the following described county roads or highways, to-wit:

a portion of N 1300 Road, from the intersection of N 1300 Road with E 1600 Road, thence easterly on N 1300 Road approximately 1.07 miles to a point 370 feet east of the intersection of N 1300 Road with E 1700 Road, the centerline of which is more particularly described as follows:

Beginning at the Northwest Corner of Section 16, Township 13 South, Range 20 East at the intersection of N 1300 Road with E 1600 Road, thence East along the North line of said Section 16 one mile to the Northeast Corner of said Section 16 at the intersection of N 1300 Road with E 1700 Road, thence continuing southeasterly and easterly 370 feet along the meandering centerline of N 1300 Road, and terminating at said point;

as set by K.S.A. 8-1558, is greater than is reasonable or safe under the conditions found to exist on the above described roads under the jurisdiction of this Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS that a speed limit of 35 miles-per-hour is hereby determined and declared to be a reasonable and safe speed limit for the above described road.

This 35 miles-per-hour speed limit shall become effective, when appropriate signs giving notice thereof are erected upon the roads above described.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

BOARD OF COUNTY COMMISSIONERS  
OF DOUGLAS COUNTY, KANSAS

\_\_\_\_\_  
Mike Gaughan, Chair

ATTEST:

\_\_\_\_\_  
Nancy Thellman, Vice Chair

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Michelle Derusseau, Member



## DOUGLAS COUNTY ADMINISTRATOR

1100 Massachusetts Street  
Lawrence, KS 66044-3064  
(785) 832-5328 Fax (785) 832-5148  
cweinaug@douglascountyks.org

**Sarah Plinsky**  
Assistant County Administrator

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MEMO TO: Board of County Commissioners

FROM: Sarah Plinsky, Assistant County Administrator

SUBJECT: Douglas County Personnel Policy – 2017 Update

DATE: May 24, 2017

In an effort to provide Douglas County employees with the most complete and up to date listing of the County's policies for the administration of all activities associated with their employment, I am pleased to share the 2017 Update of the Douglas County Personnel Policy.

The last time these policies received a comprehensive review and update was March of 2015. Since that time the County has adopted a number of individual policies and related administrative procedures which were in need of incorporation and inclusion in the overall policy and supporting sub-sections.

Modifications that are reflected in this updated policy document have been reviewed and approved on an individual basis by the Board of County Commissioners; however, key highlights of changes are as follows:

- **Employee Conceal Carry**
  - Appendix F, Section(s) 5.10, 13.8 – Adopted on November 2, 2016 this policy is reflective of state legislation which took effect on July 1, 2016. The policy is intended to clearly communicate to all employees what is and is not allowed related to the carrying of a concealed handgun and other weapons.
- **Longevity Pay**
  - Section 12.4 – Approved on June 22, 2016, Longevity Pay was an addition to the Personnel System section, providing special award compensation to all employees with an FTE of .50 or higher with 60 months of continuous service as of the end of the last full pay period in October each year.

All employees will be required to review these policies and certify that they have done so.

The following motion is recommended to approve this item: ***“Accept and approve the Douglas County Personnel Policy 2017 Update.”***



# **DOUGLAS COUNTY PERSONNEL POLICY**

***MAY 2016***

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## **SECTION 1**

## **PURPOSE AND APPLICATION OF POLICY**

### **1.1 INTENT**

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

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

### **1.2 STATEMENT OF NON-DISCRIMINATION**

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

Douglas County will provide to disabled employees reasonable accommodations that do not impose undue hardship on the County.

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

### **1.3 STATEMENT OF NON-HARASSMENT**

- a. **DEFINITION.** Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. An employee shall not in any way make unwelcome sexual advances, make requests for sexual favors, or exhibit any other verbal, written, or physical conduct of a sexual nature toward another employee or a member of the public. Prohibited acts of conduct include, but are not limited to, sexual flirtations, touching,

propositions, verbal abuse of a sexual nature, sexually graphic verbal comments, sexually degrading words used to describe an individual, and displays of sexually suggestive objects or pictures. These actions constitute sexual harassment when submission or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment.

- b. **REPORTING ALLEGED SEXUAL HARASSMENT.** Any incident of discrimination, insult, intimidation, or harassment in any form shall be promptly reported to the employee's supervisor, the harassers' supervisor, or the Assistant County Administrator. Any of the previously listed individuals are responsible for immediately informing the Assistant County Administrator of such allegations, who shall be responsible for conducting an investigation of the incident(s). A complaint or allegation against the Assistant County Administrator shall be reported to the County Administrator. The County Administrator or his or her designee shall be responsible for conducting an investigation into any complaint or allegation against the Assistant County Administrator. No employee shall be retaliated against by Douglas County for reporting such conduct.
- c. **CONSEQUENCES OF ENGAGING IN SEXUAL HARASSMENT.** Following a thorough investigation, any employee who has been found to have engaged in such conduct shall be disciplined and may be subject to dismissal.
- d. **CONSENSUAL RELATIONSHIPS.** Consensual romantic and sexual relationships between supervisor and employee or between coworkers are strongly discouraged. In the event of an allegation of sexual harassment, the County will be less sympathetic to a defense based upon consent when the facts establish that a professional power differential existed within the relationship. These relationships may be subject to concerns about the validity of consent, conflicts of interest, and unfair treatment of other employees. Further, such relationships can undermine the atmosphere of trust essential to the function of County governance and the employment relationship and may subject Douglas County to liability. No person involved in a consensual relationship will have direct responsibility for evaluating the employment of, performance by, or for making decisions regarding the promotion or compensation of the other party to the relationship.
- e. See Appendix G: Harassment-Free Workplace Policy for additional information.

- 1.4 DEFINITIONS.** For purposes of this policy, the use of the term "Department Head" within this policy, except in Section 3.1B & C(2) shall refer to both Elected Officials and appointed Department Heads of Douglas County government. This policy shall not apply to any officer of the District Attorney or of the 7th Judicial District of the State of Kansas.

## **SECTION 2**

### **RECORDS AND REPORTS**

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

**2.2 RECORDS**

- a. **COUNTY CLERK.** The County Clerk shall maintain the following records for each Douglas County employee in an individual file labeled with the employee's name:
  - 1. Vacation leave earned, used and unused.
  - 2. Sick leave earned, used and unused.
  - 3. Compensatory time earned, used and unused.
  - 4. Employee name, address, telephone number.
  - 5. Title of position.
  - 6. Date employed.
  - 7. Social security number
  - 8. Department
  - 9. Appointment status.
  - 10. Salary rate.
  - 11. Change in status or transfer.
  - 12. Application form.
  - 13. Retirement records and forms.
  - 14. Other records as required for payroll purposes.
- b. **ASSISTANT COUNTY ADMINISTRATOR.** The Assistant County Administrator shall maintain the official employee records including, but not limited to, the following:
  - 1. Application form, resumes, transcripts and letters of recommendation.
  - 2. Disciplinary action forms.
  - 3. Performance evaluations.
  - 4. Payroll change forms.
  - 5. Other records as required for personnel purposes.

The Assistant County Administrator shall maintain in a separate confidential file for all medical information regarding an employee.

**2.3 AVAILABILITY OF EMPLOYEE RECORDS**

- a. **EMPLOYEE RIGHTS.** Employees have the right at any time to inspect their own official employee files within either the County Clerk's Payroll Office or Administrative Services.

Requests by an employee for copies of his/her files shall be directed to the Assistant County Administrator and shall be provided within a reasonable time.

- b. **EMPLOYEE INFORMATION.** To ensure that personnel files are up-to-date at all times, employees shall notify the Payroll Office and the Personnel Office of any changes in name, telephone number, home address, marital status, and the individual to notify in case of emergency.
- c. **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 and/or the Freedom of Information Officer, have the authority to give out any other information.

#### **2.4 PROTECTION OF INFORMATION OTHER THAN PERSONNEL RECORDS**

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

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

### **SECTION 3**

#### **POSITION INFORMATION**

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

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

Department Head. These positions may be part time with benefits or full time. Special Project employees may be terminated without grievance rights at the end of the special project period.

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

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

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

- i. Equipment Operator/Maintenance Workers I, II, and III
- ii. Grounds Maintenance Workers I, II and III
- iii. Road & Bridge Superintendent
- iv. Fleet Maintenance Superintendent
- v. Fleet Mechanic
- vi. Lead Fleet Mechanic
- vii. Vegetation Control Superintendent
- viii. Vegetation Control Workers I and II
- ix. Operations Division Manager
- x. Buildings & Grounds Workers I II, and III
- xi. Director, Buildings & Grounds

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

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

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

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

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

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

**3.6 SUPERVISORY TRAINING.** All Douglas County employees who perform supervisory functions over safety-sensitive positions will be required to receive at least sixty (60) minutes of training on alcohol misuse and an additional sixty (60) minutes of training on controlled substance use during each calendar year. The training will include the physical,

behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances. Supervisors will be expected to immediately report concerns about potential alcohol misuse and/or controlled substance use to the Contact Person in their department. Failure to do so could result in disciplinary action. The Contact Person must notify the Assistant County Administrator of these concerns immediately.

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

**3.8 EMPLOYMENT PROCEDURES**

- a. **ADVERTISING.** The Personnel Specialist shall coordinate the development of advertisements for County positions.
1. **External Notices.** Job vacancy notifications shall be posted in on the County's website and various other publicly accessible locations and sources as the Assistant County Administrator determines will be useful in notifying the public of openings. All advertisements must include the job title, the required and preferred qualifications, the application process, the deadline for application and the phrase "EOE". The application collection process shall be open for at least five (5) work days. Exceptions to this process must be approved by the Assistant County Administrator.
  2. **Internal Notices.** The Personnel Specialist shall provide notices of all searches to each department. These notices shall be posted in a visible location, and shall include the job title, required qualifications, and deadline for application.
  3. **Exceptions.**
    - i. **Internal Searches.** The Assistant County Administrator may designate some positions to be filled internally, and the requirement for an external search may be waived.
    - ii. **Transfer/Promotions.** In circumstances where a vacancy may be filled through a transfer or promotion of a current employee, particularly in situations where no other employees qualify for such transfer or promotions, and with the approval of the Assistant County Administrator, the requirement for a search may be waived.
- b. **APPLICATION PROCESS.** All candidates for County positions, whether internal or external, must submit applications and/or resumes through the Personnel Office by the advertised deadline. Internal applications for promotions need only complete the abbreviated application. Each application shall be recorded and shall be provided to the Department Head for review after the deadline for application has passed. The Assistant County Administrator 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 Assistant County Administrator.
- d. **DOUGLAS COUNTY EMPLOYEES.** In an effort to encourage upward mobility, Douglas County employees may be given priority over external candidates with matching backgrounds, qualifications and suitability.
- e. **DRUG SCREENING.** Pursuant to the County's employment, transfer, or promotion procedures, final candidates for public safety positions (including but not limited to law enforcement, emergency communications, emergency management), and "safety-sensitive" positions (see Section 13) which fall under federal DOT requirements shall be required to take and pass a post-offer, pre-employment drug screening test as a condition of employment, transfer, or promotion.
  - 1. **PRE-EMPLOYMENT DRUG SCREENING APPLIES TO ALL NEW EMPLOYEES IN SAFETY SENSITIVE POSITIONS.** Final candidates for Safety Sensitive positions will be given a conditional offer and will be required to submit to a drug screening test. To be eligible for employment, the candidate's test results must be negative (DOT results must be verified by our Medical Review Officer). If an applicant fails a drug screening test or refuses to take a test, the applicant will not be considered for hire for a period of two years.
  - 2. **PRE-EMPLOYMENT DRUG SCREENING APPLIES TO ALL NEW EMPLOYEES IN PUBLIC SAFETY POSITIONS.** Final candidates for Public Safety positions will be given a conditional offer and will be required to submit to a drug screening test. To be eligible for employment, the candidate's test results must be negative. If an applicant fails a drug screening test or refuses to take a test, the applicant will not be considered for hire for a period of two years.
- f. **CRIMINAL RECORD CHECKS.** Background investigations and/or shall be conducted on all positions with access to law enforcement information. This shall include any position which has unescorted access to law enforcement offices and for employees who will be driving Douglas County vehicles, and for other positions as required. All such positions shall be identified by the Assistant County Administrator. Failure to sign a release for such a background investigation shall make the applicant ineligible for employment in that position. Background checks may include finger printing. A criminal history may or may not

disqualify a potential employee, depending on the position, the nature of the past offense, when it occurred, and consideration of the totality of the circumstances.

- g. **RECOMMENDATION AND APPROVAL.** Department Heads may make an offer of employment with the approval of the Assistant County Administrator. The Personnel Office is responsible for final preparation of the appointment paperwork. The County Administrator, or his/her designee, shall approve the appointment or promotion of all Douglas County personnel.
- h. **RECORDS.** All applications, interview notes, and any other non-confidential information relating to the hiring process shall be returned to and retained by the Administrative Services Department for a period of two (2) years. Confidential information resulting from background checks shall be maintained in the appropriate law enforcement office as prescribed by law.
- i. **MEDICAL EXAMS.** As part of the County's employment, transfer, or promotion procedures, positions which are required by State or federal law to take and pass a post-offer, pre-employment medical examination will first be offered employment based upon satisfactory completion of the examination and a determination by the examining physician selected by the County that the candidate can perform the essential functions of the position offered, with or without reasonable accommodations.

### **3.9 EMPLOYEE QUALIFICATION**

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

## **SECTION 4**

### **INTRODUCTORY PERIOD**

**4.1 PURPOSE.** The introductory period is to be used as an evaluation process for new employees. An employee may be dismissed at any time during the introductory period without the right of appeal or hearing, except in cases where the introductory employee makes an allegation of discrimination or harassment, which will be handled according to the procedures set out in Section 1.2. Nothing contained herein is intended to create an express or implied contract and the employee remains an employee at will. The successful completion of this introductory period should not be construed as creating a contract or as a guarantee of employment for any specific duration or as establishing a just cause standard for termination.

### **4.2 INTRODUCTORY PERIOD**

- a. **NEW EMPLOYEES.** The introductory period for new employees shall be a minimum of twelve (12) months in length. At the end of the first six (6) months, an interim evaluation of the employee's performance shall be performed. Following the completion of the twelve month period, a performance evaluation shall be conducted. At that point, the Department Head shall recommend extension of the introductory period, dismissal of the employee, or release of the employee from introductory status. The evaluation and recommendation shall be submitted to the Assistant County Administrator for final approval.
- b. **EXPERIENCE AWARD FOLLOWING RELEASE FROM INTRODUCTORY STATUS.** An employee is not eligible for the first experience award until his/her release from introductory status; if no extension was requested, the award shall be effective as originally scheduled by the Assistant County Administrator. If the introductory period was extended, and the employee successfully completes the extended introductory period, the experience award shall be effective on the first day of the pay period following the release from the introductory status.
- c. **DISMISSAL.** Introductory employees may be dismissed at any time. These positions have no right to appeal or grieve a dismissal except in cases of alleged discrimination or harassment.

