

JACKSON COUNTY, MISSOURI



PERSONNEL RULES

October, 2011

**JACKSON COUNTY, MISSOURI
PERSONNEL RULES**

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MISSION AND VISION STATEMENT

Jackson County is a very diverse community. As such, we work to support and nurture a workplace that celebrates all of our diversity with an ongoing commitment of inclusion.

Jackson County supports the rights of all individuals and will prohibit any person from discriminating in employment or the provision of public accommodations because of race, creed, color, religion, national origin or ancestry, gender, age, disability, pregnancy status, sexual orientation, gender identity, marital status, familial status, veteran status, political activity or lack thereof, union membership or non-membership, or any status protected by law.

Jackson County will continue forward with these measures as we work to be inclusive by recognizing the diversity in our community as the asset it truly is.

PART I - MERIT EMPLOYEE RULES

RULE 1 - GENERAL PROVISIONS

Section 1.1 - Purpose of Rules

It is the purpose of these rules to give effect to the provisions of the Constitutional Home Rule Charter as authorized by County Ordinances. These rules set forth the principles and procedures which will be followed by Jackson County in the administration of its Personnel program. They are intended to establish an efficient, equitable and functional system of Personnel administration based on merit principles which govern the appointment, promotion, transfer, layoff, dismissal, discipline and other related conditions of employment.

Section 1.2 - Positions Covered by a Memorandum of Understanding

These rules shall apply to all merit positions in all divisions, department, boards, commissions and agencies of the county absent specific provisions to the contrary, and to non-merit positions as indicated in Part II. Employees in positions within an established bargaining unit shall also be governed by the provisions of a Memorandum of Understanding where applicable and where in effect.

Section 1.3 - Administration of the Rules

The Director of Human Resources, under the supervision of the Manager of the Division of Administration, shall be charged with the responsibility for the administration of these rules.

Section 1.4 - Appointing Authority Regulations

These rules shall not be construed as limiting in any way the power of an Appointing Authority to make regulations governing the conduct and performance of employees, provided such regulations shall not conflict with provisions of these rules. Such regulations shall be filed with the Director of Human Resources and submitted to the County Counselor for approval at least annually.

If the County Counselor's approval is given, such regulations shall be published and distributed to each employee to whom they apply and shall have the force and effect of the rules. Disciplinary action may be based upon breach of such regulation.

Section 1.5 - Prohibition of Discrimination and Harassment

- A. The County is committed to providing a professional work environment in which employees are free from discrimination, violence, threats of violence, or harassment from other employees, supervisors, volunteers, independent contractors, vendors, suppliers, and other non-employees.

It is also the County's commitment to ensure employees treat members of outside organizations, volunteers, independent contractors, vendors, suppliers, or other members of the public in a non discriminatory, non violent, and non harassing manner in the performance of their duties. It is the County's expectation that all employees will conduct themselves in a professional manner at all times while conducting County business.

- B. Anti-Discrimination Policy. The County strongly encourages a diverse workforce and in doing so, there shall be no discrimination or favoritism in employment or compensation of County employees on account of race, creed, color, religion, national origin or ancestry, gender, age, disability, pregnancy status, sexual orientation, gender identity, veteran status or any other status protected by law, political activity or lack thereof, or union membership or non-membership.

Persons with disabilities needing accommodation shall make requests pursuant to the policy set forth in Section 11.11.

It is the goal of the County, to ensure conduct never rises to the level of unlawful behavior. Accordingly, the County prohibits conduct that violates the law and additionally prohibits conduct that violates the County's policies even though it may not rise to the level of violating the law.

- C. Anti-Harassment Policy. It is the County's policy to prohibit any unwelcome verbal or physical conduct that denigrates or shows hostility or aversion toward an employee or by an employee while on the job because of his/her race, creed, color, religion, national origin or ancestry, gender, age, disability, pregnancy status, sexual orientation, gender identity, veteran status, or any other status protected by law; and to prohibit sexual harassment as outlined in Rule 19. This prohibition applies to all individuals who work for the County including employees, vendors, suppliers, and volunteers, as well as its clients, customers, and other visitors.

Examples of harassing conduct may include, but are not limited to, verbal or visual harassment or abuse (i.e.: degrading sexual comments, unwelcome propositions, and sexually offensive jokes, materials and tricks), unwelcome requests for sexual favors or activity, inappropriate touching of a sexual or abusive nature, or a threat or action that makes an affected individual's employment, work-related opportunities or benefits subject to sexual demands, harassment or offensive conduct. Other examples include

racial or ethnic slurs or jokes, derogatory comments based on race, ethnicity or age, or placing limits on opportunities, training, or employment conditions on account of such factors, or intimidating verbal or nonverbal behavior.

- D. Reporting. Any employee who has a question, concern, or complaint of discrimination or harassment must bring the matter to the immediate attention of his/her immediate supervisor. If the question, concern or complaint involves the immediate supervisor or if the employee is not comfortable discussing it with his/her immediate supervisor, the employee may bring the matter to the immediate attention of the Appointing Authority, Manager, Department Director, or Human Resources. Any supervisor or member of management who becomes aware of alleged violations of this policy is required to immediately notify Human Resources. Any employee, supervisor or member of management who fails to notify Human Resources may be subject to disciplinary action.
- E. Investigations and Corrective Action. All reports of inappropriate conduct will be promptly and thoroughly investigated, and the County will act to ensure that any improper conduct ceases immediately and corrective action is taken to prevent a recurrence. Any employee, whether supervisory, non-supervisory, or member of management, who violates this policy will be subject to the full range of corrective action, up to and including termination of employment. The County will inform the complaining employee of the resolution of the complaint as appropriate.
- F. Confidentiality. All complaints will be treated confidentially by the manager, management staff and the employee to the extent practicable for an effective resolution. No individual will suffer adverse employment consequences as a result of making a good faith complaint or taking part in the investigation of a complaint. An individual who knowingly alleges a false claim against another may be subject to the full range of correction action, up to and including termination.

Section 1.6 - Prohibition of Workplace Violence and Harassment

- A. Prohibited Conduct. The County is committed to providing a safe work environment for its employees. The County therefore prohibits any workplace violence which may be defined as threatening, intimidating, coercing, harassing, or violent behavior (verbal or physical), involving employees, or anyone conducting business with the County or intentional damage or threats of damage to County property or personal property on County premises.

Harassment may be defined as offensive physical, verbal (oral or written), or visual/non verbal conduct which has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. This includes, but is not limited to, the definition in Sect 1.5 (C).

Examples of prohibited conduct include, but are not limited to: use of abusive, threatening or harassing language or physical conduct; pursuit of another, intending to harm or harming the employee, or placing the employee in reasonable fear of harm; unwanted physical contact such as assault, impeding or blocking movement; violence directed at individuals or inanimate objects, including vandalism; bringing on County

premises a firearm, knife, explosive material, or any other weapon (e.g., chains, knuckles, tire iron).

- B. **Prohibition of Weapons in the Workplace.** To minimize the possibility of violence in the workplace and to the extent permitted by law, the County prohibits County employees from carrying firearms of any kind, regardless of endorsement, or weapons of any kind that are unlawful to possess, onto County property, public buildings, public parking lots, County owned vehicles, personal vehicles while performing work/travel for the County, or carried in any other capacity while on the job.

This provision shall not apply to law enforcement officers permitted to carry firearms or other weapons as a part of their regular job duties to include Sheriff's deputies, correction officers, and park rangers or other authorized positions.

- C. **Reporting.** If an employee witnesses, experiences, or learns of a violation of this policy, the employee shall make a report to your Supervisor, Appointing Authority, Manager or Human Resources. The County will investigate and take appropriate action.

Threats of workplace violence will be immediately reported to Human Resources. The appropriate law enforcement agency will be contacted for a criminal investigation when appropriate.

- D. **Investigation.** Human Resources will be responsible for investigating the facts of the case and preparing a recommendation for action by the appropriate Department Director. Investigations shall be conducted in a timely manner, and confidentiality shall be exercised to the extent possible and practical. Employees are compelled to cooperate in the investigation.

Section 1.7 - Anti-Retaliation Policy

- A. **Anti-Retaliation.** The County prohibits retaliation against anyone for reporting or assisting in reporting a discrimination, harassment, violence, or threats of violence complaint, or for cooperating with an investigation.
- B. **Reporting.** Any employee who believes he/she has experienced or witnessed a violation of the County's Personnel Rules, departmental policies, governing law, or retaliation shall immediately notify his/her supervisor, manager, Department Director, or Human Resources.
- C. **Investigation.** Human Resources will be responsible for investigating the facts of the case and preparing a recommendation for action by the appropriate Department Director. Investigations shall be conducted in a timely manner, and confidentiality shall be exercised to the extent possible and practical. Information will be released or discussed only on a need to know basis. Employees are required to cooperate in the investigation.

Section 1.8 - Employee Code of Conduct

- A. Employee Responsibility. It is the duty and responsibility of every employee to be aware of and abide by existing rules and regulations. This includes the Personnel Rules, departmental policies and procedures, and applicable laws.
- B. Employee Conduct. It is the duty and responsibility of every employee to perform in a manner that is consistent with the County's rules, regulations, and policies. It is also the responsibility for employees to perform their duties efficiently and effectively with a focus on customer service.

Employees shall treat citizens, coworkers, and other members of the public in a courteous and respectful manner conveying a professional image while exercising sound judgment and common sense behavior. Employees shall be honest and refrain from engaging in unlawful behavior.

Section 1.9 - Unlawful Acts Prohibited

- A. No person shall willfully or corruptly make any false statement, certificate, mark, rating or report in regard to any application for employment, test, certification or appointment held or made under these rules, ordinances or the County Charter, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such Personnel Rules or the regulations made hereunder.
- B. Any materially false statements made in any application or in violation of any rule, regulation or instrument of the Human Resources department pertaining to an examination shall be grounds for excluding an applicant from an examination or for omission or removal from an eligibility list, or of dismissal from employment.
- C. No person seeking appointment or promotion to a merit position shall either directly or indirectly give, promise, render or pay any money, service or other valuable thing to any person for or on account of, or in connection with his test, appointment, proposed appointment, promotion, or proposed promotion.
- D. No employee of the Human Resources department, examiner or other person shall defeat, deceive or obstruct any person in his right to examination, eligibility, certification or appointment under these rules, or furnish to any person any special or confidential information for the purpose of affecting the rights or prospects of any person with respect to employment in a merit position.

Section 1.10 - Annual Exceptions

Any ongoing deviations or exceptions as allowed within these rules must be approved annually by the County Executive prior to the adoption of the budget. All approved exceptions must be filed with the Human Resources and Finance Departments.

RULE 2 - DEFINITIONS OF TERMS

Throughout these rules the following words and phrases shall have the meanings indicated; all references to applicants and employees in these rules designate both genders and wherever the male gender is used, it shall be construed to include males and females.

Appointing Authority. An elected official, charter officer, division manager, department director or his designee.

Appointment. The designation to a merit position of a person who is certified by the Director of Human Resources as qualified for the position.

Base Compensation. The salary established in a compensation schedule, exclusive of fringe benefits.

Cause. A ground that an employer, acting in good faith under the law, policies, and procedures in place, would regard as good and sufficient for disciplining an employee.

Charter. The Constitutional Home Rule Charter of Jackson County, Missouri as amended.

Chief Administrative Officer. This title is interchangeable with Division Manager of Finance.

Continuous County Service. Employment with Jackson County without interruption except for authorized leaves of absence.

Conviction of Crime. Shall include any guilty plea by an individual, even if it results in a suspended imposition or execution of sentence.

Demotion. The reassignment of a merit employee to a position in a job class having a lower compensation grade.

Deputy Chief Administrative Officer. This title is interchangeable with Division Manager of Administration.

Disciplinary Action. Those acts set forth in Rule 15, Section 15.2, 15.3, 15.4, 15.5 and 15.7.

Full Time Employee. An employee who regularly works forty hours per week.

Grade. The numerical designation which refers to a specific salary range in a compensation schedule.

Job Class. A group of positions sufficiently similar in duties and responsibilities to warrant a common descriptive title.

Job Description. The official statement of a position consisting of the tasks and duties to be performed and the minimum qualifications necessary for full performance of the work, any

necessary licenses or certificates and any applicable special requirements.

Job Evaluation. Analysis of duties and responsibilities of a position and its assignment to a job class and to a pay grade.

Job Title. The official name given to a position that is generally descriptive of the work to be performed by an employee in that position.

Merit Employee. All positions of County employment not specifically designated as non-merit shall be merit positions. The merit system shall not apply to those positions described in Jackson County Charter Article IX - Merit System, and such additional positions that have been recommended for exemption by the Merit System Commission and authorized by the County Legislature.

Merit System Commission. A commission as established by County Charter, Article IX, Section 3.

Non-Merit Employee. Those positions described in Jackson County Charter Article IX - Merit System, and such additional positions that have been recommended for exemption by the Merit System Commission and authorized by the County Legislature.

Part-time Employee. An employee who regularly works less than forty hours per week or less than four weeks a month.

Permanent Employee. An employee who has completed the applicable probationary period for his or her position.

Position. A specific office of employment, whether occupied or vacant, which involves duties requiring the services of one person.

Probationary Employee. An employee during the first six months of County employment in a merit position, except Sheriff's Deputies and Park Rangers whose probation lasts one year following the completion of training.

Reclassification. Changing the job classification of an existing merit position.

Seasonal Employee. A temporary employee who works in county service within a particular season of the year and may regularly work from year to year.

Temporary Employee. An employee working in a position for a defined period of time not to exceed six months.

Vacancy. A position which is not occupied and for which funds have been provided.

Work Day. Regularly scheduled work period in a 24 hour period.

Work Week. Regularly scheduled work schedule constituting 40 hours in a 7 day period.

