

GRAY COUNTY, KANSAS

EMPLOYEE HANDBOOK

1998

Adopted February 17, 1998
Amended February 26, 1999
Amended September 15, 2000
Amended December 31, 2002
Amended November 30, 2005
Amended March 14, 2008
Amended June 15, 2009
Amended October 30, 2009
Amended January 29, 2010
Amended February 15, 2011
Amended December 15, 2014
Amended August 31, 2015
Amended November 30, 2015
Amended April 29, 2016
Amended August 31, 2017

GRAY COUNTY, KANSAS

EMPLOYEE HANDBOOK

TABLE OF CONTENTS

	Page
1. INTRODUCTION	5
2. EQUAL EMPLOYMENT OPPORTUNITY	5
3. CONFIDENTIALITY	6
4. INTRODUCTORY/TRAINING PERIOD	6
5. EMPLOYMENT OF RELATIVES	6
6. YOUR DEPARTMENT SUPERVISOR	6
7. DEFINITION OF EMPLOYMENT STATUS	7
8. YOUR PERSONNEL RECORD	7
9. WORK SCHEDULE	7
10. TELEPHONE AND RECEPTION PROCEDURES	9
11. KEEPING TIME RECORDS	10
12. WAGES	10
13. OVERTIME	10
14. PAYROLL DEDUCTIONS	10
15. PAYDAYS	11
16. REIMBURSEMENTS OF EXPENSES	11
17. TERMINATION	12
18. PAY UPON TERMINATION	12

19.	HOLIDAYS	12
20.	VACATIONS	12
21.	INSURANCE	13
21.1	INSURANCE INCENTIVE FOR EARLY RETIREMENT	14
22.	SICK LEAVE	14
23.	SICK LEAVE BANK	15
24.	LEAVES OF ABSENCE	16
25.	FUNERAL LEAVE	16
26.	JURY DUTY	17
27.	WORKER'S COMPENSATION	17
28.	PARKING	17
29.	ABSENCES AND TARDINESS	17
30.	MISTAKES	18
31.	TELEPHONES	18
32.	BULLETIN BOARDS	18
33.	PAYMENTS OF DEBTS	18
34.	TALKING THINGS OUT	18
35.	DISCIPLINE	18
36.	SEXUAL HARASSMENT	24
36.1	OTHER UNLAWFUL HARASSMENT	26
37.	SUBSTANCE ABUSE POLICY	27
38.	SOLICITATIONS	27
39.	CHANGES IN WAGES, BENEFITS AND POLICIES	28

40.	CONFIDENTIAL INFORMATION	28
41.	PERSONAL MAIL AND ELECTRONIC MESSAGES	28
42.	ZERO TOLERANCE WORKPLACE VIOLENCE POLICY	29
43.	FAMILY AND MEDICAL LEAVE ACT POLICY	29
44.	OUTSIDE EMPLOYMENT	35
45.	USE OF COUNTY OWNED VEHICLES	35
46.	CREDIT CARD POLICY	42
47.	MOTOR CYCLE USE POLICY	43
48.	CHECKS AND BALANCE POLICY	43
49.	SMOKING POLICY	43
50.	PAYMENT OF TRAVEL AWAY FROM HOME	44
	HANDBOOK RECEIPT AND ACKNOWLEDGEMENT	45

Gray County Substance Abuse Policy

Gray County Public Works Drug and Alcohol Testing Policy

GRAY COUNTY, KANSAS EMPLOYEE HANDBOOK

1. INTRODUCTION (Effective February 17, 1998)

We welcome you as an employee of Gray County. This Handbook will provide you with information concerning the County, your benefits, and your responsibilities. It is not designated to provide specific practices or policies for every situation. Questions concerning specific practices and policies, or how the general rules apply, should be discussed with your officer or department supervisor.

READ THIS HANDBOOK CAREFULLY AND KEEP IT FOR FUTURE REFERENCE.

This Handbook is prepared for informational purposes only and does not constitute a contract between Gray County and its employees, and should not be construed as such. The policies and information contained in the Handbook may be changed or amended at any time by Gray County, with or without notice. Employment by Gray County is “at will”, not for a definite term. Your employment may be terminated by Gray County or by you at any time, for any reason. No officer or department supervisor of Gray County or any other person, except the Gray County Commissioners, has any authority to enter into any agreement for employment for any specified period of time or make any binding representations or agreements inconsistent with this Handbook.

2. EQUAL EMPLOYMENT OPPORTUNITY (Effective February 17, 1998)

It is the policy of Gray County to provide equal employment opportunity without unlawful discrimination based on race, color, religion, sex, age, national origin, ancestry, disability, veteran status, or any other unlawful reason.

3. CONFIDENTIALITY (Effective February 17, 1998)

All matters relating to Gray County’s customers or office matters must be kept strictly confidential. Nothing that occurs in the office should be

discussed with your family, friends, other clients, or anyone else. You should not discuss papers or Gray County matters in public places such as restaurants, where other person can see the papers or overhear conversations. Use the paper shredder to destroy unneeded confidential materials.

4. INTRODUCTORY/TRAINING PERIOD (Effective February 17, 1998)

All new full-time and part-time employees will be subject to serving a six (6) month introductory/training period before becoming regular employees. Employees who are promoted or demoted may be placed in an introductory/training period of six (6) months. The initial six (6) month introduction/training period can be extended up to an additional six (6) months period by the department head, subject to the approval of the Board of County Commissioners.

Elected Officials and Department Heads will advise new personnel, as well as promoted and/or demoted personnel, that they are being hired for a six (6) month introductory/training period, and that if their performance is progressing satisfactorily, they will become a regular employee, with the approval of the Elected Official or the Department Head. Neither, the introductory/training period, or its completion alter the employee's status as an at-will employee.

5. EMPLOYMENT OF RELATIVES (Effective February 17, 1998)

It is the policy of Gray County that no officer, department supervisor, or employee may supervise, or make decisions regarding the hiring of any immediate family. This policy prohibits the employment of relatives in the same department or work area.

6. YOUR DEPARTMENT SUPERVISOR (Effective February 17, 1998)

Your department supervisor is very important to your welfare and progress at Gray County. Ask your department supervisor about anything you do not understand.

7. DEFINATION OF EMPLOYMENT STATUS (Effective February 17, 1998)

- A. FULL-TIME EMPLOYEE. A full-time employee is one who is scheduled to work a normal workweek on a regular and continuous basis. All full-time employees will be eligible for all benefits.

- B. PART-TIME EMPLOYEE. A part-time (or half-time) employee is one who works less than a normal work week as described within the job classification schedule, but on a regular and continuing basis. This position requires more than one thousand (1,000) hours of work per fiscal year. Part-time employees are eligible only for those benefits specifically designated by Gray County for such employees, unless otherwise agreed to in writing.
- C. TEMPORARY EMPLOYEE. A temporary employee is one who works on a temporary basis, accumulating less than one thousand (1,000) hours of work per fiscal year. Temporary employees are not eligible for any fringe benefits.
- D. AS NEEDED EMPLOYEE. A type of temporary employee maintained on a roster and called only when work load exceeds levels set for the regular work force.

8. YOUR PERSONNEL RECORD (Effective February 17, 1998)

It is important that your records at Gray County are kept current. Please notify the Gray County Clerk's Office whenever there is any change in your address, telephone number, marital status, number of your dependents, or other relevant information.

9. WORK SCHEDULE (Effective February 17, 1998, Amended March 14, 2008, Amended October 31, 2009)

- A. COURTHOUSE. The Courthouse Hours of Work shall apply to the following offices: County Appraiser Office, County Clerk Office, County Health Nurse Office, County Register of Deeds Office and County Treasurer Office.

The normal workday for courthouse employees shall be from 8:00 a.m. to 5:00 p.m., with one (1) hour for a lunch period, Monday through Friday. Offices shall be open during the lunch period and employees shall rotate their lunch period to insure the operation of the office during that time. Lunch period is not considered an hour worked.

