



## **CHAPTER: Equal Employment Opportunity Policy**

### **SUBJECT: Employment**

**POLICY NUMBER: 4.300 Pages: 16**

#### **RELATED POLICIES:**

**4.200 4.2001**

**4.303 4.3000**

#### **ENABLING RESOLUTION:**

**114-1988 267-2007 169-1989**

**269-2007 213-1989 31-2009**

**143-2005 35-2009 144-2005**

**153-2009 155-2009 19-2010**

**22-2010 122-2013 183-2013**

**49-2014 177-2014 209-2015**

#### **REVISION DATE(S):**

**2/88 5/88 5/89 7/89**

**5/90 9/93 5/94 3/97**

**1/98 3/98 10/02 01/03 8/05**

**12/07 11/08 2/09 09/09 2/10**

**06/13 10/13 4/14 12/14 12/15**

#### **DEPARTMENT OF PRIMARY RESPONSIBILITY: HUMAN RESOURCES**

**SPECIAL NOTES: This Policy/Procedures Manual does not in any way constitute an employment contract. Sedgwick County reserves the right to amend this Manual at any time subject only to approval by the Board of County Commissioners and the Governing Body of Sedgwick County Fire District Number One.**

### **I. Purpose**

The intent of this Policy is to affirm Sedgwick County's position regarding non-discrimination in all matters relating to employment throughout the Organization.

### **II. Policy**

A. It shall be the Policy of Sedgwick County, through responsible recruitment, that Department Directors, Division Heads, Elected Officials and Supervisors hire individuals; train, promote, transfer, compensate, terminate, layoff and provide benefits and other conditions of employment to employees; without regard to race, color, national origin, ancestry or citizenship, marital status, gender, age, religious or political affiliations, genetic information, disability, status as a member of the uniformed services, opposition to prohibited discrimination or participation in a discrimination or harassment complaint process; except when consideration of these factors is based upon a bona-fide occupational qualification or where ADA Title I regulations require differential treatment, as defined in Reasonable Accommodation Policy 4.311.

#### **B. Drug-Free Workplace Act of 1988**

1. All Sedgwick County employees are expected and required to report to work on time and in appropriate mental and physical condition, free from the effects of drugs and alcohol.
2. The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance on County premises is absolutely prohibited. Violations of this Policy will result in disciplinary action, including termination, and may result in criminal prosecution.

3. Sedgwick County recognizes drug dependency as an illness and a major health, safety and security problem. Employees needing help in dealing with substance abuse problems are encouraged to use Sedgwick County's Employee Assistance Program and health insurance plans, as may be appropriate. Conscientious efforts to seek such help, initiated by the employee, will not jeopardize the employee's job and will not be noted in the employee's personnel record.
4. Sedgwick County employees must, as a condition of employment, abide by the terms of the Policies and Procedures concerning drug and alcohol abuse and promptly report any conviction under a criminal drug statute for violations occurring on or off County premises. Such report of a conviction must be made within five (5) days after the conviction. (This requirement is mandated by The Drug Free Workplace Act of 1988.)

C. Personnel Policies and Employee Handbook

The Human Resources Director shall develop, update and maintain Personnel Policies and Procedures. These are available on eline or by requesting a paper copy from the Department of Human Resources. In addition, many divisions have an Employee Handbook that outlines department policies and procedures. Personnel Policies and Procedures or Employee Handbooks do not in any way constitute an employment contract or terms thereof. Personnel Policies and Procedures are subject to change at any time.

D. Employment of Immediate Family

1. Sedgwick County will prohibit the hiring of spouses and/or immediate family members within the same division, but not within the County structure.
  - a. Immediate family and family of the employee's spouse shall be considered husband, wife, son, step-son, son-in-law, daughter, step-daughter, daughter-in-law, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, mother, step-mother, mother-in-law, father, step-father, father-in-law, grandchildren, grandparents and grandparents-in-law.
    - (1.) In-laws who are currently employed will be grand fathered into the system and can continue to work in the same division.
      - (a.) If an employee affected under this Policy terminates, the employee cannot be rehired into the same division as long as their in-laws are employed there.
2. Employees working in the same division who subsequently get married may continue to work in the same division only so long as an employee does not supervise or receive supervision from, have assignment with or work in close proximity to, a member of his/her immediate family.
  - a. In cases where accommodations cannot be made for employees who are married and working in the same division, the employee affected will

have one hundred twenty (120) days to seek employment in another County division. If in the one hundred twenty (120) days a transfer cannot be effected, one of the employees must resign or be terminated.

