

# Osage County

## EMPLOYEE MANUAL

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## Introduction

As an employee of Osage County, it is important that you be aware of the benefits as well as the policies and procedures that will prove helpful to you. This is your copy of Osage County's Employee Manual. This manual was developed with the input from the elected officials and department heads, and their staff. Many changes have been approved and put in place by the Commission since the manual was issued in 2010. Those changes have been incorporated into this updated Osage County Employee Manual.

This manual provides answers to most of the questions you may have about Osage County's benefit programs, as well as the policies and procedures we abide by, our responsibilities to you and your responsibilities to Osage County. You are responsible for reading and understanding this Employee Manual. Any statement in this manual that may now or later prove to be in conflict with state or federal laws or regulations will be superseded by those laws or regulations. If anything is unclear, please discuss the matter with your department head as he or she is your first line of contact and will be able to provide guidance on day-to-day personnel matters. Osage County values its employees & we hope that this Employee Manual gives you an indication of our interest in your welfare. Osage County is committed to providing you with a satisfying work experience and we wish continued success as a valued employee of Osage County.

From time to time, the information included in our Employee Manual may change. Every effort will be made to keep you informed through suitable lines of communication.

All county employees will abide by this manual. Elected officials are encouraged to cooperate to show uniformity. This manual supersedes any previous manual. There will be policies that differ between county employees and county post-certified law enforcement employees as state statute mandates. When the policies differ, separate language will be noted in the pertinent policy section.



Dave Dudenhoeffer  
Presiding Commissioner



John Glavin  
First District Commissioner



Larry Kliethermes  
Second District Commissioner



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## ARTICLE 1 DEFINITION OF TERMS

The following words and phrases shall have the meanings indicated throughout these rules except where the context clearly indicates otherwise.

**Anniversary date:** Date of an employee's first day of work.

**Appointing authority:** The County Commission or a designee of the County Commission, (department head), or any person having the power by virtue of state law or other lawfully delegated authority to make appointment to positions in the County service.

**Appointment:** The designation to a position in the County service of a person who has qualified for the appointment through an appropriate selection process.

**Certification:** The act of supplying an appointing authority with an appropriate number of names of applicants who are eligible, in accordance with legal provisions and these rules, for appointment to a position.

**Certification:** (Sheriff's Office Definition)-Possessing at least 470 hours of training that is Peace Officer's Standards and Training (P.O.S.T.) approved or being P.O.S.T. certified to the capacity of eligibility to work in a 3<sup>rd</sup> Class County as a Peace Officer. Class "A" or 'B' license is required.

**Class:** One or more positions sufficiently similar in respect to assigned work duties and responsibilities that the same class title may be reasonably and fairly used to designate each position allocated to the class, that the same minimum education and work experience qualifications may be required, and that the same salary range may apply with equity.

**County Commission:** The duly elected County Commission of the County or a designee when appropriate.

**Covered employees:** An employee who is covered by the provisions of the Fair Labor Standards Act (FLSA), particularly as related to overtime.

**Date of employment:** The date an employee starts work as a new hire or rehire.

**Date of termination:** The date an employee separates from employment.

**Demotion:** The movement of an employee from a position in one class to a position in another class having a lower maximum salary rate.

**Department:** Any of the departments under the jurisdiction of the County Commission now or as hereafter established.

**Department head:** Person appointed by the County Commission to supervise the operation of a department, such as Road and Bridge, Emergency Management, 911 and the Health Department.

**Eligible:** A person whose name is on a current eligible list and who may under these rules be certified for appointment to a position in the County service.

**Emergency:** A sudden and unforeseen happening that requires the unscheduled services of an employee to protect the health, welfare, and safety of the community.

**Exempt employee:** An employee who is exempted from the provisions of the Fair Labor Standards Act (FLSA) by the Act or who is not covered by the Act, particularly as it relates to overtime.

**Flex Time:** A system of working that allows an employee, upon prior authorization from their department head, to choose, within limits, the hours for starting and leaving work each day.

**Full-time employee:** An employee occupying a position included in the adopted annual budget that is neither specified part-time nor temporary employment, nor limited for a period of less than the budget year. Also any employee occupying such a position established during a given budget year unless the appointing authority certifies that such position will not be continued in the succeeding year's budget. The hours of work are approximately 2080 per year.

**Grievance:** A complaint relating to employment, the application of personnel rules and regulations, working conditions, or relationships between an employee and a department head.

**Immediate family:** Husband, wife, son, son-in-law, daughter, daughter-in-law, mother, mother-in-law, father, father-in-law, brother, brother-in-law, sister, sister-in-law, grandparents, and grandchildren.

**Introductory employee:** A full-time or part-time employee serving an introductory working test period.

**Introductory period:** A working test period during which a newly appointed full-time or part-time employee is required to demonstrate fitness by actual performance of the duties of the position to which the employee is appointed.

**Job description:** A written statement of the characteristic duties, responsibilities, and qualification requirements that distinguish a specific class from other classes.

**Layoff:** Employment separation made necessary by lack of work or funds or other reasons not related to fault, delinquency, or misconduct on the part of an employee.

**Licensing -** A permission granted by competent authority to engage in a business or occupation or in an activity otherwise unlawful

**Original employment date:** First date of official appointment to a position in the County service after appropriate certification and for any period of continuous service.

**Part-time employee:** Part-time employee in these rules shall mean both part-time employee with benefits and part-time employee without benefits.

**Part-time employee with benefits:** An employee in a position scheduled to work less than full time (2080 hours), but at least 1560 hours in any continuous twelve (12) month period shall be entitled to employee benefits provided for part-time employees, including health insurance as required by the Affordable Care Act. \*Those employees who work more than 1000 hours per year must participate in CERF per state statute.

**Part-time employee without benefits:** Employees who work less than 1,000 hours per year do not qualify for any benefits provided by the county.

**Position:** A group of current duties and responsibilities assigned or delegated by competent authority, requiring the full-time, part-time, or temporary employment of one person.

**Probationary (Introductory) Period-**The period of time in which a new employee is required to undergo, in order to demonstrate fitness for the position in which they were hired.

**Promotion:** The movement of any employee from a position of one class to a position of another class having a higher maximum salary rate.

**Qualifying Period:** The working test period served by promotional appointees and employees transferred to a class dissimilar to the one previously held.

**Resident:** A person whose principal place of domicile is within the corporate boundaries of the county.

**Temporary/seasonal employee:** Terms used interchangeably to describe a position comprising duties which occur, terminate, and recur seasonally, intermittently or according to the needs of the department. Such position shall not require more than 1499 hours of pay in any continuous twelve (12) month period. The appointing authority shall assign a projected date of termination of less than one (1) year from date of hire and shall have such date made a part of the employee's personnel file.

**Transfer:** The movement of an employee from one department, division, or unit of the County government to another, from one position to another position of the same class, or to another class having the same maximum salary rate involving the performance of similar or dissimilar duties and requiring essentially the same basic qualifications.

**Vacancy:** A duly created position which is not occupied and for which funds have been provided.

**Year:** A calendar year unless otherwise specified in a particular section.

## **ARTICLE 2 GENERAL EMPLOYEE POLICIES**

### **Section 2-1 Equal Employment Opportunity**

The County will ensure that all personnel activities be conducted in a manner that will assure equal employment opportunity for all persons, without regard to political affiliation, race, color, religion, national origin, sex, sexual orientation, age, or disability. This policy shall include all personnel practices related to the employment process, promotions, demotion, transfer, layoff, termination, compensation, benefits, training, and general treatment of employees.

### **Section 2-2 Affirmative Action Plan**

#### **(a) Affirmative Action Statement**

The County hereby adopts the following Affirmative Action Program for Equal Employment Opportunity:

Affirmative Action means that all employees shall be treated equally in regard to terms, conditions, and privileges of employment including promotions, salary advancements, assignments, training, demotion, or any other personnel action. If for any reason an employee feels that he/she is being discriminated against because of race, creed, color, religion, age, nation origin, handicap, sex, sexual orientation or ancestry, he/she should contact the Equal Employment Opportunity Officer of the Commission.

This policy shall be made known to all employees and potential sources of employees.

The County Commission shall be responsible for insuring compliance with the Equal Opportunity policies. The Commission shall designate an Equal Employment Opportunity Officer with the responsibility of coordinating the efforts of the County Commission to eliminate discriminatory practices.

#### **(b) Nondiscriminatory Recruiting**

The County will take appropriate nondiscriminatory recruiting measures such as, but not limited to:

- (1) Placing employment advertisements in newspapers which serve the largest number of minority group people in the recruiting area.
- (2) Maintaining systematic contacts with minority and human relations organizations, leaders and spokesmen to encourage referral of qualified minority applicants.
- (3) Encouraging commissioners and employees to refer minority applicants.

(4) Making it known to recruitment sources that qualified minority members are being sought for consideration for work whenever the County hires personnel.

(c) The County assures that it will take appropriate nondiscriminatory hiring measures, such as, but not limited to, instructing those who make hiring decisions those minority applicants for all jobs are to be considered without discrimination.

(d) The County will make maximum use of training programs to help equalize opportunity for minority persons such as, but not limited to actively encouraging minority employees, as well as others to increase their skills and job potential through participation in available training and education programs.

(e) The County assures nondiscriminatory placement and promotion by taking measures such as, but not limited to:

(1) Instructing those who make placement and promotion decisions that minority employees are to be considered without discrimination.

(2) Encouraging the promotion of minority employees who have increased their skills and job potential in accordance with the County's Affirmative Action Policies.

(f) The County assures nondiscriminatory pay, other compensation and working conditions by taking appropriate steps such as, but not limited to examining the rates of pay and fringe benefits for present employees with equivalent duties and adjusting any inequities found.

(g) The County encourages nondiscriminatory contracting by taking appropriate steps such as encouraging minority group contractors and contractors with minority representatives among their employees to submit proposals for contract work.

(h) The County assures that it will follow through with questioning, verifying, and making whatever changes or additions to the County's Equal Employment Opportunity Program that may be necessary to assure effectiveness.

### **Section 2-3 Alcohol & Controlled Substance Use, Abuse & Testing Policy**

(a) Policy objectives.

It is the policy of the County to provide safe, dependable, and economical services to its citizens and to provide safe working conditions for its employees, and to comply with the requirements of federal law and regulations related to the Drug Free Work Place Act of 1988 and the Omnibus Transportation Employee Testing Act of 1991. It is also the policy of the County to provide healthy, satisfying working environments for its employees.

To meet these goals, it is the policy of the County to ensure that its employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner; to create a workplace environment free from the adverse effects of alcohol and controlled

substance abuse or misuse; to prohibit the unlawful manufacture, distribution, dispensing, possession or use of alcohol and controlled substances; and to encourage employees to seek professional assistance when personal problems, including alcohol and controlled substance dependency, adversely affect their ability to perform assigned duties.