## **SECTION 5**

### **CODE OF CONDUCT**

- 5.1 GENERAL ETHICS POLICY.** This policy establishes standards of conduct expected for those who work for Douglas County. Government service is a public trust; this policy defines proper ethical behavior for Douglas County employees and encourages employees to do their work with the highest regard for moral principles. These policies are also intended to establish guidelines to assist employees in determining the proper course of action in situations of uncertainty regarding ethical obligations. It is the policy of Douglas County that:
- a. All citizens be provided fair and equal access to and from the government without any appearance or element of discrimination, favor, or consideration of any special interest.
  - b. All official actions taken in the performance of government duties or responsibility be motivated by service of the public interest and protection of the public trust without any regard for personal accomplishment, enhancement, or personal benefit.
  - c. All persons who act for or represent the interests of the County adhere to the highest standards of ethical conduct in the performance of their official duties.
  - d. The policies and procedures for operation of the County government provide for efficient and cost effective service, responsive to the public interest, which will preserve and promote confidence in Douglas County government and the integrity of its staff.
  - e. Uphold the constitution, laws and regulations of the United States, the State of Kansas, and Douglas County.
  - f. All actions, whether official or unofficial, shall not undermine the public's confidence with respect to the appropriate use of Douglas County funds and resources.
  - g. Failure to abide by any of the following provisions may be grounds for disciplinary action and/or dismissal.
- 5.2 CONFLICT OF INTEREST.** A County employee should always avoid conflicts of interest and even the appearance of such conflicts by full, public disclosure of such interests to appropriate officials, and where possible, by abstaining from participation in the performance or exercise of the official, discretionary actions.
- 5.3 FINANCIAL/BUSINESS INTERESTS.** Employees shall refrain from participation in any selection process, contract negotiation, or purchase of goods or services where they, or their family members or business associates, have any beneficial or financial interest in the award or selection of contract. Further, a County employee shall not engage in or have a financial interest in any business providing goods or services to the County except when the goods or services are provided through formal competitive bid process under the purchasing policies of the County. In this case a full disclosure regarding the financial interest should be made to all the appropriate officials. Employees shall not participate in outside employment or outside activities involving financial or business interests which conflict with their duties as an employee of Douglas County.
- 5.4 FINANCIAL DISCLOSURES.** County employees shall always fully and publicly disclose any material, financial or other beneficial interest that the employee has or may have in any

contract, legislative action, formal decision or governmental ruling or determination whenever the employee will or may participate in any manner in the discussion, deliberation, decision or administration of the matter.

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

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

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

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

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

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

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

religion, age, sex, sexual orientation, gender identification, national origin, or any other factor prohibited by law. Douglas County will not retaliate against any employee who makes a claim of discrimination.

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

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

i. **Definitions:**

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

ii. **Employee Responsibilities and Restrictions:**

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

- Employees are encouraged not to use cellular phones while driving a County vehicle or a personal vehicle for County business, except in cases of public safety issues.
- Cell phone use is considered by IRS to be non-cash compensation; in an effort to minimize the tax impact on the employee, the County will provide a cell phone stipend at a rate to be determined by the Assistant County Administrator.
- Employees shall refrain from using the cell phone for purposes of photography except for official County business.
- Employees are expected to restrict text messaging within the limits of the plan; failure to do so will result in reimbursement from the employee and possible disciplinary action.

iii. Additional Responsibilities and Enforcement:

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

- Information used or stored on any Mobile Device shall be considered as important for security as any paper document in the operation of county business.
- Violations of this Policy will subject the Mobile Device to disconnection from the Douglas County network. In addition, the violator will be subject to normal departmental and/or county enforcement policies, including termination as per the Personnel Policy.

iv. County Purchased Mobile Devices

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

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

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

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

- i. Vehicles owned by Douglas County are not to be used for personal use except for commuting to and from work and lunch unless previously approved by the County Administrator.
- ii. For employees who are authorized to drive vehicles home on a regular basis, the County will provide a vehicle subsidy at a rate to be determined by the Assistant County Administrator.
  - Such subsidy will be considered compensation, and thus taxable income, under IRS regulations.
  - Employees are to leave County vehicles in a clean condition and with at least one-quarter tank of fuel after use.
- iii. Conceal Carry in County Vehicles. In accordance with the County's Employee Conceal Carry Policy, employees are required to comply with the following when using a vehicle owned by Douglas County:
  - If an employee leaves his or her handgun inside a County vehicle, the employee is solely responsible for providing a gun locker in which the employee's handgun may be safely stored while inside the County vehicle. Such gun locker, when left unattended, must also be out of plain view. The County is not responsible for providing such gun lockers for County vehicles for the employee's convenience or to enable compliance with this requirement.
  - Employees storing handguns inside a County vehicle must lock the County vehicle when leaving it unoccupied.
  - Employees storing handguns inside a County vehicle are permitted to do so only temporarily and are prohibited from leaving such handgun inside the County vehicle overnight or for an extended period of time.
  - If an employee leaves his or her handgun inside a County vehicle, and the vehicle is 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.

**5.11 PUBLIC RELATIONS.** As an employee of Douglas County, you are providing a service to the citizens of Douglas County. Your behavior can and will influence the public's perception of County governance. We believe that the citizens of Douglas County expect exemplary behavior from the employees of Douglas County. Therefore, employees are expected to act with courtesy and professionalism when performing their duties or otherwise representing the County. They are expected to be governed by principles and ordinary rules of good behavior and judgment. Employees are expected to be just and honorable in their relations

with citizens; they shall not make false reports. Employees shall refrain from altercations, disorderly conduct, and the use of profane, abusive or improper language while working.

- 5.12 EMPLOYEE RELATIONS.** Employees shall be courteous and respectful at all times to other employees when performing their duties or otherwise representing the County. They are expected to be governed by principles and ordinary rules of good behavior and judgment. Employees are expected to be just and honorable in their relations with each other; they shall not make false reports concerning another employee or department. An employee shall not threaten or abuse, either verbally or physically, any person, including a person in custody, unless the act committed occurred in self-defense, to protect the lives of others, or to prevent the escape of a person lawfully in custody. While working employees shall refrain from altercations, disorderly conduct, and the use of profane, abusive or improper language.
- 5.13 ATTENDANCE.** Employees are expected to arrive at work on time. They are expected to attend work regularly, and to report any inability to report to work in a timely way to supervisors as required by policy. An unauthorized absence is time away from regular scheduled working hours for which the employee has not received explicit approval or authorization from his/her supervisor.
- 5.14 PERFORMANCE.** Employees shall perform their duties promptly, competently, efficiently, and honestly. While at work an employee shall tend to their official duties diligently, and refrain from any actions that take away from the usual course of County business. Such actions include, but are not limited to, excessive personal telephone calls and excessive attention to personal business. A performance rating of less than satisfactory on any factor within the performance evaluation form may lead to use of discipline (Section 6).
- 5.15 STEALING.** Employees shall not steal, take, or remove anything of value from any premise, household, person, or office which does not belong to him/her.
- 5.16 GAMBLING.** Employees shall not engage in gambling while at work. This policy includes, but is not limited to, athletic game pools.
- 5.17 VIOLATION OF DEPARTMENT REGULATIONS.** Employees shall not violate any written departmental regulation.
- 5.18 INSUBORDINATION.** Employees shall not be insubordinate. Insubordination is the failure or refusal of an employee to obey any proper directive or order of a supervisor or to abide by established and lawful County policy or procedure.

- 5.19 NEGLIGENCE IN THE CARE OF COUNTY MONEY OR PROPERTY.** Employees shall not be careless or negligent with the money or other property of the County or the public.
- 5.20 INFLUENCE OTHERS TO COMMIT AN UNLAWFUL ACT.** Employees shall not induce or attempt to induce an employee of the County to commit an unlawful act or to act in violation of any departmental regulation or order.
- 5.21 ACCEPTANCE OF GIFTS OR SERVICES.** A gift or gratuity refers to anything of value, whether it is money, services, loan, travel, entertainment, hospitality, promise, favor, or material objects. Individual employees and departments are discouraged from accepting any gift or gratuity from any person or company in connection with his/her work. Individual employees are prohibited from accepting goods and/or services (including food) with a value of greater than twenty-five dollars (\$25.00). Departments are prohibited from accepting goods and/or services (including food) with a value of greater than seventy-five dollars (\$75.00), and such goods and/or services must be shared with all employees and not given to any individual employee. Should an employee and/or department receive a gift in excess of the amounts allowed, the employee and/or department head must donate this gift to a non-profit agency for use by clients and must notify the County Administrator of the donation.
- 5.22 COMPLIANCE WITH LAWS.** Employees shall abide by all State, local and federal laws. The conviction of an employee for a crime which makes the individual unsuitable for that position is grounds for immediate dismissal.
- 5.23 POLITICAL CAMPAIGNS.** Douglas County employees are prohibited from any appearance of campaigning for a candidate for an elected office during the employee's work hours and/or at any Douglas County facility during the work hours of that facility. This includes, but is not limited to, wearing or displaying political badges, buttons or signs on their person or on County property, distributing literature on County property, using County equipment to communicate regarding a political campaign, or in any other way participate in the administration of any political campaign during on-duty hours. This shall include the use of County equipment, including the use of email, for mass mailings with respect to a particular political campaign. Employees desiring to become a candidate for a County elective office in which he/she will run against an incumbent shall notify the County Administrator of such intent, and shall abide by all provisions of this policy.
- 5.24 USE OF SOCIAL MEDIA.** It is the policy of Douglas County to respect an employee's personal and private affairs, however, it is the responsibility of employees when working or otherwise representing the County to conduct themselves in a manner that will not reflect negatively on Douglas County or impair the ability of Douglas County to conduct its operations. This includes any participation in social media or social networking sites. Furthermore, the ethical guideline contained in this policy shall apply to any employee engaging in any communication on social media or social networking sites when such

communication relates to County operations or if it impairs the employee's ability to perform their duties. Employees may, in their personal capacity and on their personal time, speak publicly on matters of public concern when the employee's interest in free speech outweighs the County's interest in discipline and order. When speaking in their personal capacity, employees will ensure that any communication clearly reflects that any opinion expressed is the individual's opinion and is not the opinion of Douglas County or given in the employee's official capacity as a Douglas County employee.

**a. Douglas County Social Media Sites**

- i. All official Douglas County Kansas presences on social media sites or services are considered an extension of the county's information networks and are governed by the Douglas County Kansas Computer Use Policy. Official sites are administered by the County Administrator, County Webmaster, or an official department designee, and used for the limited purpose of informing the public about county business, services and events.
- ii. All Douglas County Kansas social media sites must comply with applicable federal, state and county laws, regulations and policies. This includes adherence to established laws and policies regarding copyrights, records retention, Kansas Open Records Act (KORA), First Amendment, privacy in information technology, web standards, brand standards and media policies established by Douglas County Kansas.
- iii. Please see Appendix B: Computer Use Policy and Appendix C: Social Media Policy for additional information, guidelines and procedures.

## **SECTION 6**

### **DISCIPLINE**

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

- a. Counseling** - When the employee's job performance or personal conduct is unsatisfactory, the Department Head may, at his/her discretion, counsel the employee. The Department Head will document this counseling session and forward the

documentation to the Assistant County Administrator. This documentation is not filed in the employee's personnel file unless further action is taken.

- a. **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 Assistant County Administrator to be placed in the employee's personnel file.
- b. **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 Assistant County Administrator.
- c. **Demotion** - With the approval of the Assistant 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 Assistant County Administrator; the notice must contain a statement to the employee of his/her right to a pre-demotion hearing (see Section 8.2A). An employee may only be demoted if a vacancy exists or with the approval of the Assistant County Administrator.
- d. **Dismissal** - With the approval of the Assistant County Administrator, the Department Head may recommend dismissal. A Dismissal Notice must be completed and submitted to the Assistant County Administrator; the Notice must contain a statement to the employee of his/her right to a pre-termination hearing (see Section 8.2A), and the employee shall be suspended with pay for at least three (3) work days during which time he/she may request such hearing. The employee shall not be given any severance pay, except for any compensation due for accumulated vacation leave, compensatory time, and sick leave (guidelines are in Section 9).
- e. **Exceptions for Certain Classifications** - These disciplinary actions may or may not be used with Introductory employees, Unclassified employees, and Classified Exempt employees. Like all County employees, these classes of employees are employees at will and their employment may be terminated at any time. These positions have no right to grieve or disciplinary action except that these positions may grieve or appeal a dismissal in cases of alleged unlawful discrimination or harassment.

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

1. Conviction of commission of a crime while on or off the job if the crime reflects on the employee's suitability to perform the employee's job duties.
2. Physical violence on the job.
3. Breach of security procedures.
4. Two (2) unauthorized absences in a twelve (12) month period.
5. Sexual harassment or other professional misconduct.
6. Any conduct which threatens the rights of other employees.
7. Serious violation of County policy, such as, but not limited to, insubordination, drugs & alcohol, threats of violence, using abusive language, etc.
8. Fraud, dishonesty, or abuse of County property, such as falsifying County records.

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

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

## **SECTION 7**

### **SEPARATIONS**

## **7.1 RESIGNATION**

- a. **Notification.** An employee who desires to terminate his/her service with the County is requested to submit a written resignation to the Department Head. Should the employee provide verbal notice, it shall be the responsibility of the Department Head to prepare a notice for the employee's signature. A copy of the resignation shall be provided to the Assistant County Administrator for the employee's personnel file.
- b. **Length of Notice** - Douglas County asks that an employee provide at least fourteen (14) calendar days notice prior to the final day of work. The Department Head has the discretion to waive the notice period.
- c. **Use of Paid Leave Following Notification** - The use of sick leave during the period following notification of resignation shall only be authorized when the employee provides a physician's statement verifying the illness. Failure to provide a physician's statement shall result in those days being considered as unauthorized leave without pay. The use of personal discretionary days following notification of resignation shall not be allowed, and the employee shall not receive compensation for unused personal discretionary days. The use of vacation leave and/or compensatory time shall be at the Department Head's discretion.
- d. **Return of County Property** - The employee shall surrender to the Department Head all property in the employee's possession belonging to the Department.

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

- 1. **Regular Pay:** Regular earnings through the last day of employment.
- 2. **Accumulated Vacation Pay:** The employee shall be compensated at his/her regular rate of pay for all accumulated vacation leave.
- 3. **Accumulated Compensatory Time:** The employee shall be compensated for all accumulated compensatory time.
- 4. **Accumulated Sick Leave:** If the employee has been employed for at least two (2) years in a Classified or Classified Exempt position, the employee shall be compensated for one-third (1/3) of his/her accumulated sick leave up to a maximum of 1/3 of 720 hours at his/her regular rate of pay. Employees with less than two years of service are not compensated for accumulated sick leave.

## **7.3 DEATH WHILE EMPLOYED.** In the case of death of an employee, the Department Head shall notify the County Administrator and the Assistant County Administrator as soon as possible. The estate of the employee shall be paid his/her earnings, including accumulated compensatory time, since the last pay period. Additionally, regardless of length of service, the estate of the employee shall be paid all accumulated vacation leave and one third (1/3)

of the accumulated sick leave up to a maximum of 1/3 of 720 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 RETURN OF COUNTY PROPERTY.** On the last day of work, the employee shall surrender to the Department Head all property in the employee's possession belonging to the County.

**7.6 HEALTH INSURANCE.** Douglas County shall continue payment of the employer's portion of health insurance coverage for three (3) months after the effective date of the lay-off. The employee shall be obligated to pay his/her portion of the premium. After three (3) months, the employee shall have the option of continuing health insurance coverage based on COBRA regulations.