- b. The Department Director, Division Head or Elected Official must determine, based on seniority, job performance and the importance of the job to the division, which of the employees will be required to resign or be terminated.

E. Part Time Jobs

1. Employees of the County may take part time jobs if, in the opinion of the Department Director, Division Head or Elected Official, there is no conflict with working hours, there are no detrimental effects to the employee's efficiency in his or her work and there is no conflict of interest with the employee's position with Sedgwick County.
2. Fire District employees, upon accepting part time employment or changing part time employment, shall notify the Fire Chief in writing. This notification shall indicate the name, address and telephone number of the employer so the employee can be contacted in case of emergency. Failure to keep the listing accurate and up to date will be cause for disciplinary action.

F. Criminal History Investigation of job candidates.

1. The Department of Human Resources will conduct a search of the Kansas Bureau of Investigation (KBI) Criminal Records History Information (CHRI) database of all persons selected as final candidates for employment with Sedgwick County. This search of the KBI CHRI database will be conducted **prior to an offer of employment.**
2. PROCEDURE:
  - a. The candidate shall grant authorization for Sedgwick County to conduct background investigations by providing an "electronic signature" through on-line application, or by signing an approved "Pre-employment Authorization to Release Information" form.
  - b. The Hiring Authority or designee will contact Human Resources prior to an offer of employment and request that a KBI CHRI data base search be conducted for the selected candidate.
  - c. HR will conduct an on-line search of the KBI CHRI data base for criminal history.
  - d. HR will report KBI CHRI findings to the requesting Hiring Authority or designee.
3. All criminal history uncovered by HR through the KBI CHRI search will be shared with the position's hiring authority to determine if such criminal history will disqualify the candidate from employment in the specific position. Past criminal history will not automatically eliminate an individual from consideration for a position. The hiring decision maker must take into

account the criminal behavior, the context within the offense was committed, evidence of rehabilitation, and the tasks, requirements, and environment of the job in question.

4. The KBI CHRI search will not eliminate additional record/reference checking imposed by specific regulatory requirements or sound business practices. For example, state licensing requirements for youth care or mental health services may require a search of “child abuse registries” for persons hired in certain social work positions. In addition, prudent business practices may require a credit history check for persons hired into positions handling large sums of public monies. KBI CHRI checks alone would not fulfill the legitimate requirement of either example. Hiring authorities will remain responsible for these procedures.

NOTE:

KBI CHRI information will include:

- Violations of Kansas law that are felonies or class A or class B misdemeanors. Class C misdemeanor assaults are also part of the CHRI. Juvenile offender data for the same violations of Kansas law is also included in the CHRI.
- Violations of municipal ordinances or county resolutions that are equivalent to a class A or B misdemeanor or class C misdemeanor assault under state statute, when that violation results in a court conviction.
- Disposition of the violations as reported by the prosecuting attorney.
- Dispositions in Kansas municipal and district courts.
- Incarcerations by Kansas Department of Corrections.

KBI CHRI information will NOT include violations or convictions of any jurisdiction outside the state of Kansas. If information regarding criminal activities in any other state are needed the Hiring Authority or designee should consult with Human Resources to attempt to obtain them.

5. Exceptions: As they serve the community in a law enforcement or public safety capacity, some divisions are required to conduct extensive pre-employment investigations beyond the scope of this policy and/or have investigative resources beyond those available to the Department of Human Resources. Therefore, these divisions will be exempt from Section F. provisions of this policy and will be responsible for conducting appropriate criminal history investigations using their own investigative resources.
6. Information obtained through Kansas Bureau of Investigation (KBI) Criminal Records History Information (CHRI) investigations must be kept confidential and will only be distributed to the appropriate hiring manager or designee. Information is to be shared on a strictly “need to know” basis. All CHRI records shall be maintained at the requesting divisions in a restricted access, confidential file.