The purpose of this policy is to assure worker fitness for duty and to protect employees and the public from the risks posed by the use of alcohol and controlled substances. It is also the purpose of this policy to comply with all applicable federal and state regulations governing workplace alcohol and controlled substance abuse programs mandated under the above-noted acts. These acts mandate urine drug testing and breathalyzer alcohol tests for safety-sensitive positions and prevent performance of safety-sensitive functions when there is a positive test result. The federal law has also established standards for the collection and testing of urine and breath specimens, for the reporting of certain drug-related offenses, for protective measures for certain employees tested, for the preservation of confidentiality, and for certain reporting.

(b) Applicability

This policy applies to all County employees and potential employees (applicants), including but not limited to persons who are required to possess a CDL license for the operation of a commercial vehicle and all law enforcement and emergency services personnel.

(c) Definitions

(1) Administrator - designated by the County Commission to be the Presiding Commissioner.

(2) Commercial vehicle - as defined in the Missouri statutes requiring commercial drivers' licenses.

(3) Delay - any failure to immediately report to the test site to participate in the required testing under this policy.

(d) Policy Administrator

Unless otherwise designated by the County Commission, the designated policy administrator for the County is the Presiding Commissioner, who shall be designated as the controlled substance and alcohol policy administrator.

Any inquiries concerning this policy, its application, its administration, or its interpretation shall be made to the policy administrator.

The policy administrator shall develop all forms necessary to carry out the provisions of this policy, unless the forms are provided under the federal regulations. The forms shall be provided to appropriate persons who are responsible for the implementation and management of this policy.

(e) Alcohol & Controlled Substances Prohibitions

An employee is prohibited from the operation of a commercial motor vehicle and/or from engaging in any work-related functions:

- (1) While consuming alcohol;
- (2) While having a blood alcohol concentration of 0.02 or greater;
- (3) Within four (4) hours of consuming alcohol;
- (4) After refusing to submit to an alcohol test; and
- (5) From consuming alcohol within eight (8) hours after an accident as specified in this policy.

An employee is prohibited from the unauthorized use of a controlled substance at any time, whether on or off duty.

An employee is prohibited from the unauthorized possession of alcohol while on duty and of controlled substances at any time, whether on or off duty.

Any employee convicted of illegal conduct related to controlled substances or alcohol or who fails to report such a conviction to the policy administrator shall be subject to immediate termination from service.

Any employee whose job performance requires the possession of a valid CDL and who loses the CDL for a violation of or as a consequence of the law shall be subject to disciplinary action up to and including termination from service. The employee shall notify the policy administrator and the employee's immediate department head of the loss of the CDL. Failure to notify the policy administrator of the loss of the CDL shall result in immediate termination from service.

(f) Controlled Substance & Alcohol Testing Provisions

Employees subject to this policy shall be subject to controlled substances and alcohol testing including the following types of tests: pre-employment testing; random testing (except as provided herein); reasonable suspicion testing; post-accident testing; return-to-work testing; and follow-up testing to rehabilitation programs.

**PRE-EMPLOYMENT TESTING:** Pre-employment urine drug and alcohol testing shall be required of all applicants as a condition of the application procedure. Future employment as defined shall be considered as if the application was for original entry into service for purposes of this policy. Receipt of satisfactory test results is required prior to commencement of employment and/or engaging in safety-sensitive functions, and the failure of a controlled substance or alcohol test disqualifies an applicant from appointment to employment for a period of at least 120 days. Evidence of the absence of controlled substances or alcohol

dependency from a Substance Abuse Professional (SAP) and negative controlled substance and alcohol tests shall be required prior to further consideration for any employment, including reports from prior employers upon an employee's written authorization.

**REASONABLE SUSPICION TESTING:** Reasonable suspicion testing shall be used to determine fitness for duty evaluations, including appropriate urine and/or breath testing when there are objective observable reasons to believe that a controlled substance or alcohol use is adversely affecting an employee's job performance or that the employee has violated this policy. Reasonable suspicion referral for testing shall be made on the basis of documented objective facts and circumstances which are consistent with the effects of substance use. Reasonable suspicion observations and reports can only be made by department head or management personnel who are trained to detect the signs and symptoms of controlled substance and alcohol use and who may reasonably conclude that an employee may be adversely affected or impaired in the employee's work performance due to the use of the controlled substance or alcohol. The observing department head or manager, whether or not the person is the employee's immediate department head, is required to complete the appropriate required documentation concurrently with the observation and consideration to impose reasonable suspicion testing.

Reasonable suspicion testing shall be required and completed whenever possible within two (2) hours of the observation, but in any case no later than before eight (8) hours after the observation for breath alcohol testing and thirty-two (32) hours for controlled substance testing.

**POST-ACCIDENT TESTING:** Post-accident testing shall be required to test employees after a vehicular accident has occurred in a County vehicle or when any employee is conducting county business. Testing shall include both breath alcohol and urine drug testing of the employee(s).

Post-accident testing shall be required and completed whenever possible within two (2) hours of the accident occurrence, but in any case no later than before eight (8) hours after the accident for breath, alcohol testing and thirty-two (32) hours for controlled substance testing. An employee involved in an accident shall refrain from alcohol consumption for eight (8) hours following the accident.

**RANDOM TESTING:** Random testing shall be conducted annually on all persons covered by this policy. Random testing shall be unannounced and conducted with unpredictable frequency throughout the year using an established scientifically based selection method. Testing shall be conducted no less frequently than required by federal law and regulations, and in such numbers as is minimally determined under the regulations.

**RETURN-TO-WORK TESTING:** Return-to-work urine drug and alcohol testing for all employees covered by this policy shall be required for all employees who previously tested positive on a controlled substance or alcohol test. The employee must test negative and be evaluated and released to return to work by an SAP before being permitted to return to work.

**FOLLOW UP TESTING:** Follow-up testing of employees returning to work shall be required. Employees shall submit to frequent, unannounced random urine drug and breath alcohol testing at least six (6) times in the following twelve (12) months after returning to work. Random testing may be continued for a period of up to sixty (60) months from the employee's return to work date.

Any employee who questions the results of a required urine drug test under this policy may request that an additional test be conducted. The test must be conducted on a split sample that was provided at the same time as the original sample and the test analysis shall be conducted at a different qualified laboratory than where the original test was conducted. All costs for employee requested testing shall be paid by the employee unless the second test invalidates the original test. An employee's request for a re-test must be made to the Medical Review Officer (MRO) within seventy-two (72) hours of the notice to the employee of the initial test result. Requests made after the seventy-two (72) hour limit will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.

The method of collecting, storing, and testing the split sample required under this policy shall be consistent with the procedures established in 49 CFR Part 40.

**FAILURE TO TEST:** Any employee who fails to submit to the required testing under this policy is considered to have tested positive and shall be subject to all of the consequences that flow related to positive testing.

Any employee ordered to test shall report immediately to the test site upon being ordered to submit to testing. No delay of any type may be granted or taken. Delay in reporting by the employee shall be treated as a refusal to test and shall subject the employee to all of the consequences that flow related to positive testing. Failure to provide a sufficient sample or for providing an adulterated sample shall be considered as a refusal to test and shall subject the employee to all of the consequences that flow related to positive testing.

(g) Testing Controls

**ALCOHOL:** Federal regulations require breath testing to be done on Evidential Breath Testing devices approved by the National Highway Safety Administration. An initial screening test is conducted first. Any result that is less than 0.02 blood alcohol concentration is considered negative. If the blood alcohol concentration is 0.02 or greater, a second confirmatory test must be conducted. Any employee who's test results report a blood alcohol concentration of 0.02 or greater, shall be removed from service for at least twenty-four (24) hours.

Any employee who is found to have engaged in prohibited alcohol conduct under this policy shall be immediately removed from work-related activity; and the employee shall not be permitted to resume work until the employee is (1) evaluated by an SAP, (2) complies with the rehabilitation contract if such is required, and (3) has tested negative in a follow-up test.

**CONTROLLED SUBSTANCES:** Controlled substance testing is conducted by analyzing an employee's urine specimen performed at a laboratory certified and monitored by the U.S. Department of Health & Human Services for the following controlled substances:

- (1) Marijuana (THC metabolite)
- (2) Cocaine
- (3) Amphetamines
- (4) Opiates (including heroin)
- (5) Phencyclidine (PCP)

The testing for controlled substances is a two-stage process. First a screening test is conducted. If the test is positive for one or more of the controlled substances, a confirmatory test is conducted for each identified controlled substance. The confirmatory test is a gas chromatography/mass spectrometry (GC/MS) analysis.

Any employee who tests positive on the confirmatory test shall be interviewed by the Department Head or supervisor. The employee shall be immediately removed from work related activity; and the employee shall not be permitted to resume work until the employee is (1) evaluated by an SAP, (2) complies with the rehabilitation contract if such is required, and (3) has tested negative in a follow-up test.

(h) Employment Assessment

An employee who tests positive for the presence of controlled substances or alcohol above the minimum thresholds set forth in the federal regulations shall be evaluated by an SAP. The SAP shall evaluate each employee who tests positive to determine what assistance, if any, the employee needs in resolving problems associated with the controlled substance or alcohol.

Assessment by an SAP does not protect an employee from disciplinary action or guarantee continued employment or reinstatement by the County. The County's disciplinary policy provides guidance to the discipline that may be imposed, unless otherwise stated in this policy.

(i) Rehabilitation Effort

Any employee who is determined to be in need of assistance for a controlled substance or alcohol-related problem under this policy by the SAP may be permitted to enter into a rehabilitation plan approved by the County, provided the employee agrees to adhere to the terms of the rehabilitation contract with the County.

Rehabilitation assistance may only be granted to an employee once while employed by the County. Failure to complete the rehabilitation assistance plan or to adhere to the rehabilitation contract shall be considered a resignation by the employee from employment with the County.

(j) Contractual Support Professionals

The County shall secure a contract with an appropriately certified testing laboratory to conduct the controlled substance testing analysis and reporting required under this policy and under the federal regulations in conformity with the standards established under the federal regulations. The County may contract for the required alcohol testing or may perform the testing using qualified County personnel who utilize appropriate testing equipment.

The County shall engage the services of an independent contractor to serve the County as the MRO properly credential and trained in compliance with the federal regulations, who shall not be an employee of the County. The MRO shall, as a part of the engagement contract, maintain all relevant records and provide the required reports that the County needs to comply with the federal reporting requirements.

The County shall appoint an SAP for the providing of services under this policy and in compliance with the federal regulations

(k) Confidentiality

All records developed and/or acquired pursuant to this policy shall be maintained under strict confidentiality by the County, the testing laboratory, the MRO, and the SAP, when and as applicable. The records shall be maintained separately from other personnel records kept by the County and shall be kept in a secured location with other medical records. Materials shall not be released to others without the written consent of the affected employee, except under provisions provided in the federal regulations, as needed with regard to the rehabilitation contract, in litigation or quasi-judicial and administrative proceedings related to positive test results and/or to matters initiated by an employee.