No specific time is allotted for other breaks. The Board of County Commissioners allows rest periods and does not want them abused. Federal Wage-Hour Regulations (29 C.F.R. 785.18) defines breaks as rest periods and states "rest periods must be

counted as hours worked if they last twenty (20) minutes or less". If they run longer than twenty (20) minutes in length, then they are considered time off and are not to be paid as hours worked. Any employee who routinely leaves the courthouse for breaks without prior approval from the officer or supervisor of their department, shall be subject to time without pay for the time in which they were absent. PLEASE DO NOT ABUSE THIS PRIVILEGE.

- B. PUBLIC WORKS. The Public Works Hours of Work shall apply to the following departments: Road & Bridge Department, Landfill Department and Noxious Weed department.

The normal work day for Public Works employees from October 1 through March 31, shall be from 8:00 a.m. to 5:00 p.m., with one-half (1/2) hour for lunch period, Monday through Friday. The normal work day for Public Works employees from April 1 through September 30, shall be from 7:00 a.m. to 6:00 p.m., with one-half (1/2) hour for lunch period, Monday through Thursday. The office of the Road & Bridge Department shall be open during the lunch period and employees shall rotate their lunch period to insure the operation of the office during that time. Lunch period is not considered one-half (1/2) hour worked.

No specific time is allotted for other breaks. The Board of County Commissioners allows rest periods and does not want them abused. Federal Wage & Hour Regulation (29 C.F.R. 785.18) defines breaks as rest periods and states "rest periods must be counted as hours worked if they last twenty (20) minutes or less". If they run longer than twenty (20) minutes in length, then they are considered time off and are not to be paid as hours worked. PLEASE DO NOT ABUSE THIS PRIVILEGE.

The schedule for the Landfill Hours of Operation shall be established by the Public Works Administrator with the approval of the Board of County Commissioners. The Landfill shall be open from 8:00 a.m. to 5:00 p.m., Tuesday through Saturday of each week.

- C. SHERIFF DEPARTMENT. The Sheriff Department Hours of Work and week shall be established by the Sheriff and will comply with the minimum wage maximum hour law, specifically K.S.A. 44-1201 through 44-1214 as amended.

Wages for the Under-Sheriff and Deputy Sheriffs shall be based on one hundred seventy-one (171) hours per work period consisting of twenty eight (28) days. There will be thirteen (13) work periods per

year. No hours over one hundred seventy-one (171) in any twenty-eight (28) day period worked is permitted, unless prior authorization is obtained.

Law enforcement officers may trade time by one employee substituting for another on a regular schedule tour of duty (or for some part thereof) to permit an employee to pursue personal interest provided:

1. The trading of time is done voluntarily by the participating employees.
2. The reason for trading time is due, not to the employer's operations, but for the employee's benefit only.
3. A record of time traded is maintained by the sheriff.
4. The period during which time is traded and is paid back does not exceed twelve (12) months. It shall be the duty of the Sheriff to assure that such pay back of traded time is made or that proper wage payments are made as required.

On-call time shall not be considered paid time unless actually called on duty, as long as personnel are permitted to conduct personal business during on-call status.

Recall time will be considered paid time if personnel are not given at least five (5) hours to sleep between duty calls.

10. TELEPHONE AND RECEPTION PROCEDURES (Effective February 17, 1998)

Be sure the telephone is covered at all times. Advise backup personnel when you need to be absent from reception area. The telephone should be answered before the fourth ring.

11. KEEPING TIME RECORDS (Effective February 17, 1998)

You are responsible for keeping an accurate record of your time worked, and Gray County must insist that no person, other than those authorized by Gray County, record an employee's time or handle an employee's time record in any manner. If you make an error in recording your time, notify your supervisor.

12. WAGES (Effective February 17, 1998)

Gray County Commissioners periodically review the requirements of jobs and wage rates to determine wages for officers, department supervisors and employees. In addition, you will be reviewed periodically for possible change in your wage, which will be based on job performance, attitude, attendance and other relevant factors.

13. OVERTIME (Effective February 17, 1998, Amended December 31, 2002, Amended November 30, 2005, Amended March 14, 2008, Amended August 31, 2017)

At times you will need to work overtime. Overtime must be authorized in advance with your officer or department supervisor. If overtime is part of your normal work day schedule (i.e. PUBLIC WORKS – eight and one-half (8 ½) hours worked per day) You will be paid time and one-half (1 ½) your regular hourly rate for all hours worked over forty (40) hours in a work week.

Law Enforcement Officers are paid time and one-half (1 ½) their regular hourly rate for all hours worked over one hundred seventy-one (171) in a twenty-eight (28) day work period.

All other departments will be paid time and one-half (1 ½) your regular hourly rate for all hours worked over forty (40) hours in a work week.

The designated work week for the purposes of federal wage and hour law begins at 12:01 a.m. on Sunday and ends at 12:00 p.m. the following Saturday.

Comp Time is not allowed in any county department.

14. PAYROLL DEDUCTIONS (Effective February 17, 1998)

Certain payroll deductions are required by law. Other deductions from your pay may be made with your written authorization if approved by the Gray County Commissioners in advance.

15. PAYDAYS (Effective February 17, 1998)

Employees will be paid bi-weekly, on every other Friday. However, if the Friday is a federal recognized holiday, the employee will be paid on the first working day prior to the holiday.

16. REIMBURSEMENT OF EXPENSES (Effective February 17, 1998, Amended May 15, 2009, Amended February 15, 2011, Amended December 15, 2014, Amended April 29, 2016)

Only Gray County officers, department heads and employees will be reimbursed for expenses while attending training sessions, schools or conventions. All receipts are to be itemized. Officers and department heads shall obtain approval from the Board of Gray County Commissioners for employees to attend training sessions, schools or conventions prior to the date of the meeting. No expenditures for food or lodging within a fifty (50) mile radius of Gray County, Kansas will be reimbursed by Gray County. No food will be reimbursed or paid for by Gray County for day trips.

Employees will use a departmentally assigned vehicle for County business and travel. If an employee chooses to use their own vehicle and the department has an available County vehicle, the employee will not be reimbursed for fuel or mileage. Employees, who use their cars for County business, when a County vehicle isn't available, with prior officer or department supervisor approval, will be reimbursed at a rate authorized by the Gray County Commissioners. You are required to keep track of these miles and submit them to your supervisor for reimbursement. Travel to and from the work place for all, except the Gray County Commissioners, will not be reimbursed.

17. TERMINATION (Effective February 17, 1998)

Your employment is terminable at will by either you or Gray County at any time. Gray County would appreciate two (2) weeks notice so we can find someone to replace you if you decide to terminate. At the time of termination, you should check with your officer or department supervisor to be sure that all termination procedures have been completed and arrangements have been made for you to receive your final paycheck.

18. PAY UPON TERMINATION (Effective February 17, 1998, Amended August 31, 2015)

Any employee who has been terminated will receive his or her final paycheck on the first regularly scheduled payday following his or her termination. A terminating employee, regardless of the nature of the termination, shall not be eligible to receive pay for any accrued benefits other than unused vacation time. Sick leave may be donated to the Gray County sick leave bank. Employees are not allowed to donate their accrued sick leave to another employee upon termination.

19. HOLIDAYS (Effective February 17, 1998, Amended March 14, 2008, Amended June 15, 2009)

Holiday pay shall be equal to eight (8) hours pay for regular full-time courthouse employees, eight and one-half (8 1/2 or 10 1/2 DST) hours pay for regular full-time public works employees, twelve (12) hours pay for law enforcement officers and four (4) hours pay for all part-time (or half-time) employees, for the following holidays:

Holidays will be set by resolution by the County Commissioners each year.

If you work on a holiday, you will be paid for all hours worked at your regular rate in addition to any holiday pay for which you are eligible.

20. VACATIONS (Effective February 17, 1998)

Full-time employees who have worked between zero (0) and ten (10) years will accumulate vacation time at the rate of one (1) day per month beginning at the end of the first month of employment with Gray County and full-time employees who have worked ten (10) years or more will accumulate vacation time at the rate of one and one-quarter (1 1/4) days per month beginning at the end of the month in which the employee's anniversary date falls. Part-time or (Half-time) employees accumulate vacation at the rate of one-half (1/2) day per month beginning at the end of the first month of employment with Gray County. Accumulated vacation time over eighteen (18) days will be lost. In the event of retirement, resignation or termination of employment with Gray County, accumulated vacation up to eighteen (18) days shall be paid to the employee.