7. Adverse action taken on the basis of CHRI. If a job candidate is disqualified on the basis of criminal history obtained through the KBI CHRI data base, Human Resources shall provide the candidate with the disqualifying information, and the opportunity to dispute the information or provide mitigating factors to explain the information. The hiring authority (or designee), in consultation with Human Resources, shall take reasonable steps to verify the accuracy of all information presented and determine appropriate action.

G. **Driving Record Checks of job candidates**

1. Upon request of the appropriate hiring authority, the Department of Human Resources will perform a Motor Vehicle Record (MVR) check of any applicant seeking employment with Sedgwick County in a Level 1 or Level 2 driving position and for each County Employee recommended for promotion to a Level 1 or Level 2 driving position. The MVR will be obtained from the State of Kansas Department of Revenue, or other appropriate state agency, directly or by some other source authorized by law to disseminate such records.
2. **PROCEDURE:**
  - a. The candidate shall grant authorization for Sedgwick County to conduct background investigations by providing an “electronic signature” through on-line application, or by signing an approved “Pre-employment Authorization to Release Information” form.
  - b. The Hiring Authority or designee will contact Human Resources prior to an offer of employment and request a Motor Vehicle Record check for the finalist applicant.
  - c. HR will report Motor Vehicle Record findings to the requesting Hiring Authority or designee.
3. **Definition of “Driving” positions** - A “driving” position as referenced in this policy/procedure is one of three levels of covered positions (Level 1, Level 2, or Level 3), with different requirements and standards for each, in which the operation of a county-owned vehicle or POV (Personally Owned Vehicle) is a job requirement; and, for which a valid Kansas Drivers License is required as a minimum qualification. A position that has as a minimum requirement the possession of a valid driver’s license is one of these three levels of “driving” positions. Any County Employee who is eligible for mileage reimbursement for operating a POV in the conduct of county business is considered to be holding one of these levels of “driving” positions and is subject to provisions of this policy.

**Level 1 “Driving” positions:**

- a. Positions in public safety services which require the operation of emergency response vehicles; or,

- b. Positions requiring the transportation of clients on a regular or routine basis; or,
- c. Positions requiring the transportation of hazardous materials.

**Level 2 “Driving” positions:**

- a. Positions requiring driving to multiple worksites on a regular or routine basis (daily to weekly); or,
- b. Positions requiring the transportation of associates, or co-workers on a regular or routine basis (daily to weekly); or
- c. Positions requiring the transportation of clients on an irregular or non-routine basis; or,
- d. Positions requiring the “running of errands” such as delivering mail, making bank deposits or withdrawals, or etc., on a regular or routine basis (daily to weekly).

**Level 3 “Driving” positions:**

- a. Positions requiring occasional (less than weekly) driving to attend meetings or training sessions; or,
  - b. Positions requiring occasional (less than weekly) driving to appear for work at non-routine worksites.
4. All driving history uncovered by HR through the Motor Vehicle Record search will be shared with the position’s hiring authority or designee to determine if such history will disqualify the candidate from employment in the specific position. The hiring authority shall make this determination. The following standards, requirements and qualifications shall be applied to County Employees holding “driving” positions within County service. A County Employee, or applicant for employment, is disqualified from operating any County vehicle or POV on County business if he or she does not meet the following qualifications.

**Level 1 “Driving” positions:**

- a. Must possess valid Kansas Drivers license appropriate to the vehicle operated.
- b. Must maintain in-force personal Vehicle Insurance if operating a POV while conducting authorized county business.
- c. May not have been convicted of driving under the influence of any drug, alcohol, or combination of drugs and/or alcohol within the last two years.
- d. May not have been convicted of driving under the influence of any drug, alcohol, or combination of drugs and/or alcohol two or more times within the last five years.
- e. May not have been convicted of operating a motor vehicle during a period of driver’s license suspension or revocation within the last twelve months.

- f. May not have been convicted of failure to yield and/or speeding over 10 MPH of the posted maximum speed limit two or more times within the last twelve months.
- g. May not have been convicted of failure to maintain liability insurance within the last two years.
- h. May not have demonstrated habitual or irresponsible behaviors which, when considered in totality, would lead a reasonable and prudent person to conclude that this individual was not capable of safely operating a vehicle under conditions required of a Level 1 driving position.

