

RESOLUTION _____-2018

**A RESOLUTION OF THE SEDGWICK COUNTY BOARD OF COMMISSIONERS,
SITTING AS THE GOVERNING BODY OF SEDGWICK COUNTY FIRE DISTRICT
NUMBER ONE, AMENDING POLICIES OF THE SEDGWICK COUNTY PERSONNEL
POLICY AND PROCEDURES MANUAL**

WHEREAS, the Board of County Commissioners has prepared and published a manual of personnel policies and procedures to govern County and Fire District Number One employment entitled "Sedgwick County Personnel Policies and Procedures Manual";

WHEREAS, the Board of County Commissioners has determined the need to amend certain policies; and

WHEREAS, the Board of County Commissioners of Sedgwick County, sitting as the Governing Body of Fire District Number One, has the authority to establish personnel policies and procedures pursuant to K.S.A. 19-3601a.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, SITTING AS THE GOVERNING BODY OF FIRE DISTRICT NUMBER ONE, that:

SECTION 1. The attached amendments to the Sedgwick County Personnel Policy and Procedures Manual are hereby approved and effective immediately:

4.501 Progressive Discipline (Exhibit A)

4.504 Conflict of Interest and Consensual Relationships (Exhibit B)

4.608 Separation from Employment (Exhibit C – repealing and replacing 4.500 Termination)

Commissioners present and voting were:

DAVID M. UNRUH	_____
MICHAEL B. O'DONNELL, II	_____
DAVID T. DENNIS	_____
RICHARD RANZAU	_____
JAMES M. HOWELL	_____

Dated this _____ day of _____, 2018

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS
SITTING AS THE GOVERNING BODY
OF FIRE DISTRICT NUMBER ONE

ATTEST:

KELLY B. ARNOLD, County Clerk

DAVID T. DENNIS, Chairman
Commissioner, Third District

DAVID M. UNRUH, Chair Pro Tem
Commissioner, First District

APPROVED AS TO FORM:



KAREN L. POWELL
Deputy County Counselor

MICHAEL B. O'DONNELL, II
Commissioner, Second District

RICHARD RANZAU
Commissioner, Fourth District

JAMES M. HOWELL
Commissioner, Fifth District

 <p><i>Sedgwick County...</i> <i>working for you</i></p>	Progressive Discipline
Last Revision Date:	Policy No. 4.501
Last Enabling Resolution:	Developer/Reviewer: Deputy County Manager

1. Purpose

Sedgwick County is committed to being an effective government organization. This progressive discipline policy is designed to provide a structured corrective action process and to prevent recurrence of performance issues. The steps provide supervisors a continuum of tools they can use ranging from “on the spot” corrections, written counseling, written reprimand, unpaid suspension, demotion, to termination if an employee’s misconduct is not correctable. This system is a fair and consistent process providing supervisors a course to assist employees who want to succeed at their jobs while providing a method for terminating employees who are not properly serving the public. It also allows employees the ability to appeal decisions to the next higher authority if they feel they have been given unfair treatment via Policy 4.502 – Grievance.

Most disciplinary measures should tie to the employee’s expected performance via the organization’s Performance Management Evaluation (PME) process. Under the PME each employee has clear expectations and checklists. However, not every aspect of an employee’s performance and/or behavior is captured in their PME, and as such is also subject to disciplinary review and action. In all cases of progressive discipline fair and impartial administrative investigations should take place with proper documentation of events and circumstances leading up to the action taken.

2. Scope

This policy applies to all Sedgwick County employees. The Sheriff’s Office is excluded from this policy and has in-house documents and civil service regulations which address this topic.

3. Policy Statement

This policy does not in any way constitute an employment contract. Sedgwick County reserves the right to amend this policy at any time subject only to approval by the Board of County Commissioners. Outlined below are the steps of Sedgwick County’s progressive discipline policy and procedures. Sedgwick County reserves the right to combine or skip steps depending on the

facts of each situation and the nature of the offense. Departments and Divisions within the Sedgwick County government structure are expected to resolve disciplinary matters within their purview except situations involving **EEO violations including sexual harassment, workplace violence, or incidents of alleged retaliation** – which will be referred to the Human Resources Division for investigation.

4. Definitions

- A. **Review Period** – The period of time during which an employee is expected to have a record free of the policy violation just committed. The review periods shall be computed from the date each offense was committed. Each Department or Division will be responsible for setting grid level infractions and review timeframes.
- B. **Disciplinary Grid** – An established matrix maintained within a County Division or Department outlining what level of discipline is assigned to a certain action.
- C. **Personnel File** – Official Sedgwick County personnel file stored electronically in OnBase as a permanent file. Items cannot be purged from the file without the approval of the County Manager.
- D. **Supervisor File** – The file in which supervisors store performance and disciplinary documents that assist the supervisor in properly evaluating an employee annually. This file is viewed as a temporary file and should be purged on an annual basis after evaluations are completed.