Use of vacation time shall be scheduled with prior approval from his or her officer or department supervisor, unless scheduling is prevented due to an emergency. The officer or department supervisor shall consider the present and seasonal work load along with the number of employees

presently scheduled for vacation time. In the event of a conflict, the first to apply will be granted vacation time and others applying will be granted vacation time on an available basis. Seniority shall govern if two (2) or more requests are filed at the same time.

Vacation days, and fractions thereof, with prior approval from his or her officer or department supervisor, may be used for vacations, illness or death in an employee's family, children's activities, military service, or any other personal or non-business reasons.

21. INSURANCE (Effective February 17, 1998, Amended November 30, 2015)

Gray County will pay for 95% of the cost of a single policy for each full-time employee or 95% of the amount per month, as set by the Board of Commissioners at their re-organization meeting each year, and 85% for an employee/children, employee/spouse, and employee/family policy for each full-time employee. The County will deduct the additional cost from the employee's salary. If the individual employee has other insurance or does not wish to be covered, they should inform the Gray County Clerk's office. **In no case, however, will any employee be entitled to receive any other form of compensation in lieu of health insurance coverage as provided by Gray County.**

**KANSAS PUBLIC EMPLOYEES RETIREMENT PROGRAM (KPERS)
AND KANSAS POLICE AND FIREMEN'S RETIREMENT SYSTEM
(KP&F)**

Employees who meet the eligibility requirements shall participate in the Kansas Public Employees Retirement System (KPERS) and Kansas Police and Firemen's Retirement System (KP&F). You may obtain further information concerning KPERS and KP&F from the Gray County Clerk's Office.

21.1 INSURANCE INCENTIVE FOR EARLY RETIREMENT (Effective February 26, 1999, Amended September 15, 2000)

Upon reaching the age of 62 years, and is currently employed by the County, any employee (including elected officials), who have worked for Gray County for 20 years of continuous employment, or more, shall have a portion of their health insurance paid by the County until they reach the age of 65 years and are eligible for Medicare Coverage. The portion that the county will pay is based on the number of sick days an employee has accumulated. The county will pay the following percentages of the

amount currently paid as the County's share of health insurance for a full time active employee based on the following:

Number of Sick Days Accumulated	Percentage of County's Share
100 days or more	100 % of a Single Policy
75 to 99.99 days	88% of a Single Policy
50 to 74.99 days	63% of a Single Policy
25 to 49.99 days	38% of a Single Policy
0 to 24.99 days	0% of a Single Policy

From and after the enactment of this provision, elected officials shall be accountable for sick days consistent with the existing sick day employee policy, and its future amendments.

22. SICK LEAVE (Effective February 17, 1998)

Full-time employees and part-time employees are eligible for sick leave benefits, if all the following items and conditions are met:

- A. Full-time employees accumulate sick leave at the rate of one (1) day per month and part-time (or Half-time) employees accumulate sick leave at the rate of one-half (1/2) day per month beginning at the end of the first month of employment with Gray County. The maximum accumulation of sick leave is one hundred thirty (130) days.
- B. You will be eligible to receive sick leave pay only if you are absent from work because of illness, injury or other certain circumstances during the illness of an immediate family member with prior approval from your officer or department supervisor.
- C. You must report the reasons for your absence by telephone to your officer or department supervisor before the beginning of the scheduled working day. Employees who do not cooperate in substantiating the actual reason for their absence will not be eligible for sick leave benefits.

Sick leave days and fractions thereof, with prior approval from his or her office or department supervisor, may be used to attend routine doctor appointments, but only the time necessary to keep the appointment will be considered as paid time.

Full-time employees who accumulate twelve (12) days of sick leave in a given year may add one (1) additional day to the total of the

employees accumulated sick leave. In order to accumulate twelve (12) days, the employee must not have used any sick leave during that year.

Any employee who has accumulated the maximum of one hundred thirty (130) days sick leave and has donated a minimum of twelve (12) days to the Gray County Sick Leave Bank, will accumulate one fourth (1/4) day of vacation time for each day earned but not accumulated over the one hundred thirty (130) day maximum for sick leave. Accumulated vacation time over eighteen (18) days will be lost.

23. SICK LEAVE BANK (Effective February 17, 1998)

- A. DONATION PROCEDURES. Upon donation of sick leave to the Gray County Sick Leave Bank, employees will be eligible for membership. Employees are eligible to donate on an “as needed basis”. Courthouse employees must leave at least two hundred forty (240) hours in their own individual sick leave account and Public Works employees must leave at least two hundred fifty-five (255) hours in their own individual sick leave account. (This is equivalent to thirty (30) working days.) If the individual employee has accumulated the maximum number of sick leave hours allowed and donated hours to the sick leave bank, they may then start accumulating hours back to the maximum number of sick leave hours allowed.

Employees will not be eligible to withdraw sick leave donated to the sick leave bank, unless unexpected hardship circumstances occur.

- B. WITHDRAWAL PROCEDURES: The employee shall obtain an application from his or her officer or department supervisor in order to apply for donated sick leave time from the sick leave bank. The following conditions shall be met by the employee:
1. You must be an employee of Gray County.
 2. All accrued sick and vacation leave shall have been exhausted prior to making application for donated sick leave hours.
 3. A doctor’s statement shall state the nature of the illness, along with the approximate length of time that you will be absent. (In accordance with confidentiality laws, this information may not have to be released.)

Upon completion of the written application, you must submit your application to your officer or department supervisor. The Gray County Commissioners shall review the circumstances and make decision on the application within fifteen (15) working days.

If you return to work on a full-time basis or terminate employment before using the hours of sick leave allotted, the remaining time not used will revert back to the Sick Leave Bank.

24. LEAVES OF ABSENCE (Effective February 17, 1998)

Leaves of absence without pay may be granted by the department head, subject to the approval of the Board of County Commissioners, to full-time employees for illness, injury, childbearing, military service, or other reasons and for such periods as are acceptable to Gray County as required by applicable law. Leaves of absence will also be granted as required by the Family and Medical Leave Act of 1993. Compensation and other benefits will not be paid nor accrued during leaves of absence.

If a county employee also qualifies for Family and Medical Leave, it may run concurrently with any leave of absence granted pursuant to this provision.

25. FUNERAL LEAVE (Effective February 17, 1998)

If there is a death in your immediate family, full-time employees will be granted up to three (3) days leave of absence with pay at their regular rate. Any additional time taken for funeral leave shall be deducted from the employee's accumulated sick leave or vacation time.

In the event sick leave or vacation time is exhausted, funeral leave may be granted without pay.

Your immediate family is defined as your spouse, mother, father, stepmother, stepfather, child, stepchild, foster child, brother, sister, mother-in-law and father-in-law.

All other funerals for friends or non-immediate family shall be deducted from the employee's accumulated sick leave, vacation time or taken as time of without pay.

26. JURY DUTY (Effective February 17, 1998)

Gray County will grant full-time employees a paid leave of absence during the time they are required to serve on a jury or subpoenaed to appear in court as a witness. You must present the order requiring jury duty to your officer or department supervisor before the leave of absence will be granted. We expect you to report for work promptly at the end of your jury or witness service. Jury fees will be retained by Gray County.

27. WORKERS' COMPENSATION (Effective February 17, 1998)

Gray County provides worker's compensation coverage for on-the-job injuries covered by the Workers' Compensation Law.

28. PARKING (Effective February 17, 1998)

Parking areas are provided for employees. Gray County is not responsible for damages, injuries, or theft and we request that you drive carefully and keep your vehicle locked.

29. ABSENCES AND TARDINESS (Effective February 17, 1998)

It is very important that you be regular in your attendance and that you report to work on time. If it is necessary for you to be absent or late, notify your officer or department supervisor immediately so Gray County can make the necessary arrangements. Repeated absences or tardiness will result in disciplinary action.