## **SECTION 8**

### **GRIEVANCES/APPEALS**

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

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

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

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

**8.3 EMPLOYEES OF APPOINTED DEPARTMENT HEADS.**

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

- b. **Filing Procedures for Demotion or Dismissal** - The following steps are to be taken in sequential order for an employee grievance. Extensions to all time periods may be made with the written agreement of both parties. Failure to meet a deadline by a Department Head shall automatically cause the process to move to the next step; failure by the employee to meet a deadline without an authorized extension shall terminate the process.
1. Employees must make an attempt to work the situation out within their department prior to submitting a grievance form.
  2. The aggrieved employee shall submit the complaint on a Grievance Form (available from the Assistant County Administrator) to the Assistant County Administrator within seven (5) calendar days of the receipt of the incident or action, or within seven (7) calendar days of the date he/she could reasonably be expected to have knowledge of the incident or action. The Assistant County Administrator shall investigate the complaint and respond to the aggrieved employee(s) within seven (7) calendar days of receipt of the employee's Grievance Form.
  3. If the foregoing fails to resolve the grievance issue, the aggrieved employee(s) shall submit to the Assistant County Administrator the request for grievance hearing within seven (7) calendar days following the response in Step 2; a grievance hearing will then be scheduled with the County Administrator.
- c. **Grievance Hearing Procedures** - A hearing with the County Administrator must be scheduled within a reasonable time following receipt of the Request for Grievance Hearing.
- d. **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 Assistant County Administrator if he/she will be accompanied by an attorney at least one day in advance of the hearing. At that time, the County shall have the option of rescheduling the hearing to accommodate the schedule of the County Counselor. Witnesses and documentation applicable to the grievance may also be presented at the hearing.
- e. **Supervisor Rights** - The supervisor may be accompanied and represented by the County Counselor. Witnesses and documentation applicable to the grievance may also be presented at the hearing.
- f. **Attendance** - The hearing shall be conducted in closed session and only the following individuals may be present: the aggrieved employee and his/her attorney, the supervisor, the Department Head and/or his/her designee, the County Administrator, the County Counselor, the Assistant County Administrator, and witnesses at appropriate intervals.

- g. **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.
- h. **Findings** - The County Administrator shall complete his/her findings and conclusions with regard to the grievance within a reasonable time following the hearing and submit such findings in writing to the aggrieved employee with a copy to the Assistant County Administrator. The County Administrator's decision shall be final and binding (except when the complaint is based on alleged discrimination or harassment as set out in Section 8.21) unless a majority of the Board of County Commissioners has indicated a desire to hear an appeal.
- i. **Appeals** - In cases of alleged discrimination or harassment, both parties have the right to appeal the grievance findings to the Board of County Commissioners. Notification of the appeal shall be made to the Assistant County Administrator within seven (7) calendar days of receipt of the findings. All documentation shall be submitted to the County Commissioners for consideration; the Commissioners shall consider the appeal on the record and will have the discretion to hold a hearing. The County Commissioners shall respond to the appeal in writing within a reasonable time of the filing of the appeal. The findings of the County Commissioners shall be final and binding.
- j. **Exemptions from Grievance Procedures**
  - i. **PERFORMANCE EVALUATION.** Any appeal by an employee related to the outcome of a performance evaluation is not eligible for the grievance procedure. Employees may submit comment regarding the evaluation by filing it with the Assistant County Administrator, and shall be heard by the County Administrator. The employee must make the appeal within seven (7) calendar days after the evaluation. The County Administrator's decision shall be final and binding.
  - ii. **CLASSIFICATION SYSTEM OR PAY PLAN.** Any appeal by an employee to an administrative decision regarding the Douglas County pay plan or classification system, including but not limited to reclassification or reallocation requests, is ineligible to be heard through the grievance procedure. Such appeals shall be heard by the County Administrator. Such appeals must be filed with the Assistant County Administrator within seven (7) calendar days of the decision (or first knowledge of the decision). The County Administrator's decision shall be final and binding.

#### **8.4 EMPLOYEES OF ELECTED OFFICIALS**

- a. **Filing Procedures for Demotion or Dismissal** - In cases of demotion or dismissal, the employee must initiate the grievance process by contacting the Assistant County Administrator within five (5) calendar days of notification of the action.
- b. **Filing Procedures for Any Other Action** - The following steps are to be taken in sequential order for an employee grievance. Extensions to all time periods may be made with the written agreement of both parties. Failure to meet a deadline by an Elected Official shall automatically cause the process to move to the next step; failure by the employee to meet a deadline without an authorized extension shall terminate the process.
  - 1. Employees must make an attempt to work the situation out within their department prior to submitting a grievance form.
  - 2. The aggrieved employee shall submit the complaint on a Grievance Form (available from the Assistant County Administrator) to the Assistant County Administrator within seven (5) calendar days of the receipt of the incident or action, or within seven (7) calendar days of the date he/she could reasonably be expected to have knowledge of the incident or action. The Assistant County Administrator shall investigate the complaint and respond to the aggrieved employee(s) within seven (7) calendar days of receipt of the employee's Grievance Form.
  - 3. If the foregoing fails to resolve the grievance issue, the aggrieved employee(s) shall submit to the Assistant County Administrator the request for grievance hearing within seven (7) calendar days following the response in Step 2; a grievance hearing will then be scheduled with the County Administrator.
- c. **Grievance Hearing Procedures** - A hearing with the Elected Official must be scheduled within a reasonable time following receipt of the Request for Grievance Hearing.
- d. **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 Assistant County Administrator if he/she will be accompanied by an attorney at least one day in advance of the hearing. At that time, the County shall have the option of rescheduling the hearing to accommodate the schedule of the County Counselor. Witnesses and documentation applicable to the grievance may also be presented at the hearing.
- e. **Supervisor Rights** - The supervisor may be accompanied and represented by the County Counselor. Witnesses and documentation applicable to the grievance may also be presented at the hearing.
- f. **Attendance** - The hearing shall be conducted in closed session and only the following individuals may be present: the aggrieved employee and his/her attorney, the supervisor,

the Elected Official, the County Counselor, the Assistant County Administrator, and witnesses at appropriate intervals.

- g. **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.
- h. **Findings** - The Elected Official shall complete his/her findings and conclusions with regard to the grievance within a reasonable time following the hearing and submit such findings in writing to the aggrieved employee with a copy to the Assistant County Administrator. The Elected Official's decision shall be final and binding (except when the complaint is based on alleged discrimination or harassment as set out in Section 8.21).
- i. **Appeals** - In cases of alleged discrimination or harassment, both parties have the right to appeal the grievance findings to the Board of County Commissioners. Notification of the appeal shall be made to the Assistant County Administrator within seven (7) calendar days of receipt of the findings. All documentation shall be submitted to the County Commissioners for consideration; the Commissioners shall consider the appeal on the record and will have the discretion to hold a hearing. The County Commissioners shall respond to the appeal in writing within a reasonable time of the filing of the appeal. The findings of the County Commissioners shall be final and binding.
- j. **Exemptions from Grievance Procedures**
  - 1. Performance Evaluation - Any appeal by an employee related to the outcome of a performance evaluation is ineligible to be heard through the grievance procedure. Such appeals shall be filed with the Assistant County Administrator, and shall be heard by the Elected Official. The employee must make the appeal within seven (7) calendar days after the evaluation. The Elected Official's decision shall be final and binding.
  - 2. Classification System or Pay Plan - Any appeal by an employee to an administrative decision regarding the Douglas County pay plan or classification system, including but not limited to reclassification or reallocation requests, is ineligible to be heard through the grievance procedure. Such appeals shall be heard by the County Administrator. Such appeals must be filed with the Assistant County Administrator within seven (7) calendar days of the decision (or first knowledge of the decision). The County Administrator'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 his/her supervisor as soon as possible (no later than within one-half (1/2) hour after the beginning of the work day) or in accordance with departmental policy.
- b. **Approval of Leaves** - All requests for leaves shall be considered by the Department Head or his/her designee for conformance with County and departmental rules established for each type of leave. The Department Head has the discretion to deny a request for most leaves.
- c. **Types of Leaves** - The following types of leaves are hereby established:
  - 1. Vacation Leave
  - 2. Sick Leave
  - 3. Family Medical Leave
  - 4. Military Leave
  - 5. Civil Leave
  - 6. Funeral Leave
  - 7. Work Injury Leave
  - 8. Holidays (including Personal Discretionary Days)
  - 9. Leave Without Pay
  - 10. Leave With Pay

#### 9.2 VACATION LEAVE

- a. **Eligibility** - Vacation leave is only granted to Classified and Classified Exempt employees. Vacation leave accrues from the date of employment as a Classified or Classified Exempt employee.
- b. **Utilization** - Department Heads may use their discretion when considering requests for vacation leave or when requiring that an employee utilize accumulated vacation hours in order to ensure a minimum disruption of departmental and County work. Utilization of vacation leave will be charged at a minimum of one-quarter (.25) hour increments for non exempt staff and a minimum of four (4.00) hour increments for exempt staff.
- c. **Maximum Accumulations** - The maximum accumulation of vacation leave is 320 hours for full time employees, 256 hours for part time employees with an FTE value of 0.80-0.99 and 160 hours for part time employees with an FTE value of 0.50-0.79. Vacation hours will stop

accruing if the maximum amount is reached. There will be no excess payment for unused vacation hours. There will be no excess payment for unused vacation hours.

- d. **Accrual Rates** - All eligible employees and Department Heads shall be subject to the following accrual schedule. Employees who are "Part Time with Benefits" shall earn and accrue vacation leave on a pro-rata basis (based on the position's FTE).

i. VACATION LEAVE ACCRUAL SCHEDULE:

| <u>Years of Service</u> | <u>Accrued Hours per Pay Period</u> |
|-------------------------|-------------------------------------|
| 0-4                     | 4.5                                 |
| 5-9                     | 5.0                                 |
| 10-14                   | 6.0                                 |
| 15+                     | 7.0                                 |

Employees who, on December 31, 1994, accrue more vacation leave than the schedule indicates shall remain at their current rate and shall not receive another increase in vacation accrual rate until their years of service on the above schedule dictates such an increase.

- e. **Donation of Vacation Leave** - Employees may, on a voluntary basis, donate vacation hours to another employee on medical leave. Such donations must be coordinated through the Assistant County Administrator. The employee receiving the donation shall not be responsible for repaying any vacation leave donations. Donated hours in excess of the amount needed shall remain with the recipient, and will not be returned to the donor. Donated hours shall not count toward the 120 hours required for eligibility for excess vacation payment.

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

be adjusted on a pro-rata basis (based on the position's FTE) for employees with an FTE of less than 1.0.

### 9.3 **SICK LEAVE**

- a. **Eligibility** - Sick leave is only granted to Classified and Classified Exempt employees. Sick leave accrues from the date of employment. Employees may also want to refer to Section 9.7, Family Medical Leave Act.
- b. **Utilization** - Utilization of sick leave will be charged at a minimum of one-quarter (.25) hour increments for non exempt staff and a minimum of four (4.00) hour increments for exempt staff. Sick leave hours may be utilized for the following purposes:
  - 1. **Personal Use**: illness or physician/dental appointment (shift personnel are expected to schedule such appointments during off duty hours).
  - 2. **Family Use**: family illness or physician/dental appointment (shift personnel are expected to schedule such appointments during off duty hours). For this purpose, family is defined as child (including step-child and foster child), grandchild, parent or grandparent (including in-laws), sibling (not including in-laws) or spouse or domestic partner as defined by County Administrative regulations who requires transportation, care or hospitalization.
  - 3. **Required by Department Head**: the employee may be required to take sick leave by the Department Head (with the approval of the Assistant County Administrator) when there is a concern about the ability of the employee to safely perform his/her duties due to a non-work related injury or illness.
- c. **Notification** - In order to be granted the use of sick leave, an employee must report to the Department according to departmental regulations the reason for the absence as soon as possible (no later than one-half (1/2) hour after the beginning of the work day) or in accordance with departmental policy on the work day for which sick leave is being requested. Employees are expected to schedule appointments in advance when possible. It is the employee's responsibility to keep the appropriate supervisor informed each day the employee is absent, unless sick leave is authorized for a specific period of time.
- d. **Maximum Accumulation** - Employees may accumulate a maximum of 1,040 hours of sick leave. Once an employee reaches that maximum level, no additional hours will be added to the accumulated total until sick leave hours are used.
- e. **Accrual Rate** - Full time employees will accrue 4.75 hours per pay period. Employees who are "Part Time with Benefits" will accrue sick leave on a pro-rata basis (based on the position's FTE).

- f. **Medical Documentation** - The Department Head, at his/her discretion, may require that the employee submit medical documentation of illness or injury prior to returning to work for any of the following reasons:
1. The employee is absent three (3) or more consecutive days.
  2. There is a concern about possible sick leave abuse.
  3. Sick leave is being substituted for vacation leave.
- g. **Medical Release** - The Department Head, at his/her discretion, may require that the employee, prior to returning to work, submit a medical release containing a statement from a physician confirming the illness or injury and providing the date the employee is released to perform his/her full duties when there is a concern about the ability of the employee to safely perform his/her duties. A medical release is required anytime an employee requests the use of sick leave following notice of resignation.
- h. **Sick Leave Loan** - If an employee who has successfully completed the introductory period is suffering from a prolonged illness or injury, or has been approved for Family Medical Leave, and has depleted his/her accumulated sick leave, compensatory time, and vacation leave, the employee may apply for a sick leave loan not to exceed 160 hours in any 3 year period. The limit will be adjusted on a pro-rate basis (based on the position's FTE) for employees with an FTE of less than 1.0. The Department Head and Assistant County Administrator must approve the loan request in order for it to become effective. Upon the employee's return to employment, the loan will be repaid at a rate of 3.5 hours per pay period. Should the employee leave the service of the County prior to repaying the loan, he/she will contribute first any accumulated sick leave, then compensatory time, and then vacation leave toward repayment of the loan. The value of any remaining hours will be deducted from the employee's last paycheck, as authorized in the sick leave loan application, and any remainder shall be repaid by the employee. A maximum of four work weeks in any 3-year period may be awarded. An employee may receive a second loan to be combined with the first loan up to the maximum number of weeks stated above.
- i. **Sick Leave Donation** - Employees may, on a voluntary basis, donate a calendar year maximum of forty (40) sick leave hours to another employee on medical leave. Such donations must be coordinated through the Assistant County Administrator. The employee receiving the donation shall not be responsible for repaying any sick leave donations. Donated hours in excess of the amount needed shall remain with the donee, and will not be returned to the donor.
- i. Eligibility. Employees donating hours must have sufficient sick leave accumulated to retain at least eighty (80) hours of sick leave after the donation. The employee receiving the donation must have depleted all other paid leave, including sick,

vacation and compensatory hours, and have requested and used the maximum sick leave loan from the County (if eligible) (see Section 9.3H) prior to receipt of the donation.

- ii. **Calculation.** The donated hours shall be transferred from the donor to the recipient on an hour for hour basis.

**Limit.** An employee may not receive more than 400 hours of combined sick or vacation leave donations over a 2 calendar year time period. The limit will be adjusted on a pro-rata basis (based on the position's FTE) for employees with an FTE of less than 1.0.

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

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

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

- a. **Jury Duty** - The employee must provide notice to the Department Head that he/she has been called for jury duty. In order to receive full wage compensation, the employee will submit to the Department Head all jury fees received.

- 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. In order to receive full wage compensation, the employee will submit to the Department Head any witness fees received.