RULE 3 - MERIT POSITIONS

Section 3.1 - Merit Positions

All positions of County employment not specifically designated as non-merit shall be merit positions. The merit system shall not apply to those positions described in Jackson County Charter Article IX - Merit System, and such additional positions that have been recommended for exemption by the Merit System Commission and authorized by the County Legislature.

Section 3.2 - Probationary Period

Employees hired into merit positions shall serve a six (6) consecutive month probationary period from the date of initial appointment during which time they are at-will employees with no right of appeal to the Merit System Commission. For Sheriff Deputies and Park Rangers, the term of the probationary period is one (1) year following completion of training.

RULE 4 - JOB CLASSIFICATION

Section 4.1 - Job Classification

All merit positions in County employment shall be assigned a job class, grade and job description in accordance with Section 4.2

Section 4.2 - Evaluation of Positions

Job evaluation is the analysis of the duties and responsibilities of a position and its assignment to job class and to a pay grade. The job title shall be generally descriptive of the work of the job class. Each job description shall state the tasks and duties to be performed, minimum qualifications necessary for performance of the work, any necessary licenses or certificates and any applicable special requirements.

Section 4.3 - Review of Job Classification

The Director of Human Resources, under the supervision of the Manager of the Division of Administration, shall establish a system and schedule for the continuous review of the job evaluation plan. The review shall include the verification of the current duties of merit positions, a study of the job descriptions and of the job titles to assure that they are currently accurate and complete. If such review indicates that changes to the classification plan may be in order, recommendation of such changes should be communicated in writing to the appropriate Appointing Authority who may then initiate action pursuant to Rule 4.4 or 4.5.

Section 4.4 - Creation of New Positions

The Appointing Authority shall request the creation of a new position by application to the County Executive. Upon referral by the County Executive, the Director of Human Resources shall study the duties and responsibilities of the proposed position and shall make recommendations to the Appointing Authority, Manager of the Division of Finance and the County Executive on the appropriate job description and grade.

Section 4.5 - Reclassification

When the Appointing Authority believes it is necessary to reclassify a merit position he shall submit a written request to the Director of Human Resources who shall act on it within a reasonable amount of time. A merit position will be reclassified only when the person occupying the merit position no longer performs the duties assigned to that job class and only upon final approval of the Appointing Authority and County Executive or his/her designee.

RULE 5 - COMPENSATION

Section 5.1 - Compensation Schedule

The base compensation of all County merit employees shall be in accordance with a compensation schedule.

Section 5.2 - Accrual of Compensation and Benefits

All compensation including vacation, sick leave and other benefits shall accrue on the basis of time actually worked.

Section 5.3 - 40 Hour Week

The compensation schedule and grades are based on full time employment of forty hours per work week.

Section 5.4 - Total Remuneration

Where part of the compensation paid to any merit employee for work performed for the County during normal working hours is paid by any source other than the County, the employee must immediately notify the Supervisor, Appointing Authority, or Payroll of such prior to the pay period following the compensation. That payment shall be deducted from the compensation prescribed by the employee's regular position, which shall not result in a reduction in total compensation. This deduction shall not apply to overtime paid from another source.

Section 5.5 - Beginning Salary

Every merit employee originally appointed to any position shall be compensated at the minimum rate within the grade for the position, except as set forth in Section 5.6.

Section 5.6 - Exceptions to Beginning Salary

Upon the recommendation of the appropriate Appointing Authority, the County Executive or his/her designee may approve compensation at a higher rate for initial employment, demotions, promotions and transfers only when an employee possesses outstanding and unusual experience, unique abilities, or when there is a critical shortage of applicants.

Section 5.7 - Six Month Review

After a merit employee has completed the applicable probationary period following his initial appointment, the Appointing Authority shall review his job performance in accordance with Rule 14.1, 14.3 and 14.4. At that time, the Appointing Authority may increase that merit employee's compensation within the grade not to exceed 10%, subject to the approval of the County Executive or his/her designee.

Section 5.8 - Performance Increase

In the event the Legislature makes funds available for a performance increase, the Appointing Authority shall distribute his allocation of funds in accordance with performance evaluations as provided in Rule 14 or as otherwise provided.

Section 5.9 - Salary Advancement

- A. The Appointing Authority after complying with Rule 14.1, 14.2, 14.3 and 14.4 may, with the approval of the County Executive, advance a merit employee who has exhibited outstanding competence and effort within the grade not to exceed 10%. No outstanding merit increases shall be given to any merit employee during their applicable probationary period or during the three month period following a promotion.
- B. Promotion. An employee that receives a promotion shall be paid at least the minimum of the new pay grade. A salary increase will be provided to compensate for the higher level of work as a result of the promotion in an amount to be set by Human Resources and approved by the Division Manager of Administration.

Section 5.10 - Safe Harbor – Exempt Employees

- A. Compliance. It is the County's intent to comply with all applicable laws regulating the payment of wages to employees. Accordingly, it is the County's policy to regularly pay its salaried exempt employees a predetermined amount of compensation for any week in which the employee performs any work, which amount is not subject to reduction due to quality or quantity of work. There are some exceptions. Deductions may be made for: FMLA-related absences; absences of one or more full days for personal reasons, other than sickness or disability; absences of one or more full days for sickness or disability in accordance with the County's leave policies; unpaid disciplinary suspensions of one or more full days for violation of a workplace conduct rule e.g., anti-discrimination/anti-harassment, workplace violence, and other similar rules applicable to all employees); penalties imposed for violating safety rules of major significance; or offsetting compensation for jury duty or witness fees. Further, an employer is not required to pay the predetermined amount in the initial or terminal week of employment if a full week is not worked.
- B. In addition, the County may make deductions for absences of less than one full work day when that absence is due to personal reasons, illness or injury, when accrued leave is not used by an employee because: (1) permission for its use has not been sought or has been sought and denied; (2) accrued leave has been exhausted; or (3) the employee chooses to use leave without pay.
- C. If an employee believes an improper deduction has been taken from the predetermined amount, the employee is responsible for notifying Human Resources of the situation. Upon notification, the County will conduct a prompt and thorough investigation into the

propriety of the complained-of deduction. If it is determined that any improper

deductions have been taken, the County will make full reimbursement to the affected employee. No employee will be subject to retaliation for raising a concern or complaint pursuant to this policy.

RULE 6 - OUT OF CLASS PAY

Section 6.1 - Eligibility

Out of class pay may be authorized by the Appointing Authority upon certification by the Manager of the Division of Finance that sufficient funds are budgeted. Merit employees who work out of class shall receive the minimum rate of pay for such work or their regular rate of pay plus 5%, whichever is higher and will begin on the seventh day after working in the higher classification. Out of class pay is appropriate only in the following circumstances:

- A. If the merit employee works out of class more than six consecutive working days in a higher classification; and
- B. The merit employee has been assigned 75% or more of the out of class job's responsibilities, tasks, and duties; and
- C. The out of class work results from a vacancy which is not immediately filled or an approved leave of absence, not vacations. Vacation replacement is not eligible for out of class pay.
- D. Out of class pay applies only to actual hours worked and not to vacation or sick leave which is computed at the employees regular rate of pay. Out of class pay will be paid for holidays.

RULE 7 - OVERTIME

Section 7.1 - Policy

An employee is eligible for overtime pay as follows:

- A. When the employee works more than the normal forty (40) hours per week, or
- B. If an employee is called in to work outside his regular scheduled working hours, he shall be paid for four (4) hours at straight time rates of pay or time and one-half for all hours worked, whichever is greater. However, if the employee is called in less than four (4) hours immediately prior to the start of his regular shift, he shall be entitled only to time and one-half for hours worked prior to his shift.
- C. All overtime must be approved in advance by the employee's Appointing Authority.

Section 7.2 - Computing Overtime

Holiday leave, scheduled vacations and scheduled compensatory time shall count as hours worked for the purpose of computing overtime hours. Unscheduled vacation time or for job-related illness or injuries, funeral and sick leave shall not count as hours worked for purposes of computing overtime.

Section 7.3 - Eligibility

Employees are eligible for overtime unless specifically exempted, on a case-by-case basis, by the County Executive. The Appointing Authority shall request position exemption by application to the County Executive. Upon referral by the County Executive, the Director of Human Resources and Legal Counsel shall study the duties and responsibilities of the proposed position exemption and shall make recommendations to the Appointing Authority, Division Manager of Finance and the County Executive on the exemption based on applicable federal guidelines.

Section 7.4 - Compensation

The overtime rate shall be one-and-one-half (1 1/2) times the regular rate of pay which is not part of the employee's regular work week.

Section 7.5 - Submission of Overtime Hours

Payroll coordinators must record overtime pay during the period earned. Overtime pay cannot be accumulated from pay period to pay period.

RULE 8 - OTHER COMPENSATION PRACTICES

Section 8.1 - Compensatory Time for Non Exempt Employees

- A. Departments which, prior to April 15, 1986, had a practice of awarding compensatory time in lieu of overtime may continue to do so. In all other cases, an employee may elect to receive compensatory time in lieu of overtime. If an employee so elects, he must do so in writing and with the express written approval of the Appointing Authority.
- B. Compensatory time shall be granted under the overtime rule (Rule #7) as to applicable situations and employee eligibility.
- C. Compensatory time off shall be at a rate of one and one-half (1 1/2) hours for each hour an employee works in excess of 40 hours during a work week. The maximum compensatory time accrual is ninety (90) hours, which is equivalent to sixty (60) hours overtime worked. With written approval of the County Executive or his/her designee, a department may request exception to the sixty hour maximum rule. The County shall pay the employee for any overtime hours worked in excess of the 90-hour maximum unless an exception has been granted by the County Executive.
- D. Compensatory time is paid time off and should be utilized during the pay period earned, or as soon thereafter as practicable, with approval from the applicable supervisor. An employee shall be permitted to use such time off within a reasonable period after making the request, provided such use does not unduly disrupt the operations of the County.
- E. Accrued compensatory time must be exhausted prior to use of vacation leave unless approved in writing by the Appointing Authority.
- F. Upon separation from employment, an employee shall be paid for all unused compensatory time at his ending rate of pay, or at the average pay received by the employee during his last three years of County employment, whichever is greater.
- G. The employee's Appointing Authority must maintain and preserve records of the number of compensatory hours earned, used and/or paid for each employee. The payroll coordinator shall keep records of compensatory time earned, used and paid and shall report it cumulatively on the payroll time record for each pay period.
- H. Time off awarded under approved employee incentive programs shall not be treated as compensatory time. Such time shall not be reported by payroll coordinators and not paid out upon termination.

Section 8.2 - Travel

The Manager of the Division of Administration shall set guidelines for travel in a travel policy.

Section 8.3 - Reimbursement for Out of County Travel

The Manager of the Division of Administration shall set guidelines for reimbursable expenses.

Section 8.4 - Mileage for Automobile Use

- A. Mileage Reimbursement. An employee who is authorized by the Appointing Authority to use their personal vehicle in the conduct of official County business shall be reimbursed for actual mileage upon the approval of the Manager of the Division of Finance. Reimbursement shall be at the rate set by the Division Manager of Finance, reviewed annually and based on the Internal Revenue Service (IRS) rates.
- B. Car Allowance. When it is in the best interest of the County, a monthly automobile allowance may be paid to an employee to compensate the employee for the use of their personal automobile for official County business upon request of the Appointing Authority and approval of the Manager of the Division of Finance. The car allowance amount will be governed by a Car Allowance Policy.

Section 8.5 - Expenses of Non-Employees

The Manager of the Division of Administration or Manager of the Division of Finance may approve the reimbursement of reasonable travel expenses to persons not employed by the County for the purpose of interviews, examinations and related recruitment activities with regard to possible county employment.

Section 8.6 - Moving Expenses

The Manager of the Division of Administration or Manager of the Division of Finance may approve, in exceptional instances, the reimbursement of reasonable moving expenses as part of the hiring process for a department director position or other unique and/or difficult to fill position.

Section 8.7 - Education Benefits

- A. With prior approval of the Appointing Authority and Division Manager, undergraduate college credit, postgraduate credit, technical school or continuing education course costs may be reimbursable dependent on department funding and in accordance with IRS guidelines to full-time, non-probationary employees and subject to available funds.
- B. Requests for reimbursement will be made through the normal payment process listing the course name, institution, cost and a statement showing the course is directly related to the employee's duties or will assist the employee in work performance.

- C. Upon approval and course completion at a grade "C" equivalent or above, or in the case of pass/fail courses, completion at pass level, reimbursement will be made after submission of original receipt showing payment and copy of grade from the institution. For courses required by the Appointing Authority and approved by the Division Manager, the cost of the course may be advanced.

Costs for text books will not be reimbursed unless there is proof that the books will be kept for use by the department and not personally by the employee.

- D. The employee will be responsible for reimbursing the department for the course costs if the employee terminates employment within six months of completion. The employee will be responsible for reimbursing the department for fifty percent of the course costs if the employee terminates employment more than six months but less than one year after completion.

Section 8.8 - Direct Deposit

All employees and officers shall be paid biweekly. Pay will be in the form of Direct Deposit or other form of electronic payment. Final earnings will be paid in the form of a check.

Electronic payment is an employee benefit that provides for the automatic deposit of an employee's net earnings into the employee's checking, savings, or other account. The money is electronically deposited every other Friday and is available for the employee's use.

Employees will receive a pay statement indicating the amount deposited, pay rate, benefits, and payroll deductions either by paper or electronic means.