5. Procedures

Departments shall follow the recommended progressive step process below whenever possible.

A. On the Spot Corrections

Spot corrections are part of the coaching and mentoring strategy employed in the Sedgwick County organization. Any supervisor can issue these types of adjustments. These corrections are verbal but may be noted in the employee file kept by the supervisor.

B. Written Counseling

In the event “on the spot” corrections do not work, or the offense is of a more serious nature, written counseling creates an opportunity for the immediate supervisor to bring attention to the existing performance, conduct, behavior, or attendance issue. Authority to issue written counseling letters rest with the employee’s immediate supervisor who is expected to clearly describe expectations and steps the employee must take to improve the performance or resolve the problem during this process. It is important for the supervisor to connect the written counseling directly to the employee expectations listed in their Performance Management Evaluation (PME) checklist, if applicable.

The timeframe for improvement and a review period will be listed along with a warning outlining the employee may be subject to additional discipline (up to and including termination) if immediate and sustained corrective action is not taken. The employee will be asked to sign this document and will receive the original letter of written counseling

while a copy of the form will be saved in the employee's Supervisor File maintained by the supervisor. A copy is not forwarded to the Human Resources Division. **Form 4.501A** shall be used as the template for written counseling. The level of authority for final approval is the immediate supervisor.

C. **Written Reprimand**

The written reprimand involves more formal documentation of the performance, conduct, behavior, or attendance issues and consequences. A written reprimand shall be authorized by a Division Manager or Elected/Appointed Official who oversees the employee.

The immediate supervisor and a Division Manager will meet with the employee to review any additional incidents or information about the performance, conduct, behavior, or attendance issues as well as any prior relevant corrective action plan. The supervisor should connect the written reprimand directly to the employee expectations listed in their Performance Management Evaluation (PME), if applicable.

Management will outline the consequences for the employee of his or her continued failure to meet performance or conduct expectations. The employee may be subject to additional discipline (up to and including termination) if immediate and sustained corrective action is not taken. The employee will be asked to sign the document and will receive the original letter of written reprimand while a copy of the form will be saved in the employee's supervisor file maintained by the supervisor. Additionally, a copy of the written reprimand will be forwarded to the employee's personnel file in the Human Resources Division. **Form 4.501B** shall be used as the template for the written reprimand. The level of authority for final approval is the Division Manager or Elected/Appointed Official.

D. **Relief of Duty with Pay**

A Division Head, in his/her discretion, may relieve an employee of his/her duties while maintaining the employee's paid status for a reasonable period if such employee is the subject of an administrative investigation concerning alleged violations of County policy. Such action shall not be construed to be a suspension, demotion, or termination. Prior to relieving an employee of duty with pay, notice of the proposed action shall be given to the employee's Assistant County Manager (ACM), Deputy County Manager (DCM) or Elected/Appointed Official with immediate notification going to the Human Resources Division, the County Counselor's Office, the DCM, and the County Manager. An employee's County ID badge, keys, electronic access, and other County property should be removed while an employee is on suspension with pay. **Form 4.501C** shall be used as the template for relieving an employee from duty and should be administered before the employee leaves the premise. The employee should receive the original copy of the form to take with them. The level of authority for final approval is the ACM, DCM, or Elected/Appointed Official.

E. **Unpaid Suspension or Final Written Reprimand**

Unpaid suspension or what is considered a "final" written reprimand represents a final step in the disciplinary progression before employee termination. Unpaid suspension (maximum five (5) work days) or a final written reprimand can only be authorized by the County Manager or the Elected/Appointed Official who oversees the employee.

1. Discipline of this sort is the result of a serious infraction of county policy, a repetitive and chronic violation of lesser rules, or continued failure of PME goals and checklist items.
2. Employees may not substitute or use any accrued paid vacation or sick leave in lieu of the unpaid suspension.

In matters of unpaid suspension or final reprimand, it shall be made clear the employee will be subject to termination if immediate and sustained improvement does not occur. The employee will be asked to sign the unpaid suspension or final written reprimand document and will receive the original document while a copy of the form will be saved in the employee's supervisor file. Additionally, a copy of this document will be forwarded to the employee's personnel file in the Human Resources Division. **Form 4.501D** shall be used as the template for unpaid suspensions or final written reprimands. An employee's County ID badge, keys, electronic access, and other County property should be removed while an employee is on suspension without pay. The level of authority for final approval is the County Manager or Elected/Appointed Official.