## **9.7 FAMILY MEDICAL LEAVE**

- a. **Description** - Pursuant to the Family Medical Leave Act, Family Medical Leave is available for employees who must take off work for a prolonged period due to Family Leave (birth, adoption of a child, placement of a foster child in the home) or Medical Leave (a serious medical condition of the employee, or a serious medical condition of a family member, defined as spouse, son, daughter, or parent, but not parent-in-law). This leave does not guarantee pay, but it does preserve the job of the employee for up to twelve weeks. The employee is limited to one twelve-week leave of Family Medical Leave in a rolling twelve month period, starting from the first day of the employee's Family Medical Leave. The FMLA definition of "serious health condition" and additional information including the "Notice of Employee Rights and Responsibilities" is available from the Assistant County Administrator.
- b. **Eligibility** - The employee must have at least twelve (12) months of service and 1250 hours over the previous twelve (12) months with the County prior to commencing leave. When requesting Family Medical Leave, the employee must notify both his/her Department Head and the Assistant County Administrator. The County will notify you of your eligibility in writing once a request has been made.
- c. **FMLA Leave Maximums** - Employees may request up to a maximum of twelve weeks off in a year, such year (or twelve month period) to begin with the date of the first day off work under approved Family Medical Leave. Employees must make a reasonable effort to schedule leave for planned medical treatment so as not to unduly disrupt the County's operations. Qualifying leave may also be taken on an intermittent basis as necessary and appropriate.
- d. **Forms** - The employee must complete the Family Medical Leave Act Certification Form provided by the Assistant County Administrator; the Form requires information from the medical provider. The form must be submitted within 15 calendar days after our request unless it is not practicable under the particular circumstances to do so despite your diligent, good faith efforts. After submission of this completed form to the County, the Assistant County Administrator will notify the employee in writing of approval or non-approval of the request with a Designation Form.
- e. **Pay** - The employee is not required to utilize accumulated time in any particular order, however; employees are required to utilize accumulated paid time off prior to going on

leave without pay. The employee may also request a sick leave loan (see Section 9.3H). Paid time off shall run concurrently with FMLA leave.

**f. Benefits**

- i. Vacation and Sick Leave. Vacation and sick leave accrual will continue for a period not to exceed twelve weeks.
  - ii. Health Insurance. The County's portion of the health insurance premium for the employee will continue to be paid for a period of twelve weeks, after which the employee will assume responsibility for the full premium pursuant to the guidelines established by COBRA, or discontinue coverage. It will continue to be the employee's obligation to pay his/her portion of the premium directly to the Administrative Services Department during the twelve week 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. Extension of Family Medical Leave** - Should the employee be unable to return to work on the date specified in the Family Medical Leave documentation, it shall be the employee's responsibility to request an extension from the Assistant County Administrator. The Assistant County Administrator will be required to respond to such a request in writing. In no case, however, will the Family Medical Leave be extended beyond twelve weeks.
- h. Medical Release** - The employee on leave for their own serious health condition will be requested to submit a release to return to full duties from the employee's medical provider prior to returning to work.
- i. FMLA Expanded for Military Families** - There are special provisions that expand the leave available under FMLA for employees who are a family member of a service member in the armed forces or eligible veteran. Expanded FMLA leave is available for family members of a service member under the following circumstances:
- i. Caregiver Leave for Injured Service member - An eligible employee who is the spouse, son, daughter, parent, or next of kin (defined as the closest blood relative of a covered service member) shall be entitled to a total of twenty-six (26) work weeks of leave during a twelve month period to care for a covered service member or eligible veteran in a single 12-month period. A covered service member is a member of the armed forces, including the national guard or reserves, who has a serious injury or illness

incurred or aggravated in the line of duty while on active duty that may render the service member medically unfit to perform his/her duty for which the service member is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability list for a serious injury or illness that occurred while on active duty. An eligible veteran is a veteran who has a serious injury or illness that was incurred or aggravated while on active duty in the Armed Force and the veteran was discharged within five (5) years of when the condition occurred.

- ii. Family Leave due to Qualifying Exigency - An eligible employee may use up to 12 weeks of FMLA leave for any qualifying exigency arising from a spouse, son, daughter, or parent who is either on active duty in the armed forces, or who has been notified of an impending call or order to active duty in the armed forces or is being deployed with the Armed Forces to a foreign country. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. FMLA leave for qualifying exigency is not an addition to the standard FMLA twelve week entitlements; rather it constitutes additional qualifying basis for FMLA leave.

Employees will need to notify the Assistant County Administrator and complete the relevant Certification form to initiate FMLA leave for military families.

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

**9.8 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.

**9.9 FUNERAL LEAVE**

- a. **Family members –**
  - i. Employees will be allowed three (3) work days of funeral leave for the following family members: Spouse or domestic partner as defined by County Administrative regulations, Sibling, Parent, Child (including foster child), Grandparent, Grandchild, and in-laws, step, and great relationships of these relatives.

- ii. Employees will be allowed one (1) work day of funeral leave for the following family members: Niece, Nephew, Cousin, Aunt, Uncle and in-laws and step relationships of these relatives.
  - iii. Should the employee require more the above number of days, and with the approval of the Department Head, the employee may utilize accumulated compensatory time, accumulated vacation leave, or authorized leave without pay.
- b. **Co-Workers** - Employees may be allowed a minimum of two (2) hours off with pay to attend the funeral of a co-worker or a former co-worker. Extensions of this time may be granted at the discretion of the Department Head.

**9.10 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 Assistant County Administrator within one (1) work day.

b. Physicians - All Douglas County employees injured in the course of employment will use the County appointed physicians.

c. Return to Work - A County employee who has experienced a work injury which required medical attention must have a signed release from the County physician in order to return to work. Exceptions may be authorized by the Assistant 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 Assistant County Administrator 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 physicians

(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 Assistant County Administrator. The worker's compensation checks will be available in the Administrative Services Department on regular pay days.

**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.

#### **9.11 NO OUTSIDE EMPLOYMENT WHILE ON LEAVE**

Employees on FMLA or other types of paid or unpaid leave (except Military Leave) are prohibited from working outside employment while on leave from Douglas County.

#### **9.12 HOLIDAYS**

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

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

- b. **Non-Shift Workers** - All Classified and Classified Exempt employees and Elected Officials of the County will receive their regular compensation for days proclaimed as holidays by the Board of County Commissioners.
  - i. Value of Holiday Pay - Holiday pay is defined as 1-1/2 times the employee's regular rate of pay.
  - ii. Required to Work on Holiday - Employees who are required to work on authorized holiday will be compensated at their regular rate for the holiday, plus holiday pay for each hour worked.
  - iii. Forfeit of Holiday Pay - An employee will forfeit his/her right to compensation for the holiday if he/she has an unauthorized absence on the last regular work day preceding such holiday or on the first regular work day following the holiday.
  - iv. Employees Scheduled Off on Holiday - For employees that are not scheduled to work on a designated holiday, the department head will shift the holiday to another day in the same work week. If the employee does not re-designate the holiday, they do not receive holiday pay.
  
- c. **Shift Workers** - For purposes of holiday pay, July 4 (Independence Day), December 25 (Christmas Day), and January 1 (New Year's Day) will be considered the authorized holidays and not any other day designated by the Board of County Commissioners to recognize those specific holidays. The holiday will be considered the day on which the employee's shift begins. For example, an employee whose shift begins at 11:00p.m. on the holiday will be paid holiday pay for that shift.
  - i. Value of Holiday Pay. Holiday pay is defined as two and a half (2.5) times the employee's regular rate of pay.
  - ii. Required to Work on Holiday. Employees who are required to work on an authorized holiday will be compensated at their regular rate for their work day, plus holiday pay for hours actually worked.
  - iii. Holiday While on Leave. Employees on authorized leave status will receive compensation for the holiday which will not be charged to vacation or sick leave. An employee who receives approval for use of vacation on a holiday for which he/she was scheduled to work shall be paid regular hours charged to holiday and not to vacation.
  - iv. Employees Scheduled Off on Holiday. Shift personnel whose regular non-work day falls on a holiday will have their accumulated personal leave balance increased by

eight hours (8) for full time employees and on a pro-rata basis for part time employees with benefits.

- v. **Forfeit of Holiday Pay.** Any employee will forfeit his/her right to compensation for the holiday if he/she has an unauthorized absence on the last regular work day preceding such holiday or on the first regular work day following the holiday. An employee also forfeits holiday pay if the employee uses sick leave on the holiday.
- d. **Unclassified Positions** - Unclassified employees will receive compensation for the holiday only if they work that day. Time will be paid at the regular rate (no holiday pay will be applied).

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

- a. **Eligibility** - To be eligible for Personal Leave, an employee's status must be full time or part time with benefits, with an employment date on or before May 31 of that year. Employees hired after June 1 will be eligible for the Commission awarded Personal Leave the following year.
- b. **Utilization** - Utilization of vacation leave will be charged at a minimum of one-quarter (.25) hour increments.
- c. **Accumulation** - Accumulated Personal Leave is not paid upon separation from employment
  - i. **Non-Shift Workers.** Non-shift workers must utilize personal leave days during the calendar year for which they were authorized and prior to the first day of the last pay period in December for which a paycheck is issued during the next calendar year.
  - ii. **Shift Workers.** Shift workers will be permitted to carry a balance of Personal Leave from year to year. Hours will accumulate throughout the year with no cap. At the last pay period in December for which a pay check is issued during the current calendar year the Personal Leave balance will be reduced to 24.00 hours. There is no payment for hours lost in excess of 24.00.

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

- a. **Announcement** - If it is necessary to close facilities due to inclement weather or other conditions, it will be the responsibility of the County Administrator or his/her designee to

make that announcement. Employees will be paid for those days. If the County offices are open and are forced to close early, all employees who reported to work will be paid for the full day. In instances where some employees are required to remain at work and others have been released (with pay) to leave, those employees remaining at work will be paid for hours worked and, in addition, will receive paid time off at a later date equal to the time off received by the employees who were released early; in the case of shift workers, the hours will be added to their accumulated vacation leave. In every instance, the decision to curtail County services will be based on local weather, road conditions, current weather forecast information, the status of the utility service to the offices, or any other emergency situation.

- b. **No Announcement** - If the announcement is not made and employees do not come to work, that work day will be charged to the employee's accumulated vacation leave or leave without pay, at the discretion of the Department Head. In order for this to be an authorized absence, the employee must call his/her supervisor within one-half (1/2) hour of the beginning of the work day (or in accordance with departmental policy).
- c. **Vacation/Sick Leave Adjustments** - If an employee is on authorized vacation or sick leave and the facilities are closed, the amount of vacation or sick leave used will be adjusted to reflect only the time the facilities were open.

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

- a. **Eligibility** - It is the policy of Douglas County that overtime work is not encouraged and will be avoided when possible. Overtime work must be approved in advance by the Department Head or other appropriate supervisor. An employee working unauthorized overtime may be subject to disciplinary action.

- b. **Compensation** - Two types of pay are available for overtime hours:

1. **Cash.** The employee will receive cash compensation at a rate of one and one-half (1-1/2) times the employee's regular rate of pay.
2. **Compensatory Pay.** The employee will receive one and one-half (1-1/2) hours of compensatory leave for each "overtime" hour worked. Department Heads may, at their discretion and with the

approval of the Assistant County Administrator, establish maximum accumulation limits, not to exceed 480 hours for employees in public safety positions and 240 hours for other employees.

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

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

**9.16 LEAVE WITHOUT PAY.** The Department Head may, at his/her discretion, authorize Leave Without Pay if the employee has utilized all accumulated vacation, compensatory and, if appropriate, sick leave for circumstances which the Department Head deems warranted. The Department Head must notify the Assistant County Administrator of all approved Leave without Pay. Unless otherwise approved in writing by the Assistant County Administrator, such leaves are limited to thirty calendar days. If appropriate, the employee must submit a request for Family Medical Leave (Section 9.7). Unless specifically authorized by the Department Head, time off without pay will be considered as an unauthorized absence (see Section 5.13).

**9.17 LEAVE WITH PAY.** The Assistant County Administrator and Department Head can place an employee on Leave with Pay for administrative reasons for a limited period of time.

## **SECTION 10**

### **BENEFITS**

#### **10.1 RETIREMENT**

- a. **KPERS** - All Classified and Classified Exempt employees and Elected Officials become members of the Kansas Public Employees Retirement System (KPERS) as per K.S.A. 74-4901 after one (1) year of continuous service. Members contribute the appropriate percentage (established by KPERS) of their gross salary to their KPERS account. The County Clerk's Payroll Office will be responsible for the enrollment of employees in KPERS as well as assisting members with information and application of benefits. Booklets summarizing benefits are available in the County Clerk's Payroll Office.
- 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. 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. Booklets summarizing benefits are available in the County Clerk's Payroll Office.

## **10.2 GROUP HEALTH INSURANCE.**

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

- b. **Retirees** - Group health insurance benefits will be extended to Classified and Classified Exempt employees and Elected Officials who retire from the County

- i. **Retiree Eligibility**

- 1. **Elected Officials:** Elected Officials who have served a minimum of four years and are of retirement age (as defined within the retirement plan in which they are participating).
    - 2. **Appointed Staff:** Employees who have served a minimum of five (5) consecutive years and are of retirement age (as defined within the retirement plan in which they are participating).
    - 3. **Notice.** Retirees must provide written notification of their intent to retire to the Personnel Office at least thirty (30) days prior to their retirement date.

- c. **Premiums** - Premium charges may be as much as 150% of the employee premium, as determined by the Board of County Commissioners each plan year. Payment of premiums must be made to the Personnel Office by the first of the month for which coverage is being provided.

- d. **Coverage** - Coverage shall be considered as a primary insurer until the retiree reaches the age of eligibility for Medicare, at which point the Douglas County health insurance plan shall automatically become a secondary insurer. Should a retiree on the health insurance plan choose to decline Medicare A and B benefits, the health insurance plan shall still pay as secondary insurer based upon an estimate of what Medicare A and B benefits would have been.

## **10.3 FLEXIBLE BENEFITS (CAFETERIA) PLAN.** Douglas County offers employees the opportunity, at their own expense, to participate in a Flexible Benefits Plan under IRS regulations.

Eligible payments are payroll deducted before taxes. The plan year runs June 1 through May 31, and agreements to participate must be signed for the entire twelve (12) month period. More information is available in the Personnel Office.

**10.4 CREDIT UNION.** The County is a member of the Midwest Regional Employees Credit Union. All employees are eligible for membership. Contact the credit union for additional information.

**10.5 ATHLETIC CLUB MEMBERSHIP.** Douglas County shall allow payroll deduction for athletic club memberships in an amount to be established each year by the Assistant County Administrator. Agreements shall not extend beyond the calendar year, but may be renewed at the beginning of each calendar year. Contact the Personnel Office for additional information. The employee's use of such facilities is at his or her own risk. By authorizing the use of this membership, Douglas County in no way assumes liability for personal injuries sustained at an athletic facility.

**10.6 DIRECT DEPOSIT.** Employees have the option of having their paycheck wired directly into their bank account(s) rather than receiving a paper check. This option may be initiated and terminated at any time. More information is available in the County Clerk's Payroll Office.

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

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

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

**b. Program Requirements**

i. **Eligibility.** - To be eligible for participation in the program, the employee's position must have an FTE of at least 0.50, the employee must have passed his/her introductory period, have at least a satisfactory performance rating, and not have any garnishments or other withholdings (except child support) against his/her salary. Once

an employee has made a purchase through this program, the employee is not eligible to make another purchase until the first purchase has been paid in full.

- ii. Maximum - A maximum of \$1,620 will be made available toward the purchase of an approved computer system and/or printer, software and peripherals. PC systems are defined as complete systems and do not include purchasing components to upgrade currently owned systems. (Computer components are defined as internal parts, such as motherboards; complete systems are defined as equipment, such as a printer, monitor or CPU.)
- iii. Repayment - Repayment will be made over a maximum period of 52 pay periods. The employee may choose to pay the outstanding balance in full at any time.
- iv. Warranty and Insurance - A full parts and labor warranty must be included in the purchase for the entire lease period. Maintenance and other support will NOT be the responsibility of Douglas County. Employees must provide proof of insurance (Homeowner's or Renter's) for fire and theft coverage. Anti-virus software must be purchased for use on the computer system.