RULE 9 - HOLIDAYS AND OTHER LEAVE

Section 9.1 - Holidays

All employees shall receive paid holidays on those days established as official County holidays. When the county holiday falls on a Saturday, the preceding Friday shall be considered the holiday. When the holiday falls on a Sunday, the following Monday shall be considered the holiday. The following eleven (11) days are hereby established as the official County holidays for each year:

New Year's Day - the first day of January

Martin Luther King Day - the third Monday of January

President's Day - the third Monday of February OR the day before/after Christmas to be determined by the County Executive annually (not both) and coordinated with Memorandums of Understanding with Bargaining Units

Truman Day - the eighth day of May

Memorial Day - the last Monday in May

Independence Day - the fourth day of July

Labor Day - the first Monday in September

Veteran's Day - the eleventh day of November

Thanksgiving Day - the fourth Thursday in November

The Friday following Thanksgiving

Christmas Day - the twenty-fifth day of December

All County departments and offices shall remain open and normally staffed for business on all election days, except as otherwise required by law.

Section 9.2 - Floating Holiday

In addition to the official County holidays, every full time County employee who has six months of employment is entitled to one "floating holiday," not to exceed 8 hours, per calendar year to be taken on a day selected by the employee. The employee must obtain prior approval from his Appointing Authority before taking the holiday. Approval will be liberally granted so long as efficiency of the County departments can be maintained. A floating holiday not used during the calendar year is lost and is not paid out upon separation. The full eight hours of the floating holiday must be taken at one time.

Section 9.3 - Holiday Pay

Holiday pay shall be the employee's actual rate of pay not to exceed eight hours of pay. An employee who works on County designated holiday shall receive holiday pay and shall also receive two times his regular rate of pay for actual hours worked. An employee whose regularly scheduled day off falls on a County designated holiday shall receive only holiday pay. Employees shall not receive holiday pay while on leaves of absence without pay.

Section 9.4 - Earning Vacation

Full time employees earn vacation at the following rates:

<u>Years of Continuous Service</u>	<u>Total Days Per Year</u>	<u>Maximum Accrued Hours Allowed</u>	<u>Hours Accrued Per Pay Period</u>
Less than 5	10	120	3.08
5 to 10	15	180	4.62
10 to 15	20	240	6.16
15 or more	25	240	7.70

The maximum vacation accumulation allowed any employee is one and one-half times his normal annual accrual, not to exceed 240 hours. An employee's vacation and sick leave continue to accrue while on vacation. Employees shall not earn vacation leave while on leaves of absence without pay.

Section 9.5 - Using Vacation

The Appointing Authority shall approve and may schedule vacations. The payroll coordinator shall keep records of vacation time used in quarter hour increments and report on the payroll time record for each pay period. Employees shall not use vacation time during the first six months of employment. If a holiday is observed during an employee's vacation, the holiday shall not be charged against the vacation leave. No refund of vacation time shall be allowed due to illness incurred while on vacation, unless proof of an illness can be documented with a doctor's excuse and approved by the Department Director for which the applicable vacation time can be substituted with sick leave time if the employee has an adequate accrued balance in compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA). An Appointing Authority may require an employee who is at or near his maximum vacation accrual to take an extended vacation, not to exceed two weeks, so as to avoid problems with scheduling and truncation.

Employees shall follow departmental policies on requesting vacation or other time off. Whenever practicable, an employee should request vacation at least two weeks in advance for requests that are for three (3) or more days of vacation, unless otherwise provided for in departmental policies or Memorandums of Understanding.

Section 9.6 - Separation Vacation Pay

Upon separation from County employment, an employee shall receive vacation pay for all unused vacation. Upon death of an employee, his surviving spouse, designated beneficiary, or estate will receive the pay for the unused vacation. This section does not apply to temporary or probationary employees.

Section 9.7 - Earning Sick Leave

Full time employees earn sick leave with pay at the rate of 12 days per year, accrued bi-weekly. Employees earn vacation and sick leave while on sick leave. Employees shall not earn sick leave while on leave's of absence without pay.

Section 9.8 - Using Sick Leave

- A. An employee using unscheduled sick leave must contact the Appointing Authority within one hour of the start of the employee's scheduled work day. Sick leave may be granted by the Appointing Authority when the employee, employee's spouse, employee's child, employee's parent, and any other person who resides permanently with the employee is ill, or for medical, dental or optical examinations and treatment when such examination or treatment cannot reasonably be scheduled outside the employee's work hours. Sick leave usage for known medical appointments should be scheduled with and approved by the Appointing Authority in advance. A payroll coordinator shall report time in quarter hour increments.

- B. An Appointing Authority may require a physician's statement specifying diagnosis and course of treatment before allowing an employee to return to work after use of sick leave if:
 - 1. the employee has less than 40 hours accrued sick leave; or
 - 2. the employee has used five days of sick leave during the previous 30 calendar days; or
 - 3. the employee has used sick leave for three consecutive work days.

All medical information will be in handled in compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

- C. If a physician's statement has been requested pursuant to subsection B. above but is not produced by the employee, the employee's previous absence from the workplace will be credited as leave without pay.

Section 9.9 - Separation Sick Leave Pay

Upon separation from county employment, an employee is entitled to sick leave pay as follows:

<u>Full Years of Service</u>	<u>Percentage of Unused Sick Leave</u>
1	5%
2	10%
3	15%
4	20%
5	25%

Section 9.10 - Probationary Employees

During the six month probationary period, merit employees may take sick leave but not vacation or a floating holiday.

Section 9.11 - Medical Leave

A. Medical Leave. The Appointing Authority may grant an employee medical leave not to exceed six months and in accordance with the Family and Medical Leave Act of 1993. This section does not apply to temporary employees. Upon recommendation of the Appointing Authority, the County Executive may extend the leave an additional six months if it is in the best interest of the County to do so. Medical leave may be chargeable to sick leave, vacation leave, compensatory time, and leave without pay or any combination thereof.

B. The employee shall provide his Appointing Authority with a written statement from a physician or dentist (M.D., D.O., D.D.S.) certifying the condition for which leave is required and showing the expected date of recovery if known. When the employee reports for work following medical leave, he shall furnish a physician's statement indicating the ability to resume the duties of his regular position.

All medical information will be in handled in compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

C. The Appointing Authority may request an additional medical evaluation at the County's expense for the purpose of granting a medical leave request or allowing the employee to return to work.

D. If the employee elects leave with pay, time will be charged at the rate of 8 hours per day until all leave is exhausted. While on leave with pay, the employee will continue to accrue sick leave and vacation.

If the employee elects leave without pay, he shall not accrue additional sick leave or vacation.

The County and the employee will be responsible for payment of benefit premiums previously paid, if any, while on approved leave.

Section 9.12 - Volunteer Firemen

Any merit employee whose residence is in a community where the employee is an active member of the volunteer fire department and whose place of employment is in close proximity of the community may, with the approval of his Appointing Authority, respond to fire calls during regular employment hours without loss of sick leave or vacation not to exceed eight hours of pay per day.

Section 9.13 - Jury Duty

Any merit employee who is selected for jury duty shall be authorized a leave of absence for the duration of jury service. The payroll coordinator will adjust the employee's pay to reflect the funds received as a result of jury duty pay, which shall not result in a reduction of total compensation. The merit employee may retain the mileage paid him for his jury service.

Section 9.14 - Leave Without Pay

- A. An Appointing Authority may, with the approval of the Manager of the Division of Administration, authorize an employee to be absent without pay for periods not to exceed six months in any calendar year for the following purposes: attendance at college, a university or a business school for training in subjects related to the work of the employee which will benefit the employee and the county; urgent personal business requiring the employee's attention; or any purpose that is deemed beneficial to the county.
- B. In considering such requests, the Appointing Authority shall consider such factors as the purpose of the leave and the impact on the department.
- C. Leaves of absence without compensation for periods longer than six months may be granted with the approval of the County Executive and upon recommendation of the Appointing Authority and the Manager of the Division of Administration.
- D. Leave of absence without compensation for employees serving on active military duty may be freely granted by the County Executive for as long as such employee is engaged in active military duty.
- E. Sick leave and vacation and payment of benefit premiums shall be governed by the Medical Leave rule (Section 9.11).
- F. The County may deduct from the pay of salaried exempt employees for full day absences in accordance with the Fair Labor Standards Act. Moreover, the pay of salaried exempt employees may be reduced for partial day absences when accrued leave is not used because: (1) permission for its use has not been sought or has been sought and denied; (2) accrued leave has been exhausted; or (3) the employee chooses to use leave without pay.

Section 9.15 - Active Duty

Employees called to active duty in the Reserve Forces of the United States or in the National Guard shall present their orders to their Appointing Authority before any payment for this duty is made. The employee must also obtain a Verification of Attendance form from the payroll coordinator before going on leave and must return the completed form within two weeks after return to work. Employees called to active duty shall be entitled to receive their County compensation for a period not to exceed fifteen days in the period bound by law, October 1 through September 30.

Section 9.16 - Death in the Immediate Family

A full time employee with the prior approval of the Appointing Authority shall be granted time off with pay not to exceed three working days for a death in his immediate family. Compensation shall not exceed eight hours of pay per day with a maximum benefit of twenty-four hours. In the event the services are to be conducted outside of a four hundred (400) mile radius, an additional two (2) days off with pay will be granted. Immediate family is defined as the employee's spouse, children (including step and adopted children), mother, father, mother-in-law, father-in-law, daughter-in-law, son-in-law, sisters, half sisters, step sisters and sisters-in-law, brothers, half brothers, step brothers and brothers-in-law, grandparents, stepparents, grandchildren and any other person if he resided permanently with the employee.

Section 9.17 - Re-employment of a Former County Employee

If a merit employee is separated from County service for one year or more and returns to work with the County in a merit position, he shall begin a new probationary period. If a merit employee is separated from County service for one year or more and returns to work with the County, he shall begin a new period of service and shall not receive credit for previous service. If a merit employee is separated from County service for less than a year and returns to work with the County in a merit position, his previous County service is retained and he shall begin a new probationary period only if the position is different than the one previously held. This section does not apply to employees in active duty in the United States Armed Forces.

Section 9.18 - Voting

Any registered voter is allowed up to 3 successive hours off from work after the polls open and before the polls close in which to vote without loss of pay. The request for time off to vote shall be made to the Appointing Authority prior to the day of the election. The Appointing Authority may specify any three hours between the opening and closing of the polls during which the employee may absent himself. Time off to vote does not apply if there are three successive hours in which the polls are open and the voter is not in the service of the County.

Section 9.19 - Workers' Compensation

- A. If an employee sustains personal injuries arising out of and in the course of his County employment, the employee shall promptly notify his supervisor of the injury, whereupon the supervisor shall promptly notify Human Resources. Failure to report an injury can be subject to disciplinary action, up to and including termination.

1. The employee shall be directed by the supervisor to receive medical assistance when appropriate.
 2. A post accident alcohol and drug screening will be required by Human Resources and the supervisor as set forth in Rule 16.
 3. All medical information will be in handled in compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).
- B. An employee who is off work due to an injury arising out of and in the course of his employment may make the following election of benefit options:
1. To receive benefits available pursuant to Missouri statutes.
 2. To receive Workers' Compensation benefits plus that amount of the employee's accrued sick leave or vacation which when added to the Workers' Compensation benefit would equal the employee's normal full weekly pay. This option is available only until the accrued sick leave and vacation are exhausted. An employee may change his option at any time by notifying his payroll coordinator.
- C. Once accrued sick leave and vacation is exhausted, or an employee elects benefits in Section 9.19 B.1., the employee is placed on leave without pay. Sick leave, vacation and payment of benefit premiums shall be governed by the Medical Leave rule (Section 9.11).
- D. Employees on workers' compensation may be assigned to light duty as available at the Appointing Authority's discretion based on availability of work assignment. For hours worked during light duty, the employee is paid at 100%. Light duty is further defined in Section 9.20.

Section 9.20 - Modified or Light Duty for Work Related Injuries

- A. Eligibility. Employees with an injury arising out of and in the course of their employment with the County may be eligible for temporary modified or light duty which may provide transition back to full duty. Work assigned will be within the physical requirements presented by the physician. Modified or light duty is the temporary assignment of duties not normally performed by the employee. The work prescribed by an employee's attending physician to fall within certain physical restrictions while the employee continues to heal from a compensable work related injury.

Other requests which are not the result of non work related injuries are governed by the FMLA, medical leave, and/or ADA policies of the County.

- B. Requesting Light or Limited Duty. If an employee needs to be exempt from some portion of their job duties or needs to be restricted in how they perform some their duties, the employee must submit a written request to their immediate supervisor. The request must include a medical note from the employee's treating physician indicating the

temporary exemption/restriction from performing certain duties.

This documentation will be submitted to the Appointing Authority for review, consideration, and final decision. If the employee is also taking prescribed medications that may affect the employee's ability to perform assigned work, this must be reported to the immediate supervisor and Appointing Authority for consideration of the overall request.

- C. Granting or Denying Light or Limited Duty Requests. The Appointing Authority for the employee will review the request in consultation with Human Resources and respond in writing to the employee.

If a department has work available qualifying as "light duty", the Appointing Authority may assign said work to any employee. The Appointing Authority is not required to allow any employee who cannot perform all of the essential functions of the position to return to work.

If the request is approved, the employee will be informed of their assignment, location, hours, etc. The modified or light duty assignment will be reviewed periodically by the Appointing Authority with oversight from Human Resources.

If the request for modified or light duty is denied, the employee will also be informed of this in writing by the Appointing Authority.

- D. Conditions while on Light or Limited Duty. Any time a department approves an employee's request for light or limited duty, the following conditions will apply.

1. The employee will be exempted from working overtime until medical restrictions are rescinded.
2. The employee may be assigned to another position without a reduction in pay. The employee may be assigned to work in jobs not directly reflected in the employee's current position.
3. The employee may be required to submit to medical evaluations by County selected physicians to provide additional medical information.