Any person who breaches the confidentiality provisions of this policy shall be subject to immediate termination from employment and/or from any contractual relationship with the County without recourse.

(l) Disciplinary Issues

Unless otherwise specified in this policy, the County's policies related to disciplinary action shall be followed when imposing discipline for violation of this policy.

The acceptance by an employee of the rehabilitation assistance plan and contract does not serve as a bar to imposing disciplinary action related to violations of this policy.

Any elected official or department head/supervisor that knowingly permits an employee to violate this policy or engage in work activity while consuming alcohol or a

controlled substance or fails to enforce this policy shall be subject to immediate termination from employment.

This policy does not displace any other penalties that may be imposed or be incurred as a result of violation of County policy or state and federal laws, or as provided in the workers' compensation laws.

(m) Coordination with Other Laws Policies

This policy shall be administered in compliance with other federal, state and local laws related to employee health & welfare policies, leave policies, benefit programs and other related policies of the County. In the case of apparent conflicts between this policy, other policies, and applicable laws, the policy administrator shall make the appropriate rulings to resolve the potential conflicts, whenever possible.

In the event that any part of this policy is judicially determined to be in conflict with any law or to be in violation of any law or is rendered ineffective because of some state or federal legislative enactment, that part(s) shall be void, but the remainder of the policy shall remain in effect. Parts that are void or voided shall be replaced as soon as possible so as to maintain the full effect of this policy and/or to bring it into compliance with relevant laws.

(n) Amendments

This policy is subject to amendment by the County from time to time. Amendments that are made shall be provided to employees upon adoption and shall become effective as provided by the policy administrator.

**Section 2-4 Health and Safety**

All employees shall be responsible for performing work assignments in a safe manner. Prime consideration shall be given to safety in all work situations.

(a) All employees shall:

- (1) Be thoroughly familiar with safety requirements and practices applicable to their respective work assignments including building lockdown procedures;
- (2) Actively observe safety practices, and report unsafe or potentially dangerous conditions and accidents or injuries to their department head immediately per OSHA standards and requirements;
- (3) Participate in all safety drills;
- (4) Refrain from engaging in horseplay, wrestling, hazing of co-workers; and any other unsafe practice under penalty of disciplinary action up to and including dismissal;

(5) Wear protective equipment, use protective devices and wear safety belts in all County vehicles so equipped;

(6) Report to department heads any suspension, revocation or other loss or potential loss of the right to legally drive a motor vehicle if driving a County vehicle is a responsibility or privilege of the job or if the employee is attempting to operate a personal vehicle for County business;

(7) Report to department heads when on medication or under a doctor's care for any reason that could affect their operation of machinery, equipment, or other job duties;

(8) Be properly licensed at the time of employment or assignment to a vehicle (if they are responsible for driving County vehicles) and, upon each license renewal date, must complete driver training or driver performance qualification checks as required by the department before operating County vehicles.

(b) The County will pay for immunizations when approved by the County Commission, however, the Health Department reserves the right to bill the insurance carrier.

(c) For work related injury, the County may retain a physician(s) to perform services for the County. An employee may be directed by his department head to see the retained physician(s) at the expense of the County, and it will be the responsibility of the employee to make any scheduled appointments with the retained physician(s). For charges not covered by Workers' Compensation, the County will pay for the cost of the examination only. Any referral or additional charge outside the examination can be submitted to the employee's health insurance plan, offered by the County, with the employee responsible for any portion not paid by the health plan.

## **Section 2-5 Applicants and Employees with Disabilities**

Assistance shall be available to applicants with disabilities who may require personal assistance to participate in the selection process. Such assistance shall include but not be limited to providing readers for the vision-impaired and written materials for the hearing-impaired.

In determining whether an applicant or employee with a disability shall be accommodated, the following shall apply. The applicant or employee must make a documented request for reasonable accommodation. The Elected Official and department heads, if applicable, shall consult with the disabled individual regarding an appropriate accommodation. If the accommodation does not impose an undue hardship, the accommodation shall be implemented. Assessing the reasonableness of the possible accommodations shall include the following factors:

(1) How well it accommodates the needs of the individual with a disability;

(2) How reliable it is;

- (3) Whether it can be made available in a timely manner;
- (4) Whether it imposes an undue hardship defined as an action requiring significant difficulty or expense.

Employees and applicants with disabilities shall be afforded a procedure that provides for prompt and equitable solutions to complaints. Employees shall utilize the grievance procedure described in Article 17 of this manual. Applicants shall use the procedure found under the special policy of the County relating to disabilities and the accessibility of services.

### **Section 2-6 Attitude and Appearance**

A friendly and courteous attitude by County employees toward the public and co-workers is required at all times. Similarly, employees are expected to deliver prompt, thorough, and efficient service to consumers to the best of their ability. All employees are required to maintain a neat and clean personal appearance. Each employee shall be subject to specific department rules and regulations concerning proper clothing, personal hygiene, and grooming.

### **Section 2-7 Uniforms; clothing provisions**

The Department will pay for the cost of uniforms for Road & Bridge, 911, and the Health Department as determined by the department heads. The employee will be responsible for the proper care and use of clothing and uniforms.

The Sheriff department is allowed a uniform allotment as permissible in RSMo 57.295. If that is the option chosen by the Commission for uniform allowance, then all items associated with that uniform that specifically identifies Osage County or identifies that person as law enforcement from Osage County, shall be returned to the County upon separation of employment.

Any uniform provided by the County or Department at the County's expense, must be returned upon separation of employment or when rendered unusable.

### **Section 2-8 Commercial Drivers' License**

The law requires employers to make certain that drivers of "commercial vehicles," including certain County vehicles, have the required class of commercial drivers' license for the size and type of vehicle they are required to drive. Depending on the particular job requirements, County employees may be required to possess a special class of license. The State may require a written test covering the class of vehicle operated and the applicable endorsements and restrictions.

Endorsements for hazardous materials, passenger, tank vehicle, double/triple trailer and restrictions for air brakes may also be required. Written testing varies with the class of license and the endorsements and restrictions. The actual driving test must be taken in a vehicle falling in the class applied for.

The County may provide employees with the training and assistance necessary to comply with the licensing requirements. The County may also make available to the employee, a well-maintained vehicle for road testing as well as allow time for the employee to take the test.

Employees shall be required to have and maintain the necessary class of drivers' licenses either at their own expense or with financial assistance of the County as approved by the County Commission.

### **Section 2-9 County's Right to Search**

When the County has reason to believe an employee is violating any policy regarding contraband or controlled substances or other rules, the employee may be asked by the County to submit immediately at any time (including breaks and the meal period) to a search of the person and/or to make the employee's locker, lunch box, briefcase, purse, pockets, wallet, personal belongings, desk, vehicles, or any other receptacle the employee uses or has access to, available for inspection. Entry on to County premises constitutes consent to searches and inspections. Refusal to consent to a search or inspection when requested by the County constitutes insubordination and a violation of County policy which will subject the employee to disciplinary action.

### **Section 2-10 Driver's License & Driving Record**

Employees whose work requires operation of a motor vehicle must present and maintain a valid driver's license and a driving record acceptable to our insurer. Any changes in your driving record must be reported to your department head immediately. Failure to do so may result in disciplinary action, including possible dismissal. All employees who drive County vehicles are subject to a Motor Vehicle & Driver Licensing Division records search.

## **ARTICLE 3 APPLICATIONS AND APPLICANTS**

### **Section 3-1 Recruitment**

Notice of employment opportunities in the County service shall be published by posting announcements on official bulletin boards and in a newspaper in general circulation in the area or region. Notice of all examinations for promotion shall be published by posting and other methods. The announcements shall specify the nature of the work to be performed; the minimum qualifications required for position; the time, place, and manner of making application; the closing date for receiving applications; and other pertinent information. This paragraph shall not apply in those cases where a vacant position is being filled by promoting or transferring a County employee.

### **Section 3-2 Application**

It is recommended that each department ask all applicants to complete an application form. It is required for all departments directly controlled by the County Commission. Applications may require information concerning personal characteristics, education, experience, references, and other pertinent information. All applications shall be signed and the truth of the statements contained therein certified by signature. Proof of education, experience, and other claims may be required as appropriate.

### **Section 3-3 Disqualification**

The appointing authority may refuse to examine an applicant, or, after examination, may disqualify such applicant, remove a name from an eligible list, or refuse to interview an applicant, or may take steps to remove such person already appointed if the applicant or employee:

- (1) Does not meet the preliminary requirements established for the position;
- (2) Tests "positive" to drug tests, is a current user of narcotics or the habitual use of intoxicating liquors to excess;
- (3) Has made a false statement in an application;
- (4) Has used or attempted to use political pressure or bribery to secure an advantage in the examination;
- (5) Has failed to submit the application correctly or within the prescribed time limits;
- (6) Has previously been dismissed from a position in the County service or has resigned while charges for dismissal were pending;
- (7) Has otherwise willfully violated the provisions of these rules;

(8) Has established an unsatisfactory employment or personnel record as evidenced by a reference check of such a nature as to demonstrate unsuitability for employment;

(9) Has taken for another or allowed another to take all or part of the examination, or has been found cheating in any other way on an examination;

(10) Has a criminal history that may expose the public to a risk of harm or loss.

Applications, whether accepted or rejected, shall not be returned and shall remain on file for three (3) years unless hired.

### **Section 3-4 Background Checks**

The appointing authority shall, at a minimum, conduct employment reference checks, verification of social security number, licenses and/or education, and perform a search of the Missouri Courts for any current or past litigation on each finalist. All new hires, including promotions and job changes, with exposure to purchasing and cash or credit management are subject to a criminal history and a credit background check. This background check policy does not affect or supersede other background checks required by law.

A reported criminal offense conviction and/or a poor credit report will not necessarily disqualify a candidate from employment. For criminal offenses, the nature and seriousness of the offense, the date of the offense, the surrounding circumstances, rehabilitation, the relevance of the offense to the specific position, and whether hiring would expose the public to a risk of harm or loss, may be considered before a final employment decision is reached.

For credit reports, the nature and seriousness of judgment, lien, bankruptcy or delinquency, the date of the offense, the surrounding circumstances and repayment, relevance of the offense to the specific position and whether hiring would expose the public to a risk of harm or loss, may be considered before final employment decision is reached.

The appointing authority will conduct background checks in compliance with the federal Fair Credit Reporting Act (FCRA), the Americans with Disabilities Act (ADA), and all other applicable local, state and federal laws and regulations. An authorization to release information form must be completed and signed by the applicant prior to a background investigation being conducted. If the applicant refuses to complete this release, no offer of employment shall be made. Applicants may request and receive a copy of the findings.