**Level 2 “Driving” positions:**

- a. Must possess valid Kansas Drivers license appropriate to the vehicle operated.
- b. Must maintain in-force personal Vehicle Insurance if operating a POV while conducting authorized county business.
- c. May not have been convicted of driving under the influence of any drug, alcohol, or combination of drugs and/or alcohol within the last two years.
- d. May not have been convicted of failure to yield and/or speeding over 10 MPH of the posted maximum speed limit two or more times within the last twelve months.
- e. May not have been convicted of failure to maintain Vehicle Insurance two or more times within the last two years.
- f. May not have demonstrated habitual or irresponsible behaviors which, when considered in totality, would lead a reasonable and prudent person to conclude that this individual was not capable of safely operating a vehicle under conditions required of a Level 2 driving position.

**Level 3 “Driving” positions:**

- a. Must possess valid Kansas Drivers license appropriate to the vehicle operated.
  - b. Must maintain in-force personal Vehicle Insurance if operating a POV while conducting authorized county business.
5. Exceptions: As they serve the community in a law enforcement or public safety capacity, the Sheriff’s Office, Emergency Communications and DIO-Technology Services are required to conduct extensive pre-employment investigations beyond the scope of this policy and/or have investigative resources beyond those available to the Department of Human Resources. Therefore, these divisions will be exempt from Section G. provisions of this policy and will be responsible for conducting appropriate Motor Vehicle (Driver’s License) Record investigations using their own investigative resources.
  6. Information obtained through KDMV DLR investigations must be kept confidential and will only be distributed to the requesting hiring authority or

designee. Information is to be shared on a strictly “need to know” basis. Applicant/Employee Motor Vehicle (Driver’s License) Record shall be maintained at the requesting division in a restricted access confidential file. Applicant/Employee Motor Vehicle (Driver’s License) Record may be released to Risk Management in support of County policy.

7. Adverse action taken on the basis of KDMV DLR investigations. If an applicant/employee is disqualified on the basis of Vehicle (Driver’s License) Record investigations, Human Resources shall provide the candidate with the disqualifying information, and the opportunity to dispute the information or provide mitigating factors to explain the information. The hiring authority (or designee), in consultation with Human Resources, shall take reasonable steps to verify the accuracy of all information presented and determine appropriate action.
8. NOTE: Only driving records related to a Drivers License issued by the state of Kansas will be reported by KDMV DLR investigations. Records pertaining to a Driver’s License issues by any other state or issuing agency will not be reported. If such records are needed the hiring authority or designee should consult with Human Resources in order to attempt to obtain them.

H. Use of background information under the Fair Credit Reporting Act and Kansas Consumer Credit Statute, K.S.A. 50-705(a)

If adverse action is taken on an applicant (disqualified from employment in a particular job) based on a criminal history, driving record, or credit report from a third party source (e.g., private background checking services, not the state agency information repositories), the hiring authority must provide the applicant with a copy of the “consumer report” received detailing the disqualifying information, the name/address/phone number of the third-party source, and a “Summary of Consumer Rights”. This requirement does not include employment history checks from past employers or personal references. Additionally, this does not include Driving Record checks the County obtains from the Kansas Department of Motor Vehicles or Criminal History records the County obtains from the Kansas Bureau of Investigation. It does include such information we receive from third-party service providers. If potentially disqualifying criminal history, driving record, or credit report information is obtained from a third party source the hiring authority is advised to consult with the County Counselor’s Office for guidance.

I. Use of background information and “identity theft”.

Personal data contained in Driving Records, Criminal History, Consumer Credit Reports, and related background checks may contain personally identifying information which could be used for illegal purposes. All of this information is highly confidential and should be distributed only on a “need to know” basis for the purposes of determining qualification for employment. All such records should be maintained in a secure fashion. All unnecessary copies should be destroyed appropriately.

J. Veterans Preference

In grateful recognition of the services, sacrifices and sufferings of persons who served in the armed forces, under the flag of the United States, during military operations, Sedgwick County recognizes a preference in appointments and employments consistent with that provided by Kansas State Statutes (K.S.A. 73-201 *et seq.*), if said applicant is competent to be employed by Sedgwick County. The preference shall apply to non-exempt positions within the County for both initial employment and first promotions.