30. MISTAKES (Effective February 17, 1998)

Mistakes occasionally occur, but it is wrong to conceal a mistake. If you do make a mistake, notify your officer or department supervisor immediately.

31. TELEPHONES (Effective February 17, 1998)

It is important to keep telephone lines open for business calls, so Gray County telephones shall not be used for personal calls, except in the case of an emergency. Please make your personal calls on your break or lunch periods.

32. BULLETIN BOARDS (Effective February 17, 1998)

Bulletin boards are provided for the posting of Gray County notices and other items. All items must be submitted to the Gray County Clerk for approval prior to posting.

33. PAYMENT OF DEBTS (Effective February 17, 1998)

Creditors can garnish your wages by court order. You should meet your financial obligations so this action will not be necessary.

34. TALKING THINGS OUT (Effective February 17, 1998)

All of us have work problems from time to time, and we want to help you resolve such problems if possible. But we can't help you unless you tell us. If you have such a problem, discuss it with your department supervisor.

35. DISCIPLINE (Effective February 17, 1998)

THE DISCIPLINE POLICY DOES NOT ALTER THE EMPLOYEE'S STATUS AS AN EMPLOYEE AT WILL.

- A. Authority to Discipline. Department heads and elected officials are responsible for the conduct and effective performance of all employees under their jurisdiction and shall have the authority and the responsibility to discipline employees for violations of the County's personnel policies and any departmental guidelines.
- B. General Policy. The purpose of discipline is to ensure high standards of performance and efficiency, and to provide the citizens of the County with the highest possible level of courteous and professional public service. Discipline in the County organization is for the most part "self" discipline. It is the duty of the employees to make conscientious effort to work and behave in accordance with the values, service standards, policies and guidelines of the County and the department in which they work. Each employee is expected to be self-disciplined and to work hard at being the best at what he or she does and in helping the County provide a high level of public service.

When an employee does not exercise adequate self-discipline or is not successful in meeting the requirements of their job, it may be necessary for his or her department head or supervisor to consider disciplinary actions to correct the problem.

An employee is subject to disciplinary action if:

- (1) The employee violates these personnel policies and guidelines, or any other written guidelines or procedures applicable to the department in which the employee works;
- (2) The employee's conduct reflects discredit to the County or hinders the effectiveness or efficiency of County operations;
- (3) The employee has performed an act of misconduct, or has failed to perform an act which results in misconduct.

The foregoing grounds do not represent an exclusive list of employee conduct which may justify disciplinary action.

C. Disciplinary Actions. The following types of disciplinary actions are officially recognized by the Board of County Commissioners but are not required to be administered in a sequential fashion:

- (1) *Verbal Warning.* A verbal warning is an oral reprimand given to an employee by his or her supervisor or department head. A record of the warning shall be recorded in the employee's file.
- (2) *Reprimand.* A reprimand is a written censure to an employee by his or her supervisor or department head, a copy of which shall be recorded in the employee's file. Causes for the issuance of a written reprimand may include, but are not limited to:
 - a) Violation of any County personnel policy or procedure.
 - b) Action unbecoming an employee of the County which reflects on the County adversely.
 - c) Insubordination to his or her office or department head or supervisor or a Gray County

Commissioner or the Board of County Commissioners.

- d) Carelessness or negligence with monies or other property of the County.
 - e) Engaging in outside business activities on County time, or using County property for such activity.
- (3) *Training.* Training is a trial period of a specific length of time during which an employee is required to fulfill a set of conditions, or to improve work performance, or to improve on the job behavior. Failure to meet the training requirements may result in additional disciplinary actions.
- (4) *Salary Reduction.* A salary reduction is the lowering of an employee's rate of pay within the pay range to which the employee's position is assigned.
- (5) *Demotion.* A demotion is the placement of an employee into a position of a lower pay range.
- (6) *Suspension.* A suspension is the removal of an employee from service, with or without pay, for a specific period of time.
- (7) *Termination.* Termination is the removal of an employee from County employment.

The foregoing does not represent an exclusive list of disciplinary actions and other forms of action may be taken. Disciplinary actions are not taken in a prescribed sequential order, but are chosen as the circumstance may dictate and one or more types of disciplinary action may be taken in a particular instance or instances.

- D. Procedure for Disciplinary Action. Whenever the conduct of an employee occurs that in the judgment of the employee's supervisor or department head justifies the application of disciplinary actions, other than a verbal warning, the supervisor or department head shall:
- 1) Document the conduct in writing.
 - 2) Determine the disciplinary action.

- 3) Meet with the employee to inform him or her of the problem and the proposed disciplinary action.
- 4) Shall give the employee an opportunity to be heard as to the problem and his or her explanation of the facts. The employee may submit comments in writing to be attached to the record of the disciplinary action.
- 5) Make a decision as to the disciplinary action and notify the employee of the action in writing, except for verbal warnings. A copy of the documentation of the conduct and a note as to the form of disciplinary action taken shall be provided for insertion into the employee's personnel file.

E. Conduct Subject to Disciplinary Action. The following is a list of conduct which may subject an employee to disciplinary action, up to and including termination. *The list is not exclusive, it is only representative of the types of conduct which subject an employee to disciplinary action.*

- (1) Conviction of a violation of any state or federal criminal law.
- (2) Conviction of a violation of any County law.
- (3) Failure to follow prescribed safety procedures including failure to notify his or her supervisor of unsafe working conditions.
- (4) Violation of personnel policies and guidelines or departmental policies and guidelines.
- (5) Inattention to duty, carelessness, breakage or loss of public property or funds.
- (6) Incompetency or inefficiency in the performance of the duties of his or her position.
- (7) Insubordination or other breach of discipline.
- (8) Discourteous or disruptive conduct or other offensive behavior in public, to the public or to employees and officers of the County.
- (9) Abuse of leave, excessive absenteeism or tardiness.
- (10) Temporarily leaving the workplace without the approval of his or her supervisor.

- (11) Failure to give proper notice of absence.
- (12) Sleeping on the job.
- (13) Use of alcohol or drugs, off the job, to the extent that the employee's job performance or effectiveness as a County employee is impaired.
- (14) Inducing or attempting to induce any officer or employee of the County to commit an unlawful act or to act in violation of any lawful or official order or regulation.
- (15) Unauthorized possession of firearms or other weapons on the job.
- (16) Conviction of a felony or conviction of driving under the influence while operating a County vehicle.
- (17) Willful or continued violation of County or departmental safety policies and procedures or willful or negligent creation of unsafe conditions in the workplace.
- (18) Willful or continued violation of personnel policies and guidelines or departmental guidelines.
- (19) Negligent or willful damage to public property or waste of public supplies or equipment.
- (20) Taking or using any funds or property of the County for personal use or for sale or gift to others or the making of any false claim against the County.
- (21) Gross incompetency, neglect of duty or willful or continued failure to render satisfactory service.
- (22) Refusal to abide by any lawful official regulation or order, failure to obey any proper direction made by a supervisor or department head or knowingly making a false statement to any employee or officer of the County.
- (23) Claiming leave time under false pretenses or falsifying attendance records for oneself or another employee.
- (24) Absence without leave.

- (25) Possession or use of controlled substances, alcohol or drugs, except where prescribed by a physician, or except where the substance can be purchased over-the-counter, after being afforded the opportunity to seek professional attention, or use of alcohol or drugs, except where prescribed by a physician, while on duty. Sale of or offering for sale or giving away alcohol or prescribed drugs while on duty or at the workplace.
- (26) Sexual harassment.
- (27) Disclosing confidential records or information unless directed to do so by his or her department head or supervisor.
- (28) Revocation or suspension of a certification or license, including a driver's license, when such is required as a condition of County employment.
- (29) Material falsification of application for County employment or making a false statement or report in regard to any test, certification or appointment or any attempt to commit any fraud that violates the merit principles of personnel administration.
- (30) Giving or attempting to give any monetary consideration or the delivery of undeserved service to or from any person or organization for, or in connection with, any test or appointment.
- (31) Taking or offering to take from any person for the employee's personal use, any fee, gift or other thing or service of value, in the course of his or her work or in connection with it, when such gift or other valuable thing or service is given in the hope or expectation of receiving a favor or better treatment than that accorded any other person; accepting a bribe, gift, money or other thing of service or value intended to perform or refrain from performing any official act; engaging in any act of extortion or other means of obtaining money or other things or service or value through his or her position in the service of the County.
- (32) Discharge of duties in a manner which results in discrimination to any person on the basis of race, creed, color, sex, age, physical or mental disability or national origin.