Background check reports shall be maintained in separate, confidential files and retained in accordance with the County's record retention procedures.

### **Section 3-5 Medical Examinations**

Employees must possess the prescribed standard of health and physical fitness necessary to perform the essential functions of their jobs. Medical examinations when required by the appointing authority shall be conducted and may be at the County's expense upon approval by the County Commission and may be required to be conducted by a physician designated by the County. The County shall pay for the cost of the examination only

when payment of said examination has been approved. Any referral or additional charge outside the examination is the employee's responsibility.

### **Section 3-6 Residence Requirements**

It is preferred that all applicants for employment in the County service have a principal place of domicile located within the corporate boundaries of the County, or obtain such within six (6) months following appointment, unless exempted by the appointing authority.

### **Section 3-7 Proof of U.S. Citizenship and/or Right to Work**

Federal regulations require that before becoming employed, all applicants must complete and sign Federal Form I-9, Employment Eligibility Verification form; and, present documents of identity and eligibility to work in the U.S. The County participates in the federal E-Verify Work Authorization Program as required by the US Department of Homeland Security, US Citizenship and Immigration Services. The electronic employment verification process will be strictly adhered to for all new hires in accordance with 48 CFR Part 22.

## **ARTICLE 4 APPOINTMENTS**

### **Section 4-1 Appointments**

Appointments to fill vacancies shall be made from a pool of qualified applicants.

### **Section 4-2 Appointment authority**

Department heads who are elected officials shall be the appointing authority for their respective departments. In such cases where the department head is not an elected official, the County Commission, or their designee (department head) shall be the appointing authority, unless provided otherwise by Missouri law.

### **Section 4-3 Appointment forms**

No duly appointed employee may be placed on the payroll until all appointment forms have been properly signed by the appointing authority and pre-employment forms have been completed and signed by the employee.

### **Section 4-4 Transfer**

A position may be filled by transferring an employee from a position having the same maximum salary rate. Inter-departmental transfers must be approved by the requisitioning department and employee concerned. The relinquishing department may delay the transfer until the beginning of a pay period, but not for a period in excess of two (2) weeks.

### **Section 4-5 Promotion/Demotion**

A position may be filled by selection from qualified employees in another job position. Upon notification of a promotion/demotion, the relinquishing department may delay the promotion/demotion until the beginning of a pay period, but not to exceed two (2) weeks.

## **ARTICLE 5 INTRODUCTORY & QUALIFYING PERIODS**

### **Section 5-1 Purpose**

An introductory working period shall be an integral part of the examination process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee or re-hired employee to the position, and for replacing any employee whose performance does not meet the required work standards.

### **Section 5-2 Duration**

All original appointments and re-employment's to full-time and part-time positions shall be tentative and subject to an introductory period of six (6) months.

Any employee who leaves employment for a period of six months or less may be entitled to the same rate of pay and any sick leave previously accumulated within the discretion of the elected official/department head.

### **Section 5-3 Evaluation and counseling**

Department heads shall observe the employee's work performance and shall counsel an introductory employee whose work performance is marginal or inadequate. Employees must be notified in writing of the steps that must be taken to achieve an acceptable level of work performance.

### **Section 5-4 Extension of introductory period**

With the approval of the appointing authority, the original introductory period may be extended beyond the six (6) months if circumstances warrant an extension.

### **Section 5-5 Termination during introductory period**

The department head shall fill out the appropriate personnel action forms when a decision on termination has been made.

## ARTICLE 6 COMPENSATION

### Section 6-1 Beginning salary

The appointing authority authorizes beginning salary for new hires as approved through the County's budget process.

### Section 6-2 Overtime and compensatory time

(a) Department heads may develop methods and procedures to maximize productivity and reduce or avoid the need for overtime. It is the responsibility of each employee to work as efficiently as possible to accomplish job tasks during regularly scheduled work hours. All overtime or arrangements for overtime work shall be approved by the department head in advance. A determining factor in the approval of overtime work is whether the work could be accomplished through rescheduling of employee work hours and allowance of time off in the same work period. These factors reduce the burden of overtime on employees and avoid accrual of comp time and excessive overtime payments.

Overtime is based on the standards as prescribed by the Fair Labor Standards Act. Under the provisions of the Fair Labor Standards Act (FLSA), work hours in excess of 171 hours in a twenty-eight (28) day pay period is adopted for law enforcement personnel. Hours worked in excess of a standard work day or work week or duty tour by employees covered by the provisions of the Fair Labor Standards Act (FLSA) shall be compensated by payment at one and one-half (1 1/2) times the straight hourly equivalent rate for the classification or by the award of compensatory time off equal to one and one-half (1 1/2) times the overtime hours worked. The type of compensation made to employees (compensatory time or payment) is at the discretion of the department head. Hours worked shall only include hours actually worked on the County's behalf.

Exempt employees shall not accrue compensatory time nor be paid for overtime worked, except for those who have approved compensatory hours recorded prior to January 1, 2010 and they shall be allowed to take comp time off. *For a full copy of the Fair Labor Standards Act and its provisions, see the County Clerk.*

(b) Department heads shall maintain records in a form and manner approved by the County Commission on compensatory time earned by employees under their jurisdiction. No employee, except law enforcement personnel, shall be permitted to accumulate and retain more than 240 hours of compensatory time without the approval of the County Commission.

(1) Upon termination of employment, any employee who has accumulated compensatory time off shall be paid for unused time at the final regular rate received by such employee.

(2) Any overtime work which will result in an employee covered under the provisions of the FLSA accumulating compensatory time above the limits set out above, shall be compensated by payment at one and one half (1 1/2) times the straight hourly equivalent rate for the employees classification. Payment for hours accumulated over the maximum 240 hours compensatory time will be included on the monthly paycheck.

(3) All departments are encouraged to utilize compensatory time in lieu of paying overtime. The departments shall make every effort to avoid either by the proper scheduling of the employees.

(4) The period of work which will be used for ascertaining whether or not time worked is overtime will be determined by reference to the FLSA.

(5) All compensatory time exceeding forty (40) hours as of close of business on the last business day of November will be paid to the employee at the next payroll period. Compensatory time shall be computed at one and one-half (1 1/2) time of actual hours worked. The employee may elect, in writing, to have all accumulated compensatory time paid at that time as well, should he or she so choose.

(c) Department heads may require, out of necessity for the expeditious conduct of public business or for the protection of the public business or for protection of the public health, safety, or welfare that an employee work overtime. Failure to comply with such requests shall constitute a violation of these rules and regulations and provide grounds for disciplinary action as herein provided.

(d) Law enforcement officials must work more than 168 hours in a 28-day period to be eligible for compensatory time or overtime pay. Law enforcement officials working between 168 to 170 hours in a 28-day period will earn straight time or pay. All hours worked beyond 171 hours will be compiled at 1.5 times the number of hours worked beyond the limit. The Sheriff retains the right to determine how hours worked beyond the limit of 171 hours will be compensated (either by overtime pay or compensatory hours). Law enforcement officials shall be able to accrue up to 480 hours in compensatory time.

(e) It is the County's intention that this policy manual be in accordance with and in compliance with the Fair Labor Standards Act (FLSA). If any provision in this policy is not congruent with the FLSA then the terms of the FLSA shall supersede and apply.

### **Section 6-3 Call-back Time**

Employees who have left their normal workplace and who are called back to work shall be credited for actual time worked. Employees shall accumulate time from the time they begin to perform services for the County until they complete the services or are relieved from duty.

### **Section 6-4 Emergency alert duty status**

A department head or duly authorized department head may designate an emergency alert duty status whereby employees would be immediately contacted by telephone or other acceptable means of communication. This duty status shall normally be limited to off-duty hours between regularly scheduled shifts or weekends.

Employees shall not receive pay for this duty status unless they are required to report for duty. Compensation upon reporting for service shall be in accord with FLSA and department rules and regulations.

### **Section 6-5 Pay day**

Pay day shall be on the last working day of the month. Elected officials and department heads shall provide timesheets for each full time employee and part-time employee, signed by both the employee and supervisor, to the County Clerk's office by a date designated by the County Clerk. Each timesheet shall accurately reflect any sick leave and/or vacation time taken or accrued that month or the prior month if the prior month's timesheet requires adjustment. The County Clerk shall provide on an annual basis a calendar which outlines the dates on which timesheets are due.

### **Section 6-6 Compensation for leave taken and hours worked above the work schedule**

Notwithstanding any provisions contained herein to the contrary, all approved and taken leave hours based on departmental schedules, and hours actually worked within a pay period shall be compensated with pay or compensatory time off. Determination of the rate, straight time or overtime, at which they will be compensated shall be determined according to Section 6-2.

## **ARTICLE 7 WORK SCHEDULES AND ATTENDANCE**

### **Section 7-1 Regular working hours and exceptions**

The normal office workday will be from 8:00 a.m. to 4:30 p.m. with one-half hour for lunch, Monday through Friday, with the exception of law enforcement and 911 departments. Road and Bridge Department normal hours will be from 7:00 a.m. to 3:30 p.m. with one-half hour for lunch.

Lunch will be one-half hour normally from 12:00 noon until 12:30 p.m. However, individual lunch time may be adjusted by the elected officeholder if the office remains open during lunch to serve the public. Offices with more than one staff member are asked to make every effort to arrange the lunch schedule so the office remains open for business during the noon to 1pm hour.

The standard work week for full-time employees of Osage County shall be forty (40) hours. The work schedules may be modified or adjusted as needed by the elected officeholder/department head to meet the specific needs of a particular office or department of the County. The work week commences at 12:00 a.m. on Sunday and ends at 11:59 p.m. on Saturday. Certain departments have duties that demand work schedules other than the standard. Those departments are authorized to write an addendum to this manual. All such special rules must be approved by the Commission.

The work period of the Sheriff's Department is 28 days. This work period is different than other employees because the Sheriff's department falls under the 171 hour/28 day ruling of the FLSA. (Federal Register - 1/87, 29 CFR, Part 553).

### **Section 7-2 Work schedules determined by department head**

The work schedules for employees shall be determined by the department head. Department heads shall maintain work schedules for all employees under their supervision on a current basis and give reasonable notice of changes in work schedules. Department heads will maintain scheduled manpower to provide essential services.

The elected official or department head may designate a person in a department head role within the department to coordinate work schedules.

### **Section 7-3 Required attendance**

Regular and punctual attendance at work shall be required of all employees. Employees who fail to observe attendance requirements and procedures for recording and reporting of attendance shall be subject to disciplinary action.

**Section 7-4 Inclement weather closings.**

Annual leave may be taken during times of inclement weather if the employee should so choose. However, if the Commission closes the Courthouse and Annex Bldg, no annual leave will be lost by the employee. (This provision does not apply to necessary and emergency personnel).