- E. Returning to Full Duty. Prior to the employee's return to full and unrestricted duty, the employee must submit a medical authorization to do so. The medical documentation must indicate a return to work date and state the employee can perform all duties of the position with no restrictions. The Appointing Authority retains the right to require any employee to submit to a fit for duty examination as deemed necessary to ascertain whether the employee is able to fulfill all essential job functions with or without reasonable accommodation as set forth in Rule 11.12 – Fit for Duty Assessment.

- F. Permanent Light or Limited Duty Assignments. There are no permanent light or limited duty assignments.

Section 9.21 - Family and Medical Leave

- A. This rule is promulgated pursuant to the requirements of Public Law 103-3, The Family and Medical Leave Act of 1993 and the official rules and regulations promulgated hereunder by the appropriate agency of the United States, (hereinafter referred to simply as "FMLA"). For the purposes of this rule, all provisions of the FMLA, codified as 29 U.S.C. § 2601 *et seq.* (2005), are hereby adopted and incorporated herein by reference as is fully set forth herein, as the official Personnel rule of Jackson County. The material set forth hereafter is intended to be a summary and clarification of the application of the FMLA to all employees, whether merit or non-merit, of Jackson County, and the official text of said public law and the regulations promulgated hereunder shall govern to the extent of any conflict between said summary and the FMLA.
- B. The Appointing Authority shall grant an eligible employee leave in accordance with the FMLA, not to exceed 12 weeks during any 12 month period or up to 26 weeks of leave in any 12 month period in compliance with the expansion of FMLA under The Support for Injured Servicemembers Act of 2007. To be eligible for this leave, an employee must have worked at least 12 months for the County and at least 1250 hours in the year immediately preceding the commencement of the leave. Nothing herein shall prevent the County from discretionary denial or the placement of reasonable limitations or conditions upon privileges otherwise granted under the FMLA in accordance with the terms thereof.
- C. Eligibility. Eligible employees are entitled to a total of 12 weeks leave during any 12 month period for one or more of the following: 1) caring for a spouse, child, or parent with a serious health condition, or 2) the serious health condition of the employee, or 3) an employee's spouse, son, daughter or parent has been notified of an impending call or order to active military duty or who is already on active duty (herein "servicemember"). Employees married to eligible employees are entitled to a total of 14 weeks leave during any 12 month period for one or more of the following: 1) birth of a child or 2) placement of child for adoption or foster care. The employee shall provide their Appointing Authority with a written statement from a physician certifying the condition for which the leave is required in cases of serious health condition. Eligible employees are entitled to a total of 26 weeks during any 12 month period for an employee whose spouse, son, daughter, parent or next-of-kin is injured or recovering from an injury suffered while on active military duty and who is unable to perform the duties of the servicemember's office, grade, rank or rating.
- The employee's right to leave ends 12 months after the child's birth (in the case of a birth by employee or partner) or placement with the employee in the case of an adoption.
- D. Return to Work. When the employee reports for work following family medical leave for their own serious health condition he shall furnish a physician's statement indicating the ability to resume the duties of his regular position to the Appointing Authority who will provide a copy to Human Resources.
- E. Advance Notice. The employee is required to give the Appointing Authority thirty days notice of foreseeable leaves, as well as to make reasonable efforts in scheduling leaves to avoid disrupting the County's business operations, as more specifically set forth in 29

U.S.C. § 2612(e) (2005) of the Act.

- F. **Recertification.** For pregnancy, chronic or permanent/long term conditions under continuing supervision of a health care provider, the County may request recertification no more often than every thirty (30) days and only in connection with an absence by the employee once the duration of the initial certification has passed. If the employee requests an extension, circumstances described by the previous certification have changed significantly, or the County receives information that casts doubt upon the employee's stated reason for the absence a recertification can be required by the County.

A recertification requested by the County shall be at the employee's expense unless otherwise provided for by the County; and the employee must provide the requested recertification to the County within the time frame requested by the County, which will allow at least fifteen (15) days. Failure to submit the recertification within the allotted timeframe will result in an automatic denial of the employee requested extension or termination of FMLA benefits for an employer requested recertification.

- G. **Married Employees.** In the case where both spouses are employees of the County, their combined total leave in any 12 month period may be limited to 14 weeks if the leave is taken for the birth or adoption of a child, or 12 weeks to care for a sick parent or 26 weeks to care for a covered injured or ill servicemember. This limitation does not apply to leave taken by either spouse to care for the other who is seriously ill, to care for a child with a serious illness or to take care of his or her own illness.
- H. **Intermittent Leave.** The employee is entitled to take leave on an intermittent or reduced schedule basis, only when an employee is requesting leave because of a serious health condition, either their own or that of a family member. The employee cannot take leave on an intermittent or reduced schedule basis for the birth or adoption of a child unless the Appointing Authority agrees to permit the leave.
- I. **Benefits.** The payment and accrual of sick leave, vacation leave, and payment or accrual of other benefits shall be governed by the medical leave rule (Section 9.11 hereof), except as otherwise required by FMLA and that Jackson County will require that employees substitute accrued paid leave for unpaid FMLA leave in the following order: 1) Accrued sick leave balance will be substituted until such accrual is exhausted; 2) Accrued compensatory time balance will be substituted until such accrual is exhausted; 3) Accrued vacation balance will be substituted until such accrual is exhausted; and 4) All other accrued leave balance. Once all accrued time has been exhausted, employees will be placed on leave without pay status.
- J. **Leave with Pay.** Employees who are qualified for FMLA leave for the birth of a child or placement of child for adoption or foster care shall be granted the first five (5) weeks of leave with pay and without a decrease in any accrued leave benefit.
- K. **Medical Evaluation.** The Appointing Authority may request an additional medical evaluation at the County's expense for the purpose of granting a family medical leave request or allowing the employee to return to work at any time the medical condition is in question.

The Appointing Authority shall post and keep posted the notice required under 29 U.S.C. § 2619 of the FMLA.

Section 9.22 -Special Leave: Inclement Weather and Other Emergency Closings

The procedure for special leave because of inclement weather or other declared emergency shall be as follows: All County employees shall report to work at their regular times unless excused in accordance herewith. In the event of inclement weather or other emergency, the County Executive may declare an emergency. Every department director shall communicate with their immediate supervisor to determine the extent and nature of the declaration, and shall then communicate the procedures to be followed to their respective employees in accordance with such methods and means as to be established by each in advance, and communicated to all employees.

In accordance with the policy set by the County Executive, the Appointing Authorities may grant some or all of their respective employees leave with pay for part or all of a working day. No employee shall be granted extra or additional compensation or compensatory time for being present when other employees are so excused. To the extent possible, every department shall maintain sufficient staff to provide basic services and shall be totally closed only with specific authority of the Department Director, with concurrence of the appropriate Division Manager.

Section 9.23 - Shared Leave Program

- A. Donor Eligibility. Full-time employees may donate accrued sick leave or other accrued leave to other full-time employees who are on an approved FMLA or Medical Leave of Absence as set forth below.
- B. Donation Process. Full-time employees may submit a Shared Leave Donation form to the Appointing Authority of their department requesting that a specified number of hours of leave be transferred from his/her annual sick leave or vacation account to the sick leave account of a specified recipient. The donor must have a combined total of 120 hours of sick leave and vacation leave after the donation unless the donation is to the account of his/her own spouse, child, or parent. Any leave time donated is irrevocable.
- C. Recipient Eligibility. Any full-time employee can request to become a leave recipient if: He/she makes a written application for donated leave by submitting a Shared Leave Request form.

The full-time employee must provide a letter from a licensed physician that the employee or a member of his or her immediate family (spouse, child, mother, father, stepmother, stepfather, or domestic partner) has a medical condition that requires the employee to be absent from work and the employee has exhausted (or will exhaust within the period for which the request is made) all of his/her accrued sick leave and accrued vacation leave.

Notwithstanding the above limitation(s) an employee can donate sick leave to their spouse, child or parent at any time so that the spouse, child or parent does not have to be in a leave without pay status if required to be absent from work due to any illness in their

immediate family. The donor recipient is not required to exhaust all of his/her accrued vacation before receiving sick leave donation from his/her spouse, child or parent.

If the donor recipient exhausts all donated time, the donor recipient can make subsequent application requests.

- D. Process. Each application for the Shared Leave Program shall be approved or denied by the Appointing Authority within ten (10) calendar days after receipt of the application and the donor recipient must be notified within five (5) calendar days thereafter advising them that the application was approved or disapproved. If disapproved, the reasons why the application was denied shall be stated.

If the donor recipient does not use all of the donated leave, the leave shall be returned to the donors on a first donated, first returned basis.

- E. Length. A recipient can request up to twelve (12) weeks of donated leave.

Section 9.24 - Absenteeism and Tardiness

- A. Employees should request leave through the appropriate manner in their department. Unscheduled, unexcused absences may be subject to discipline. Unscheduled, unexcused absences due to injury or illness, even when following appropriate guidelines, may still be deemed excessive. Excessive unscheduled, unexcused absences may be subject to discipline.
- B. Employees are expected to start work at their scheduled time. Employees should provide adequate time in advance of their scheduled start time to ensure they are ready to work as scheduled. Unexcused tardiness may be subject to discipline.

RULE 10 - PART-TIME AND TEMPORARY EMPLOYEES

Section 10.1 - Basis of Compensation

Part-time and temporary employees shall be compensated on an hourly basis. Neither part-time nor temporary employees are eligible for insurance benefits.

Section 10.2 - Holiday Pay

Part-time and temporary employees are not eligible for Holiday Pay.

Section 10.3 - Sick Leave and Vacation

Part-time employees shall accrue vacation on the basis of actual hours worked. Neither part-time nor temporary employees are eligible for sick leave accrual.

Section 10.4 - Overtime

Part-time and temporary employees are eligible for overtime under the requirements set out in Rule 7, Overtime.

Section 10.5 - Workers' Compensation

Part-time and temporary employees are eligible for Workers' Compensation under the requirements set out in Rule 9.19 – Workers' Compensation.

RULE 11 - APPLICATIONS, EXAMINATIONS OF APPLICANTS AND CONDITIONS OF EMPLOYMENT

Section 11.1 - Official Application Forms

The County shall furnish employment applications in a form designated by the Director of Human Resources with the approval of the Manager of the Division of Administration.

Section 11.2 - Filing Applications

The applicant may submit such application and/or supplemental information as outlined in the official job posting. The Director of Human Resources shall set the time period for the acceptance of applications for any County merit position and for promotional examinations in accordance with the request of the Appointing Authority.

Section 11.3 - Minimum Age for Employment

- A. No application for employment will be considered unless the applicant, at the time of commencing employment, will be at least sixteen years of age.
- B. The Director of Human Resources may accept statements of age on a verified application as sufficient evidence of this requirement or he may require further evidence.

Section 11.4 - Citizenship Requirements and I-9

All applicants shall be required to provide documentation of United States citizenship or appropriate work papers authorizing the individual to legally work in the United States.

Section 11.5 - Medical Examination

The Director of Human Resources may require an applicant to provide a report of a physical examination conducted by an M.D. or D.O. of the Employer's choosing, at the applicant's expense after the tender of an offer of employment.

Section 11.6 - Examinations

Applicants may be required to take examinations to determine job-related knowledge, skills and abilities. The Director of Human Resources, with the approval of the Appointing Authority, shall establish a minimum standard of performance in any examination which accurately measures an applicant's ability to perform duties required of a position or class. The Director of Human Resources, with the approval of the Manager of the Division of Administration, shall prescribe procedures for administering examinations.

Section 11.7 - Scoring of Examinations

The Human Resources Department shall score all examinations to determine whether the applicant passed or failed. Failure to attain the minimum standard on the examination shall be

cause for rejection of an applicant.

Section 11.8 - Review of Examinations

The Director of Human Resources and the Manager of the Division of Administration shall periodically review the Human Resources examinations to determine whether the examination measures the skills and abilities directly related to the position for which they are given.

Section 11.9 - Admission to Examinations

Admission to an examination shall not be denied on the basis of race, age, disability, reputation, gender, marital status, or previous failure of the same examination. The Director of Human Resources may reasonably restrict the number of times any person can take the same examination during a specific period of time.

Section 11.10 - Physical Standards

Departments, with the approval of the Human Resources Director and County Counselor, may promulgate height and weight standards and physical fitness requirements which are necessary for the safe and effective performance of the essential functions of any position. The Director of Human Resources may determine whether applicants for certain positions meet any such standards or requirements.

Section 11.11 - Reasonable Accommodation

- A. Compliance with ADA. The County complies with all applicable provisions of the American with Disabilities Act (“ADA”) and similar state laws. The County will provide reasonable accommodations to any qualified individual with a disability, provided such accommodation does not constitute an undue hardship on the County, and in compliance with all legal requirements.
- B. Request Procedure. If an applicant or employee believes that he/she needs a reasonable accommodation in order to perform the essential functions of the job, it is the employee’s obligation to make their need and request known to the County by contacting Human Resources. Confidentiality will be maintained in accordance with applicable laws.

Section 11.12 - Fit for Duty Assessment

- A. Basis for Fit for Duty. The County reserves the right to require any employee to submit to a fit for duty examination as deemed necessary by the Supervisor with Human Resources approval to ascertain whether the employee is able to fulfill all essential job functions with or without reasonable accommodation.
- B. Examination. The examination shall be performed by County selected physicians and paid for by the County. The employee has the right to submit information from their personal physician for consideration to be paid for by the employee. In the event the physicians differ in their diagnosis, a third physician will be jointly selected by the employer and employee for a final determination.

- C. Results Confidential. Human Resources shall coordinate the fit for duty analysis. Confidentiality will be maintained in accordance with applicable laws. All medical information will be handled in compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Human Resources procedures that outline this confidential process are posted and available for any inquiries at the Human Resources Department.