In the case of acts of violence or other flagrant misconduct, serious safety violations, or criminal offense, any employee may be

suspended immediately, with or without pay, pending an investigation and review of the matter.

36. SEXUAL HARASSMENT (Effective February 17, 1998)

Sexual harassment is against the law and will not be tolerated by Gray County. Any employees of Gray County who engage in sexual harassment will be subject to disciplinary action that will range from counseling to termination of employment on the severity of the misconduct.

A. Definition. Sexual harassment in the workplace is defined as a continuing pattern of unwelcome sexual overtures, requests for sexual favors or other conduct of a sexual nature when:

- 1) You must submit to such conduct to keep your job
- 2) Your submission to or rejection of such conduct is used as a basis for employment, evaluation, pay, job assignment or promotion decisions about you
- 3) Such conduct has the purpose or effect of substantially interfering with your work performance, or is offensive or objectionable to you, causes you discomfort, or creates a hostile atmosphere for you.

This type of conduct may be considered sexual harassment whether it is initiated by an Elected Official, Supervisor, co-worker or third party with whom you interact in the course of business.

The conduct of a sexual nature may include, but not be limited to:

- 1) touching, propositions, advances
- 2) abusive, vulgar language of a sexual nature
- 3) suggestive jokes or sexually oriented 'kidding'
- 4) comments about an employee's body or wearing apparel
- 5) display or sexually suggestive cartoons, pictures, or photographs

6) physical contact such as patting, pinching, or purposely rubbing against another person's body.

B. Procedure. If you believe you are being sexually harassed by another employee, Elected Official, Supervisor or third party, you may take any or all of the following actions:

- 1) Respond immediately; do not ignore the problem.
- 2) Speak to the offender about his or her behavior. State firmly that you do not like it and will not tolerate it.

Any such incident should be promptly reported to your supervisor, the County Clerk and/or County Attorney.

You should be prepared to provide the following information:

- 1) your name, department and title;
- 2) the name of the person or persons committing the sexual harassment;
- 3) the specific nature of the sexual harassment, how long it has gone on, and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against you as a result of the harassment; or any other threats made against you as a result of the harassment;
- 4) witness(es) to the harassment, if any; and
- 5) whether such harassment has been previously reported and, if so, when and to whom.

C. Reporting and Investigating. *The County Clerk* is the person designated as the Equal Employment Opportunity Officer by Gray County. The County Clerk or her designee is to be the investigator of complaints of sexual harassment.

D. Employee Obligations. You are obliged to report instances of sexual harassment. Sexual harassment exposes Gray County to liability and negatively impacts your well-being.

You are obligated to cooperate in every investigation of sexual harassment, including coming forward with evidence, both favorable or unfavorable, to a person accused of sexual harassment, fully and

truthfully making a written report or verbally answering questions when required to do so by an investigator during the course of an investigation of sexual harassment.

Gray County will not tolerate retaliatory behavior against complainant by an employee. Disciplinary action will be taken against any employee who takes retaliatory action against a complainant.

- E. How to Avoid. What is acceptable behavior to some people is not always acceptable to others. Whether or not harassment is intentional, you may find yourself accused of harassment if you behave in any of the ways described in the above definition of sexual harassment.

BE AWARE OF HOW PEOPLE RESPOND TO WHAT YOU DO AND SAY. If an individual objects to your behavior toward him or her, listen to that person and heed the objections. Sexual harassment is a violation of Federal law and is totally unacceptable by Gray County.

36.5 OTHER UNLAWFUL HARASSMENT (Effective September 15, 2000)

Gray County is committed to providing a work environment that is free of discrimination and unlawful harassment. Actions, words, jokes, or comments based on an individual's sex, race, ethnicity, age, religion, or any other legally protected characteristic will not be tolerated. As an example, sexual harassment (both overt and subtle) is a form of employee misconduct that is demeaning to another person, undermines the integrity of the employment relationship, and is strictly prohibited.

Any employee who wants to report an incident of unlawful harassment should promptly report the matter to her or her supervisor. If the supervisor is unavailable or the employee believes it would be inappropriate to contact that person, the employee should immediately contact the County Clerk or another department head. Employees can raise concerns and make reports without fear of reprisal.

Any officer or department head who becomes aware of possible unlawful harassment should promptly advise the harasser's supervisor who will handle the matter in a timely and confidential manner.

Anyone engaging in unlawful harassment will be subject to disciplinary action, up to and including termination of employment.

37. SUBSTANCE ABUSE POLICY (Effective February 17, 1998)

The use, possession, sale, transfer, purchase, or being under the influence of illegal drugs or illegal intoxicants or controlled substances by employees at any time on County premises, in County vehicles, or while on County business is prohibited and will be grounds for disciplinary action, up to and including immediate discharge. Employees must not be on County business or on County property or operating County vehicles or equipment while under the influence of any alcoholic beverage, marijuana, or illegally obtained drugs, narcotics or other controlled substances.

The forgoing policy does not apply to deputies and other members of the Sheriff's Department who are performing job-related duties which may require the possession or processing of drugs, narcotics or other controlled substances.

Employee who are required to hold CDL's and who occupy safety-sensitive positions are covered by the Gray County Drug and Alcohol Policy for such employees, a copy of which appears with the Handbook as Appendix A.

38. SOLICITATIONS (Effective February 17, 1998)

Gray County time is, of course, to be used only for Gray County business. Therefore, there shall be no solicitations nor distribution of literature during your working time, and no distribution of literature in work areas or in a manner which causes litter. An employee who is not on working time may not distribute literature to or solicit an employee who is on working time. There are to be no solicitations or distribution of literature for any purpose on Gray County property by non-employees.

39. CHANGES IN WAGES, BENEFITS AND POLICIES (Effective February 17, 1998)

The Gray County Commissioners periodically review employee wages and the benefits, rules and policies set forth in this Handbook and these may be changed by the Gray County Commissioners from time to time.

40. CONFIDENTIAL INFORMATION (Effective February 17, 1998)

Some of the material and information handled throughout a normal work day is considered confidential. Information that is not available to the public should be held in confidence. Anyone responsible for distribution of

this type of information to unauthorized sources may be terminated immediately.

41. PERSONAL MAIL AND ELECTRONIC MESSAGES (Effective February 17, 1998)

Personal mail shall not be run through the postage meter at the County's expense. Your personal mail should be addressed to your home and any personal mail received at work will be opened along with other mail received. The County reserves the right to monitor any and all electronic and telephonic messages transmitted in, to and from the workplace.

Personal use of County owned computers and fax system is prohibited unless authorized by the department head and at the employee's expense. Such use without prior approval will result in disciplinary action.

Any County computerized e-mail system is to be used for county business purposes only. It should not be used to send messages of a personal nature. Individuals should refrain from using vulgarities, obscenities, sarcasm, or exaggeration in e-mail messages. The use of foul or abusive language is grounds for disciplinary action or dismissal. E-mail messages should be transmitted only to those individuals who have a business need to receive them.

Distribution lists should be constructed and used carefully. E-mail distribution lists should be kept current and updated regularly to reflect changes in responsibility or employment status. All employees waive any right to privacy in e-mail messages and consent to the access and disclosure of e-mail messages by authorized employees. Gray County reserves the right to access and disclose the contents of e-mail messages for any purpose.

Personal business shall be conducted on personal time, outside the office. Employees are prohibited from "locking" or "password protecting" any document on the County's computer network or computers without prior authorization by the Board of County Commissioners. The County reserves the right to access and disclose and/or delete any documents it deems necessary and employees waive any right to privacy in documents contained on the County's computer network or computers and consent to the access and disclosure of such documents by authorized employees.