## ARTICLE 8 PAID HOLIDAYS AND PERSONAL DAYS

### Section 8-1 Holidays and Personal Days

(a) All regular, full-time and part-time employees with benefits shall receive compensation for the following holidays:

New Year's Day	Independence Day
Martin Luther King's Birthday	Labor Day
Lincoln's Birthday	Columbus Day
President's Day	Veterans' Day
Truman's Birthday	Thanksgiving Day
Memorial Day	Christmas Day

If a holiday falls on Saturday, the preceding Friday will be observed. If the holiday falls on Sunday, the following Monday will be observed. In all other instances, the County shall observe an official holiday on the date it falls.

These holidays generally apply to all County employees with the exception of those employees who are involved in continuous operations (i.e., law enforcement and 911). The elected officeholder shall schedule personnel necessary to fulfill the mission of that office. The elected officeholder, at their discretion, shall give compensatory time to employees required to work on holidays or allow time off at another date. If a holiday occurs during or within an employee's vacation, sick or medical leave, time will not be charged to the employee's vacation, sick or medical leave time.

(b) The County Commission shall be the only body authorized to declare special holidays or days off as an unusual need or circumstance may occur.

## **ARTICLE 9 VACATION LEAVE**

### **Section 9-1 Vacation Accrual**

Full-time employees shall earn and accrue annual leave/vacation time as follows:

Completion of 1 year .....	40 hours
Completion of 2 years.....	80 hours
Completion of 3 years.....	88 hours
Completion of 4 years.....	96 hours
Completion of 5 years.....	104 hours
Completion of 6 thru 10 years .....	120 hours
Completion of 11 thru 15 years .....	144 hours
Completion of 16 thru 20 years .....	168 hours
Completion of 21 or more years .....	192 hours

A year shall be considered completed on the anniversary of the date the employee commenced current, full-time employment with the County. Annual Vacation Leave is awarded the day following the anniversary date.

Part-time employees shall not accrue annual leave.

If a full-time employee wishes to work part-time, this must be approved by the County Commissioners. If granted by the Commission, the employees' hourly rate will stay the same as they are currently being paid, but the employee will no longer be eligible for County benefits. Note: newly hired part-time employees will start at the County's part-time rate.

Probationary employees do not accrue annual leave. However, when a probationary employee becomes full-time without interruption of service, they may be credited with annual leave from the date of initial employment.

An employee shall not earn annual leave time during a period of leave without pay, unless otherwise required by law.

### **Section 9-2 Granting Annual Leave**

- (a) Vacation leave may be granted after completion of twelve (12) months full-time continuous service. Vacation leave is granted the day following the anniversary date of employment.
  
- (b) Vacations should be scheduled a minimum of two (2) weeks in advance and preferably as far in advance as possible with the respective elected officeholder or department head. Certain departments have duties that demand schedules other than the

standard. Those departments are authorized to write an addendum to this manual. All such special rules must be approved by the Commission.

(c) Vacations shall be approved by the respective elected officeholder or department head.

(d) The elected officeholder has the authority to reschedule employees' vacation when necessary, for the efficient operation of that respective office.

(e) Preference when scheduling vacation time should be left up to the elected official or department head.

(f) Vacation leave shall be taken during the year following its accumulation.

(g) Maximum annual leave: The accrued annual leave for each employee shall be adjusted on the anniversary of employment, so that no employee begins the subsequent year of employment with more than five (5) annual leave days credit in excess of the current year's vacation. Any accrued annual leave days in excess of five (5) days, as of the day before the anniversary of employment, will be forfeited by the employee (to prevent build-up of large amounts of leave time). The only exceptions will be when workload prevents employee from taking vacation. In the case of the latter, an employee must use the additional leave within the six months following his or her anniversary date. If workload prevents the employee from taking vacation, vacation time will be extended upon approval of the department head. **Department heads shall keep records of vacation time accrued and vacation time used.** The employee has the responsibility to verify the accuracy of the vacation record.

(h) Compensation for annual leave: All full-time employees who permanently terminate employment under honorable conditions and comply with the provisions of these policies shall be eligible for payment of any unused annual leave.

(i) Annual leave may be taken during times of inclement weather if the employee should so choose. However, if the Commission closes the Courthouse and Annex Bldg, no annual leave will be lost by the employee. (This provision does not apply to necessary and emergency personnel).

### **Section 9-3 Payment upon separation**

Any employee with benefits leaving the County service due to resignation, death or termination shall be compensated for vacation credit unused to the date of termination. To be eligible for such compensation, employees resigning from the County service must comply with the provisions of Section 13.1 of these rules governing resignations. In the event of separation due to death of the employee, compensation shall be made to the employee's beneficiary. No accrual shall occur after date of termination.

#### **Section 9-4 Holidays occurring during vacation period**

Any official holiday as set forth in these rules which may occur during an employee's scheduled vacation period shall not be counted as a day of vacation.

#### **Section 9-5 Use of vacation leave**

Vacation leave may be used for the purpose of sick leave if an employee has used all sick leave accrual.

#### **Section 9-6 Vacation schedules**

Department heads shall schedule vacation leave for employees. Such leave schedule shall take into consideration employee desires.

## ARTICLE 10 SICK LEAVE

### Section 10-1 Amount and When Taken

New employees must successfully complete 180 days or more satisfactory full-time employment to be eligible for Sick and Medical Leave.

All full-time employees on the payroll for an entire month (after having completed six months of employment) shall accrue sick and medical leave with pay at a rate of one day (8 hours) per month for continuous service. No Sick leave days are accrued during the initial six months. The first sick leave day (8 hours) is awarded upon completion of the seventh month of employment. Therefore, sick leave may be used, with pay, on the first day of the eighth month and thereafter.

Employees may use their sick and medical leave under the following conditions:

- (1) When the employee is unable to perform their duties because of illness, injury or disease.
- (2) When necessary to keep an appointment for medical or dental care.
- (3) When an employee has exposure to contagious diseases and other employees or the public may be endangered by contact with that employee.
- (4) When it becomes necessary for the employee to attend to an immediate family member (refer to Funeral Leave below) who is seriously ill.
- (5) For prenatal and post-natal care.
- (6) Death in family (Sick leave may be used to extend the period normally allowed for a death in the family. Refer to the section on Funeral Leave).

When taking sick or medical leave, the employee is responsible for notifying their elected officeholder or department head at or before the time they were expected to report to work. The employee will keep their elected officeholder or department head notified of any subsequent time taken off (by appropriately designating the time as sick leave on his or her time sheet). If the elected officeholder or department head does not receive this notification, the employee may be charged with unauthorized absence and sick leave with pay not allowed.

A written statement may be required by the elected officeholder or department head from a physician to confirm illness or injury of the employee or immediate family. If no statement from a physician is provided, the employee may be placed on leave without pay.

The intended use of sick or medical leave is for the concern of the employee's welfare and it is not an inherent right of the employee to abuse or to use this privilege as an excuse to be absent from work.

Some sick or medical leave may qualify the employee for specific entitlements under the Family and Medical Leave Act, described in section 5 below.

Sick leave shall not be granted in cases where regular retirement, disability retirement or long-term disability insurance has been approved.

Any authorized absence due to injury or illness covered by Workers' Compensation insurance shall not be charged against an employee's accrued sick leave.

In the event an employee is exposed as part of their work duties to any contagion or illness which results in a mandatory quarantine that is not covered by Workers' Compensation insurance, said employee shall be paid for lost time and that time shall not be deducted from their accrued sick leave.

### **Section 10-2 Accrual**

A maximum of ninety (90) days accumulated sick and medical leave is allowed. Any credit in excess of ninety (90) days as of January 1 of each year will be forfeited by the employee. When an employee terminates employment or is terminated, all accumulated sick leave is forfeited. 90 days, stated above, shall be understood to be the same as 720 hours.

Sick leave does not accrue while the employee is absent from work without pay or is receiving benefits from Workers' Compensation, long-term disability insurance, or a retirement program sponsored by the County.

### **Section 10-3. Payment upon termination**

Upon termination of employment, no compensation shall be paid to employee for accumulated sick leave.

## **ARTICLE 11 SPECIAL LEAVE**

### **Section 11-1 Approval authority**

A department head may approve requests for special leave as defined hereinafter in accordance with procedures established by the County Commission.

### **Section 11-2 Court leave**

Full-time and part-time employees, with benefits, subpoenaed as a witness in a civil or criminal case as relates to their employment; or selected to serve on a jury; shall be granted paid leave during their absence. This shall not apply to deputies answering court related subpoenas for ongoing criminal cases. Employees will receive their regular pay and any mileage allowance. Jury duty pay will be turned over to the County.

Any deputy who becomes aware that he or she will be named as a respondent in a civil suit growing out of the deputy acting in an official capacity – whether on or off duty – shall immediately notify the Sheriff and the County Commission of this fact.

### **Section 11-3 Military training leave of absence**

(a) All regular employees, who have met their introductory status, who are active members of the National Guard, the Officers' Reserve Corps, or the Enlisted Reserve Corps of the United States Government shall be entitled to leave of absence with pay from their respective duties for a period not to exceed a total of fifteen (15) calendar days in any one calendar year. An employee who participates in this paid leave may not receive a net amount greater than his or her regular rate of pay when he or she is on duty. Employees requesting this leave of absence shall provide documentation of the orders or authorization of competent authority for the time period for which military leave will be taken.

(b) All employees who are or may become active members of the National Guard, the Officers' Reserve Corps, or the Enlisted Reserve Corps of the United States Government who are required to attend monthly training sessions which conflict with their normal work schedules shall give advance notification to their department heads in accordance with departmental rules and regulations.

(c) All leave granted/taken and process followed will comply with the Uniformed Services Employment and Reemployment Act of 1994.

### **Section 11-4 Maternity leave**

Maternity shall be treated as any other non-duty temporary disability covered under the rules pertaining to sick leave and family and medical leave. If at any time during pregnancy an employee is aware that her and/or her unborn child's health is endangered by her job, she shall immediately make this fact known in writing to her department head. At such times as deemed necessary by the department head, pregnant employees shall submit to their department head a doctor's statement indicating the employee's physical ability to

perform her job. Employees returning to work after childbirth shall submit to their department head a doctor's statement indicating the employee's physical ability to return to the job. The duration of maternity leave shall be determined by reference to the family and medical leave provisions of this Article.

Employees, who are not yet eligible for the family and medical leave act but have completed their introductory period, may request maternity leave. Maternity leave can be up to six (6) weeks leave time without pay. An employee may request maternity leave to be consistent with a physician's approval.

### **Section 11-5 Family and Medical Leave (FMLA)**

Employees who have worked at least 1,250 hours in the twelve (12) months prior to a family or medical leave request shall be granted up to twelve (12) weeks of unpaid leave during any twelve (12) month period for a child's birth, adoption or foster care arrival. Leaves may also be taken to care for a spouse, parent or child with a serious health condition or for an employee's own serious health condition which prevents the employee from performing the functions of his or her position. A serious health condition is any illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility or continuing treatment by a health-care provider.