F. Demotion

In lieu of, or in addition to, unpaid suspension or final written reprimand, an employee may be demoted in job classification. In this instance, the employee will be notified via a written document specifying their new job assignment along with whatever review period their supervisory chain of command has set forth.

Demotions may only be approved by the County Manager after review by the Human Resource Director, a member of the County Legal Department, and the DCM. In instances involving employees of Elected/Appointed Officials, the Official in charge of the office is the authorizing agent after review by the Human Resources Director and a member of the County Legal Department.

G. Termination

Employee termination occurs for a serious breach of County policy or repetitive and chronic violations of lesser offenses. If a decision is made to proceed with termination, the Division Head will consult with the Human Resources Director, a member of the County Legal Office, and their Department Head. If the decision is to proceed with termination, the Division or Department Head will fill out **Form 4.501T** and deliver it to the employee. At this time, an employee will be placed on relief of duty with pay and offered a Final Review Meeting within three (3) business days of the start of the relief of duty leave.

The employee may refuse the Final Review Meeting. If the employee requests this hearing, it will be convened by the ACM or DCM. In matters involving employees of Elected/Appointed Officials, the Official in charge of the office will convene the Final Review Meeting. Present at the Final Review Meeting will be:

1. Employee;
2. Employee's immediate supervisor;
3. Employee's Division Director;
4. Employee's Assistant County Manager, Deputy County Manager, or Elected/Appointed Official; and
5. The Human Resources Director.

The employee may bring a non-legal representative to a Final Review Meeting for advice but that representative may not speak on the employee's behalf. The assigned ACM, DCM, or Elected/Appointed Official will act as the Final Review Officer. During the Final Review Meeting, the supervisor will present information regarding the termination request. The employee will have the opportunity to dispute information or provide challenging information as to why the termination should not be upheld.

The purpose of this process is to provide insight into extenuating circumstances that may have contributed to the employee's performance or conduct issues while allowing for an equitable solution. The employee will be notified by the Final Review Officer regarding the termination decision, and the Hiring Authority will complete a Personnel Action Form utilizing the date of the Final Review Officer's decision for processing the termination, if the decision is upheld.

If termination is the final decision, please refer to Policy 4.608 – Separation from Employment, for processing instructions including processing of **Form PS-1369 or PS-1369-E**. The level of authority for final approval of any termination is the County Manager or Elected/Appointed Official.

H. Criminal Offenses Committed by Employees

Sedgwick County employees are expected to abide by all municipal, county, state, and federal laws. In the event an employee is arrested or charged for any criminal offense, they must immediately notify their supervisor. Failure to do so may result in termination. After the employee report, the following protocol should be adhered to unless modified by the County Manager or the Elected/Appointed Official in charge of the employee:

1. **Misdemeanor crime arrest/charge** – employee continues working unless such arrest directly affects the employee's ability to properly perform their duty.
2. **Misdemeanor crime conviction** – employee continues working unless such conviction directly affects the employee's ability to properly perform their duty. The employee may be subject to administrative discipline up to termination.
3. **Felony crime arrest** – employee may be suspended from duty, with or without pay depending on circumstance.

4. **Felony crime charge** – employee may be suspended without pay.
5. **Felony crime conviction** – employee terminated from County employment.
6. Upon acquittal the employee may be reinstated.

 <p><i>Sedgwick County...</i> <i>working for you</i></p>	<p>Conflict of Interest & Consensual Relationships</p>
<p>Last Revision Date:</p>	<p>Policy No. 4.504</p>
<p>Last Enabling Resolution:</p>	<p>Developer/Reviewer: Human Resources Director</p>

1. Purpose

To caution supervisors and employees from entering into, or becoming involved in, consensual “romantic” or sexual relationships with one another in the workplace, as such relationships can create a conflict of interest and give rise to sexual harassment claims. Mechanisms to resolve conflicts of interests are addressed.

2. Scope

This Policy applies to all Sedgwick County employees.

3. Policy Statement

Sedgwick County wants to ensure a workplace where employees work in a respectful, safe and inclusive environment. As many employees develop friendships with co-workers, there are times when consensual “romantic” or sexual relationships may develop in the workplace. There are certain situations when this is not acceptable, such as in the case of a supervisor/subordinate reporting relationship. This policy outlines limitations and guidelines on consensual “romantic” or sexual relationships in the workplace.