42. ZERO TOLERANCE WORKPLACE VIOLENCE POLICY (Effective February 17, 1998)

Threats of violence, threatening behavior, or acts of violence against employees or other individuals on county premises are prohibited. Gray County has a zero tolerance policy for such conduct. It will not be tolerated and it is the duty of an employee to report such conduct.

Any person who makes threats of violence, displays threatening behavior, or engages in violent acts on county property, will be removed from the area as soon as safety allows, and shall remain prohibited from entering on county premises until an investigation of the conduct in question has been completed.

Should the investigation establish a violation of this policy, the county will take action, up to and including termination of any business relationship, suspension or termination of employment. Action may also involve criminal prosecution.

County employees should bring any threats of violence, displays of threatening behavior or other violent act to the attention of the county through their supervisors and/or department head. All County employees and representatives are expected to comply with this policy. Failure to do so can result in disciplinary action.

43. FAMILY AND MEDICAL LEAVE ACT POLICY (Effective February 17, 1998, Amended March 14, 2008, Amended June 15, 2009)

1. PURPOSE

To define Gray County's policy and procedure with regard to family and medical leave.

2. GENERAL

- a. Employees who have been employed by Gray County for a least one (1) year, and worked at least 1,250 hours during the preceding 12-month period, and work at a location where at least 50 employees are employed by Gray County within 75 miles are eligible for family and medical leave.
- b. For employees who are not eligible for family and medical leave Gray County will review business considerations and the individual circumstances involved.

3. BASIC LEAVE ENTITLEMENTS

- a. The FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:
 1. For incapacity due to pregnancy, prenatal medical care, or child birth;
 2. To care for the employee's child after birth, or placement for adoption or foster care;
 3. To care for a spouse, son or daughter, or parent who has a serious health condition; or
 4. For a serious health condition that makes the employee unable to perform the employee's job.
 5. A qualifying exigency which occurs while the employee's spouse, child, or parent is a member of a Reserve component or a retired member of the Regular Armed Forces or Reserves and is on active duty or on a Federal call to active duty.
- b. The entitlement to leave for the birth or placement of a child for adoption or foster care will expire twelve (12) months from the date of the birth or placement. If two employees are married, they are entitled to a collective total of 12 weeks of leave for the birth or placement of a child, rather than 12 weeks each.

4. MILITARY CAREGIVER LEAVE

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. Qualifying exigencies to manage the servicemembers' affairs are described on the DOL form Certification of Qualifying Exigency for Military Family Leave.

An eligible employee who is the spouse, son or daughter, parent, or next of kin of a covered servicemember are permitted to that up to 26 weeks of unpaid, job-protected leave to care for a covered servicemember. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty, as determined by the U.S. Department of Defense, that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status, or is on the temporary disability retired list. The 26 weeks may only be taken during the single 12-month period following the beginning of

leave. An employee is not entitled to any more than 26 weeks of FMLA leave during any 12-month period, including leave taken for any reason.

5. DEFINITION OF SERIOUS HEALTH CONDITION

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continued treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with a least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

6. USE OF LEAVE

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt Gray County's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

7. SUBSTITUTION OF PAID LEAVE FOR UNPAID LEAVE

Employees may choose, but are not required, to use accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with Gray County's normal paid leave policies. If an employee does not comply with the requirements for taking paid leave, the employee is not entitled to substitute accrued paid leave. The employee remains entitled to take unpaid FMLA leave. The paid leave will run concurrently with the FMLA leave. Once all accrued paid leave has been used, any remaining FMLA leave will be unpaid. The entire leave period (both paid and unpaid) will be counted towards the employee's FMLA entitlement.

8. APPLICATION FOR LEAVE

- a. To request leave for the birth or placement of a child, to care for a family member with a serious health condition, or for the employee's own serious health condition, an employee must complete the attached "Application for Family and Medical Leave" and return it to the Gray County Clerk. The completed application must state the reason for the leave, the duration of the leave, and the starting and ending dates of the leave.
- b. To request leave for a qualifying exigency, an employee must complete the form Certification of Qualifying Exigency for Military Family Leave and return it to the Gray County Clerk.
- c. To request leave to care for a covered servicemember, an employee must provide the Gray County Clerk office with a completed DOL Form Certification of Serious Injury or Illness of Covered Servicemember for Military Family Leave.
- d. In all instances when certification is requested, it is the employee's responsibility to provide Gray County with complete and sufficient certification. Failure to do so may result in delay or denial of FMLA leave.

9. NOTICE OF LEAVE

- a. Employees must provide 30 days advance notice of the need for FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with Gray County's normal call-in procedures.
- b. An employee intending to take family or medical leave because of an expected birth or placement, or because of a planned medical treatment, must submit an application for leave at least thirty (30) days before the leave is to begin. If leave is to begin within thirty (30) days, an employee must give notice to his or her immediate supervisor and to the Gray County Clerk as soon as the necessity for the leave arises.
- c. Employees must provide sufficient information for Gray County to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave.

Employees must also inform Gray County if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certified and periodic recertification supporting the need for leave.

10. EMPLOYER RESPONSIBILITIES

Gray County must inform employees requesting leave whether they are eligible under the FMLA. If they are eligible, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, Gray County must provide a reason for the ineligibility.

Gray County must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If Gray County determines that the leave is not FMLA-protected, Gray County must notify the employee.

11. BENEFITS COVERAGE DURING LEAVE

- a. During a period of family or medical leave, an employee will be retained on the Gray County health plan on the same terms as if the employee had continued to work. To continue health coverage, the employee must continue to make any contributions that he or she made to the plan before taking leave. Failure of the employee to pay his or her share of the health insurance premium may result in loss of coverage.
- b. If the employee fails to return to work after the expiration of the leave, the employee will be required to reimburse Gray County for payment of health insurance premiums during the family leave, unless the reason the employee fails to return to work is due to the continuation, recurrence, or onset of a serious health condition that would entitle the employee to FMLA leave; the continuation, recurrence, or onset of a covered servicemember's serious injury or illness that would entitle the employee to FMLA leave; or other circumstances beyond the employee's control.
- c. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave. However, an employee is not entitled to the accrual of any additional seniority or employment benefits during the period of time the employee is on unpaid leave.

12. RESTORATION TO EMPLOYMENT

- a. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
- b. However, if an employee would not otherwise have been employed at the time reinstatement is requested, such as because of a layoff, the County is not obligated to reinstate the employee.

- c. Gray County may deny job restoration to a “key employee” if necessary to prevent substantial and grievous economic injury to Gray County’s operations.

13. RETURN FROM LEAVE

An employee must complete a “Notice of Intention to Return From Family or Medical Leave” before he or she can be returned to active status. If an employee wishes to return to work prior to the expiration of a family or medical leave of absence, notification must be given to the Gray County Clerk at least five (5) working days prior to the employee’s planned return.

14. FAILURE TO RETURN FROM LEAVE

The failure of an employee to return to work upon the expiration of a family or medical leave of absence will subject the employee to immediate termination unless an extension is granted. An employee who requests an extension of family leave or medical leave due to the continuation, recurrence or onset of his or her own serious health condition, or of the serious health condition of the employee’s spouse, child or parent, must submit a request for an extension, in writing, to the employee’s immediate supervisor. This written request should be made as soon as the employee realizes that he or she will not be able to return at the expiration of the leave period.

15. UNLAWFUL ACTS AND ENFORCEMENT

The FMLA makes it unlawful for any employer to: interfere with, restrain, or deny the exercise of any right provided under the FMLA; or discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to FMLA. An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. The FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

44. OUTSIDE EMPLOYEMENT (Effective February 17, 1998)

Outside employment constitutes a County employee holding a second job with another employer. Outside employment by a full-time employee is permitted only when such outside employment:

- is considered secondary to service with the County;

- does not interfere with the performance of duties for the County;
- does not conflict with the employee's working hours; and
- no legal, financial or ethical conflict of interest results from such dual employment.