Leave may also be available for eligible employees for military-related family and medical leave. Such leave is for up to twenty-six (26) weeks of unpaid leave during a year's period. This leave is also available for employees who are next of kin defined as nearest blood relative of a covered service member other than his/her spouse, child, or parent. A qualifying exigency resulting from a situation where an employee's spouse, child, or parent is on covered active duty, or as been notified of an impending call or order to active duty, in the Armed Forces in support of a military operation which involves military actions, operation, or hostilities against an enemy of the United States or against an opposing military force.

A qualifying exigency means one or more of the following situations where an employee's spouse, child, or parent is on covered active duty or call to active duty status:

- (1) To address any last minute issues prior to a military service member's deployment (leave taken for this purpose can be used for a period of seven calendar days);
- (2) To attend any military events or family support or assistance programs;
- (3) To arrange for alternative childcare, provide childcare on an urgent, immediate need basis, enroll or transfer a child into a new school or a daycare facility;
- (4) To make or update financial or legal arrangements, or to act as the covered military member's representative before a federal, state, or local agency for purposes of obtaining, arranging, or appealing military service benefits;

(5) To attend counseling provided by someone other than a health care provider for employee, for the covered service member, or for the employee's child;

(6) To spend time with a covered service member who is on leave during the period of deployment (leave taken for this purpose can be used for a period of five calendar days);

(7) To engage in post-deployment activities including ceremonies, reintegration briefings, and issues relating to the death of a covered service member; and

(8) To address additional events that the County and the employee agree should qualify.

When an employee is determined to be eligible for military-related family and medical leave, the employee may be placed on unpaid leave by the County. Employees may not use sick leave for FMLA leave taken for qualifying exigencies. Employees must use annual leave, compensatory time or leave without pay.

Employees on approved family or medical leave are allowed: 1) to continue group health and disability insurance during the leave on the same conditions as would have been provided if the employee had been continuously employed; and 2) to return to the prior job or an equivalent one in terms of salary, accrued benefits and other job conditions.

Employees must attempt to schedule family and medical leave so as not to disrupt County operations. If leave is for the birth or placement of a child or for planned medical treatment the employee must give notice at least thirty (30) days in advance, or as soon as practical.

If leave is requested for a serious health condition, the employee must provide a certification from a health-care provider stating the medical facts regarding the condition, including its date of onset and probable duration.

If leave is requested to care for family members, a certification may be required to state that the employee is unable to perform the functions of the job, that the leave will assist in a family member's recovery, or that there is medical need for a reduced schedule.

Employees may be required to substitute accrued sick leave and vacation leave for any part of the twelve (12) week period to which they are entitled under the family and medical leave provisions. FMLA leave runs concurrently with sick leave, vacation, disability, workers compensation or any other paid leave.

Employees returning from medical leave must provide a certification from a health-care provider that they are able to resume work.

An employee who fails to return from family or medical leave shall repay the premiums which the County paid for the employee to keep group insurance in effect during the leave.

### **Return from Leave**

Upon your return from FMLA leave, you will be restored to your original or equivalent position with equal pay, benefits and other terms of employment. Taking FMLA leave will not result in the loss of any employment benefits that accrued prior to the start of the leave period.

Osage County will not interfere with, restrain or deny the exercise of any right provided to you under the FMLA. You will not be discharged or discriminated against for opposing any practice rendered unlawful by the FMLA or for your involvement in any proceeding that relates to the FMLA.

An employee who believes his or her FMLA rights have been violated may file a complaint with the U. S. Department of Labor or file a private lawsuit. The FMLA does not affect any other law prohibiting discrimination or supersede any law or collective bargaining agreement which that provides greater leave rights.

### **Benefits During Leave**

Osage County will maintain your health insurance under its group health plan while you are on FMLA leave on the same terms as if you had continued to work. You are responsible for your portion of insurance premiums while you are on FMLA leave. If any premium payment is more than thirty days late, coverage will be lost during the period of the leave. In circumstances where an employee is on paid leave, the appropriate deductions will be made in the same manner as in the employee's regular paycheck.

### **Section 11-6 Occupational injury leave**

(a) Any employee, or volunteer, who sustains an on-the-job injury shall immediately report such injury, regardless of severity, to the immediate department head. The employee and the immediate department head shall prepare required reports of such injuries and submit them to the department head within twenty-four (24) hours of the accident or the next business day after notification by the injured employee. The elected officeholder or department head will notify the County Clerk's office immediately upon being notified that an employee was injured in his/her department. Osage County's goal is to report all claims to the provider within twenty-four (24) hours from the time of injury.

(b) Employees injured on the job are covered by the Missouri State Workers' Compensation Act. This law provides specific benefits including payment of approved medical expenses and partial payment for loss of wages.

(c) Department heads shall be responsible for the investigation of accidents or injuries involving employees assigned to their work units. Every effort shall be made to determine the causes of accidents or injuries and preventive measures taken as appropriate.

(d) Employees returning from occupational injury leave must provide a certificate from a health-care provider that they are able to resume work.

#### **Section 11-7 Absence without leave**

Any unauthorized absence of an employee from duty shall be deemed to be an absence without pay and may be grounds for disciplinary action by the department head. In the absence of such disciplinary action, any employee who is absent for three (3) or more days without authorized leave shall be deemed to have resigned. Such absence may be covered, however, by the department head, subsequently granting leave with or without pay where extenuating circumstances are found to have existed.

#### **Section 11-8 Funeral leave**

Employees shall be allowed a maximum of four (4) consecutive days off, including non-working days, ending with and including the day after the funeral, without loss of pay, in case of death in the immediate family. Immediate family shall be understood to mean spouse, children, brother, sister, father, mother, stepparents, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandchildren, step grandchildren, employee's grandparents, spouse's grandparents, and relatives living in the same household. For the funeral of an aunt or uncle, niece or nephew, as well as other relatives or associates you shall be allowed one day only. Any period of Funeral (Bereavement) Leave may be extended by utilizing sick leave days.

## **ARTICLE 12 OTHER FRINGE BENEFITS**

### **Section 12-1 Medical and Dental Insurance**

Group medical, dental and vision insurance is available to employees of Osage County. County contributions to the employee's premiums will be determined annually by the County Commission. The employee shall be eligible to participate in the medical and dental insurance coverage offered by the County within 30 days of their initial employment.

### **Section 12-2 Workers' Compensation**

The Missouri Workers' Compensation Law is a no-fault insurance plan which is supervised by the state and one hundred percent (100%) paid for by Osage County. This law was designed to provide employees with benefits for any injury which they may suffer in connection with employment. Under the provisions of the law, if an employee is injured while at work, the employee is eligible to apply for Workers' Compensation.

### **Section 12-3 Unemployment Compensation**

Osage County provides unemployment insurance protection for its employees.

### **Section 12-4 Social Security/Medicare**

In compliance with federal law, social security tax and Medicare tax are withheld from employee wages. The County also contributes to these programs on the employee's behalf in compliance with federal law.

### **Section 12-5 Retirement/Pension**

Osage County participates in the County Employee's Retirement Fund (CERF). Details regarding the plan is available in the County Clerk's office.

### **Section 12-6 457 Deferred Compensation Program**

CERF also offers a 457 deferred compensation programs to county employees. These programs enable employees to defer a portion of their current earnings into an account for their retirement. This allows employees to postpone current income taxes on the amount they contribute to the program. More information is available from the County Clerk's office.

### **Section 12-7 Meeting with Benefit Providers**

Periodically, the Commission will grant benefit providers opportunity to meet with employees on County work time in order to keep information current.

## **ARTICLE 13 SEPARATION AND DISCIPLINARY ACTIONS**

### **Section 13-1 Resignations**

Any employee who is in good standing may resign from the service of the County by presenting his or her resignation in writing as contained herein to the department head and is encourage to do so not less than two (2) weeks prior to the effective date.

### **Section 13-2 At-Will Employment**

All employment and compensation with Osage County is "at will" which means that your employment can be terminated with or without cause, and with or without notice, at any time, at the option of either Osage County or the employee.

### **Section 13-3 Reduction in force and layoffs**

A department head may separate any employee without prejudice because of lack of funds or curtailment of work, after giving proper notice. The County will provide two (2) week notice or equivalent compensation to persons being laid off. The County considers all layoffs as permanent. Any vacancies in which an individual was previously laid off from will be filled following the County's recruitment process as outlined in Article 3 of the employee manual.

### **Section 13-4 Return of County property**

All employees separating from the County service for any reason shall, prior to separation, return, in acceptable condition, all County-owned property and equipment issued to the employee. Failure to do may result in litigation initiated by the county against the employee.

Deputies will turn in all department equipment assigned to them as directed. Upon termination of employment, all department-owned property in a deputy's possession will be promptly returned. Failure to do may result in litigation initiated by the county against the employee.

### **Section 13-5 Discipline**

It shall be the duty of all employees to maintain high standards of conduct, cooperation, efficiency, and economy in their work for the County. Department heads and department heads shall organize and direct the work of their units in a manner calculated to achieve these objectives.

Whenever conduct of an employee falls below a desirable standard, department heads shall point out the deficiencies at the time they are observed. Corrections and suggestions should be made in a constructive and helpful manner in an effort to elicit the cooperation and good will of the employee.

Any action which reflects discredit upon the County service or is a direct hindrance to the effective performance of the County government functions shall be considered cause for disciplinary action against any employee of the County.

### **Section 13-6 Disciplinary actions defined**

Disciplinary actions may normally follow the sequence set forth below unless the seriousness of the offense dictates otherwise.

(a) Oral reprimand. An employee may receive an oral reprimand for the first minor disciplinary offense. This action is normally taken by the employee's department head with notation to the employee's personnel file.

(b) Written reprimand. A written reprimand may be transmitted through the appropriate department head to the employee and shall state the specific actions leading to the reprimand. This action is normally taken by the employee's department head. This written reprimand shall be signed by both the employee's department head and the employee and a copy placed in the employee's personnel file.

(c) Suspension. Suspension is the temporary removal from duty status without pay of an employee for a specified or indefinite period. Suspension shall be approved by the department head and reviewed by the County's attorney prior to completion of the action. The County Commission shall be notified of such action.

(1) An employee may be suspended for an indefinite period when the department head determines such action is necessary and in the best interest of the County and in cases where an employee is charged and awaiting trial for a criminal offense involving matters apparently prejudicial to the reputation of the County.

(2) When an employee has acted or is alleged to have acted in a manner which would be cause for dismissal, the employee may be suspended while such charges are investigated.

(3) Whenever an employee is suspended pending trial or investigative outcomes and is subsequently exonerated, the employee shall be reinstated without loss of pay or benefits.

(4) An employee may be suspended for a definite period of time for specific cause.