- c. **Documentation** - Administrative Services will be responsible for assisting employees in completing the Lease/Purchase Agreement with final approval by the Assistant County Administrator. Administrative Services will maintain necessary documentation, including financial records on the transactions and arrangements for payroll deduction. The Payroll Office will be responsible for maintaining accounts on lease payments.

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

#### **10.10 CLOTHING**

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

- b. **Work Boots** - In situations where employees are requested to wear specific footwear, the County may provide a boot subsidy at a rate to be determined by the Department Head. Such subsidy will be considered compensation, and thus taxable income, under IRS regulations.

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

- a. The expense must be ordinary and necessary in the conduct of County business, i.e., the employee must have paid or incurred a deductible expense while performing services as an employee of the County.
  - i. Meals purchased while on overnight travel for the County are included.
  - ii. Douglas County will not reimburse the employee for alcoholic beverages.
  - iii. See Appendix D: Meal Expense Procedure for additional information.
- b. The employee must adequately account to the County for such expenses within 60 days after they were paid or incurred.
- c. The employee must return any excess reimbursement within 120 days after the expense was paid or incurred. An excess reimbursement is any amount that is more than the business-related expenses for which the employee properly accounted.
- d. See Appendix E: Reimbursement of Employee Travel Expenses for additional information.
- e. **MILEAGE** - The reimbursement of employee travel expenses are subject to the following:
  - i. Requests for reimbursement must include the destination and purpose of the travel, the year, model, and make of the vehicle, the vehicle tag number, and the total miles. Any toll charges paid may be included in the request.
  - ii. Employees are encouraged to use Douglas County vehicles for out of town travel, unless otherwise directed by the Department Head.

## **SECTION 11**

### **EMPLOYEE ASSISTANCE PROGRAM**

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

## SECTION 12

### PERSONNEL SYSTEM

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

**12.2 COMPENSATION PLAN**

**a. Merit-Based Pay and Performance Evaluation –**

- i. PHILOSOPHY ON MERIT. Superior performance by Douglas County employees will be rewarded through merit compensation. The standard for superior performance will be established through the performance evaluation system.

**b. Performance Evaluation System Rules –**

- i. All performance evaluations, EXCEPT for employees who have not completed at least six (6) months of service on November 30, will be administered by the end of November of each year. Completed (and signed) evaluations will be forwarded to the Personnel Office immediately.
- ii. It is at the discretion of the Department Head to conduct evaluations on employment anniversary or in November of each year so long as they are submitted to the Personnel Office by the end of November each year.
- iii. Evaluations for introductory employees MUST be submitted to the Personnel Office on or around the employee's six-month anniversary and on or around the employee's first anniversary date.
- iv. The immediate supervisor and the Department Head will review the evaluation before it is discussed with the employee.
- v. Employees may submit comments regarding performance evaluations.
- vi. The evaluation form will be signed by the employee, supervisor, and the Department Head prior to being forwarded to the Personnel Office. Employees refusing to sign the evaluation form will not be eligible for a merit award and a witness will be asked to sign the form (in the employee's presence) acknowledging that the employee reviewed the form but refused to sign it.
- vii. Employees must have successfully completed six (6) months of service on November 30 in order to be eligible for a merit award.

- viii. For ranking purposes, each department will be considered as one group except as determined by the Assistant County Administrator. All management staff, as determined by the County Administrator, will be considered as one group. Funds for these merit increases will come from the applicable departmental budgets.
  - ix. Each November the Assistant County Administrator will provide each Department Head with a list of proposed merit increases. Total merit increases for each evaluation group may range from 0% to 4%, with the average of the group being that established annually by the Board of County Commissioners. Included in the group for determination of the average merit will be all employees who left the service of the County after May 31 with an assigned merit of 0. Department Heads may recommend merit amounts, but awards must be consistent with the performance evaluation scores for that year and must remain in ranked order. Final approval of awards will be made by the Assistant County Administrator.
  - x. Merit awards will be added to the employee's base salary until the employee reaches the maximum salary in his/her assigned pay grade, at which point merit awards are provided to the employee in the form of a lump sum payment.
  - xi. Merit Awards
    - Merit awards will be added to the employee's base salary until the employee reaches the maximum salary in his/her assigned pay grade, at which point merit awards are provided to the employee in the form of a lump sum payment.
    - Merit awards will be distributed on the first paycheck in January following the December merit decisions.
    - If an employee is retiring after November 30 and is eligible for a lump sum merit payment, that lump sum merit payment will be distributed on the employee's last paycheck even if it is prior to January 1.
- c. **Market-Based Pay** - Douglas County uses a market based system to target increases in the marketplace to ensure that pay ranges stay competitive. Pay ranges will vary according to job families, based on market-based data. As part of the annual budget process the County Commission will determine pay range increases by the minimum percentage recommendation. Job families with a higher than minimum recommendation will receive the difference in pay but the pay range will not be further adjusted.
- d. **Longevity Pay –**
- i. ELIGIBILITY - Longevity pay will be awarded to all employees with an FTE of 0.50 or higher. There shall be no pro-ration in dollars received based on FTE value. The employee shall have 60 months of continuous service as of the end of the last full pay period in October each year. In cases of employees that have left the County

and returned, the most recent hire date will be utilized in the determination of eligibility and the resulting payment.

- ii. **PAYMENT** - Award amount is \$50 per year after five years unless otherwise designated by County Commission. There is no cap on the dollar amount received by employee. Payment will be included in the employee's first check in November each year. November 10th, 2016 will be the first payment. Payment includes the "waiting period" of five years.

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

- a. **Notification** - Employees subject to on-call status will be notified in writing by their Department Head with a copy to the Director of Administrative Services. 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 Assistant County Administrator for all hourly County employees.
- d. **Failure to respond** - Failure to reach a designated on-call employee may result in disciplinary action. Trades for on-call schedules must be pre-approved by the appropriate supervisor(s). If approved, the scheduled on-call employee is ultimately responsible for ensuring that coverage is maintained and that all necessary staff are notified of any change.
- e. **Response time** - Once the designated on-call employee is notified that his/her services are required, response should be as quickly as possible. Each department will set maximum response times.

## **SECTION 13**

### **WORK ENVIRONMENT AND WORKPLACE SAFETY**

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

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

Employees are prohibited from:

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

**13.3 POST-ACCIDENT TESTING FOR ALL EMPLOYEES**

- a. **DOT Drivers** - Following a motor vehicle accident (as defined by Kansas statutes) involving a Douglas County vehicle or equipment within the boundaries of Douglas County, the driver will immediately be tested for both alcohol and controlled substances. Motor vehicle accidents in a Douglas County vehicle occurring outside of Douglas County must be reported immediately to the employee's department head, who will have the discretion to request post-accident testing.
- b. **All Other Employees (not limited to Safety Sensitive or Public Safety Employees)** - Following a motor vehicle accident (as defined by Kansas statutes) involving a Douglas County vehicle or equipment within the boundaries of Douglas County which results in an injury to anyone, or in all instances where an accident resulted in more than minor property or equipment damage, or if the employee was the driver of a vehicle and received

a citation for a moving traffic violation, the driver will be immediately tested for both alcohol and controlled substances.

c. **Random Testing**

- i. Safety Sensitive Employees - Each calendar year, at least fifty percent (50%) of the employees in safety-sensitive positions will be tested for controlled substances and ten percent (10%) of the employees DOT covered positions will be tested for alcohol. These employees will be selected randomly throughout the calendar year. This testing will be unannounced and will be coordinated by the Assistant County Administrator. The employee must report to the testing site immediately upon notification. Testing will be conducted while the employee is on duty; alcohol testing will only be conducted immediately before, while or just after an employee performs a safety sensitive function.
- ii. Public Safety Employees - Public Safety employees are subject to unannounced random testing for controlled substances. Such testing will be coordinated by the Assistant County Administrator. The employee must report to the testing site immediately upon notification.

- d. **Reasonable Suspicion Testing** - The County will require an employee in any position to submit to an alcohol test and/or a controlled substance test when the County has reasonable suspicion to believe that the employee has violated the County and/or federal regulations regarding use of alcohol and/or controlled substances during, just preceding, or just after performing work duties or just before the employee is to perform safety-sensitive functions. Reasonable suspicion criteria include, but are not limited to, "specific, contemporaneous, articulable observations, concerning the appearance, behavior, speech or body odors" of the employee.
- e. **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.
- f. **Follow-Up Testing** - Any employee (not limited to Safety Sensitive and Public Safety employees) who has failed a drug screen test and/or alcohol test will be subject to future unannounced follow-up alcohol and/or controlled substance testing.

**13.4 TESTING PROCEDURES.** All tests will be performed at the medical facility designated by Douglas County. The professionals performing the testing for safety sensitive positions will be trained with respect to DOT regulations and the test results will be reviewed by a Medical Review Officer, who will be responsible for communicating results to the employee

and to the Assistant County Administrator. All drug and alcohol testing will be conducted in compliance with the federal DOT procedure listed in 49 CFR 40 & 655.

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

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

Behavior that constitutes refusal to test:

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

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

- a. Employees who have an alcohol concentration of 0.04 or greater and/or employees who have a positive drug screening result will 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 Assistant County Administrator the employee will be expected to follow the rehabilitation program established by a substance abuse professional, including, but not limited to, providing verification of participation in such program.
- d. Repeated violations of this section by an employee may result in termination.
- e. Before an employee may return to work after a violation of this policy, the employee will undergo a return-to-duty alcohol and/or drug screening test, and must have a result of less than 0.02 blood alcohol concentration and/or a negative drug screen result.

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

**13.8 GUNS OR OTHER WEAPONS.** 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.

**a. Purpose**

- i. Employees covered by this policy are prohibited from carrying handguns at the County's place of business, including but not limited to the County buildings listed in ***Appendix F: Employee Conceal Carry Policy*** which appendix is affixed hereto and is incorporated herein by reference.
- ii. The Kansas Personal and Family Protection Act, K.S. A. 75-7c01 et. seq., allows employees, who are legally qualified to possess a handgun, to carry a concealed handgun while on duty away from the County's place of business.
- iii. The purpose of this policy is to establish requirements and expectations for all County employees electing to carry a concealed handgun while on duty when away from the County's place of business.
- iv. It is the overarching intent of the County and this policy to comply with State law while maintaining a safe and efficient operation for all employees and the public.

**b. Applicability**

- i. 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.

- ii. This policy governs concealed carry under limited circumstances. The open carry of handguns or other weapons by employees continues to be prohibited under any circumstance.
- iii. The carrying of a handgun is not within the course and scope of County employment and not a part of the employee's duties.
- iv. Generally, any injury sustained by the use or carrying of a concealed handgun 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.
- v. 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.
- vi. The County is not responsible for any damaged or stolen personal property, including handguns or gun lockers, of employees.

**c. General Provisions**

- i. If he or she is legally qualified to do so, an employee may carry a concealed handgun when he or she is away from the County's place of business, subject to the provisions set out in this policy.
- ii. Employees are prohibited from carrying weapons, as that term is defined in Appendix F, Section O while on duty, except that employees may carry a concealed handgun in accordance with this policy.
- iii. 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.
- iv. Employees are prohibited from cleaning a handgun or handling ammunition while on duty.
- v. 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.
- vi. The employee must be truthful when asked by his or her supervisor whether he or she is carrying a concealed handgun.
- vii. The employee must abide by all Federal, State, and local laws, including those related to concealed carry, such as not entering any building - private or public - legally prohibiting concealed carry.

**d. Concealment Required**

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

**e. County's Place of Business.** Employees are prohibited from carrying firearms, whether open or concealed, at the County's place of business.

**f. County Vehicles.** See Section 5.10.

**g. Private Vehicles**

- i. 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.
- ii. The County is not responsible for any theft, damage or loss of a handgun, personal vehicle, or personal property.

**h. Private Property**

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

**i. Threatening Conduct Prohibited**

- i. Employees are prohibited from making any threats of violence or intimidating others.

- ii. Employees are prohibited from harassing others or otherwise creating a hostile, intimidating, or fearful work environment to a reasonable person.
  - iii. 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.
  - iv. 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.
- j. **Notice to Supervisor**
  - i. 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.
  - ii. 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.
- k. **Reporting a Policy Violation**
  - i. 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 Assistant County Administrator, without regard to the chain of command.
  - ii. A supervisor, upon receiving notice of an alleged violation of this policy, shall immediately notify the Department Director and the Assistant County Administrator so that guidance and assistance may be provided.
  - iii. Retaliation against any employee for reporting a violation of this policy or participating in an investigation is strictly prohibited.
  - iv. Employees shall cooperate in any personnel investigation conducted pursuant to this policy.
- l. **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.
- m. **Sanctions** - Violation of this policy by a County employee may result in disciplinary action, up to and including termination from employment.

- n. **Additional information** - Please see Appendix F: Employee Conceal Carry Policy for additional information.

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

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

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

**13.12 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).

## **APPENDIX**

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

## **Information Technology Department**

# **Mobile Device Policy**

### **Purpose:**

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

### **Definitions:**

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

### **Responsibilities and Enforcement of this Policy:**

1. Douglas County sets forth this Policy in an effort to meet organizational goals, improve employee satisfaction, to improve efficiency for county departments, agencies, courts, authorities, and employees by enabling the use of Mobile Devices, and enabling those devices with access to county resources (such as email).
2. Each Douglas County employee, and any other person subject to this Policy, is responsible for the conditions set forth within this Policy, as well as any other employee policy set forth within the Douglas County Personnel Policy or elsewhere, and any subsequent policy set forth by the department, agency, court, authority, etc. for which an employee works within Douglas County, Kansas government.
3. The County Administrator, Department Directors, Division Directors, Elected Officials, Managers, and Supervisors at all levels shall fully understand this Policy and be responsible for any employee under his/her management for meeting the requirements set forth within this Policy, and shall communicate the requirements of this Policy for any and all persons that this Policy applies.

4. The Information Technology Department Director or designee shall oversee all technical aspects of enforcing this Policy, including creating and updating all approval forms, etc. which enable mobile devices to access county resources.
5. Every user of a Mobile Device with access to the Douglas County network must use reasonable care to protect Douglas County data and to prevent unauthorized access to the Douglas County network.
6. Information used or stored on any Mobile Device shall be considered as important for security as any paper document in the operation of county business.
7. Violations of this Policy will subject the Mobile Device to disconnection from the Douglas County network. In addition, the violator will be subject to normal departmental and/or county enforcement policies, up to and including termination as per the Personnel Policy.

**County Purchased Mobile Devices:**

1. All cell phones and smart phones that Douglas County purchases for its employees shall be purchased through the Douglas County Administration Services Department.
2. All tablets and other mobile computing devices that Douglas County purchases for its employees shall be purchased through the Douglas County Information Technology Department.
3. The need for a county purchased Mobile Device is determined by each Department Director and/or Division Director. If the cost of the Mobile Device was not included in the current budget, it must be approved by the Administrative Services Director and the Information Technology Director.
4. The Information Technology Department in conjunction with Administration Services Department shall have sole authority to determine the type and model of any Mobile Device that Douglas County purchases.
5. Any mobile device that connects to the Douglas County network shall be managed by MDM (Mobile Device Management) software. This includes any device that accesses Douglas County email, phone system, or other system or resource located within the Douglas County network.
6. Conditions which must be met for any Mobile Device to be enabled to access Douglas County email:
  - a. All Mobile Device users must sign Section A of the Mobile Device Security Request Form acknowledging the employee has read this Policy, and agrees to abide by all policy statements within.
  - b. The Employee then must obtain the signature of the Employee's Department Director on Section B of the Mobile Device Security Request Form, acknowledging the director's approval that connection will assist the employee in performing his or her job.
  - c. All requests for email enabled devices are handled through the employee's department and must be approved by the Department Director.