An employee must obtain approval in writing from his or her department head prior to accepting outside employment or any change in the nature of such outside employment. A request to perform continuous outside employment must be renewed annually by the outside employee and re-authorized by the department head who can rescind the approval for outside employment at any time. The decision to approve or rescind is subject to review by the Board of County Commissioners.

45. USE OF COUNTY OWNED VEHICLES (Effective September 15, 2000, Amended September 30, 2005)

Purpose

The operation of County vehicles is necessary in conducting the day-to-day business of the County. This use of County vehicles represents one of the greatest liabilities facing the County. Recognizing this, it is imperative that the County takes reasonable steps to control the use of County and privately owned vehicles used while performing County business. This policy sets forth the guidelines and policies governing the operation of vehicles used in the performance of County business. Department heads are responsible for implementation and enforcement of this policy for all vehicles and drivers assigned to their department.

Scope

This policy applies to all County owned vehicles operated on public or private roads or conveyances and includes specialty use vehicles such as construction and excavation equipment designed to operate primarily off road, but driven on public roads to a job site. Where appropriate, this policy applies to the operation of privately owned vehicles used while performing County duties.

General Guidelines

1. Except as outlined in 2 below, only County employees are authorized to operate County vehicles. Persons volunteering services to the County are considered employees of the County for purposes of this policy, and may

operate County vehicles when their duties require travel, as long as such travel is under the approval and direction of the department head and necessary **in the course of performing County business.**

2. Employees of other public entities may operate County vehicles under the specific approval of the department as long as such operation **is essential in, or in the interests of, conducting County business and an emergency.** Departments granting permission for non-County employees to operate County vehicles are responsible for insuring that the driver may properly licensed, trained and qualified to operate the vehicle.
3. Intentional abuse, moving violations, reckless operation, or negligent actions while operating any County vehicle may result in the suspension of the employee's driving privileges and may be grounds for further disciplinary action.
4. Employees shall obey all applicable laws while operating County vehicles and any time personal vehicles are used on County business.
5. County vehicles are to be used only for County business and except for authorized breaks and lunch periods, shall not be used by employees for their exclusive private benefit, or gain of that office, employee, or another.
6. Only persons being transported in connection with County business shall be passengers in any County vehicle. This rule does not apply to the transportation of passengers as it may apply to a County run bus operation. Any other passengers are prohibited from riding in a county vehicle unless they have signed an approved waiver and release of liability.
7. When cargo, material or tools are being transported, the driver is responsible for assuring that all items are properly secured to prevent them from shifting or falling from the vehicle or trailer.
8. No person shall be allowed to ride anywhere on the vehicle which is not designed or approved by the vehicle manufacturer for passenger seating.
9. The driver shall not operate any vehicle when normal vision is obstructed for any reason.
10. A qualified operator must be at the vehicle's controls any time it is running, unless otherwise approved by the vehicle manufacturer. No vehicle shall be left unattended without first stopping the motor, locking the ignition, removing the key, setting the parking brake and locking the doors or otherwise securing the vehicle to prevent theft, vandalism, and

unintentional movement. This provision does not apply to law enforcement, emergency, fire, or other like vehicles.

11. The County shall not be responsible for personal property in County owned vehicles or personal vehicles used on County business.
12. The driver of a personal vehicle used for County business shall be responsible for maintaining appropriate limits of insurance for their vehicle. The County is not responsible for damages to, or caused by, a privately owned vehicle being used on County business.

Pre-Operation Inspection

1. An employee who operates a County vehicle should be mindful of the need for the proper care and operation of that vehicle. Before operating, the driver needs to periodically check the vehicle for any damage to the body or the interior that may have occurred since the last operation.
2. Fluid levels including brake, transmission, engine oil and coolant shall be checked during reasonable scheduled intervals or each time the vehicle is serviced.
3. Any defects, which will affect safe vehicle operation of the vehicle, will be promptly reported to the driver's supervisor. No employee shall operate a County owned vehicle in an unsafe condition. Any vehicle damage, which is beyond normal wear and tear, must be reported to the driver's supervisor.

Operator's License

1. A valid Kansas vehicle operator's license must be in the employee's possession at all times while operating a County owned vehicle. In the case of commercially rated vehicles, the proper commercial driver's license for the vehicle's weight and class must be valid and in the possession of the driver at all times.
2. Any employee, who operates a vehicle in the performance of County duties, and whose operator's license is suspended or revoked, shall immediately report this fact to their department head.

Take Home Vehicles

1. The decision regarding the assignment of County vehicles to employees as vehicles allowed to be driven to and from work shall be left to the discretion of the department head, and is subject to review by the County

Commissioners. Examples of situations warranting a County vehicle to be taken home include the following:

- Department Heads or Managerial employees whose personal use of the County vehicle is consistent with the requirements or duties of the position.
 - Employees who are subject to 24 hour call out or who have job responsibilities requiring highly irregular work hours.
 - Duty vehicles designed or equipped for high priority response where response time will be enhanced by allowing the vehicle to remain in custody of individual employees. Employees assigned to duty vehicles that are taken home must be available to respond upon request on a 24-hour basis any time the employee has custody of the vehicle.
 - Employees whose assigned work schedule is close to their personal residence.
 - The Sheriff, Public Works Administrator, EMS Director, Emergency Preparedness Director, Zoning Administrator, and Public Health Nurse in Charge of Bio-terrorism, shall be required to have immediate access, and use, of his/her assigned vehicle at all times. And because of their need to respond to emergencies, and other times of need, they shall be allowed personal use of their assigned vehicles, inside the County, and outside the County within seventy (70) miles of the Gray County boundary lines.
 - The Sheriff may adopt a policy for his Department taking into account the assigned duties of his personnel and other duties of other Departments, or subsidies, e.g. fire, emergency, medical, early responders, and like areas of need.
2. County vehicles taken home overnight shall be locked and secured in the responsible employee's driveway or other designated parking space which is in close proximity to the employee's residence.

Out of Town Travel and Meeting Attendance

1. With department head approval, an employee may take a County vehicle home prior to leaving for an out of town trip or attending a late evening or early morning meeting which would require a return to the work place after normal duty hours. The employee may use the County vehicle only for

travel necessary to accomplish County business, or in conjunction therewith.

Trailers and Towing

1. A driver whose vehicle is towing a trailer, dolly or other equipment shall assure that the trailer hitch is securely latched, adequate for the load being towed, properly installed on the towing vehicle, and that safety chains are securely latched.
2. The driver shall assure that the trailer or other towed equipment is supplied with proper lighting including brake lights, turn signals and running lights.
3. Any vehicle having a load that extends more than four feet beyond the rear shall have the end of the load marked with a red flag that shall be at least twelve inches square.
4. **All trailers and dump trucks that are carrying loose material such as gravel are required to have the top of the trailer/bed covered with a tarp to prevent material from escaping from the container during transport.**

Leased/Rented Vehicles

1. When it is necessary for an employee to rent a vehicle for County business, the employee's department shall purchase optional comprehensive/collision damage coverage through the renting agency at the time the vehicle is rented.
2. Long-term leases (more than 30 days) may be insured through KCAMP with proper notification.

Parked Vehicles

1. Other than emergency vehicles, all other vehicles left unattended shall be legally parked in a designated parking space. Vehicles responding to emergency situations or those parked on job sites shall be parked with due regard to safety and security considerations.
2. County vehicles not taken home shall be secured in a County parking lot during non-duty hours. When it is necessary to leave a vehicle at a job site overnight, the operator shall make sure that the vehicle is parked and secured in an area that provides reasonable security.

Accident Reporting Requirements

1. Any accident involving a County owned, leased, rented or privately owned vehicle used in the performance of County duties shall be reported as follows:
 - a. Summon medical care for any injured parties.
 - b. Notify appropriate law enforcement authorities.
 - c. Notify employee's immediate supervisor.
2. The supervisor shall immediately notify the County Clerk or the Insurance Coordinator, who will in-turn notify KCAMP.
3. The supervisor shall be responsible for obtaining a written statement from the involved employee(s), completing all required County reports and recommending any follow-up preventative actions.
4. When the County employee is determined to be more than 50% at fault in an accident by the County's liability insurance carrier, or has violated any of the provisions of this policy, the supervisor may administer discipline in accordance with other terms contained in the employee manual.