(d) Demotion. An employee may be moved to a position with a lower maximum salary rate for serious misconduct. Demotions shall be approved by the department head and reviewed by the County's attorney prior to completion of the action. The County Commission shall be notified of such action.

(e) Dismissal. Discharge of a regular employee should be recommended in cases involving recurring disciplinary offenses or a single offense involving a serious breach of discipline.

(f) Personnel file. Documentation of all disciplinary actions will be placed in the employee's personnel file.

(g) Complaints against employees which allege criminal violation may be grounds for bringing criminal charges. This action will not serve to prevent the internal disciplinary process from dealing with the same matter. Employees will answer fully all questions which their department head may ask regarding performance of their duties and will cooperate with the internal disciplinary process.

(h) Employees may appeal any disciplinary action taken by filing a written appeal with their department head within ten (10) working days following the disciplinary action. The department head will respond back in writing to the employee as to the decision made within ten (10) working days following receipt of written appeal.

### **Section 13-7 Retirement**

All full-time employees are eligible for retirement benefits at age and length of service requirements specified by the retirement plan in which they are enrolled. Notice of retirement shall be in the same manner as for resignations, Section 13-1.

### **Section 13-8 Honoring of Retirees**

Retirement recognition may be presented to each person retiring from the service of the County.

### **Section 13-9 Employment References**

The County does not provide former employees with references for work performed for the County. Employees who seek confirmation of employment with the County shall submit appropriate liability release forms before any information will be released to prospective employers who seek information about a former employee. Release of information is, however, mandated by state law for certain employment transactions. In such cases, the County will comply with state law and forward the information to the requesting agency.

## ARTICLE 14 APPEALS AND GRIEVANCES

### Section 14-1 Grievance policy

It shall be policy of the County to give individual employees an opportunity to discuss their grievances with their department heads in order to find mutually satisfactory solutions as rapidly as possible.

In the preparation of grievances at any department head level, employees are assured of freedom from restraint, interference, discrimination, or reprisal. Appeals of disciplinary actions shall begin with the second step of the grievance procedure as set forth below, and shall be in the form of a written grievance report.

- (a) Representation. An employee may be accompanied by another employee of the employee's choosing in the presentation of a grievance.
- (b) Grievance procedure.
  - (1) Oral report. An employee who has a grievance shall first present the grievance to the immediate department head within five (5) working days of the action or incident in question. If the grievance is against the immediate department head, the employee may report it to the next level of supervision as outlined in number 3 below, within five (5) working days of the incident.
  - (2) Written report. If the oral grievance presentation fails to settle the grievance the employee may within three (3) working days submit a written grievance report of the action or incident in question to the immediate department head. Within three (3) working days after receiving such grievance, the immediate department head shall furnish the employee with a written reply to the grievance.
  - (3) Appeal to County Commission. If the appeal to the department head fails to resolve the grievance, the employee may, within three (3) working days of receipt of the decision on the grievance, submit an appeal in writing to the County Commission. Within ten (10) working days of the receipt of such an appeal, the County Commission or a designee and the County attorney shall meet with the employee to discuss matters pertinent to the grievance. Within five (5) working days after hearing the facts, the County Commission shall render a decision. The decision of the County Commission shall be final and no further right of appeal shall be provided to employees. The County Commission shall forward one (1) copy of the course of action to be followed to the employee concerned and to the department head.
- (c) Compensation grievances. The pay range established for a given position shall not be subject of the grievance procedure.
- (d) Termination appeals. All appeals of termination for cause shall be made to the County Commission within five (5) working days of the effective date of the termination.

## **Section 14-2 Conduct of investigation**

In connection with the review of a grievance, appeal, or for any other purpose necessary to determine the adherence to any provision of these rules, the County Commission may conduct such investigation involving the production of records or reports by a County department.

## **ARTICLE 15 RECORDS AND REPORTS**

### **Section 15-1 Personnel records**

Personnel files and records shall be kept by each department head. A copy of personnel files and records will also be kept by the department head for a minimum of three years post-employment.

All law enforcement personnel records shall be deemed as “closed records” and therefore not subject to view by the general public.

### **Section 15-2 Public records**

Personnel files will be maintained as confidential and information will be revealed to only those persons who submit a written request and who have a reasonable and documented "need to know," as referred by the Missouri Open Meeting Sunshine Law.

## **ARTICLE 16 TRAVEL EXPENSES**

### **Section 16-1 Policy**

Department heads, County officials, and employees shall be reimbursed for official travel and related expenses while carrying out official duties or attending professional conferences and training courses which will benefit both the employee and the County.

All persons authorized to travel shall be reimbursed for actual air, bus, taxi or train fare to and from the travel destination, actual room cost for overnight lodging, taxi fares, tips, and other travel-related expenses upon proper presentation of appropriate itemized receipts on a County travel expense voucher and, where appropriate, by a certified affidavit.

### **Section 16-2 Reimbursable expenses**

All efforts shall be made to keep travel expenses to a minimum. The following expenses for approved travel shall be reimbursed according to established allowances or actual cost when accompanied by receipts or other documentation as required and appropriate:

- (1) Direct travel including air, bus, taxi, and train fares.
- (2) Direct travel by personal vehicle at the established rate per mile per policy section 16-8 reimbursement rates and rules, if approved by the department head.
- (3) Overnight lodging when travel extends beyond fifty (50) miles from the County.
- (4) Meals and tips up to \$30.00 per day. (Breakfast - \$5, Lunch - \$9, Dinner - \$16)
- (5) Other reasonable and related expenses accompanied by a receipt.

### **Section 16-3 Non-reimbursable expenses**

The following travel expenses shall not be reimbursable:

- (1) Costs incurred by a spouse or other relative accompanying an employee.
- (2) Personal expenditures such as valet service, laundry and cleaning, alcoholic beverages, entertainment, or side trips.
- (3) Any meals that are included in the conference fee or registration fee that has already been paid for by the county.

### **Section 16-4 Use of personal vehicle for official business**

Employees required to use their personal vehicles for official County business shall be compensated at the rate set out in Section 16-7. All departments are encouraged to promote the use of County vehicles whenever possible in lieu of use of personal vehicles for

County travel purposes. Employees shall report any accident in which they are involved in their personal vehicle if the employee is using said vehicle for county functions or on county time.

### **Section 16-5 Use of County vehicles**

Employees who are assigned take-home vehicles from the County fleet are prohibited from using the vehicle for any use outside of County business. If an employee is assigned a County vehicle and allowed to take the vehicle home, this is considered within the course and scope of their duties. Law Enforcement personnel should not use personal vehicle for any official Sheriff's Office response. **Using County vehicles outside the course and scope of their duties, especially transporting passengers in a personal capacity, voids the insurance coverage and opens up the employee to any and all liability. Any county employee that anticipates using a county vehicle for transporting anyone for a purpose other than county business, including family members and children, shall sign a waiver of liability absolving the county of any liability incurred during the use of said vehicle when being used in such a manner. (See attachment).**

Employees shall report to law enforcement any accidents involving a County vehicle and the property or vehicle of another party. Employees shall report any accident involving damage to a County vehicle to their department heads, department heads, and the personnel & safety officer on a form prescribed for this purpose. Failure to report damage of County vehicles as prescribed may result in disciplinary action.

When a Sheriff's department vehicle is involved in an accident, deputies will render necessary aid to the injured, remove any hazards to life or property, and contact a commanding officer promptly (by the end of their duty shift). Deputies will fully cooperate with the accident investigator that will be assigned by the Missouri State Highway Patrol (M.S.H.P). All accidents involving department vehicles will be investigated by the M.S.H.P.

All employees shall wear protective equipment, use protective devices and wear safety belts in all County vehicles so equipped.

### **Section 16-6 Vehicle Maintenance Logs**

There shall be a maintenance and mileage log for every county vehicle. Any employee using said vehicle for county business shall enter and record the beginning and ending mileage, the amount of fuel used and the expenses associated there with, the location where fuel was purchased and the destination and purpose of travel.

### **Section 16-7 Reimbursement rates and rules**

When authorized, use of privately-owned vehicles shall be reimbursed at a fixed rate equal to that charged by the Sheriff for service of process, i.e. the IRS Mileage Rate for that particular year.

The following expenses of employees shall be reimbursed according to actual cost when accompanied by receipts or other documentation as required and appropriate:

- (1) Direct travel including air, bus, train and taxi fares;
- (2) Overnight lodging;
- (3) Meals and tips up to \$30.00 per day. (Breakfast - \$5, Lunch - \$9, Dinner - \$16);
- (4) Other reasonable and related expenses.

## **ARTICLE 17 TECHNOLOGY**

### **Section 17-1 Personal Use of County Technology**

Technology, such as computers and telephones are business communication tools provided to employees to assist them in performing their responsibilities. Employees are to use technology in a professional, ethical and lawful manner. Security and confidentiality of County information is to be everyone's first concern.

The Sheriff's Office employees may be exempt from following the technology policies when adhering to such policies would impede, in any way, an ongoing investigation, violate a standard operating procedure or prohibit protection of any citizen's personal information obtained during the course of their official duties.

The County has the right and a responsibility to manage usage of the County's technology resources. All information including files or software downloaded via the Internet becomes the property of the County. The County may examine all information stored on technology resources at any time, for any reason.

Each employee shall be responsible for changing the password used to access the computer they use on a quarterly basis.

### **Section 17-2 Acceptable Use of County Technology**

The following guidelines outline acceptable use of technology provided by the County.

(a) Business Use

- (1) Communicating with employees, customers and suppliers.
- (2) Researching relevant business topics or obtaining useful business information.

(b) Personal Use of the Internet is only permitted where such use:

- (1) Does not interfere with County responsibilities;
- (2) Is not for personal financial gain;
- (3) Does not add to the County's costs;
- (4) Adheres strictly to this policy.

Any personal use that does not fulfill all of these conditions is prohibited.

## Section 17-3 Prohibited Use of County Technology

Use is prohibited for any unlawful or illegal purpose or activity that violates any federal, state or municipal law or regulation or that could give rise to a civil cause of action against the employee and/or the County. This includes any activity that could constitute a criminal or quasi-criminal offense and/or result in civil liability including but not limited to the following:

- (1) Possessing, down loading, distributing or displaying any of the following:
  - (a) Pornography or child pornography including obscene or sexually explicit material;
  - (b) Material of a harassing nature including any form of harassment on the basis of race, creed, religion, color, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin. This includes any form of hate propaganda or messages that promote hatred or incite violence against identifiable groups;
  - (c) Type of defamatory statements or providing inaccurate or misleading information which may lead to civil lawsuits against the employee and/or the County.
- (2) Violating or infringing the Copyright Act or the Trademarks Act by, for example, violating another person's copyright without permission or authorization or by making unauthorized use of patents or trademarks;
- (3) Activities relating to hacking and/or breaches of computer security, such as attempts to defeat security features of electronic networks including making, possessing or distributing computer programs designed to obtain unlawful access to computer systems, or an attempt to spread viruses;
- (4) Any use relating to personal and/or commercial activity that may result in personal financial gain, including but not limited to, any personal or commercial advertising, solicitations or promotions that do not directly benefit the County;
- (5) Accessing without authorization another employee's personal computer Internet account, including obtaining or modifying of files, data or passwords belonging to others, or intercepting any private communications or electronic mail without authorization, other than as required by the County for business purposes;
- (6) Disclosing confidential business information of the County, without prior authorization.