- d. If the Department Director approves the request they will notify the Information Technology Department by putting in a help desk ticket with the request.
- e. All Department Directors and/or equivalent shall be aware of FLSA and appropriate use of email for Exempt and Non-Exempt employees.
- f. If at any time any email enabled device is lost or stolen, the employee for whom the device is assigned is responsible for immediately reporting the loss to the Information Technology Department. The Information Technology Department shall then remotely disable, lock, and/or “wipe” the device, thereby rendering the device inoperable.
- g. All email enabled devices shall be required to automatically “Lock” after a reasonable period of inactivity (no longer than 5 minutes), and must be password protected to “unlock” the device. This is to ensure that a device left unattended will not be able to access devices or information by unauthorized persons.
- h. Non-Exempt Employees granted access to email on mobile devices shall strictly follow work schedules when replying to or sending any email request. Replying or sending when not at work or otherwise “on the clock” is not authorized for Non-Exempt Employees without explicit written directions from the Department Director and/or the County Administrator.

#### **BYOD (Bring Your Own Device):**

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

- 1. There must be a clear business need for access to the Douglas County network.
- 2. Any personal device enabled to access any resource provided within the Douglas County network and the employee given access to said resources on his/her personal device SHALL adhere to all policy statements within this Policy, Personnel Policy, any supplemental departmental policies that are more stringent, such as Standard Operating Procedures. The security, password protection, and use requirements applicable to County purchased Mobile Devices shall apply to personally owned Mobile Devices that have access to the Douglas County network.
- 3. Any employee requesting their personal device to be enabled to access Douglas County network resources (such as email) must read and fully complete Section A and Section B of the Mobile Device Security Request Form which must include the signature of the employee requesting access AND the Department Director.

4. Employees granted access to Douglas County network resources on their personal devices shall allow the Information Technology Department to have the ability to remotely manage some aspects on the device for which access is granted. Employee understands this gives the Information Technology Department the ability to manage, disable, lock, change passwords, track, and wipe any device under the management platform.
5. Employee acknowledges that if the Mobile Device is lost or stolen, he/she must report the loss to Information Technology Department immediately.
6. Personal Devices given access to Douglas County network resources shall be managed in a way which is capable of remotely disabling, locking or wiping the device. It will not be the responsibility of Douglas County, or Douglas County Information Technology Department to maintain, safeguard, backup, protect the employee's personal device and/or data.
7. When using a personally owned device for Douglas County business, information contained on that device could be the subject of a Kansas Open Records request, court discovery or other legal investigation. If this occurs, the employee will be required to relinquish the device and provide all necessary passwords to fulfill the Open Records request, court discovery or legal investigation.
8. The Information Technology Department will not provide technical support for any personally owned Mobile Device, except to provide initial setup, security and to disable, lock, and/or wipe devices when needed to ensure the security and integrity of the Douglas County network. Employees are encouraged to utilize the Internet [www.google.com](http://www.google.com), youtube.com, and user groups), third parties, and their devices manufacture resources for any problem resolution with their personally owned device.
9. Failure to meet any of the conditions set forth within this Policy may result in the termination of access to Douglas County network resources, disciplinary procedures by the employee's Department or the County Administrator or their designee up to and including termination and seizure of the device used in the violation.

**Other General Issues:**

1. APPS (Applications) on mobile devices:
  - a. Unless previously approved by the Department Head and budgeted for, no applications shall be downloaded to any device that cause a charge, invoice, withdrawal, etc. to any County funding mechanism, credit mechanism, or purchasing mechanism.
  - b. Consumer Grade mobile devices are generally capable of downloading and using APPS (Applications or programs). The Information Technology Department may at its discretion limit, restrict, or allow the capability for devices granted access to Douglas County network resources the ability to download and use commercially available Apps.
  - c. If at any point Information Technology Department discovers any downloaded App has, or has the potential to compromise security to the network, the Information

Technology Department shall disable, lock, and/or wipe the compromised device as soon as possible, and render it unusable for network access. The Information Technology Department will report the incident to the Department Director or equivalent of the employee whose device was deemed to be compromised.

- d. It shall be considered a violation of this Policy for any device approved for connection to the Douglas County network to be “hacked”, “Jail Broken”, “rooted”, or any changes to the operating system provided by the manufacturer. Any unauthorized changes to the Operating System of any device compromises security, and will result in termination of service to the device.
- e. Other “for a fee” downloads such as Music, Videos, Movies, etc.: It is the sole responsibility of the end user / employee to pay for any downloaded media of any type for which a fee is charged. It shall not be the responsibility of the County including the Information Technology Department, to backup, maintain, or otherwise protect any personally downloaded application, content, music, video, movie, etc. unless expressly approved and paid for by Douglas County.

**Attachments: See the “Mobile Device Security Request Form”**

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

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

**Section A: Acknowledgement (All Employees)**

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

I am requesting (check one):

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

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



**Section B: Director Approval**

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

- ☐ Non-Exempt Employee

Director Name: \_\_\_\_\_

Director Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Please forward this completed form to the Information Technology Department**

## **Computer Security and Usage Policy**

### **Introduction**

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

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

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

### **Definitions**

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

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

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

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

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

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

## **Contents**

The topics covered in this document include:

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

## **Statement of policy responsibility**

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

### **Department Head responsibility:**

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

### **IT Department responsibilities**

The IT department must:

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

## **Privacy and Ownership of Data**

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

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

## **The Internet and e-mail**

### **E-Mail Purpose**

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

### **Internet Purpose**

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

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

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

## **Confidentiality/Ownership**

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

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

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

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

## **Personal use of e-mail and Internet access**

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

## ***Employee responsibilities***

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

1. Ensure that all communications adhere to this policy and that its usage does not interfere with his/her productivity.
2. Be responsible for the content of all text, audio, or images that (s)he places or sends to other employees or over the Internet. All communications should clearly identify the sender.
3. Not transmit copyrighted materials without permission.

4. Know and abide by all applicable policies dealing with security and confidentiality of county records.
5. Avoid transmission of nonpublic information. If it is necessary to transmit nonpublic information, employees are required to take steps reasonably intended to ensure that information is delivered to the proper person who is authorized to receive such information for a legitimate use.

### **Logging/Filtering**

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

### **Downloads**

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

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

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

### **Computer viruses/worms**

#### **Background**

It is important to know that:

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

#### ***IT responsibilities***

1. Install and maintain appropriate antivirus software on all network-attached computers.

2. Respond to all virus attacks, destroy any virus detected, and document each incident.
3. Keep operating systems up to date with patches to reduce vulnerabilities.

#### ***Employee responsibilities***

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

#### ***Additional Laptop user responsibility***

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

#### ***Access codes and passwords***

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

#### ***IT responsibilities***

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

#### ***Employee responsibilities***

1. Responsible for all computer transactions that are made with his/her User ID and password.
2. Shall not disclose passwords to others, including other department employees and department heads. Passwords must be changed immediately if it is suspected that they may have become known to others. Passwords MUST NOT be written down under any circumstances.

3. Log out or lock the workstation when leaving for an extended period.
4. Change passwords at least every 90 days.
5. Use passwords that conform to the password policy implemented by the IT department.

### **Password Policy**

The password must meet the following requirements:

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

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

### **Suggestions for creating good passwords:**

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

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

### ***Department Heads' responsibility***

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

### **Physical security**

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

### ***Employee responsibilities***

1. Environmental hazards to hardware such as food, smoke, liquids, magnets, high or low humidity, and extreme heat or cold should be avoided.
2. Diskettes, CD's and DVD's should be kept away from environmental hazards such as heat, direct sunlight, and magnetic fields.
3. Employees should save all data to a network file server (mapped drive). Any data NOT stored on a file server is NOT backed up and will be lost in the event of file corruption or physical damage to the computer.
4. Since the IT department is responsible for all equipment installations, disconnections and modifications, employees are not to perform these activities. This does not apply to moves of computers for which an initial connection has been set up by IT.

5. Employees shall not take shared portable equipment such as laptop computers, projectors and portable drives off the premises without the informed consent of their department head. Informed consent means that the department head knows what equipment is leaving, what data is on it, and for what purpose it will be used.
6. Employees shall not bring in any computer equipment not owned and maintained by the county and attach it to their work computer or the county network without explicit written consent of the Information Technology Director.

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

#### ***Department Head responsibilities***

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

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

#### ***IT responsibilities***

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

#### **Copyrights and license agreements**

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

#### **Legal reference**

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

#### **Scope**

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

**IT responsibilities**

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

**Employee responsibilities**

Employees shall not:

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

**Civil penalties**

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

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

**Criminal penalties**

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

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

**Acknowledgment of Computer Security and Usage Policy**

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

**Procedure**

Complete the following steps:

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

**Signature**

By signing below, I agree to the following terms:

1. I have received and read a copy of the “Computer Security and Usage Policy” and understand the same;
2. I understand and agree that any computers, software, and storage media provided to me by the county remains the property of the county at all times;

3. I agree that I shall not copy, duplicate (except for backup purposes as part of my job), otherwise disclose, or allow anyone else to copy or duplicate any county information or software unless I am authorized to do so;
4. I agree that, if I terminate my employment with Douglas County (KS) for any reason, I shall immediately return to the county the original and copies of any and all software, computer materials, or computer equipment that I may have received from the county that is either in my possession or otherwise directly or indirectly under my control.

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

Employee name: \_\_\_\_\_

Date: \_\_\_\_\_

Department: \_\_\_\_\_

# **Social Media Policy**

## **1.0 Purpose**

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

## **2.0 Definitions**

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

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

## **3.0 Policies & Procedures**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **MEAL EXPENSE POLICY**

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

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

#### **Reimbursement for Travel-Related Meals**

Meals purchased while on overnight travel for the County are reimbursed under the "Reimbursement of Employee Travel Expenses" policy.

#### **Reimbursement for All Other Meals**

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

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

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

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

|           |         |
|-----------|---------|
| Breakfast | \$10.00 |
| Lunch     | \$15.00 |
| Dinner    | \$25.00 |

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Signature

EMPLOYEE NAME: (Please Print): \_\_\_\_\_

### **REIMBURSEMENT OF EMPLOYEE TRAVEL EXPENSES**

The reimbursement of employee travel expenses are subject to the following rules:

- 1) The expense must be ordinary and necessary in the conduct of County business, i.e., the employee must have paid or incurred a deductible expense while performing services as an employee of the County.
- 2) The employee must **adequately account** to the County for such expenses within 60 days after they were paid or incurred.
- 3) The employee must return any excess reimbursement within 120 days after the expense was paid or incurred. An excess reimbursement is any amount that is more than the business-related expenses for which the employee properly accounted.

#### **Adequate Accounting**

Expenses for travel within the continental United States are reimbursed using the federal high-low method as described in IRS Publication 1542 to compute a per diem rate for the dates of travel. In order to receive reimbursement for travel expenses, an employee must submit an expense statement. The expense statement must contain the following information:

- Departure date, return date, and number of days spent on business
- Destination city and state
- Business purpose for the expense or the business benefit gained or expected to be gained
- Number of miles traveled by automobile

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Signature

EMPLOYEE NAME: (Please Print): \_\_\_\_\_

## **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.**

Effective July 1, 2016

Approved by Craig Weinaug

### **A. Purpose**

1. Employees covered by this policy are prohibited from carrying handguns at the County's place of business, including but not limited to the County buildings listed in Appendix A, which appendix is affixed hereto and is incorporated herein by reference.
2. The Kansas Personal and Family Protection Act, K.S. A. 75-7c01 *et. seq.*, allows employees, who are legally qualified to possess a handgun, to carry a concealed handgun while on duty away from the County's place of business.
3. The purpose of this policy is to establish requirements and expectations for all County employees electing to carry a concealed handgun while on duty when away from the County's place of business.
4. It is the overarching intent of the County and this policy to comply with State law while maintaining a safe and efficient operation for all employees and the public.

### **B. Applicability**

1. This policy applies to all County employees, except that it shall not apply to (1) law enforcement officers commissioned by the Douglas County Sheriff, and (2) the district attorney and assistant district attorneys that have been authorized by the district attorney pursuant to K.S.A. 75-7c10(f)(2), subject to any restrictions or prohibitions imposed in any courtroom by the chief judge of the judicial district. Further, it shall not apply to any employee expressly authorized to carry a weapon as part of the employee's official job duties for the County, Douglas County Sheriff or the District Attorney.
2. This policy governs concealed carry under limited circumstances. The open carry of handguns or other weapons by employees continues to be prohibited under any circumstance.
3. **The carrying of a handgun is not within the course and scope of County employment and not a part of the employee's duties.**
4. Generally, any injury sustained by the use or carrying of a concealed handgun while on duty will not be considered arising out of and in the course of employment for the purposes of Kansas workers' compensation law or personal injury claim.
5. Any liability associated with the employee's decision to carry a concealed handgun will be of a personal nature to the employee and will not be defended or indemnified by the County since the carrying of a concealed handgun is outside the scope of County employment and not part of the employee's duties.
6. The County is not responsible for any damaged or stolen personal property, including handguns or gun lockers, of employees.

### **C. General Provisions**

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

### **D. Concealment Required**

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

### **E. County's Place of Business**

Employees are prohibited from carrying firearms, whether open or concealed, at the County's place of business.

### **F. County Vehicles**

1. If an employee leaves his or her handgun inside a County vehicle, the employee is solely responsible for providing a gun locker in which the employee's handgun may be safely stored while inside the County vehicle. Such gun locker, when left unattended, must also be out of plain view. The County is not responsible for providing such gun lockers for County vehicles for the employee's convenience or to enable compliance with this requirement.

2. Employees storing handguns inside a County vehicle must lock the County vehicle when leaving it unoccupied.
3. Employees storing handguns inside a County vehicle are permitted to do so only temporarily and are prohibited from leaving such handgun inside the County vehicle overnight or for an extended period of time.
4. If an employee leaves his or her handgun inside a County vehicle, and the vehicle is broken and entered into for theft of the handgun, the employee who left the handgun in the County vehicle generally may be responsible for the cost of property damage to the vehicle if such handgun was not properly stored in a gun locker and out of plain view, or was otherwise carried or used in violation of this policy.

#### **G. Private Vehicles**

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

#### **H. Private Property**

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

#### **I. Threatening Conduct Prohibited**

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

#### **J. Notice to Supervisor**

1. An employee electing to carry a concealed handgun while on duty must inform his or her supervisor that he or she is carrying a concealed handgun before reporting to work. Such notice must be provided each time the employee reports to work, including scheduled shifts and any extra duty work.

2. An employee who discharges or otherwise uses or displays a handgun while on duty must immediately report such use or display to his or her immediate supervisor.