4. Definitions

- A. **Consensual Relationship** - Amorous, romantic, and/or sexual relationships.
- B. **Conflict of Interest** - Any activity or association (relationship) that creates or appears to create a conflict between the employee’s personal interests and the business interests of Sedgwick County. An example is when one of the participants is in a position to recommend or decide any matter which may affect benefits, evaluations, compensation, any term or condition of employment of the other participant.
- C. **Transfer** - Movement of an employee from one position in a County department to another position. The movement may be within the same department or another department in the County structure.
- D. **Sexual Harassment** - Employment opportunities or benefits which are denied or granted because of an individual’s submission to a consensual “romantic” or sexual relationship. See Policy 4.506 – Discrimination and Harassment for reporting and procedural information.

5. Procedures

- A. Employees working in the same Division and dating may continue to work in the same division only as long as one employee does not supervise or receive supervision from the other or the relationship does not create a potential conflict of interest.
- B. In cases where employees are dating, and either one employee supervises the other, one can impact the terms and conditions of the other party's employment or there could exist a conflict of interest, the employees must report the relationship to their immediate supervisor or the appropriate authority in their chain of command within thirty (30) days. Failure to report consensual relationships or resolve such a conflict of interest may result in disciplinary action.
- C. At a minimum, the employee/supervisor must immediately cease to work together on the same matters, including matters pending at the time the disclosure is made. The supervisor must withdraw from participation in activities or decisions relating to hiring, evaluations, promotions, compensation, work assignments, and discipline which involve the subordinate party in the relationship.
- D. The employees in the relationship will have one hundred twenty (120) days for one of them to seek employment in another County department. If in the one hundred twenty (120) days a transfer does not take place, one of the employees must resign or be terminated. The Division Director, Department Head, or Elected/Appointed Official must determine, based on non-discriminatory criteria, which of the employees will be required to resign or be terminated. Policies 4.501 - Progressive Discipline and/or Policy 4.608 - Separation of Employment should be consulted if circumstances warrant.

 <p><i>Sedgwick County...</i> <i>working for you</i></p>	Separation from Employment
Last Revision Date:	Policy No. 4.608
Last Enabling Resolution:	Developer/Reviewer: Human Resource Director

1. Purpose

The purpose of this policy is to inform hiring authorities of the appropriate procedures to follow for the termination of an employee, outline the responsibilities of a separating employee and explain the procedures that will be followed for issuing the final compensation and benefits due to a separating employee.

2. Scope

This policy applies to all Sedgwick County employees. The Sheriff's Office is excluded from this policy and has in-house documents and civil service regulations which address this topic.

3. Policy Statement

Sedgwick County expects its employees to be courteous and respectful at all times to both the public and to fellow employees. Employees are expected to be governed by the principles and ordinary rules of good behavior and judgment. Employees are expected to be just and honorable in their relations with each other and shall refrain from conduct tending to discredit or injure other employees or engage in conduct unbecoming their status as a County employee.

County employees may be dismissed for a serious offense or when progressive discipline steps fail to bring about improvement in an employee's performance, job-related problems, or adherence to Personnel Policies and Procedures. It is emphasized that the hiring authority is not required to go through the progressive step procedure before termination may occur. See Policy 4.501 - Progressive Discipline.

Termination of County employees shall be made without discrimination on the basis of race, color, sex, age, national origin, ancestry or citizenship, marital status, religious or political affiliation, genetic information, disability, status as a member of the uniformed services, opposition to prohibited discrimination, participation in a discrimination or harassment complaint process, and other categories specifically protected by the State of Kansas and Federal Law is illegal. This policy does not in any way constitute an employment contract. Sedgwick County reserves the right to

amend this policy at any time subject only to approval by the Board of County Commissioners and the Governing Body of Sedgwick County Fire District Number One.

4. Definitions

- A. **Voluntary Resignation** - the termination of employment by an employee made at the discretion of the employee.
- B. **Involuntary Termination** – the termination of employment by the County based upon inadequate or unacceptable performance or behavior.
- C. **Job Abandonment** – when an employee has been absent three (3) consecutive days without contacting his/her supervisor.
- D. **Reduction-in-Force (RIF)** – an employee’s position is eliminated due to a re-organization or reduction of a Department or Division.