Employees who encounter a prohibited activity should immediately report the incident to their department heads, or other management representative. All reports will be investigated.

#### **17-4 Communicating Via the Internet**

There is no guarantee of privacy with the Internet. Employees should treat any transmission like an electronic postcard; if the content is not appropriate on a postcard, it should not be posted to the Internet.

Employees should apply good judgment when using the Internet. Security and confidentiality of County information is to be everyone's first concern.

Employees who create and transmit messages are responsible for the content of the message including any attachments.

Files that are downloaded from the Internet should be scanned for viruses before they are run or accessed.

#### **17-5 Communicating Via Social Media**

Social media tools for business reasons are encouraged by the County. Your manager's approval is required prior to the use of such tools for County business.

Social media use is for business communication and for the purpose of fulfilling job duties in accordance with County goals and objectives, not for personal use.

Employees will represent themselves with integrity consistent with the employee's duty of loyalty to the County when using social media at all times.

To protect your own privacy & the privacy of others do not include any personally identifiable information, such as social security number, phone number, address or any protected information in the body of your comment. Speak to your manager before releasing information that could be harmful. If you have questions about releasing information to the public, check with your manager.

Employees are not authorized to speak on behalf of the County. Make it clear that you are offering your own opinions.

Honor the privacy rights of the County's employees and elected officials before writing about or displaying internal happenings that might be considered to be a breach of privacy and confidentiality.

Correspondence should be respectful. Do not engage in name calling or behavior that will reflect negatively on the County's reputation.

Employees are encouraged to write knowledgeably, accurately, and using appropriate professionalism. Despite disclaimers, your internet interaction can result in members of the public forming opinions about the County and its employees.

Employees are legally liable for anything you write or present on-line. You can be sued by anyone that views your commentary, content, or images as defamatory, pornographic, proprietary, harassing, libelous or creating a hostile work environment.

The County reserves the right to remove posted content that does not comply with these policies. All posts and comments uploaded to County social media sites that allow posts will be periodically reviewed and are public records subject to public disclosure under the Public Records Act.

The use of unfounded or derogatory statements or misrepresentation can result in disciplinary action up to and including dismissal.

County employees shall not use any form of social media or social networking, including Facebook, Twitter, My Space, LinkedIn, Foursquare, Gowalla Police Pulse, The Squad Room, Usenet groups, online forums, message board, or bulletin boards, blogs and other similarly developed formats, in any way as to tarnish the reputation of the county.

It is vital that each employee accept their role as ambassadors of county government, striving to maintain public trust and confidence, not only in their professional actions, but also in their personal and online actions. By virtue of your position, you are held to a higher standard than general members of the public, and your online activities should reflect such professional expectations and standards. Any online actions taken that detract from the mission of county government, or reflect negatively on your position as an employee will be viewed as a direct violation of this policy.

#### **17-6 Disclosure**

The County reserves the right to monitor and/or review Internet activity. Reviews will be conducted from time to time to ensure compliance to policy. The County has a legal obligation to report illegal activity and to disclose unlawful Internet activity to law enforcement officials without prior notification to employees, as governed by law.

#### **17-7 Compliance**

Failure to comply with this policy may result in disciplinary action ranging from temporary or permanent loss of Internet access to employee, dismissal and/or legal action. The nature and type of discipline will depend upon the severity of the incident.

## **ARTICLE 18 PROHIBITIONS AND PENALTIES**

### **Section 18-1 Participation in political activities**

Employees are prohibited from bringing their political affiliations to bear on their official duties. Specifically, the following political activities of employees are prohibited:

- (1) Campaign fund raising, or other partisan political activities on County premises while in the performance of duties and responsibilities as an employee of the County.
- (2) Abuse of official position for political ends.
- (3) Use of official working time or unauthorized use of County resources for political activity.
- (4) Promising any employment, position, work, compensation, or other benefits as consideration, favor or reward for political activity.
- (5) Performing political activities at the direction of an Elected Official, department head, or other County official.

### **Section 18-2 Discrimination and sexual harassment**

No appointment, promotion, demotion, removal, or advancement in employment shall be made on the basis of race, religion, creed, national origin, sex, sexual orientation, age, or non-disqualifying physical or mental disability.

Sexual harassment of employees is a serious matter and is prohibited in the work-place by any person and in any form. No department head, department head or other employee shall threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, performance appraisal, wages, advancement, assigned duties, or any condition of employment or career development. Other sexually harassing conduct whether committed by department heads, department heads, or non-department head personnel is also prohibited. Such conduct includes but is not limited to: sexual actions, advances or propositions, verbal or written abuse of a sexual nature, or sexually degrading words used to describe an individual.

Any department head, department head, or other employee who is found, after appropriate investigation, to have discriminated against an employee or harassed any employee as prohibited in the preceding paragraphs shall be subject to appropriate disciplinary actions up to and including discharge.

It is the policy of the County to provide an environment free from unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication constituting sexual harassment. The purpose of this policy is to establish clearly and unequivocally that the County prohibits sexual harassment by and of its employees.

Sexual harassment is misconduct which interferes with work productivity and deprives employees of the opportunity to work in an environment free of unsolicited and unwelcome sexual overtones. Sexual harassment includes all unwelcome sexual advances and sexually oriented communication, requests for sexual favors, and such other verbal or physical misconduct. Sexual harassment is a prohibited practice and in a violation of the law. The U. S. Equal Employment Opportunity Commission has issued guidelines interpreting Section 703 of Title VII of the Civil Rights Act prohibiting sexual harassment. The Missouri Commission on Human Rights has also issued regulations regarding sexual harassment under the Missouri Human Rights Act.

Sexual harassment is defined as follows;

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical misconduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

An aggrieved person should directly inform the person engaging in sexually harassing conduct or communication that such conduct or communication is offensive and must stop. If the aggrieved person does not wish to communicate directly with the person whose conduct or communication is offensive or if direct communication with the offending person has been ineffective, the aggrieved person should report the conduct or communication to any department head. If the department head is the offending person, the aggrieved person should report to the next higher level of management.

Regardless of the means selected for resolving the problem, the initiation of a complaint of sexual harassment will not adversely reflect on the person complaining nor will it affect the employee's employment, compensation or work assignments.

Employees are encouraged to use the County's grievance procedure to address sexual harassment problems.

### **Section 18-3 Nepotism**

A County employee may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion or advancement in or to any position of the County service over which the employee exercises jurisdiction or control, any person who is a member of the immediate family of the employee. As referred by Article VII, Section 6 of the Missouri Constitution, any public officer or employee in this state who by virtue of his

office or employment names or appoints to public office or employment any relative within the fourth degree, by consanguinity or affinity, shall there by forfeit his office or employment.

#### **Section 18-4 Outside Employment**

Outside employment is prohibited if such employment would have an adverse effect on the employee's performance of official duties with the County or be prejudicial to the reputation of the County. Employees shall inform department heads of the acceptance of any outside employment.

#### **Section 18-5 Conflict of Interest**

No elected or appointed official or employee of the County shall perform services or supply goods to the County for receipt or payment of any compensation, other than the compensation provided for the performance of his official duties, in excess of five hundred dollars per annum, except on transactions made pursuant to an award on a contract or sale made after public notice and competitive bidding, provided that the bid or offer is the lowest received. County employees who hold a financial interest in a firm, institution, corporation or other establishment wishing to supply goods or services to the County will abstain from the selection process for the good or service.

Missouri revised state statutes 105.452 and 105.454 will be referred to for any other questions arising regarding conflict of interest.

#### **Section 18-6 Texting While Driving Prohibited**

In order to increase employee safety and eliminate unnecessary risks behind the wheel, County employees will avoid operating any electronic device while driving unless it is a "hand free" device and then, only if operating the device does not distract the driver. We are committed to ending the epidemic of distracted driving, and have created the following rules, which apply to any employee operating a County vehicle or using a County-issued cell phone while operating a personal vehicle or using a personal vehicle and/or personal cell phone on county business:

- (1) County employees may not use a hand-held electronic device for texting purposes while operating a vehicle – whether the vehicle is in motion or stopped at a traffic light.
- (2) If County employees need to use their phone or other electronic device for texting purposes, they must pull over safely to the side of the road or another safe location.
- (3) Violations of this policy should be reported to a department head, who will report violations to the Commission.
- (4) Failure to comply with this policy may result in disciplinary action ranging from temporary or permanent loss of County vehicle access to the employee; dismissal and/or legal action. The nature and type of discipline will depend upon the severity of the incident.

### **Section 18-7 Smoking Policy**

All County buildings are smoke-free. Smoking is only permitted in designated areas outside of County buildings. All County vehicles are smoke-free.

Violations of this policy should be reported to a department head, who will report violations to the Commission.

Failure to comply with this policy may result in disciplinary action ranging from temporary or permanent loss of County vehicle access to the employee; dismissal and/or legal action. The nature and type of discipline will depend upon the severity of the incident.

Smoking shall only be allowed in designated areas and on designated break times as approved by department head or elected official.

### **Section 18-8 Penalties**

Any employee found guilty of any violation of this section shall be subject to any disciplinary action up to and including dismissal as defined by these rules and such other penalties as may be deemed appropriate and consistent with the laws of the County and the State of Missouri.

## **ARTICLE 19 MANAGEMENT RIGHTS**

### **Section 19-1 Retained rights**

The County shall retain the sole right and authority to operate and direct the affairs of the County in all its various aspects. Among these rights are the County's right to determine its mission and set standards for service offered the public; to direct the working forces; to plan, direct, control, and determine the operations or services to be conducted in and by the employees of the County; to assign and transfer employees; to hire, promote, and demote employees; to suspend, discipline, or discharge employees; to relieve employees due to lack of work or for other reasons, such layoffs being normally accomplished through attrition; to make and enforce rules and regulations; and to change methods, equipment, or facilities.

## **ARTICLE 20 SAVINGS CLAUSE AND AMENDMENT**

### **Section 20-1 Savings clause**

Invalidation of any part, rule, or section of these personnel rules and regulations shall not affect the validity of the other rules and sections.

### **Section 20-2 Amendment**

Amendment of these rules and regulations shall be approved by a majority vote of the County Commission. Copies of such amendments shall be distributed to all department heads, employees and such other officials as the County deems appropriate.