Section 11.13 - Financial Disclosure Required

- A. All County employees shall disclose all outside employment and financial interests by filing a written certificate with the Director of Human Resources.
- B. The disclosure certificate shall contain:
 - 1. The sources of income from any person, corporation, partnership or association or from self-employment.
 - 2. The name of any partnership, firm, corporation, joint venture or association in which the officer or employee has a financial interest.
 - 3. The job titles, position or corporate directorship or offices held by the officer or employee in any corporation, partnership, firm, joint venture or association.
- C. The disclosure certificate shall not require reporting of:
 - 1. The amount of income derived from outside sources.
 - 2. The extent or nature of the financial interests in any corporation, partnership, firm, joint venture or association.
 - 3. Deposits in federally regulated savings institutions.
 - 4. Ownership in any mutual fund.
 - 5. Any interest in a single corporation which is less than five thousand dollars, unless the ownership of that interest amounts to more than ten percent of the outstanding voting stock of the corporations.
- D. Any changes or additions to the disclosure certificate shall be reported to the Director of Human Resources within 20 days after the occurrence of the event requiring disclosure.

Section 11.14 - Conflicts of Interest

- A. No county employee shall have any financial interest in or receive any personal benefit from the profits or emoluments of any County contract or agreement.
- B. No County employee shall accept any service or thing of substantial value, directly or indirectly, from any person doing business with the County or having dealings with or proceedings before any County officer or agency on terms more favorable than those granted to the public generally.
- C. No County employee shall accept any part of any fee, commission or other compensation payable to the County other than the compensation provided by law, the charter or ordinance.

- D. No County employee shall solicit or accept any compensation or gratuity in the form of money, service or thing of value for an act or omission in the course of his public work other than the compensation provided by law, the charter or ordinance.
- E. No County employee shall act as the broker or agent who procures or receives any compensation in connection with the procurement of any type of bond for County officers, employees or persons doing business with the County guaranteeing the performance of any County contract.
 - 1. If the Appointing Authority or the Director of Human Resources determines that an employment, financial interest, or non-county position of an applicant or employee would be a conflict of interest or would interfere with the performance of that person's duty, the Appointing Authority or Human Resources director may order that person to terminate that interest. This order may be appealed to the County Legislature for non-merit employees or to the Merit System Commission for merit employees, within five working days.
 - 2. The Director of Human Resources may, at the request of an employee and with the advice of the County Counselor, make a written determination of the propriety of retaining or accepting non-county employment or position or a financial interest.
 - 3. If a person has been advised by the Director of Human Resources in writing that any non-county employment, position or financial interest is proper within the scope of this section, that person shall not be in violation of this Section. However, if the Director of Human Resources subsequently rescinds his opinion on the propriety of the employment, position or interest the officer, employee, or board or commission member shall divest himself of that conflict of interest within thirty days of receiving a notice of the Director of Human Resources' decision or be considered in violation of this Section.

Section 11.15 - Solicitation and Political Activities

- A. Political solicitation of county employees prohibited.
 - 1. Employees under the merit system shall not be personally solicited or required to pay any assessment or contribution or perform any service which will benefit anyone occupying or seeking employment, nomination or election to any public office by any other employee, officer or elected official of the County.
 - 2. No officer or employee of the County shall promote, remove or demote, or promise or threaten to promote, remove or demote, any County employee for making or refusing to make any contribution to any political party or purpose or for rendering or refusing to render any political service.
 - 3. Employees under the merit system may voluntarily participate in political activities outside working hours. Political activities are prohibited during normal working hours and employees are prohibited from utilizing any form of county resources or

their official capacity (phones, offices, copiers, etc.) for political purposes.

- B. Private solicitation of funds on County property.
 - 1. No person may solicit for any charity or private cause on County property without the express written consent of the Manager of the Division of Administration.
 - 2. The County Executive shall issue guidelines for use by the Manager of the Division of Administration in giving consent for various other causes.

Section 11.16 - Nepotism Prohibited

- A. Prohibition. No County officer, employee or member of any County board or commission shall appoint to public office or employment any relative within the fourth degree of consanguinity (blood) or affinity (marriage). No relative within the fourth degree, by consanguinity or affinity, of a County Legislator, the County Executive, a manager, a department head or director under the County Executive, the Director of Human Resources, the Prosecuting Attorney, the Sheriff, the County Counselor, the Medical Examiner, the Public Administrator, the Budget Officer, the Legislative Auditor, the Clerk of the Legislature, the Director of Human Relations and Citizen Complaints, a member of the Human Relations and Citizen Complaints Commission, or a member of the Board of Equalization shall be employed with Jackson County unless the employment of that person is approved by the Merit System Commission.

Employees related within the fourth degree by consanguinity or affinity may not be employed within the same line of authority within the same department regardless of the number of intervening levels.

- B. Merit System Commission Relatives. No relative within the fourth degree, by consanguinity or affinity, of a member of the Merit System Commission shall be employed with Jackson County unless the employment of that person is approved by the County Legislature. If any relative of any employee is elected or appointed to an office described above while an employee is employed by the County, the employee may retain his employment without having the approval of the Merit System Commission or legislature. All relatives of officers described shall receive promotions and pay increases in the same manner as other County employees.

- C. No employee shall use or seek to use his relationship to a County officer to affect, prevent or reverse any action taken with regard to his County employment.

No County elected officer shall intercede or seek to intercede to affect, prevent or reverse any action taken with regard to the County employment of any relative of that office.

Section 11.17 - Bidding on Sale of Surplus County Property

In order to avoid the appearance of impropriety, County employees are hereby prohibited from bidding on sales of surplus County real estate and personal property unless said property is also

available to the general public at large simultaneously. This shall also apply to the sale of miscellaneous personal property at a sale designated by the Director of the Purchasing Department as a "County Garage Sale".

Section 11.18 - Bidding on Sale of Delinquent Land Tax Sale Parcels

County employees are hereby prohibited from bidding on sale of Delinquent Land Tax Sale Parcels.

Section 11.19 - Prohibition Against Holding Two or More County Positions

No employee shall be employed in two or more part-time positions or in a full-time and part-time position in County employment, unless an exception is granted by the County Executive for good cause.

Section 11.20 - Off Duty Employment

- A. **Prohibited Employment.** An employee shall not engage in any off duty employment that would influence or interfere with official decision making in the employee's official capacity with the County, or create a conflict with the best interests of the County. Employees may not utilize County issued equipment or other resources for non-County related, off duty, outside employment.
- B. **Pre-approval Required.** Any off duty employment must be preapproved by the employee's supervisor and Department Director. In the event of a question, the approval shall be in coordination with Human Resources. In no circumstance will off duty or temporary employment occur during a leave of absence, excluding vacations.
- C. **Departmental Exceptions.** Certain departments may institute departmental policies which prohibit outside employment or make modifications to this Section due to the nature of the work performed by that department. Employees should confer with their supervisor to determine the departmental policy. A copy of an approved exception shall be filed with Human Resources.
- D. **Financial Disclosure Required.** Employees shall disclose all outside employment and financial interests as directed by Section 11.13.

Section 11.21 - New Employee Orientation and Training

All employees shall be required to attend a new employee orientation program coordinated by Human Resources within their first thirty (30) days of employment.

Other training may be mandated by Human Resources for all County employees on a periodic basis. Employees are required to participate in this training.

Section 11.22 - Voluntary Separation from County Employment

- A. Whenever practicable, an employee shall give at least two (2) weeks notice prior to their final date of employment with the County. Notice shall be given in writing to the Appointing Authority.
- B. All County owned property shall be returned to the County by the last date of employment unless otherwise directed by the Appointing Authority.
- C. An exit interview may be conducted by Human Resources prior to the last date of employment.

RULE 12 - SELECTION OF COUNTY EMPLOYEES

Section 12.1 - Requisitions for Applicants

All requisitions for applicants to fill any position shall be made by the Appointing Authority on forms prescribed by the Director of Human Resources. The requisition shall be approved by the Manager of the Division of Finance or his/her designee.

Section 12.2 - Posting of Job Openings

All job openings shall be posted for a period of time as designated by the Director of Human Resources. The posting shall specify the job classification and description of work, the minimum qualifications and other criteria if applicable, the open and close date of the posting and how to apply. This requirement may be waived by the Manager of the Division of Administration when good cause is demonstrated.

Section 12.3 - Referral of Qualified Applicants

The Director of Human Resources shall refer a listing of all applicants certified as qualified for a job to the Appointing Authority, or such lesser number as may be agreed upon by the Appointing Authority and the Director of Human Resources.

Section 12.4 - Factors Considered in Selection

The Appointing Authority may, in selecting applicants for employment, consider known performance and efficiency whether ascertained through communication with former employers or by evaluation of prior County service. The selection of qualified applicants by the Appointing Authority shall be based on criteria which predict job related performance or measure knowledge, skills or ability necessary for the position for which the applicant is being considered.

Section 12.5 - Background Checks

Background checks including but not limited to criminal, financial, or educational checks will be performed by Human Resources and the Appointing Authority on all new hires and promotions, subject to the Background Check Policy and Procedure. If a background check produces any information of relevance to the position, the Human Resources Department and the Appointing Authority will consult with the County Counselor's Office for a final determination.

Refusal to consent to a background may be grounds to withdraw an offer of employment or promotion.

Section 12.6 - Offer of Employment

All offers of employment shall be in writing from the proper Appointing Authority to be considered valid.

RULE 13 - PROMOTIONS AND TRANSFERS

Section 13.1 - Promotions

When an employee is promoted to a higher job class, he shall be eligible for an increase in compensation and will be paid at least the minimum of the higher pay grade. The employee shall serve a three-month probationary period. In considering an employee for promotion, factors to consider may include but is not limited to qualifications needed for the work to be assigned, performance evaluations, work record and disciplinary actions taken.

If the Appointing Authority determines that the employee is unable to perform the duties of the position, the employee shall be returned to his former position or an equivalent position, at the previous salary level. In the event an employee commits an act subject to the disciplinary process including and up to termination, the appropriate course of action will be taken. The employee will not be afforded their old position if he is terminated for cause from the new position.

Section 13.2 - Transfers

Employees may be reassigned to a position in the same job class or to another job class having the same compensation grade either within or between departments.

RULE 14 - EVALUATIONS OF MERIT EMPLOYEES

Section 14.1 - Performance Evaluation

The Director of Human Resources shall prepare a system for evaluating the work performance of all County merit employees. The performance evaluation shall also be used as a factor in determining compensation increases, training, promotion, demotion, transfer, or dismissal and for other purposes as set forth in these rules.

Section 14.2 - Annual Review

Each employee's performance shall be reviewed on his or her anniversary date or within 30 days thereafter or as set forth in departmental policies and/or Memorandums of Understanding, but will be conducted at least on an annual basis.

Section 14.3 - Discussion of Evaluation with Employee

Employee performance evaluations shall be made by the employee's immediate supervisor and approved by the Appointing Authority. The supervisor shall discuss each performance evaluation with the employee before forwarding it to the Director of Human Resources. The employee shall be asked to sign the evaluation form to indicate agreement/disagreement with the evaluation. The employee shall be furnished a copy of the evaluation.

Section 14.4 - Appeal of Performance Evaluation

An employee may appeal a performance evaluation rating to the next higher authority within the division or department. If the employee is still dissatisfied, he can appeal through successive levels of authority within the Division until a final decision is rendered by the Manager of the Division. A performance evaluation appeal is not subject to review by the Merit System Commission.

Section 14.5 - Official Personnel Records and Employee Access

Employees can review their personnel file in Human Resources at any time. Human Resources will have the employee sign a release form and observe the employee during the file review.

RULE 15 - TERMINATIONS, DEMOTIONS AND OTHER DISCIPLINARY ACTION

Section 15.1 - Circumstances

An Appointing Authority may take disciplinary action including but not limited to an oral reprimand, written warning or reprimand, work improvement agreement, suspension, demotion or termination for cause. The disciplinary action may be imposed in a progressive manner where appropriate. A written record must be made of all disciplinary action for inclusion in the employee's Personnel file. Every permanent merit employee shall have the right to appeal to the Merit System Commission of any demotion, termination, suspension, or budgetary layoff. Circumstances constituting cause for disciplinary action include but are not limited to:

1. conviction of or guilty plea to a crime;
2. intoxication or abuse of drugs while on duty;
3. abusive or improper treatment of a person in custody;
4. offensive conduct or language while on duty;
5. insubordination;
6. incompetence or inability to perform the duties required;
7. intentional damage to or gross negligence in the care and handling of County property;
8. violation of any provisions of the Charter, ordinances, resolutions, Personnel Rules, or any administrative regulation of the employee's superiors;
9. inducing or bribing any officer or employee in County employment to commit an illegal act;
10. solicitation or receipt from any person of any fee, gift, or valuable consideration in the expectation of performing a favor by use of the employee's County position;
11. absence from duty, without leave, contrary to these rules or job abandonment;
12. misconduct in office;
13. failure to pay County property taxes in a timely fashion;
14. refusing to cooperate with an investigation;
15. conduct discrediting Jackson County;
16. excessive absences or tardiness;
17. violation of the anti-discrimination, anti-harassment, anti-violence, or anti-retaliation, or equal employment opportunity policies.

Section 15.2 - Written Reprimand

An Appointing Authority or supervisor may give an employee a written reprimand. A signed copy shall be delivered to the employee and to the Director of Human Resources for inclusion in the employee's Personnel file. The employee may write a letter of response to the reprimand for inclusion in his Personnel file.

Section 15.3 - Suspension

An Appointing Authority may suspend an employee with or without pay for any period not to exceed thirty calendar days in any twelve months. During the suspension, the employee shall not report to work. No single period of suspension shall exceed fifteen calendar days. The Appointing Authority shall notify the employee in writing prior to the time the suspension is to take effect. The notice shall include the reasons for and the duration of the suspension.