A veteran is competent to be employed by Sedgwick County if there is a good faith determination that such applicant is likely to successfully meet the performance standards of the position. In making this determination the County will factor in experience, training, education, licensure, certificates and other factors deemed appropriate to determine if the applicant has the overall qualifications to successfully meet such standards. As part of the preference, Sedgwick County will interview all qualified candidates for non-exempt positions for both initial employment and first promotions that meet the minimum qualifications of said position.. It is the sole discretion of the County to determine the competency of an applicant in light of which applicant most closely fits the needs of Sedgwick County.

K. Ban the Box

In an effort to enable ex-offenders to display their qualifications in the hiring process before being asked about their criminal records, Sedgwick County has removed the conviction question from the HRePartners application. Applicants will not be required to report criminal convictions for some positions; however certain positions are prohibited from employing individuals with certain misdemeanor or felony convictions and for those positions an applicant will be prompted for this information. A criminal background check is required prior to any final offer for employment.

**III. Definitions**

A. Types of Appointment - Full-time, benefited part-time, part-time, temporary, emergency, seasonal, grant, and internship. The names of the types of appointments are nomenclature only and do not constitute an employment contract or terms thereof.

1. Full-Time Employees

Employees will be considered full-time if they are authorized to work forty (40) hours per week. (The Fire Department and Emergency Medical Service may be established at a higher rate.) Full-time employees are entitled to all benefits and privileges in accordance with Sedgwick County Policy.

A minimum of twelve (12) months must be served and approved by the hiring authority before non-probationary status can be achieved. ~~Classified~~ Exempt employees do not serve a probation period. See the section in this Policy on ~~Classified~~ Exempt employees. Fire Union employees shall consult their Union contract.

2. Benefited Part-Time Employees

Employees will be considered benefited part-time employees if they are authorized to work at least thirty (30) hours per week. These employees are entitled to the same health and welfare benefits as full time employees. Leave benefits are offered on a pro-rated basis.

A probationary period of twelve (12) months must be served and approved by the hiring authority before non-probationary status can be achieved for non-exempt employees.

3. Part-Time Employees

Employees will be considered part-time if they work less than thirty (30) hours per week, but less than 1,000 hours per KPERS calendar year. Employees on part-time appointment shall not be assigned a classification or a range. They shall also accrue no benefits or service time.

- a. Classification titles shall be assigned by the hiring authority for Affirmative Action reporting purposes.
- b. Salaries for part-time employees cannot exceed the comparable position within the compensation plan unless it has been approved by the County Manager or Elected Official, where applicable.

4. Temporary Employees

Employees will be considered as temporary employees if they are appointed for a designated period of time which is six (6) months or less. Employees on a temporary appointment shall not be assigned a range and shall accrue no benefits or service time.

- a. Classification titles shall be assigned by the hiring authority for Affirmative Action reporting purposes.
- b. Salaries for temporary employees cannot exceed the comparable position within the compensation plan unless it has been approved by the County Manager.

5. Emergency Employees

These are appointments made because of emergency situations in a division or office. These appointments must be justified in writing by the Department Director, Division Head or Elected Official to the Human Resources Director. Such appointments shall not exceed thirty (30) calendar days and shall accrue no fringe benefits or service time.

6. Seasonal Employees

These are appointments made by Department Directors, Elected Officials and Division Heads for a designated period, not to exceed six (6) months continuous duration. Employment may recur on a regular time cycle. Employees under this program shall accrue no benefits or service time. Salaries shall be set by the Board of County Commissioners and normally will be in accordance with minimum wage provisions. Divisions utilizing this program must have budgeted monies available.

7. Grant Employees

These are employees who are hired from State and/or Federal funds, designated for a specific purpose, who fall under the category of working under a grant program.

- a. As provided per grant, salaries and benefits will be paid to all grant employees.
- b. Depending upon the availability of funds, grant employees may be frozen on a range.
- c. Grant employees will be designated as classified or classified exempt dependent upon job classification.
- d. All grant employees shall be placed on a salary range.
- e. Grant employees will be terminated or transferred to regular payroll (if positions are open) when funds are no longer available for their salaries and benefits under the grant. Applicable divisions should be aware of their obligation to request budgetary funds for positions before the grant terminates.

8. Internship Employees

Interns hired under an authorized internship program, approved by the Sedgwick County Board of Commissioners, who are scheduled to work at least forty (40) hours per week, will be eligible for Sedgwick Premier Benefits for the period of their internship. Interns will also be allowed to accumulate and use sick leave. All other interns will be classified as temporary employees, regardless of the length of their internship programs and will not accrue benefits or service time.