#### **K. Reporting a Policy Violation**

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

#### **L. 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.

#### **M. Sanctions**

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

#### **N. Policy Supersedes the Personnel Policy Provisions Related to Firearms**

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

#### **O. Definitions**

1. Concealed means out of sight and not visible to a reasonable person under normal circumstances. A handgun is not concealed if there is "printing," which occurs when the outline of a handgun can be discerned beneath a person's clothing.
2. County's Place of Business means any real property owned by the County, leased by the County, or lawfully occupied by the County, including but not limited to the County buildings listed in Appendix A, as may be amended from time to time, and incorporated herein by reference.
3. 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.
4. Employee means any full-time regular, part-time regular, full-time temporary or part-time temporary worker who performs duties for or on behalf of the County and is on the County's payroll. Employee also includes interns and volunteers working at the direction of

County staff, whether or not on the payroll. Employee as used herein does not include (1) law enforcement officers commissioned by the Douglas County Sheriff, (2) the district attorney and assistant district attorneys that have been authorized by the district attorney pursuant to K.S.A. 75-7c10(f)(2), subject to any restrictions or prohibitions imposed in any courtroom by the chief judge of the judicial district, or (3) any employee expressly authorized to carry a weapon as part of the employee's official job duties for the County.

5. 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.
6. Gun locker means a secure, locked container.
7. Handgun means a firearm as defined herein.
8. Legally 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.
9. Reasonable person means an individual who is generally fair, proper, just, moderate, and suitable under the circumstances.
10. Pocket knife means a folding knife with a blade of four inches or less, carried in a pocket or other concealed manner.
11. 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 A

### County Courthouse

1100 Massachusetts St., Lawrence, KS 66044

### Extension Office Building

2110 Harper Street, Lawrence, KS 66046

### Fairgrounds Facilities – *including Building #21, Community Indoor Arena, Dreher Building, Meeting Hall, Open Pavilion*

2110 Harper Street, Lawrence, KS 66046

### Judicial and Law Enforcement Center

111 East 11<sup>th</sup> Street, Lawrence, KS 66044

### Public Works/Zoning and Codes

3755 East 25<sup>th</sup> Street, Lawrence, KS 66046

### Sheriff - Corrections (County Jail)

3601 E 25<sup>th</sup> Street, Lawrence, KS 66046

### Sheriff - Operations

111 East 11th Street, Lawrence, KS 66044

### Treasurer Satellite – Baldwin City

112 8<sup>th</sup> Street, Baldwin City, KS 66006

### Treasurer Satellite – South Lawrence

2000 West 31<sup>st</sup> Street, Lawrence, KS 66046

### Treasurer Satellite – West Lawrence

3000 West 6<sup>th</sup> Street, Lawrence, KS 66049

### Youth Services

330 Northeast Industrial Lane, Lawrence, KS 66044

## **Douglas County Harassment-Free Workplace Policy**

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

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

### **Responsibilities**

#### **Supervisory Responsibilities:**

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

#### **Employee Responsibilities:**

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

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

#### **Assistant County Administrator:**

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

#### Definition of Harassment

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

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

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

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

### Examples of Sexual Harassment:

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

Harassment can include, without limitation, the following:

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

Examples of non-sexual harassment include without limitation:

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

## Reporting & Investigating Violations

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

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

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

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

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

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

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

## **Other Inappropriate Behavior**

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

## **Definition of Retaliation**

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

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

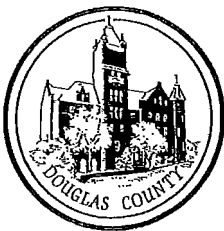
Retaliation occurs when an employer, employment agency, or labor organization takes an adverse action against a covered individual because he or she is engaged in a protected activity.

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

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

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





## DOUGLAS COUNTY PUBLIC WORKS

3755 E. 25<sup>th</sup> Street  
Lawrence, KS 66046  
(785) 832-5293 Fax (785) 842-1201  
dgcopubw@douglascountyks.org  
www.douglascountyks.org

**Keith A. Browning, P.E.**  
Director of Public Works/County Engineer

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### MEMORANDUM

To : Board of County Commissioners

From : Keith A. Browning, P.E., Director of Public Works/County Engineer *KAB*

Date : May 18, 2017

Re : Consent Agenda approval of resolution establishing 30-mph speed limit  
Portion of N 2050 Road (Scenic River Road) in Lecompton Township

Following the removal of trees and brush along the north side of a portion of N 2050 Road west of E 850 Road to accommodate a power line installation to serve the BNSF railroad, citizens raised safety concerns over the exposed steep roadside slopes. This department has installed warning signs, object markers and delineators to warn of the winding road and steep slopes and provide guidance to drivers. We also pledged to post this section of N 2050 Road for a reduced speed limit.

N 2050 Road is currently not posted for a reduced speed limit. Under state law, this means the speed limit on this road is 55 mph or as "reasonable and prudent". Many township maintained roads in Douglas County with low traffic volumes are similarly not posted for a reduced speed limit. Prudent drivers typically recognize road conditions that require reduced speeds. However, if a road is not posted for a reduced speed limit, the Douglas County Sheriff's Office cannot cite a driver for exceeding "reasonable and prudent" speeds unless and until there is a traffic crash.

The Scenic River Road has a higher percentage of drivers unfamiliar with the road conditions than the typical township maintained road. Road conditions for this road can change rapidly depending on weather and traffic types and volumes. We feel this road should be posted for a reduced speed limit.

Traffic volumes and prevailing speeds have not been measured on this road, as is typical prior to establishing a speed limit. In this case, given the road's geometry, unfamiliar drivers, and rapidly changing conditions, we don't feel measuring speeds on one or even a few days will provide useful information. Lecompton Township and we feel the road should be posted for a 30 mph speed limit.

Action Required: Consent Agenda approval of the attached resolution establishing a 30 mph speed limit on N 2050 Road from the Lecompton city limits to the intersection with E 850 Road.



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION ESTABLISHING A 30 MILES PER HOUR  
MAXIMUM SPEED LIMIT ON A PORTION OF N 2050 ROAD IN  
LECOMPTON TOWNSHIP

WHEREAS, pursuant to K.S.A. 8-1560, local authorities may determine and declare a reasonable and safe maximum speed limit for roads under their jurisdiction; and

WHEREAS, on the basis of an engineering and traffic investigation performed by the Douglas County Public Works Department the maximum speed limit for the following described county road or highway, to-wit:

a portion of N 2050 Road, from the Eastern city limit of the City of Lecompton on N 2050 Road, easterly to the intersection of N 2050 Road with E 850 Road, the centerline of which is more particularly described as follows:

Beginning at the Northwest Corner of the Southeast Quarter of Section 2, Township 12 South, Range 18 East, thence easterly along the meandering centerline of N 2050 Road a distance of 2.48 miles to the intersection of N 2050 Road with E 850 Road, and terminating at said point.

as set by K.S.A. 8-1558, is greater than is reasonable or safe under the conditions found to exist on the above described road under the jurisdiction of this Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS that a speed limit of 30 miles per hour is hereby determined and declared to be a reasonable and safe speed limit for the above described road.

This speed limit shall become effective when appropriate signs giving notice thereof are erected upon the road above described.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

BOARD OF COUNTY COMMISSIONERS  
OF DOUGLAS COUNTY, KANSAS

\_\_\_\_\_  
Mike Gaughan, Chair

ATTEST:

\_\_\_\_\_  
Nancy Thellman, Vice Chair

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Michelle Derusseau, Member





## DOUGLAS COUNTY ADMINISTRATIVE SERVICES

### Division of Purchasing

1100 Massachusetts Street  
Lawrence, KS 66044-3064  
(785) 832-5286 Fax (785) 838-2480  
www.douglas-county.com

MEMO TO: The Board of County Commissioners  
Craig Weinaug, County Administrator

FROM: Jackie Waggoner, Purchasing Director  
Division of Purchasing

SUBJECT: Consider Accessing the National IPA Cooperative Contract to Purchase  
Equipment for Public Works

DATE: May 18, 2017

Funds have been allocated in equipment reserve to purchase a rubber tire loader for Public Works. Replacement will be sold through our online auction.

Staff tested multiple loaders and narrowed their selection to John Deere and Caterpillar. Both of these manufactures have two cooperative contracts that we compared. The cooperative contract has proven to provide considerable savings, and allows us opportunities to make the purchase through authorized dealers in Kansas. The table below summarizes their cost:

| Contractor              | Mfg. - Model                 | Warranty                                                   | Cooperative Contract | Cost         |
|-------------------------|------------------------------|------------------------------------------------------------|----------------------|--------------|
| Murphy Tractor & Equip. | John Deere<br>624K-II Loader | 7 Year/7000 Hr<br>Full Machine                             | KDOT                 | \$207,400.85 |
|                         |                              |                                                            | NJPA                 | \$209,069.01 |
| Foley Equipment         | Caterpillar<br>938M          | 8 Year/8000 Hr<br>5 Year Full Machine<br>3 Year Powertrain | National IPA         | \$211,150.00 |
|                         |                              |                                                            | NJPA                 | \$216,826.72 |

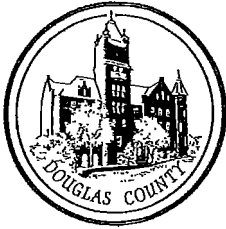
The loader will replace a 2007 Case 821 loader with approximately 4610 hours. This loader is experiencing hydraulic problems and is in need of significant repairs. During the summer months the loader will be used to run our asphalt milling machine and our aggregate shouldering machine. It's also used to load materials from various stockpiles, and during winter months will be used to load sand/salt during winter storm events.

The Cat loader is equipped with a fully integrated payload system that can be accessed through our existing Cat software, whereas the payload system offered by John Deere is an "after market" system that must be maintained by an outside agency other than Murphy Tractor. In addition, the Cat loader includes standard equipment such as a hydrostatic transmission, throttle lock and cruise control, which are not offered by John Deere. These options are important when operating the shoulder and milling machine.

Staff reviewed the quotes received as well as comparing the cost of preventative maintenance for the life of both machines. It is estimated we will see an \$8,000 cost savings over 10 years with the Cat 938M. With the anticipated PM cost savings and the standard equipment installed on the Cat 938M, this machine provides the best value. It is staff's recommendation to award the contract to Foley Equipment. Doug Stephens, Clayton Funk, and I will be at the meeting to answer any questions you may have.

**RECOMMENDATION:** The Board of County Commissioners authorizes staff to access the National IPA contract with Foley Equipment to purchase a loader in the amount of \$211,150.





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**Keith A. Browning, P.E.**  
Director of Public Works/County Engineer

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### MEMORANDUM

To : Board of County Commissioners

From : Keith A. Browning, P.E., Director of Public Works/County Engineer *KAB*

Date : May 18, 2017

Re : Determine 2018 road maintenance budget for the Hesper CRID

The BOCC created the Hesper Charter Road Improvement District (Hesper CRID) in December 2004 by Home Rule Resolution No. HR 04-12-3. The CRID includes portions of N 1100 Road, E 2300 Road and N 1137 Road, all east of Route 1061, totaling 2.81 centerline miles. The CRID made capital improvements to these roads in 2005. The improvements consisted of adding a nominal 4" crushed rock base, priming and double chip sealing the surface, and replacing crossroad culverts. CRID property owners were assessed for the cost of the capital improvements (approximately \$231,000). In addition, CRID property owners are assessed for a portion of road maintenance costs with Eudora Township (now, Douglas County) funding the remaining maintenance costs.

In January 2006, Douglas County entered into a 3-party road maintenance agreement with Eudora Township and the CRID. The road maintenance agreement established the method of determining assessments to CRID property owners for road maintenance. Under the agreement, Eudora Township was to contribute a percentage of total road maintenance revenues determined as follows: the assessed valuation of property within the CRID divided by the total assessed valuation of all property within Eudora Township. The CRID property owners are assessed for the total road maintenance budget less the percentage of township road maintenance revenues determined as indicated above. In August 2011, the BOCC determined Douglas County will assume responsibility for what would be Eudora Township's contribution under the January 2006 maintenance agreement.

Attached is a spreadsheet showing previous and projected maintenance costs. Please note that in 2014, the Hesper CRID roads were patched and chip sealed. We anticipate another chip seal project for Hesper CRID roads in 2018.

Last year the 2017 maintenance budget was set at \$52,000. This was a significant increase from the 2016 maintenance budget of \$40,000. In our discussions in 2011, it



was determined we would keep the maintenance budget fairly constant until 2017, when the capital improvements assessments expire. I show the maintenance budget remaining at \$52,000 annually from 2018 through 2027.

The second spreadsheet calculates the 2018 assessments required for each Individual Property Owner (IPO). The spreadsheet assumes a \$52,000 budget for 2018. The spreadsheet shows Douglas County (in lieu of Eudora Township) contributing \$35,187 of the total \$52,000. This leaves \$16,813 to be paid by the IPO's. There are 42 IPO's, so each would be assessed \$400.32. Last year's assessments were \$303.70 per IPO.

I recommend the BOCC set a \$52,000 total road maintenance budget for the Hesper Charter Road Improvement District for 2018.

Action Required: Determine the 2018 road maintenance budget for the Hesper Charter Road Improvement District.



HESPER CHARTER ROAD IMPROVEMENT DISTRICT  
Maintenance Expense Projections

Date: 4/24/2017  
 By: KAB

| <u>Year</u>                                    | <u>Hesper CRID<br/>Budget</u> | <u>Projected<br/>Budget</u> | <u>Actual<br/>Maintenance<br/>Costs</u> | <u>Anticipated<br/>Maintenance<br/>Costs</u> | <u>Comments</u>     |
|------------------------------------------------|-------------------------------|-----------------------------|-----------------------------------------|----------------------------------------------|---------------------|
| 2006                                           | \$ 19,656                     |                             | \$ 1,734.94                             |                                              |                     |
| 2007                                           | \$ 19,656                     |                             | \$ 9,361.80                             |                                              |                     |
| 2008                                           | \$ 24,585                     |                             | \$ 51,792.07                            |                                              |                     |
| 2009                                           | \$ 29,175                     |                             | \$ 59,731.55                            |                                              |                     |
| 2010                                           | \$ 29,175                     |                             | \$ 35,210.00                            |                                              |                     |
| 2011                                           | \$ 30,000                     |                             | \$ 35,052.75                            |                                              |                     |
| 2012                                           | \$ 34,177                     |                             | \$ 1,733.07                             |                                              |                     |
| 2013                                           | \$ 35,000                     |                             | \$ 29,419.79                            |                                              |                     |
| 2014                                           | \$ 38,000                     |                             | \$ 109,385.55                           |                                              |                     |
| 2015                                           | \$ 40,000                     |                             | \$ 1,561.37                             |                                              |                     |
| 2016                                           | \$ 40,000                     |                             | \$ 11,480.21                            |                                              |                     |
| 2017*                                          | \$ 52,000                     |                             |                                         |                                              |                     |
| Subtotals                                      | \$ 391,424                    |                             | \$ 346,463.10                           |                                              |                     |
| 2017                                           |                               |                             |                                         | \$ 25,000                                    | Patching            |
| 2018                                           |                               | \$ 52,000                   |                                         | \$ 120,000                                   | Patch & chip seal   |
| 2019                                           |                               | \$ 52,000                   |                                         | \$ 2,000                                     | reduced maintenance |
| 2020                                           |                               | \$ 52,000                   |                                         | \$ 20,000                                    | Patching            |
| 2021                                           |                               | \$ 52,000                   |                                         | \$ 35,000                                    | Patching            |
| 2022                                           |                               | \$ 52,000                   |                                         | \$ 125,000                                   | Patch & chip seal   |
| 2023                                           |                               | \$ 52,000                   |                                         | \$ 5,000                                     | reduced maintenance |
| 2024                                           |                               | \$ 52,000                   |                                         | \$ 20,000                                    | Patching            |
| 2025                                           |                               | \$ 52,000                   |                                         | \$ 45,000                                    | Patching            |
| 2026                                           |                               | \$ 52,000                   |                                         | \$ 130,000                                   | Patch & chip seal   |
| 2027                                           |                               | \$ 52,000                   |                                         | \$ 5,000                                     | reduced maintenance |
| Subtotal                                       |                               | \$ 520,000                  |                                         | \$ 532,000                                   |                     |
| Actual expenses 2006-2016                      |                               |                             | \$ 346,463.10                           |                                              |                     |
| Anticipated expenses 2017-2027                 |                               |                             | \$ 532,000                              |                                              |                     |
| Total expenses 2006-2027                       |                               |                             | \$ 878,463                              |                                              |                     |
| Less: Budget thru 2017                         |                               |                             | \$ 391,424                              |                                              |                     |
| 2018 thru 2027 total budget required:          |                               |                             | \$ 487,039                              |                                              |                     |
| 2018 thru 2027 average annual budget required: |                               |                             | \$ 48,704                               |                                              |                     |