Section 15.4 - Suspension when Criminal Charge Pending

An employee must notify their immediate supervisor or Appointing Authority of any arrest, charges, incarceration, or criminal trial involving the employee that could affect the employee's attendance at work, work performance, or adversely impact the County or department or the public perception of the County or department. Upon notification, the Appointing Authority, with approval of the Manager of Administration, may suspend the employee with or without pay until the disposition of the criminal charge is resolved by acquittal or outright dismissal. If the employee is acquitted or the case is dismissed and the employee was on leave without pay, the employee shall be entitled to back pay for the period of the suspension which resulted from the arrest, charge, incarceration, or criminal trial. If the arrest, charge, incarceration or criminal trial is resolved in any way other than by an acquittal or outright dismissal, the employee is not entitled to back pay for the period of suspension and, is not entitled to reinstatement and may be subject to termination.

Section 15.5 - Demotion

When an employee is demoted, he shall be reassigned to a position as determined by the Appointing Authority and certified by the Director of Human Resources. A written statement of the reasons for demotion shall be furnished to the employee by the Appointing Authority and filed with the Director of Human Resources. The Appointing Authority may recommend a salary adjustment.

Section 15.6 - Budgetary Layoff

If an Appointing Authority has employees in excess of his budget or in excess of the needs of his department and determines that a layoff is necessary or certain positions are no longer needed, the Appointing Authority shall determine the employees to be laid off or positions to be eliminated. In making a determination, factors to be considered include qualifications needed for the work to be assigned, performance evaluations and work record. Seniority will be considered only if these factors are equal. The Appointing Authority shall submit to the Director of Human Resources a written statement of the layoff action including the names of the employees laid off and the reason for the layoff, and the positions eliminated.

Section 15.7 - Termination

A. Termination During Probationary Period.

Dismissal from employment (termination) of a merit employee during the probationary period may be for any reason except for race, creed, color, religion, national origin or ancestry, gender, age, disability, pregnancy status, sexual orientation, veteran status, gender identity, marital status, familial status, or other status protected by law, political activity or lack thereof, or union membership or non-membership.

The dismissal is not reviewable by the Merit System Commission. The Director of Human Resources shall review the dismissal made during an employees' probationary period and if warranted seek reinstatement or recommend the employee for re-employment in another department. If the employee is reinstated or re-employed, the employee begins a new probationary period and shall not be compensated for time lost by separation from employment.

B. Dismissal from Employment / Termination of Non-Probationary Employee

1. Prior to the making a determination to terminate an employee, the Supervisor and Department Director shall consult with Human Resources. When appropriate, the Human Resources Department will also consult with the County Counselor's Office.
2. Notice of Pre-termination Hearing. No merit employee may be discharged before he has been offered, by his Appointing Authority, oral or written notice of the reason for the discharge, an explanation of the Appointing Authority's evidence and an opportunity to present his/her viewpoint.
3. The Appointing Authority will consider all facts prior to rendering a final decision on the dismissal. The employee shall be notified in writing of the final decision and the effective date of the termination.

Section 15.8 - Appeal to Merit System Commission

A. Right to Appeal

Every non-probationary merit employee shall have the right to appeal to the Merit System Commission any demotion, termination, suspension or budgetary layoff taken against him/her.

Upon request by an affected employee, the Commission shall review any demotion, termination, suspension, or budgetary layoff of any merit employee other than probationary employees, to determine if the act was the result of discrimination based on the race, creed, color religion, national origin, gender, age, ancestry, disability, political activity or lack of political activity, union membership or nonmembership, pregnancy status, sexual orientation, gender identity, marital status, familial status, veteran status, or membership in any other class protected under federal or state law of the employee or was otherwise without cause.

The actions the Merit System Commission can take are limited to those set forth in Chapter 75, Section 7540.

Certain employee groups are afforded non binding arbitration as a provision of their collective bargaining union agreement. The terms of arbitration available to those employees are outlined in the respective agreements; in these cases, the employee shall either avail themselves of the arbitration or the Merit System Commission appeal process, but not both.

B. Appeal Procedure

1. The Appointing Authority shall notify a merit employee in writing of any demotion, termination, suspension, or budgetary layoff taken against him/her and shall file a copy of the notice with the Director of Human Resources.
2. The notice shall include the name of the employee, his position in the County, the nature of the action, and the reason for the action. The notice shall also inform the employee of his right to appeal and the deadline for that appeal.
3. The employee shall have ten working days from the receipt of the notice to file an appeal to the Merit System Commission.
4. All appeals shall be in writing on forms provided by the Director of Human Resources and shall be filed with the Director of Human Resources. The written appeal shall contain the name of the employee, his position with the County, the nature of the action taken against him and the reason for the appeal.

C. Hearing, Time Requirement, Continuances

1. Upon receipt of an appeal the Director of Human Resources shall notify the chairman of the Merit System Commission who shall set a day for the hearing of the appeal. The Director of Human Resources shall notify in writing all parties of the time and place of the hearing.
2. The hearing date shall be scheduled by the chairman within 14 days of the date of filing of the appeal; the hearing must commence within 21 days of the filing of the appeal, unless continued as provided by this section.
3. A hearing may be continued by the chairman in order to obtain the presence of a quorum of three commissioners at the hearing.

4. A hearing may be continued by the chairman with the consent of the employee and the Appointing Authority, and may be continued upon the request of either party for good cause shown. The opposing party shall be notified of the request for a continuance, and if the continuance is objected to, the hearing shall proceed as scheduled to provide an opportunity to state those objections.
5. Except where the hearing is continued as provided by this section, the failure to commence the hearing within the prescribed time period shall result in a reversal of the action taken against the employee subject to the provisions herein.

D. Public Hearings Required

All hearings shall be held at either the Kansas City Courthouse or the Independence Courthouse. The Merit System Commission may decide for the convenience of the parties to hold the hearing at the building where the complaining party was or is employed. All hearings shall be open to the public.

E. Hearing, Attendance

1. The Director of Human Resources shall attend all hearings.
2. Employees may be represented by counsel or other representative at the hearings.
3. The Appointing Authority of the complaining employee, the Director of Human Resources, and other County employees as deemed necessary by the Merit System Commission shall attend the hearings and be available for examination and other testimony by the Merit System Commission and the employee. The Merit System Commission may request the attendance of other parties to the hearing who in their opinion may have pertinent information on the subject matter.
4. Either party may offer testimony and information as may be necessary to his case. The Merit System Commission may limit or restrict any testimony and information that is not pertinent to the issue or is repetitious.

F. Hearing, Refusal to Attend, Penalty

Failure or refusal of any County employee to attend and testify when requested by the Merit System Commission shall be grounds for termination. However, no employee shall be terminated or be subject to any other action detrimental to his County employment by reason of his legitimate exercise of any privilege protected by the Constitution of the United States or the Constitution or laws of the State of Missouri.

G. Decision of the Merit System Commission

1. All decisions of the Merit System Commission shall be final. The decision shall be rendered in writing within 14 days of the conclusion of the final hearings.

2. All final decisions shall be rendered by a majority of the commissioners who are qualified to vote on the appeal. A Merit System Commission member is qualified to vote on the decision if he/she has attended the entire hearing.

H. Budgetary Layoff Appeal

In an appeal of a budget reduction layoff, the Merit System Commission may reverse the decision of the Appointing Authority only where the Merit System Commission finds that the choice of employees to be laid-off was made on the basis of race, creed, color, religion, national origin, gender, age, ancestry, disability, political activity or lack of political activity, pregnancy status, sexual orientation, gender identity, marital status, familial status, veteran status, union membership or non-membership, or membership in any other class protected under federal or state law.

I. Strict Compliance with Appeal Procedure

The employee's failure to file an appeal in the manner, form and within the time required or to prosecute his appeal before the commission shall be a waiver of all appeal rights.

Section 15.9 - Reinstatement or Recommend for Modified Discipline

In an appeal of a demotion, suspension, or termination, the Merit System Commission may order reinstatement of an employee with or without back pay. The Commission shall not substitute other discipline in lieu of the demotion, suspension, or termination but may recommend the appointing authority consider an alternate or modified discipline. In any event and even without the recommendation of the Commission, the appointing authority shall retain the right to substitute alternate discipline for the demotion, suspension, or termination. In the event subsequent discipline is issued by the appointing authority and is either a demotion or suspension, the employee shall retain the right to file an appeal with the Merit System Commission within ten working days of the modified discipline.

1. Back pay, if awarded, shall be computed at the rate the employee earned at the time of the suspension, demotion, or dismissal, including any increases received by the class of employee's similarly situated during the period, and less any unemployment compensation payments, wages or income received from other sources during that period of time.
2. It is the intent of this section that a reinstated employee be reimbursed for only such income as is actually lost by reason of any wrongful suspension, demotion, or dismissal, and that any setoff of wages earned or other income shall not apply to income which was regularly received by the employee from other sources prior to the period in question.
3. The Merit System Commission may continue or reopen an appeal hearing in order to resolve a back pay dispute.
4. The Human Resources Director or the Merit System Commission may require the

employee to furnish any documents necessary to determine whether income was received from other sources, or the amount of that income, including copies of federal income tax returns, bank records, payroll check-stubs or other documentation.

RULE 16 - DRUG AND ALCOHOL FREE WORKPLACE

Section 16.1- Drug and Alcohol Free Workplace Policy

- A. **Drug Free Workplace.** The use, possession, or transfer of an illegal drug, or abuse of legal drugs or alcohol, poses serious safety, legal and health risks not only to the user, but also to co-workers and to members of the public. Personnel action may be taken against any employee for drug abuse violations occurring on Jackson County property, in the workplace, or during the hours of County employment, or while acting in the course and scope of County employment. Additionally, action may be taken against employees convicted of or guilty plea to a drug and alcohol related crime.

It is the intent of this Section to outline the County's compliance with the Drug Free Work Place Act of 1988 under the provisions applicable for federal grantees.

For purposes of this section, a "safety sensitive position" is defined as a position that requires a Commercial Driver's License, utilizes power tools or works around motorized equipment, carries a firearm, performs security functions, works in the correctional field, or inspects, services or conditions a vehicle, motorized equipment, or electrical systems. Human Resources will be responsible for identifying specific positions designated as safety sensitive.

- B. **Prohibited Conduct.**
1. Reporting for or remaining on duty while under the influence of any controlled substance not medically authorized for the individual and where use has been pre-approved by the County;
 2. Reporting for duty or remaining on duty with a blood alcohol concentration of 0.02 or greater;
 3. Use of alcohol following an accident for which post-accident testing is required until the employee undergoes a post-accident drug and alcohol test;
 4. Refusal to submit to a drug and/or alcohol test as required by this policy;
 5. Possession, sale, or use of alcohol or prohibited drug while on duty or on workplace premises;
 6. The unlawful manufacture, distribution, dispensation, possession, sale, purchase, or use of any drug or controlled substance which, under the circumstances is illegal, is prohibited while on County property, using County equipment, or performing County business and/or during work hours;
 7. Consuming or being under the influence of alcohol or illegal drugs while on County property, using County equipment, or performing County business and/or during work hours.
- C. **Employee Responsibilities.**
1. Employees have the responsibility to review and abide by this policy at all times.
 2. **Prescription or Over the Counter Drugs.** An employee's use of prescription or

over the counter medication may pose a safety risk. Therefore, employees who operate vehicles, utilize power tools or equipment, and/or otherwise are in a safety sensitive position as a part of their job duties must inform their supervisor when they are taking prescription or over-the-counter drugs whose advertisement or usage instructions indicate to the user a potential for impaired performance or safety risk. In such instances, the supervisor in conjunction with Human Resources will determine the appropriate course of action based on the type of medication, the employee's job responsibilities, and other relevant circumstances and if necessary consult the opinions of the County's authorized medical facility and/or the employee's healthcare provider.

In the event the employee is unable to perform the essential duties of the job during the use of the prescription or over the counter drug, the employee may be placed on sick leave if available, or unpaid leave.

Failure to inform the supervisor is strictly prohibited.