B. Date of Employment - Date on which an employee is hired by the County. Vacation and sick leave will begin accumulating on the hire date.

1. Initial probation is defined as the first twelve months of employment starting from the employee's hire date or, if the employee is re-hired/re-employed, from the last hire date.
2. Insurance Coverage:

- a. When an employee is hired, he/she is eligible for the insurance coverage on the first day of the month following the month of employment.
  - b. Employees will be enrolled for insurance coverage on the first day of the month following receipt of completed paperwork by Human Resources.
- C. The above definitions shall remain the same throughout this manual.

#### **IV. Procedure**

##### **A. Employment Conduct that is Prohibited**

###### **1. False Statement**

No person shall willfully or corruptly make any false statement, certificate, mark, rating or report in regard to any test, certification, appointment held or made; in any manner commit or attempt to commit any fraud preventing the impartial execution of these personnel provisions.

###### **2. Special Treatment**

No person seeking appointment to or promotion in the County service, either directly or indirectly, shall promise, render or pay any money, service or other valuable thing to any person for, on account of or in connection with his/her test, appointment, proposed appointment or proposed promotion.

###### **3. Obstruction of Employment**

No employee of Sedgwick County shall defeat, deceive or obstruct any person in his/her right to examinations, eligibility, certification or appointment, furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment.

###### **4. Discrimination**

Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline or any other aspects of personnel administration because of race, color, national origin, ancestry or citizenship, marital status, gender, age, religious or political affiliations, genetic information, disability, status as a member of the uniformed services, opposition to prohibited discrimination or participation in a discrimination or harassment complaint process or other non-performance factors will be prohibited. The exception shall be when consideration of these factors is based upon a bona-fide occupational qualification or where ADA Title I regulations require differential treatment, as defined in Reasonable Accommodation Policy 4.311.

###### **5. Any employee who witnesses or experience any prohibited conduct should contact their supervisor, Human Resources or use Ourworkplace.com to report**

instances of fraud or waste.

- B. All vacant positions to be filled require the filing of a "vacancy notice" authorized by the hiring authority and forwarded to the Human Resources Department.

Exceptions to the procedure are as follows:

1. County Officers elected by popular vote and/or persons appointed to fill vacancies in such elective offices.
2. Members of boards and commissions appointed by the Board of County Commissioners.
3. Persons employed in a professional or scientific capacity on a temporary basis, to make/conduct a temporary or special investigation/examination on behalf of the Sedgwick County Board of Commissioners.
4. Persons employed in a professional or scientific capacity on a temporary basis to act as a consultant on problems or projects of Sedgwick County.

C. Recruitment

1. The Human Resources Department will administer a program of external recruitment to:
  - a. Locate and identify qualified applicants seeking employment in Sedgwick County service;
  - b. Aid in the placement of qualified applicants in positions which will yield the greatest benefit to Sedgwick County and the applicant;
  - c. Ensure equal employment opportunity and accessibility to all persons interested in employment in Sedgwick County service;
2. The Human Resources Department will administer a program of internal recruitment to:
  - a. Provide a system of promotion and transfer to encourage Sedgwick County employees to seek and achieve their career potential;
  - b. Provide a system of promotion and transfer to place qualified Sedgwick County employees in positions which will yield the greatest benefit to Sedgwick County and the employee;
  - c. Ensure equal employment opportunity and accessibility to all Sedgwick County employees seeking promotion or transfer.
3. Positions should typically be posted for five business days. Under limited circumstances, waivers of the posting requirements for position vacancies may be considered. The County Manager will inform the Board of County

Commissioners before waiving the posting process. Human Resources will receive and file waiver requests. A request for a waiver of posting can be made by submitting (1) a statement justifying that request, (2) the application/resume of the recommended candidate and (3) a detailed job description to Human Resources. If the requested information is not provided, the waiver request will be denied.

The County Manager may waive the posting requirement for:

1. The appointment of an individual who is in an Interim Management role to fill the position permanently, or
2. An offer of employment extended to someone identified from an existing applicant pool developed in response to a recent posting for the same job title or a position with significantly similar job duties, responsibilities and qualifications. In order to qualify for a waiver of the posting policy, the existing pool must meet specific criteria. Factors taken into consideration in evaluating the existing applicant pool include: the diversity of the pool; the date the pool was established; the qualifications of the individual being hired; and the similarity in responsibilities between the posted position and the new request.
3. Extraordinary circumstances not mentioned in items one and two of this section.