\*Capital improvements assessment (~\$780/yr/IPO) ends in 2017



Date: 4/24/2017  
By: KAB

## HESPER CHARTER ROAD IMPROVEMENT DISTRICT--2018 Budget

### 2018 DISTRICT CONTRIBUTIONS TO ROAD MAINTENANCE COSTS

#### Assumptions:

1. Township performs no maintenance activities and contributes no funds towards maintenance.
2. County contribution towards maintenance expenses calculated as:  
(Hesper CRID valuation/Eudora Twp valuation) x Eudora Twp road budget
3. Hesper CRID contribution equals Total Estimated Maintenance Expense less County contribution
4. County forces perform all maintenance activities except chip seals.

|                                                                   |    |            |
|-------------------------------------------------------------------|----|------------|
| Hesper Improvement District total valuation (2017)*:              | \$ | 1,158,173  |
| Eudora Township total valuation (2017)*:                          | \$ | 17,719,029 |
| Percentage of improvement district value to total township value: |    | 6.54%      |

|                                                             |    |         |
|-------------------------------------------------------------|----|---------|
| Township Road Fund budget, 2017**:                          | \$ | 538,325 |
| Amount to be allocated to improvement district maintenance: | \$ | 35,187  |

#### Calculation of Improvement District contribution to annual maintenance expense:

|                                             |              |                |
|---------------------------------------------|--------------|----------------|
| Total estimated annual maintenance expense: | \$           | 52,000         |
| Improvement District assessments required:  | \$           | <u>16,813</u>  |
|                                             | \$           | 52,000         |
|                                             |              | Maint. Assess. |
|                                             | <u>IPO's</u> | <u>per IPO</u> |
| Annual maint assessment per IPO:            | 42           | \$ 400.32      |

\*values provided by DGCO Appraiser's Office

\*\*township road fund budget provided DGCO Budget Office





# ADMINISTRATIVE DETERMINATION & CERTIFICATION

FINAL PLAT

APPLIED ECOLOGICAL ADDITION

May 12, 2017

**PF-17-00228:** Final Plat for Applied Ecological Addition, a one-lot subdivision on approximately 11.7 acres located at 1269 N 222 Road. Submitted by Landplan Engineering PA on behalf of Applied Ecological Services, Inc. property owner of record.

**ADMINISTRATIVE DETERMINATION:** The Planning Director approves the above-described Final Plat based upon the certification in the body of this report subject to the following condition:

1. Provision of a revised final plat with the following change:
  - a. Addition of the following note: "The subject property shall take direct access to E 1260 Road through a driveway as permitted by the Douglas County Public Works Office. The connecting drive to N 222 Road shall be removed when this driveway is constructed."

## KEY POINTS

- Approximately 5 acres and a residence were removed from the parent parcel through the Homestead Exemption Survey process. As a result, it is necessary to plat the remainder of the property in accordance with the Subdivision Regulations in order for it to be eligible for a building permit.
- The subject property is zoned A (Agricultural) and is developed with Applied Ecological Services, a greenhouse business which includes the sale of products not grown on the site. The greenhouse is an agricultural use; however, the sale of products not grown on the site requires approval of a Conditional Use Permit in the A Zoning District. The commercial aspect of the business was approved with Conditional Use Permit, CUP-5-4-11.

## SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 1, 2007.

## ASSOCIATED CASE

- PP-17-00090 Preliminary Plat for Applied Ecological Addition. Approved by the Planning Commission on April 26, 2017.

## OTHER ACTION REQUIRED

- Board of County Commissioners' acceptance of dedication of utility easement as shown on the final plat.
- Recording of the Homestead Exemption Survey prior to the recording of the final plat, to insure the residence maintains its vested right to a building permit.
- Recording of the final plat at the Douglas County Register of Deeds.

## PLANNING DIRECTOR CERTIFICATION (Section 20-809(m))

The final plat conforms to the content requirements of Section 20-809 of the Subdivision Regulations and is consistent with the Preliminary Plat (PP-17-00090) approved by the Planning Commission. The Planning Director hereby approves the final plat and certifies that the final plat:

- (i). **Conforms to the Preliminary Plat previously approved by the Planning Commission.**  
The Final Plat is in conformance with the Preliminary Plat previously approved by the Planning Commission.

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>(ii). <b>Satisfies any conditions of approval imposed by the Planning Commission.</b><br/>The Planning Commission approved the preliminary plat subject to the condition that the property owner would obtain a driveway permit for the new access point on E 1260 Road from the Douglas County Public Works Office prior to the recording of the final plat. This condition insures that no more than 3 properties will be served by N 222 Road, a private road. The approved driveway permit was provided to the Planning Office on May 10<sup>th</sup>, 2017.</p> <p>(iii). <b>Includes the same dedications, subject to only minor technical adjustments.</b><br/>The final plat includes the same dedications approved by the Planning Commission.</p> <p>(iv). <b>Represents a plat for which all required public improvements have been completed or for which adequate guarantee of improvements has been provided.</b><br/>The property is developed and no public improvements are needed.</p> <p>(v). <b>Is otherwise consistent with the requirements of the Subdivision Regulations for a final plat.</b><br/>The final plat is consistent with all final plat requirements of the Subdivision Regulations.</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## **STAFF REVIEW**

### **Compliance with preliminary plat**

The final plat conforms to the Preliminary Plat [PP-17-00090].

### **Street and Access**

The subject property is bounded on the west by E 1260 Road, a frontage road that was installed with the recent relocation and improvements to Hwy 59. The residence that is being removed through the Homestead Exemption Survey process will continue to take access to N 222 Road, a private road, along with two residences to the north. A private road is limited to no more than three users; therefore, Applied Ecological will provide direct access to E 1260 Road and a driveway permit for the new driveway has been approved by the Douglas County Public Works Office. The driveway will be installed to E 1260 Road and the connecting drive to N 222 Road removed. This should be noted on the plat.

### **Easements and Rights-of-way**

E 1260 Road is a frontage road located within the right-of-way for Hwy 59. Approximately 299 ft of right-of-way width is available for Hwy 59 and E 1260 Road in this area. E 1260 Road is classified in the Access Management Standards map as a Local Road, which requires 70 ft of right-of-way and Hwy 59 is classified as a Principal Arterial, which requires 120 ft of right-of-way width. Adequate right-of-way is provided for the adjacent roads. A utility easement for the extension of a Westar line is located on the property; however, the pole is located outside of the easement. Additional easement is being dedicated with this plat to include the pole.

### **Utilities and Infrastructure**

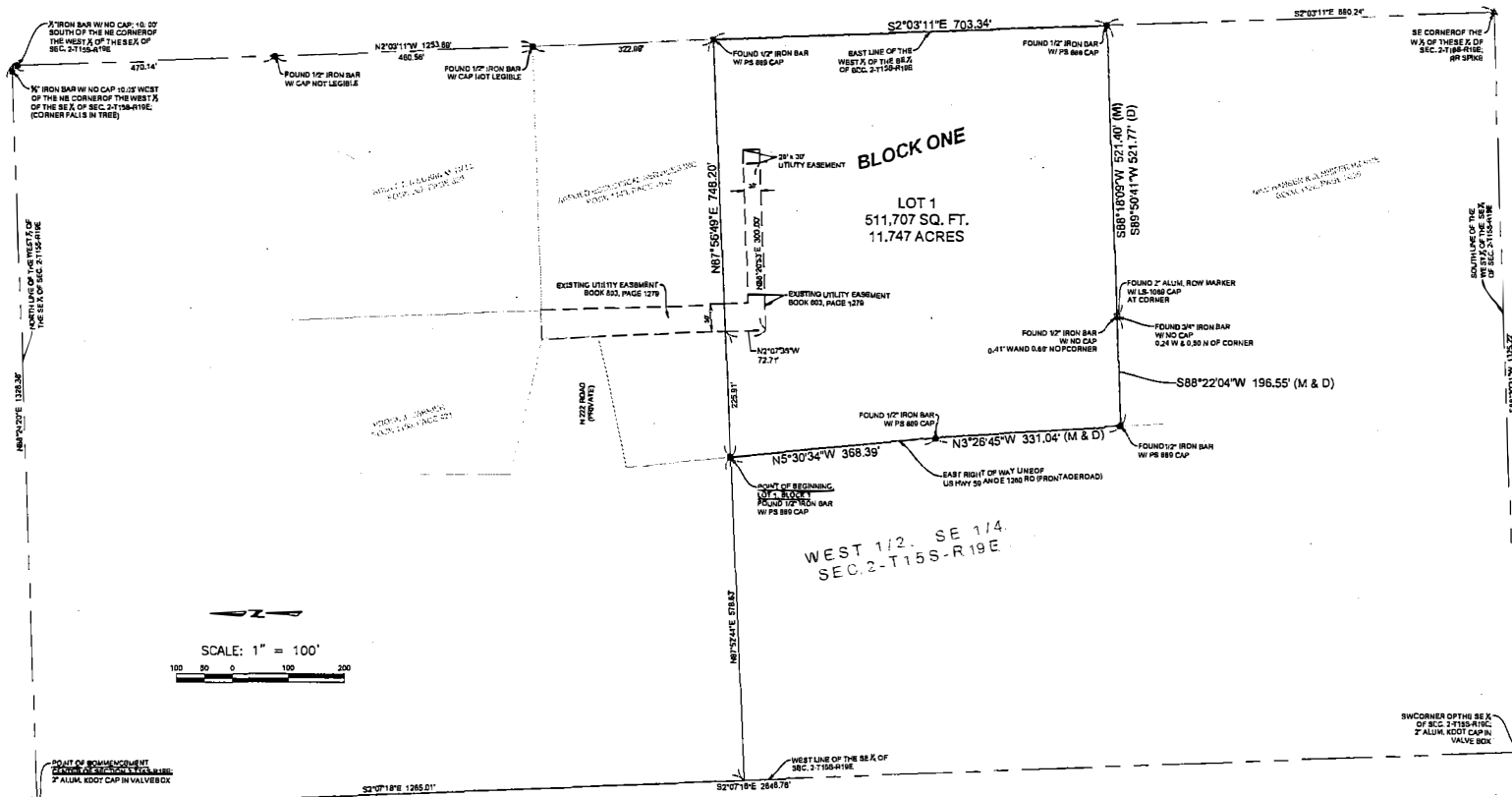
A septic system was recently installed for Applied Ecological and they use well water. A minimum of 5 acres outside the floodplain is required for properties with well water and on-site sewage management systems. The subject property has approximately 11.7 acres.

### **Public Improvements**

The property is developed and public improvements are not needed to serve the property.

## **CONCLUSION**

This final plat is consistent with the preliminary plat and with the planned development of the property.



**LEGAL DESCRIPTIONS:**

THAT PART OF THE WEST HALF OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION TWO (S2), TOWNSHIP FIFTEEN SOUTH (1715S), RANGE NINETEEN EAST (R19E) OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

[illegible]

**DEDICATION:**

BE IT KNOWN TO ALL MEN THAT I, THE UNDERSIGNED OWNER OF THE ABOVE DESCRIBED TRACT OF LAND, HAVE HAD CAUSE FOR THE SAME TO BE SURVEYED AND PLATTEDED UNDER THE NAME OF "APPLIED BIOLOGICAL ADDITION" AND HAVE CAUSED THE SAME TO BE REDIVIDED INTO LOTS AND STREETS AS SHOWN AND FULLY DEFINED ON THIS PLAT. ALL STREETS, DRIVES, ROADS, ETC. SHOWN ON THIS PLAT AND NOT HERETOFORE DEDICATED TO PUBLIC USE ARE HEREBY SO DEDICATED, AN EASEMENT IS HEREBY GRANTED TO DODD & COUNTY AND PUBLIC UTILITY COMPANIES TO ENTER UPON, CONSTRUCT AND MAINTAIN UTILITIES UPON, OVER, AND UNDER THE SAME AS OUTLINED ON THIS PLAT AS "UTILITY EASEMENT" OR "LIE".

STEVEN A. DISCHLER,  
PRESIDENT, APPLIED ECOLOGICAL SERVICES, INC.

**ACKNOWLEDGEMENT:**

STATE OF WISCONSIN  
COUNTY OF ROCK

BE IT REMEMBERED THAT ON THIS 15 DAY OF NOVEMBER, 2017, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME STEVEN A. DISCHER, PRESIDENT OF APPLIED ECOLOGICAL SERVICES, INC WHO IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DICTATING WITNESSED THE EXECUTION OF THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

**DORRENA, RDSHEISEN**  
**NOTARY PUBLIC**

MY COMMISSION EXPIRES \_\_\_\_\_

**ENDORSEMENTS:**

APPROVED AS A MAJOR SUBDIVISION UNDER THE  
SUBDIVISION REGULATIONS OF THE CITY OF LAWRENCE  
& THE UNINCORPORATED AREAS OF DOUGLAS COUNTY

SCOTT MCCULLOUGH  
DIRECTOR, PLANNING & DEVELOPMENT SERVICES

BASEMENTS ACCEPTED BY BOARD OF COUNTY  
COMMISSIONERS, DOUGLAS COUNTY, KANSAS

|              |      |
|--------------|------|
| MIKE GAUGHAN | DATE |
| CHAIR        |      |

REVIEWED IN COMPLIANCE  
WITH K.S.A. 50-2005

MICHAEL D. KELLY, P.B. 14800      DATE  
DOUGLAS COUNTY SURVEYOR

**FILING RECORD:**

STATE OF KANSAS  
COUNTY OF DOUGLAS

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF THE DOUGLAS COUNTY REGISTER OF DEEDS ON THIS 15 DAY OF NOVEMBER 2017, AND IS DULY RECORDED AT 1:05 AM/PM IN PLAT BOOK 100 PAGE 10

REGISTER OF DEEDS  
KAY PEBNELL

**CERTIFICATION:**

I HEREBY CERTIFY THAT THE PLATTED AREA AND THE LOCATION MAP SHOWN HEREON ARE THE RESULTS OF A FIELD SURVEY PERFORMED UNDER MY DIRECT SUPERVISION IN THE MONTH OF FEBRUARY, 2017. THIS SURVEY CONFORMS TO THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS.



BRAD C. ZILIOX, P.E., #220  
1310 WAKARUSA DRIVE, SUITE 100  
LAWRENCE, KS 66044  
785.843.7530

A FINAL PLAT OF  
APPLIED ECOLOGICAL ADDITION

A SUBDIVISION IN IN THE WEST HALF OF  
THE SOUTHEAST QUARTER OF SECTION 2,  
TOWNSHIP 15 SOUTH,  
RANGE 19 EAST OF THE SIXTH P.M.,  
DOUGLAS COUNTY, KANSAS

SE 1/4, SEC. 2-T15S-R19E