5. Procedures

A. Voluntary Resignation

1. A benefited employee who desires to terminate his/her service with the County shall submit a written resignation to the hiring authority. Resignations shall be submitted at least fourteen (14) calendar days before the final workday. Employees are not to use accrued leave after submitting a resignation unless through a doctor’s order or approved by the Deputy County Manager, Assistant County Manager, Division Head, or Elected/Appointed Official.
2. Failure to Give Notification of Termination:
 - a. If an employee fails to give the required notice with a voluntary resignation, the hiring authority may submit a statement to the employee's personnel file noting the failure.
 - b. The period of notice may be reduced or waived upon recommendation of the Deputy County Manager, Assistant County Manager, Division Head or Elected/Appointed Official. The Human Resource Director must be notified in writing of the waiver by the hiring authority.
 - c. Failure to give the required notice will be considered should the employee seek future employment with Sedgwick County.
3. A Personnel Action Form should be processed by the hiring authority showing the employee’s last day and sent to the Human Resources Division for processing. All applicable termination pay will be processed for the employee.

B. Involuntary Terminations

1. In all cases of involuntary termination, an administrative review should be conducted by the hiring authority or his/her designee.
 2. When the hiring authority reaches the disciplinary decision of termination, he or she will review the findings with the Human Resource Director and a representative from the County Legal Department.
 3. If a decision is made to suspend an employee during an administrative review for termination, the supervisor should refer to section 5.4 under Policy 4.501 – Progressive Discipline.
 4. If the termination decision is supported by the Human Resources Division and County Legal, the hiring authority will offer the employee, to be terminated, a Final Review Meeting as called for in Policy 4.501 – Progressive Discipline.
 5. If the decision to terminate still exists after the Final Review Meeting, the hiring authority will fill out the appropriate termination/suspension/demotion form found on e-line and send it to the Human Resource Director.
 6. After the Human Resources Director's review and approval, they will forward **Form PS-1369** and supporting documentation to the appropriate Assistant County Manager or Deputy County Manager for review and approval signature.
 7. Upon the Assistant County Manager or Deputy County Manager's review and approval, **Form PS-1369** is returned to the Human Resources Director, who forwards it on to the County Manager for final review/approval. **Form PS-1369E** is also provided to the County Manager for review. Elected/Appointed Officials to have final approval of **Form PS-1369E**. Elected/Appointed Officials may opt to have the County Manager make the final review and approval.
 8. The final approved **Form PS-1369** is forwarded to the employee's Division Head. The employee will receive the original copy of this form and a copy will be sent to Human Resources to add to the employee's file.
 9. The hiring authority will forward a completed Personnel Action Form to the Human Resources Division for processing.
- C. **Job Abandonment** - If an employee has been absent three (3) consecutive days without contacting his/her supervisor, the employee will be deemed to have abandoned his/her job and will be processed as a voluntary resignation.
- D. **Reduction in Force** - County employees may be terminated from their employment with Sedgwick County pursuant to a Division RIF in accordance with Policy 4.603 - Reduction-in-Force.

E. Payment of Wages and Employee Notice

1. When an employee resigns or is involuntarily terminated, he/she shall be paid earnings since the last pay period on the next regularly scheduled pay date.
2. When an employee resigns or is involuntarily terminated and has been employed for more than six (6) months, the employee shall be paid for any unused vacation. Employees will be paid accrued leave based on their termination date.
3. If an employee separates employment before six (6) months, he/she shall not be compensated for any accrued vacation leave.
4. If the Division terminates an employee after the employee has given notice in writing and has been employed for six (6) months, the Department shall be obligated to pay the employee for the two (2) weeks for which the employee gave notice, plus earned but unused vacation pay.
 - a. It will be up to the Deputy County Manager, Assistant County Manager, Division Head, or Elected/Appointed Official to decide if he/she wants to allow or place an employee on Administrative Paid Leave during the fourteen (14) calendar day notice.
5. With the approval of the hiring authority, an employee may withdraw his/her resignation. Such withdrawal shall be within the fourteen (14) calendar day period.

F. Processing Separations of Employment

1. Whenever an employee resigns, is terminated, is part of a RIF, or in any way absolves his/her relationship with the County, he/she shall surrender to the hiring authority all property that has been issued by the County to the said employee. This may include such items as keys, clothing, tools, identification cards, training manuals, etc.
2. The hiring authority shall forward the completed Personnel Action Form to the Human Resources Division for processing.
3. Most fringe benefits will be terminated, but some may be continued if the employee wishes to assume responsibility for the payment to the company which provides the benefit (e.g., life insurance), and, certain fringe benefits may have continuing long-term benefits (e.g., retirement plans). Health insurance may be paid through the County as specified by law.
4. A copy of an employee's resignation shall be sent to Human Resources and placed into the employee's personnel file in the Human Resources Division. The Human Resources Division shall provide an end of employment letter to all terminating employees providing verification of the termination date and contact information regarding the options and processing for his/her benefits.

5. Sedgwick County employees are eligible to request Unemployment Benefits. The determination of unemployment benefits is based upon the procedures and guidelines of the Kansas Department of Labor.