3. Refusal to submit to a drug and/or alcohol test as set forth below can be grounds for discipline including and up to termination.
- D. Searches. Where the County has reason to believe an employee is in violation of this Policy, the employee may be asked to surrender for inspection his or her county issued property including but not limited to their desk, vehicle, locker, etc. An employee's consent to such a search may be considered a condition of employment and refusal to consent to a search will constitute insubordination.
- E. Reporting. The following procedures will be applicable and stated penalties may be instituted:
1. An employee arrested of any criminal drug statute for a violation occurring on Jackson County property, in the workplace, or during the hours of County employment, or utilizing county property, or while acting in the course and scope of County employment shall notify the Human Resources Department by the next working day; an employee arrested of any criminal drug or alcohol statute violation shall notify their supervisor no later than five (5) days after such arrest;
 2. The federal Drug Free Work Place Act of 1988 requires employees to notify their supervisor of any criminal drug statute conviction or driving under the influence conviction within five (5) working days of the conviction. The County in turn is required to notify any federal agencies providing grant monies to the County within ten (10) days after receiving notice of a conviction from an employee or other means. Any employee so convicted, or who fails to report a conviction, will be subject to disciplinary action up to and including termination. Within thirty (30) days of receiving notice of any criminal drug statute conviction for a violation occurring on Jackson County property, in the workplace or during the hours of County employment, or while acting in the course and scope of County

employment, the employee's supervisor will take appropriate Human Resources action against such employee, up to and including termination; or

3. Within thirty (30) days of receiving notice of any criminal drug statute conviction for a violation occurring on Jackson County property, in the workplace or during the hours of County employment, or while acting in the course and scope of County employment, the employee's supervisor may require such employee to satisfactorily complete a drug abuse assistance or rehabilitation program approved for such purposes.
- F. **Workers' Compensation.** Workers' compensation benefits may be reduced or eliminated if the employee is under the influence or intoxicated through the use of drugs or alcohol and injured in an accident while in the course and scope of County employment.
- G. **Tests Required.**
1. **Pre-Employment/post-offer testing** – Any applicant who is offered employment shall submit to a drug and alcohol test as a condition of employment. Drug and alcohol test results must be negative as a condition of employment. This will apply to an internal transfer and to a new position as well.
 2. **Reasonable suspicion testing** – employees shall submit to drug and/or alcohol tests when there is reasonable suspicion to believe the employee has used alcohol and/or drugs in violation of this policy or Department of Transportation regulations. Reasonable suspicion will be based on specific, contemporaneous observations concerning appearance, behavior, speech, body odors, or performance indicators of the employee without a reasonable explanation.
 3. **Post accident** – alcohol and drug tests will be administered when a work-related accident or injury occurs while the employee is on duty which requires follow-up medical treatment or the accident or injury resulted from a deliberate misuse or damage to County property. The employee must not use alcohol or drugs within eight hours following an accident.
 4. **Random testing** – all employees who hold positions which require a commercial driver's license or that serve in a safety sensitive position will be subject to random drug and alcohol tests. For purposes of this section, a "safety sensitive position" is defined as a position that requires a Commercial Driver's License, utilizes power tools or works around motorized equipment, carries a firearm, performs security functions, works in the correctional field, or inspects, services or conditions a vehicle, motorized equipment, or electrical systems. Human Resources will be responsible for identifying specific positions designated as safety sensitive.
- H. **Procedures.** Human Resources issues a drug testing policy approved by the Counselor's Office for all departments with the exception of Sheriff's Office, Corrections Department, Elected Officials and those positions covered by the Controlled Substances

and Alcohol Policy and specific departmental policies and procedures.

- I. Reporting Test Results. Test results will be promptly reported to the employee by the medical provider performing the test, and any other supervisor or designated employee accompanying the individual. Human Resources will also be notified.

All medical information will be in handled in compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

- J. Refusal and/or a positive test result constitutes misconduct connected with work for purpose of a claim for unemployment benefits, and will subject the employee to the County's disciplinary process up to and including termination.

Section 16.2 - Controlled Substances and Alcohol Policy – Public Works and Parks and Recreation Department Employees with Commercial Driver Licenses (CDLs)

In accordance with the Regulations of the United States Department of Transportation, 49 CFR Parts 382, et. seq., effective January 1, 1995, the Controlled Substances and Alcohol Policy for Public Works and Parks and Recreation Department Employees of December, 1994 is hereby made a part of these Personnel Rules, by reference, as if fully set forth herein.

RULE 17 - USE OF VEHICLES FOR COUNTY BUSINESS

Section 17.1 - General

All County vehicles, whether owned, leased, rented or otherwise provided by the County shall be used only for official County business, as defined hereafter. Any employee required to use an official County vehicle or their personal vehicle for County business must possess a valid state driver's license necessary for their job and automobile liability insurance conforming to state requirements. An employee must notify their immediate supervisor or Appointing Authority if their driver's license becomes suspended or insurance is not in effect at any time.

Section 17.2 - Official County Business Defined

For the purposes of this rule, "official County business" shall include the following:

A. De Minimis Use.

Subject to the Appointing Authorities' control, official County business may include incidental personal use of the vehicle while otherwise on County business, such as a minimal detour and stopping for a meal or other convenience of the employee while on business use. Nothing herein shall allow the use of a County vehicle for the sole purpose of personal convenience.

B. Commuting Between Home and Work Site.

Official County business shall include an employee driving between the employee's home and work site, but only when authorized to do so by the employee's Appointing Authority and subject to the following conditions:

1. Permission to use the County vehicle shall be granted only where the employee's work schedule and job assignment requires frequent travel to sites other than the employee's usual work site, and where the employee's workday commences or ends at such other place.
2. Where such commuting is allowed, the Appointing Authority shall provide the Finance and Human Resources departments of the County, and/or such other departments as the Manager of the Division of Finance may from time to time direct, the following information on no less than an annual basis: the identity of the employee, the vehicle assigned, the value of the vehicle as of January 1 of the current year, and a specific statement of the reasons why the employee is provided commuting use of the vehicle. Any change in circumstances effecting this information shall immediately be reported to the same departments by the Appointing Authority.
3. The Finance Department shall include the applicable amount per workday (or such other amount as required by the Internal Revenue Service hereafter) deemed as income for the employee's commuting use of the vehicle on the employee's

annual W-2 statement.

4. The general rule set forth in Section 17.1 of this rule shall apply to any vehicle used for commuting under this subsection.

C. Out of County Trips.

All of the terms and conditions of this Rule 17 shall apply to all use of all County vehicles, including those situations where employees are allowed by their supervisors, subject to approval by the Manager of the Division of Finance pursuant to the current travel policy of the County, to use a County vehicle for longer trips to seminars, meetings, or other County business. While on such a trip, the employee is allowed the same de minimis use as set forth above, such as going out for meals or attending official functions which are part of the reason for the trip.

D. Sheriff's marked and unmarked patrol vehicles.

Nothing herein contained shall prohibit the promulgation of special rules applying solely to marked and unmarked patrol vehicles of the County Sheriff subject to approval by the County Executive.

Section 17.3 - Use of Alcohol and Nonprescription Drugs

Under no circumstances shall an employee use or allow any occupant of a County vehicle to use, in a County vehicle, alcohol or nonprescription mood-altering drugs of any type, whatsoever, nor shall the operator of a County vehicle operate or control same while in any way under the effects of such substances. For the purposes of this rule, the definition of "under the effects of any such substance" shall be broadly construed, and shall not be limited to those situations where the employee is under the influence for purposes of the civil or criminal law. These rules shall apply to employees utilizing their personal vehicle while performing County work as well.

Section 17.4 - Use of a Cell Phone or Electronic Device While Operating a Vehicle

Employees are prohibited to utilize a cell phone or other electronic devices while operating an official county vehicle or personal vehicle while performing County work unless the phone or device is equipped with hands-free capabilities.

Section 17.5 - Car Allowance Policy

A car allowance policy will be set forth and approved by the Division Manager of Finance.

Section 17.6 - Seat Belt Safety

Employees that operate vehicles or equipment for County business must utilize the seat belts and/or the safety retention system provided by the manufacturer. This also applies to passengers

in vehicles while on official County business; and is applicable to both County owned vehicles as well as personal vehicles while on official County business.

Section 17.7 - Personal Use of County Vehicles and Taxable Benefits

Employees may be authorized to utilize county vehicles for personal use when approved but will be subject the applicable Internal Revenue Service (IRS) regulations regarding this type of use as a taxable benefit.

RULE 18 - GUIDELINES AND RESPONSIBILITIES FOR PERSONAL COMPUTER and TELEPHONE USE

Section 18.1 - General

The integration of the personal computer (referred to as "PCs") and related resources into daily activities require strict legal and ethical utilization by all employees and users. The following list, though not necessarily covering every situation, specifies some of the responsibilities that accompany personal computer usage; all employees and users are expected to adhere to and follow these guidelines.

The County has the right to monitor the use of all computing resources to ensure that applicable policies are being followed.

Section 18.2 - Requesting Equipment, Software, and Services

The Director of Information Technologies (IT) is responsible for PC-related actions such as selecting, purchasing, installing, moving, customizing, and supporting PC equipment, as well as programs (referred to as software). Under this policy, there should be no need for any personally-owned equipment to be used in the County computing system. If equipment, software, or services are required, it must be approved by the department/division manager and the IT department.

Section 18.3 - Obtaining Training and Using Software

Jackson County, Missouri has an extensive set of current hardware and software products which have been purchased for specific personal computing needs. Members of the IT department are available to assist all departments in accessing the requirements for any additional software or hardware to fit specific needs.

Employees and users are responsible for obtaining training for effective use of the PC and its software. Jackson County offers in-house training for PCs and the associated software as well as opportunities for training from accredited training centers.

Section 18.4 - Safeguarding Data

Employees and users are responsible for safeguarding county data on their PC's hard drive or diskettes. Backup diskettes should be made on a regular basis and kept in a safe place. The frequency of backups should be adequate to protect employees and users against extensive and time-consuming re-creation of valuable data in the event of equipment failure, natural disaster, etc. Backups of data considered vital to Jackson County government operations should be stored offsite according to guidelines established by the IT department.

Section 18.5 - Accessing Data Other Than Your Own

Employees and users shall not search for, access, or copy directories, files, disks, or data not belonging to them unless they have specific authorization or permission to do so from the Department Director, IT, or Human Resources.

Section 18.6 - Copying Software From One PC to Another

Employees and users shall not copy software (other than worksheets, documents or other data you create) from one PC to another. Copying of software is a license-agreement violation, is illegal, and exposes the end user to potential legal liability. The IT department is authorized to perform random checking of PCs and remove any software which is not appropriately licensed to Jackson County government. If additional software is needed, it should be requested, approved, and installed as provided with these guidelines (see Section 18.2 above).

Section 18.7 - Copying Software For Use Outside Jackson County Government Business

All software on Jackson County government PC's belongs to or is under contract to Jackson County, Missouri. Employees and users shall not copy software from any Jackson County computer for outside use.

Section 18.8 - Installing Personal Software

Personal software and software not purchased by Jackson County, Missouri should not be installed on any Jackson County network or individual PC unless authorized by the IT Director.

Section 18.9 - Using Computing Resources For Non-Business Activities

Using computing resources for activities of a personal, non-business nature is not appropriate, nor is requesting assistance with such items. Users are prohibited from using the County's computer resources for personal benefit or private financial benefit.

Under no circumstance shall the County's computer resources be used to harass or otherwise threaten another user. This includes but is not limited to insulting, sexist, racist, obscene and sexually suggestive comments and inappropriate jokes.

Section 18.10 - Moving PC-Related Equipment

Employees and users shall not physically move computers or any attachments. Software user's guides and manuals should stay with the equipment to which they are assigned.

Section 18.11 - Caring For PC-Related Equipment

County equipment should be treated with the same care that an employee or user would want their own personal property to receive. Employees and users are responsible for keeping computer equipment free of beverage splatters, dust, etc.

Section 18.12 - Internet Usage

- A. A complete and accurate copy of Jackson County's Internet Acceptable Usage Policy is hereby made a part hereof by reference.

- B. The County has software and systems in place that can monitor and record all Internet usage. The security systems are capable of recording (for each and every user) each World Wide Web site visit, each chat, newsgroup or e-mail message, and each file transfer into and out of the internal networks, and the County reserves the right to do so at any time. No employee should have any expectation of privacy as to his or her Internet usage and the County reserves the right to inspect any and all files stored in private areas of our network in order to assure compliance with policy. The County expects users to utilize the Internet primarily for job-related purposes.

The display of any kind of sexually explicit image or document on any County system is a violation of this rule as well as Personnel Rule 19 - Sexual Harassment Policy. Sexually explicit material may not be archived, stored, distributed, edited or recorded using the County's network or computing resources.

- C. The County's Internet facilities and computing resources must not be used knowingly to violate the laws and regulations of the United States or any other nation, or the laws and regulations of any state, city, province or other local jurisdiction in any material way. Any software or files downloaded via the Internet into the County network become the property of the County. Any such files or software may be used only in ways that are consistent with their licenses or copyrights. No employee may use County facilities knowingly to download or distribute pirated software/data or propagate any virus, worm, Trojan horse, or trap-door program code.
- D. Each employee using the Internet facilities of the County shall identify himself or herself honestly, accurately and completely (including one's County affiliation and function where requested) when participating in chats or newsgroups, or when setting up accounts on outside computer systems. Only those employees or officials who are duly authorized to speak to the media, to analysts or in public gatherings on behalf of the County may speak/write in the name of the County to any newsgroup or chat room. The County retains the copyright to any material posted to any forum, newsgroups, chat or World Wide Web page by any employee in the course of his or her duties.
- E. Use of County Internet access facilities to commit infractions such as misuse of County assets or resources, sexual harassment, unauthorized public speaking and misappropriation or theft of intellectual property are also prohibited by general County policy, and will be sanctioned under the relevant provisions of the Personnel Rules. The County prohibits the sharing of user identifications and passwords obtained for access to Internet sites and any file that is downloaded must be scanned for viruses before it is run or accessed.
- F. No employee shall attempt to disable, defeat or circumvent any County security facility. Any computer used for independent dial-up or leased-line connections to any outside computer or network must be physically isolated from the County's internal networks. Only those Internet services and functions with documented business purposes for the County will be enabled at the Internet firewall.

Section 18.13 - Use of a County Issued Cell Phone

County issued cell phones. Use of mobile communications / county issued cell phones should be utilized for the primary purpose of conducting County business. Users are prohibited from using County issued cell phones for personal benefit, political or private financial benefit.

Incidental personal use should be minimal. The County can charge the employee for use that is beyond incidental for reimbursement.

Under no circumstance shall the County's resources be used to harass or otherwise threaten another user.

Cell phone allowance. Department directors, charter officers, elected officials, or members of the executive staff who often use a cellular telephone for county business, may request a cell phone allowance instead of securing service through a county issued cell phone. The County Executive may approve a request for a monthly cell phone reimbursement in lieu of the county providing the employee or official a county issued cell phone. Regardless of the employee's actual cost of the personally acquired cell phone, the County shall reimburse the employee monthly at 50% of the County's monthly cost for County issued cell phones. This rate shall be reviewed and adjusted annually, and a maximum reimbursement rate set by the IT Department and approved by the County executive. The phone number for the cell phone shall be made available for business purposes.