D. Release of Employment Applications

Upon expiration of the posting period of a vacancy, all qualified applications received for that vacancy during the posting period shall be forwarded to the hiring authority/designee for appraisal and eventual selection and appointment.

- E. After selecting the candidate of choice, the hiring authority (or designee) shall seek information from at least two (2) references provided by the candidate. The information solicited must be job related and should be documented.

F. Appointment Procedures

1. The hiring authority shall forward the completed Personnel Action Form to Human Resources. All materials relevant to the filling of the vacancy (e.g. examination results, interview records, etc.) shall be retained and sent to records within thirty (30) calendar days of the close out date of the vacancy.
2. The selected candidate is notified by the Employment Section and provided testing results and final offer of hire.
3. Candidates not selected will be notified.
4. Hiring wage rate is normally at the minimum of the position's salary range. Hiring wage rate up to ten (10) percent of the minimum may be paid with the County Manager's approval. Hiring wage rates more than ten (10) percent of the range minimum will require Board of County Commissioner approval.

G. Authority for hiring

All employment must have the approval of a majority of the County Commissioners, the County Manager or the Elected Official, whichever is applicable. Division Heads shall place the request for interns on the Agenda to be approved by the Board of County Commissioners.

H. All employment positions in the Sedgwick County system are categorized as Unclassified, Exempt or Non-exempt.

1. Unclassified positions

Unclassified positions shall be exempt from the normal Employment Procedures, Grievance Rights, Termination Policies and shall not be assigned a range or step on the salary schedule. Unclassified positions will be assigned a position code and shall be included on the division staffing table. The Human Resources Department must review these positions as they are filled to determine if they are eligible for or exempt from overtime. The following listed positions shall be declared Unclassified:

- a. County positions that are filled by election or popular vote;
- b. State appointive positions;
- c. Appointive positions on boards and commissions established by and for the Board of County Commissioners;
- d. Positions of a professional, scientific, or investigative nature which are filled by temporary appointment by the Board of County Commissioners;
- e. Part time positions;
- f. Temporary positions and
- g. Emergency appointments.

2. Exempt positions

Exempt employees serve at the pleasure of the hiring authority and may be dismissed at any time.

These positions are included on the Staffing Table and the employees shall be salaried. They are not eligible for overtime pay. Positions are determined to be exempt based on definitions established by the United States Department of Labor.

3. Non Exempt positions

Non-exempt positions are covered by the employment plan, classification plan, salary schedules, Grievance Policy, Termination Policy and are eligible for overtime pay or compensatory time. Positions are determined to be non-exempt

based on definitions established by the United States Department of Labor. These positions are included in the Staffing Tables.

I. Minimum Employment Age Policy

Full time, benefited part time, part time, temporary, emergency and grant positions shall be filled with employees who are at least eighteen (18) years of age, unless the State requires the employee to be over eighteen (18) years of age. Employees under the Summer Youth Employment Program should be at least sixteen (16) years of age and may not, under the Child Labor Laws, be employed in a hazardous occupation. For further information, contact the Human Resources Department.

J. Drug Free Workplace Act of 1988

1. The Human Resources Department shall distribute a summary of resolution 169-1989 and an acknowledgment form to every County employee.
2. The County Manager's Office has been directed by resolution 169-1989 to establish and implement the Substance Abuse Policy and Awareness Program for County employees.
3. The Substance Abuse Policy and Awareness Program shall be applicable to all County employees and meet the requirements of the Drug-Free Workplace Act of 1988.
4. All County divisions shall carry out the provisions of the Substance Abuse Policy and Awareness Program and make a good faith effort to maintain a workplace free of substance abuse.
5. As noted in 4.300, II. B.4., if an employee is convicted under a criminal drug statute, which is to be reported within five (5) days and the report is made to the Department Director, Division Head or Elected Official, they are to notify the Human Resources Department immediately. The Human Resources Department is to notify the contracting agency within ten (10) days after being notified by the Department Director, Division Head or Elected Official.