Personal Vehicles Used for County Business

1. The County's insurance provides limited coverage for employees while operating personally owned vehicles to conduct County business. This coverage is limited to protection against lawsuit brought against the County. The employee is responsible for maintaining the appropriate limits of liability insurance for their vehicle, which would be a minimum of \$500,000 CSL.
2. The County's insurance does not provide coverage for physical damage to an employee's privately owned vehicle. Employees who use their personal vehicles for County business should confirm that their personal auto insurance policy provides coverage for this use. Additionally, the County will not be responsible to the employee for the physical damage deductible that they have on their personal auto policy.

Use of Safety Restraints

1. All County vehicles are required to be equipped with seat belts and all occupants of County vehicles must properly wear seat belts any time that the vehicle is in motion, emergency and Sheriff's vehicles are excluded.

2. The operator of construction, excavation and other off road equipment shall use the occupant restraint system any time the vehicle is in operation.
3. Employees are prohibited from removing, deactivating, modifying or otherwise defeating any occupant restraint system installed by the manufacturer unless approved or instructed by the manufacturer.

Motor Vehicle Driving Record Review

1. At least annually, the Department Head may request a copy of the transcript of driving record from the Division of Driver’s Licensing for each employee whose position requires operation of a County vehicle.
2. An accumulation of moving violations of three or more per year, or a conviction of a serious misdemeanor driving offense, e.g. D.U.I., reckless driving, driving while suspended, etc., may be cause for disciplinary action up to and including probation, suspension of County driving privileges and/or termination.
3. Refusal to submit to a lawful roadside sobriety test shall, for the purposes of this policy, constitute a conviction for DUI.
4. An employee who is suspended from driving privileges under this policy, who is in a position that requires driving, may be assigned to a non-driving position at the supervisor’s discretion, at the new position’s rate of pay. The employee will be considered for the open position along with other applicants, and no preferential treatment will be given to the employee. If the employee is not offered a non-driving job within thirty days of his removal from the driving position, he shall be terminated. If the employee is offered and accepts a non-driving position within the thirty-day period, the employee's service record will remain unbroken.

Motor Vehicle Report Program

Conviction	Points
Minor Citation, not involving an accident	1
At-Fault accident	2
Major Conviction (past 3 years)	8
Major Conviction (4-5 years old)	6
IN ADDITION	
Two incidents within the last 18 months	2
OR	
Three incidents within last 18 months	3

Definitions

Minor Citation- Any moving citation you receive, unless it qualifies as a "Major Conviction" as defined below.

Major Conviction- Any conviction that involves:

1. DUI;
2. Homicide, manslaughter or assault arising out of the operation of a motor vehicle;
3. Reckless Driving;
4. Driving with a suspended or revoked license;
5. Possession of an open alcohol container;
6. Attempting to elude an officer of the law.

At-Fault Accident- Any accident where the county driver was determined to be more than 50% at-fault by the County's liability insurance carrier AND the total amount of all damages exceeds \$500.00.

Incident- Includes minor citation, major conviction and at-fault accident, as defined above.

46. COUNTY CREDIT CARD POLICY (Effective April 30, 2004, Amended May 15, 2009, Amended December 15, 2014)

County credit cards shall be used for county purchases only. County credit cards may be used for the following purchases:

1. Lodging
2. Meals (only for overnight stay)
3. Fuel for county vehicles
4. Supplies
5. Equipment

County credit cards may not be used for the following:

1. Personal purchases
2. To secure cash for returns or cash advances
3. alcohol
4. tobacco
5. gaming casino's
6. hospitality or entertainment

All receipts for purchases with county credit cards must be turned into the County Clerk's office. All receipts are to be itemized. Any purchase on a county credit card without proper documentation shall be the employee's responsibility to pay.

All county purchases are tax exempt. Employees should provide Sales Tax Exempt Certificates to every vender you purchase from.

A copy of this policy shall be supplied to each card holder every year.

47. Gray County Motorcycle Use Policy (Effective February 27, 2009)

It shall be the policy of Gray County that no employee of Gray County is authorized to drive a privately owned motorcycle on county business. Furthermore, use by an employee of a privately owned motorcycle on county business shall be subject to disciplinary action up to and including discharge.

48. Check and Balance Policy (Effective May 15, 2009)

Vouchers

1. All vouchers with receipts attached will be kept in the County Clerk's office. Each department may retain copies for their information.
2. All vouchers for mileage and reimbursement paid through payroll, will be approved by commissioners prior to being paid as net adjustments on direct deposits.
3. All vouchers with receipts attached will be checked by the County Clerk and Treasurer prior to disbursement of warrant checks.

Checking Accounts

1. All checking account statements or copies will be given to the County Treasurer.

49. Smoking Policy (Effective January 29, 2010)

To protect and enhance our indoor air quality and to contribute to the health and well-being of all employees, all Gray County facilities and vehicles shall be entirely smoke free effective January 29, 2010.

Smoking is prohibited in all of the enclosed areas within Gray County's worksites, without exception. This includes common work areas, conference and meeting rooms, private offices, hallways, break rooms, stairs, restrooms, employer owned or leased vehicles and all other enclosed facilities.

The only designated smoking area is outdoors. Additionally, employees may smoke in their personal vehicles.

No additional breaks are allowed to any employee who smokes.

50. PAYMENT OF TRAVEL AWAY FROM HOME (Effective August 31, 2017)

Travel that keeps an employee away from home overnight is travel away from home. Travel away from home is worktime when it cuts across the employee's workday. The employee is simply substituting travel for other duties. The time is hours worked on regular working days during normal working hours and on nonworking days during normal working hours. Thus, if an employee regularly works from 8 a.m. to 5 p.m. from Monday through Friday the travel time during these hours is worktime on Saturday and Sunday as well. Same goes for the other departments that have 10.5 & 12-hour shifts. Regular meal period time is not counted.

Commissioners do not want this abused. If travel is required during the weekend employees are required to leave as close to end of their shift time as possible. If the employee's destination is within 3 hours from home the employee is not permitted to leave until end of their shift time. If the employee's destination is further than 3 hours the minimum arrival time at their destination is 8:00 p.m. and an employee is not permitted to arrive before that time. Any travel outside of the normal working hours will not be paid. Employees are responsible for keeping track of this time.

EXAMPLES: Employee has a class in Topeka on Monday morning. Topeka is approximately 4.5 hours from Cimarron. The employee would need to leave on Sunday to be at training on Monday morning. The employee is not permitted to leave their home until 3:00 pm for travel to Topeka. This will result in approx. 2 hours of paid drive time.

Employee has a class in Hutchinson, Salina, or Wichita on Monday morning. These places are approx. 2.5-3 hours from Cimarron. The employee would leave on Sunday to be at the training on Monday morning. They employee is not permitted to leave until 5:00 pm or the end of their regular shift time. This will result in no paid drive time.

HAND BOOK RECEIPT AND ACKNOWLEDGEMENT

DO NOT SIGN YOUR NAME ON THIS RECEIPT UNTIL AND UNLESS YOU HAVE COMPLETELY READ AND ASKED ANY QUESTIONS YOU MAY HAVE CONCERNING IT.

I acknowledge that I have read and reviewed the contents of the Gray County Employee Handbook. I likewise acknowledge that if I had any questions, they have been satisfactorily answered by my supervisor.

I understand that I am an employee-at-will. Accordingly either Gray County or I may terminate our employment relationship at any time, either with or without cause, and also with or without advance notice.

I understand that neither these Employee Rules, Policies and Benefits nor any other written or oral statements by Gray County or its representatives are contracts of employment. No employee of Gray County except pursuant to authority granted by the County Commission, has any authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the foregoing, and no such agreement has been made.

I certify that I have read and understand the Sexual Harassment Policy, the Zero Tolerance Workplace Violence Policy, as well as any other policies related to substance and/or drug and alcohol abuse. I agree to abide by the terms of these policies contained herein and understand that I may be terminated for violating these policies.

Employee

Date