In accordance with IRS regulations, cellular phone allowances may be reported as a taxable fringe benefit.

Section 18.14 - Use of County Provided Telephone

County provided telephones should be utilized for the primary purpose of conducting County business. Users are prohibited from using County provided telephones for personal benefit, political purposes or private financial benefit.

Incidental personal use should be minimal. The County can charge the employee for use that is beyond incidental for reimbursement.

Under no circumstance shall the County's resources be used to harass or otherwise threaten another user.

RULE 19 - SEXUAL HARASSMENT POLICY

Section 19.1 - Policy Statement

This policy sets forth the general requirements and procedures for County employees in reference to sexual harassment. It is the policy of Jackson County that all employees should be able to enjoy a work environment free from all forms of discrimination, including sexual harassment and sexual harassment of its employees in any form by supervisors or co-workers is prohibited.

Section 19.2 - Purpose

The Sexual Harassment Policy was enacted to deter the misconduct that undermines the integrity of the employment relationship. No employee, either male or female, should be subjected to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical.

Section 19.3 - Guidelines

Sexual harassment, consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical acts of a sexual or sex-based nature where (1) submission to such conduct is made either explicitly or implicitly a term or a condition of an individual's employment; (2) an employment decision is based on an individual's acceptance or rejection of such conduct; or (3) such conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.

It is also unlawful to retaliate or take reprisal in any way against anyone who has articulated any concern about sexual harassment or discrimination against the individual raising the concern or against another individual.

Two types of sexual harassment are actionable under Title VII:

1. Quid Pro Quo- occurs when "submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;" and
2. Hostile Environment- is unwelcome sexual conduct that "unreasonably interferes with an individual's job performance" or creates an "intimidating, hostile, or offensive working environment."

Sexual harassment is unlawful, and such prohibited conduct exposes not only Jackson County, but individuals involved in such conduct, to significant liability under the law. Employees at all times should treat other employees respectfully and with dignity in a manner so as not to offend the sensibilities of a co-worker. Accordingly, Jackson County's management is committed to vigorously enforcing its Sexual Harassment Policy at all levels within the County.

Examples of conduct that would be considered sexual harassment or rated as retaliation are set forth in the "Statement of Prohibited Conduct," which follows. These examples are provided to illustrate the kind of conduct proscribed by this policy; the list is not exhaustive.

Section 19.4 - Prohibited Conduct

Jackson County considers the following conduct to represent some of the types of acts which violate this Rule.

- A. Physical Assaults of a Sexual Nature.
 - 1. Rape, sexual battery, molestation, or attempts to commit these acts; and
 - 2. Intentional physical conduct that is sexual in nature, such as touching, pinching, grabbing, brushing against another employee's body, or poking another employee's body.

- B. Unwanted Sexual Advances, Propositions, or Other Sexual Comments.
 - 1. Sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience directed at or made in the presence of any employee who indicates or has indicated in any way that such conduct in his or her presence is unwelcome;
 - 2. Preferential treatment or promises of preferential treatment to any employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward; and
 - 3. Subjecting, or making threats of subjecting, an employee to unwelcome sexual attention or conduct, or intentionally making performance of the employee's job more difficult because of that employee's gender.

- C. Sexual or Discriminatory Displays or Publications Anywhere in the Workplace by Employees.
 - 1. Displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning, or pornographic, or bringing into the work environment or possessing any such material to read, display or view at work. A picture will be presumed to be sexually suggestive if it depicts a person of either gender who is not fully clothed or in clothes that are not suited to or ordinarily accepted for the accomplishment of routine work in and around the workplace and who is posed for the obvious purpose of displaying or drawing attention to the private portions of his or her body.
 - 2. Reading or otherwise publicizing in the work environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning, or pornographic; and
 - 3. Displaying signs or other materials purporting to segregate an employee by gender in any area of the workplace (other than restrooms and similar semi-private locker/changing rooms).

- D. Retaliation for Sexual Harassment Complaints.

1. Disciplining, changing work assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work-related matters with any employee because that employee has complained about or resisted harassment, discrimination, or retaliation; and
2. Intentionally pressuring, falsely denying, lying about or otherwise covering up or attempting to cover up conduct, such as that described in any item above.

E. Other Acts

1. The above is not to be construed as an all inclusive list of prohibited acts under this policy.
2. Sexual harassment is unlawful and hurts other employees. Any of the prohibited conduct described here is sexual harassment of anyone whom it is directed or who is otherwise subjected to it. Each incident of harassment, moreover, contributes to a general atmosphere in which all persons who share the victim's gender suffer the consequences. Sexually oriented acts or sex-based conduct have no legitimate business purposes. Accordingly, the employee who engages in such conduct should and will be made to bear the full responsibility for such unlawful conduct.

F. Investigation and Corrective Action. Allegations of sexual harassment will be investigated as outlined in Section 1.5. Human Resources will be responsible for investigating the facts of the complaint and preparing a recommendation for action by the appropriate Department Director. Investigations shall be conducted in a timely manner, and confidentiality shall be exercised to the extent possible and practical. Employees are compelled to cooperate in the investigation.

RULE 20 - DRESS CODE

Section 20.1 - Policy

It is the policy, procedure, and practice of Jackson County to establish a dress code for its employees to present a professional image to the agencies served by Jackson County, those who visit County facilities, and the general public as a whole. This policy may be supplemented with departmental specific policies approved by the County Counselor's Office and filed with Human Resources.

Section 20.2 - Procedure

The Personnel Rules will set forth the dress code standards for County employees. This policy and procedure will address and set forth those standards.

Section 20.3 - General Rules

- A. All employees shall be well groomed, neat, clean, and business-like in their personal appearance when reporting for duty. All employees are prohibited from wearing extreme or eccentric hairstyles or clothing. Clothing shall be clean, pressed, in good repair, well fitting and appropriately worn (shirt tails tucked in, buttons fastened, belts buckled, shoes laced and tied, etc.). It is the responsibility of each employee to ask the Appointing Authority, beforehand, whether certain clothing or grooming preferences meet the standards set forth in the dress code. If an employee is not certain whether a specific item of clothing or grooming preference is allowed, then it should be clarified prior to reporting for duty.
- B. Hats, sweatbands, "do-rags", bandanas and kerchiefs are not authorized to be worn while on duty, unless part of a uniform.
- C. Non-prescription sunglasses are not authorized to be worn throughout the day while inside any building during working hours.
- D. County/work identification (ID) cards are mandatory for all County Personnel. The work ID should be carried while on duty and be available for presentation upon request. Employees of the County will not place labels, insignias, or ornamentation on ID cards. Staff may not refuse to reveal their identity or show their county ID upon request when conducting official business. Staff must not use any badge or Department issued ID to misrepresent their official status.

Section 20.4 - Dress or Uniform Standards

- A. Clothing should not be offensive in nature and should comply with the Anti-Discrimination and Anti-Harassment Policies of Jackson County.

B. Guidelines for APPROPRIATE Business Casual Attire Include:

Shirts

Open/Banded Collared Shirts
Knit Shirts
Sweaters/Turtle Necks/Mock Turtle Necks
Denim/Chambray Shirts
Designer, school, or sports related logos

Pants

Slacks (e.g. khakis, dress pants)
Mid Calf Pants

Skirts and Dresses

Denim Skirts/Dresses
Skirts and other dresses no shorter than 3 inches above the knee

Shoes

Dress Sandals
Athletic or Tennis Shoes
Dress Shoes or Loafers

C. Guidelines for INAPPROPRIATE Attire that will not be permitted:

Shirts

Tube tops, halter tops, or tops showing the midriff
Tank tops that aren't either covered with a shirt, jacket, or sweater or have a minimum 2 inch wide strap.
See through clothing
Low cut clothing and necklines
Muscle shirts
T-shirts (unless part of a uniform or authorized for a specific county related event)

Pants

Shorts of any kind (with the exception of employee uniforms)
Bibs/Overalls (unless part of a uniform or required for outdoor use)
Sweat pants
Pajama type pants

Shoes

Flat Flip flops, rubber thongs/beach sandals

General

Spandex
Sexually provocative clothing, an observable lack of undergarments, or exposed undergarments
Sweat suits or exercise clothing
Offensive/Obscene graphics, symbols or wording relating to illegal substances, alcohol or tobacco on apparel
Political advocacy statements on apparel

- D. Maternity wear shall follow the same standards as set forth above.
- E. This dress code will be in effect during all business days, unless otherwise specified.
- F. Supervisors and/or Managers will address any deviations from acceptable attire. If an employee is asked to make changes in their attire, the employee must do so.
- G. Employees who are inappropriately attired may be denied access to their Department, may be asked to change, sent home to change before returning to work, and/or may receive disciplinary action at the discretion of their Supervisor and the Appointing Authority, particularly for ongoing repeated issues. During such absence compensatory time will be used. If no compensatory time is available, vacation will be used, and if no vacation is available the employee will be on leave without pay.

Section 20.5 - Personal Appearance and Grooming Standards

A. Hair & Nail Care

1. Hair will be well groomed, combed, neatly trimmed, styled, and clean.
2. Hair should not be loose or dangle in such a way that they create a safety hazard or hinder job performance. Nails must be cleaned and trimmed in such a way that does not hinder job performance.
3. Dyed hair is acceptable as long as it is dyed to a generally natural color and does not attract negative attention, or is seen as unprofessional.

B. Jewelry and Tattoos

1. Jewelry is acceptable as long as it does not distract or hinder job performance.
2. Tattoos and body piercings, other than earrings in the ears, cannot be visible to the public (nose, eyebrows, tongue, etc.) while on duty or while in uniform.

Section 20.6 – Responsibility

It is the responsibility of the employee to ask beforehand whether a certain grooming or appearance preference meets County Policy. When necessary, supervisory staff will address any employee dress code concerns, to verify that County Policy is being met.

Repeated disregard for the dress code policy may result in disciplinary action up to and including termination.

Section 20.7 - Employee Badge and Identification Card

All employees shall be required to display their employee badge / identification card during normal working hours while conducting County business.

RULE 21 - MEDIA & LEGAL DOCUMENT REQUESTS

Section 21.1 - Open Records and Sunshine Law Requests

Any sunshine law or Missouri Open Records Request shall be immediately forwarded to the County Counselor's Office for direction. The County Counselor's Office will work with the affected department to provide the appropriate information.

Section 21.2 - Inquiries from Legal Counsel

Any inquiry from legal counsel representing an outside interest should be referred to the County Counselor's Office for coordination.

Section 21.3 - Media Contacts

Any inquiry from a media source should be referred by the department to the Department of Communications or the identified departmental public information officer for response.

RULE 22 – SAFETY, LOSS CONTROL AND RISK MANAGEMENT

Section 22.1 - Safety Policy

- A. Jackson County is committed to providing a safe work environment. No employee will be required to operate unsafe equipment or enter unsafe environments. Employees have the responsibility to report unsafe working conditions to their supervisor.
- B. Safety rules will be developed by individual departments applicable to their work and work environment. Employees are required to adhere to the departmental safety rules.

Section 22.2 - Employee Safety Committees

- A. To promote employee and workplace safety, departments may create employee safety committees. The objective of the safety committees is to increase the efficiency of the organization by reducing the frequency and severity of accidents; to develop training as needed; and to monitor organizational trends.

Section 22.3 - Loss of County Property or Funds

- A. An employee is required to promptly report loss of County property or County funds to their immediate supervisor.
- B. The supervisor will notify Human Resources and the Risk Management Officer in the Finance Department.

RULES - 23 - 24 - RESERVED

PART II - NON-MERIT EMPLOYEE RULES

RULE 25 - NON-MERIT EMPLOYEES

Section 25.1 - Non-Merit Positions

The Merit System shall not apply to: directors of departments; prosecuting attorney and sheriff and one assistant and one secretary for each of them; other elected officers; members of boards and commissions; the clerk of the county legislature; auditor and members of the staff of the legislature; members of the staff of the county executive including the budget officer; the public administrator; the court administrator and his/her employees except to the extent provided by order of the circuit court en banc; the director of the office of human relations and citizen complaints and one secretary appointed by him; attorneys, physicians and investigators serving in the offices of prosecuting attorney, county counselor and one secretary appointed by the medical examiner; and the Director of Human Resources and one secretary appointed by him. The only other exemptions from the merit system shall be those recommended by the Merit System Commission and authorized by the Legislature.

Section 25.2 - Creation of Non-Merit Positions

Non-merit positions not specifically designated as such by the Charter shall be created in accordance with the Charter upon recommendation of the Merit System Commission and approval of the Legislature. The Legislature is to set compensation for such positions. Such appointments are made by transmitting to the Director of the Finance Department notice thereof.

Section 25.3 - Appointing Non-Merit Employees

In accordance with the Jackson County Charter, Article IX, Section 2, non-merit positions which are so designated in the Charter, and which are further designated by the County Executive or the County Legislature and for which compensation is set by the Legislature, may be filled by the appropriate Appointing Authority. Such appointments are made by transmitting to the Director of the Finance Department notice thereof. When making an appointment of an assistant to the director or secretarial non-merit position the Appointing Authority shall require the appointee to sign an acknowledgment of the non-merit status of the appointment. Such acknowledgment should then be filed with the Director of Human Resources to be placed into the Personnel file of the employee and a copy should be retained by the Appointing Authority.

Section 25.4 - Application of Other Rules

Non Merit employees are not subject to the following Rules herein:

Rule 3 – Merit Positions; Rule 4 – Merit Job Classification; Rule 12 – Selection, with the exception of Section 12.5 Background Checks; & Rule 15 – Termination, Demotion, and Other Disciplinary Action

The remaining Personnel Employee rules listed herein shall apply to non-merit employees unless specifically excepted by the County Executive.