

RESOLUTION ____-2018

**A RESOLUTION AMENDING POLICIES OF THE SEDGWICK COUNTY
PERSONNEL POLICIES AND PROCEDURES MANUAL**

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

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

WHEREAS, the Board of County Commissioners of Sedgwick County has authority to establish personnel policies and procedures pursuant to K.S.A. 19-212; and

WHEREAS, it is deemed by the Board of County Commissioners that Resolution Nos. 172-2016 and 125-2018 should be amended.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, that:

SECTION 1. Resolution Nos. 172-2016 and 125-2018 are hereby amended and the attached amendments to the Sedgwick County Personnel Policy and Procedures Manual are hereby approved and effective immediately:

- 4.300 Employment (Exhibit A)
- 4.501 Progressive Discipline (Exhibit B)
- 4.608 Separation from Employment (Exhibit C)

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

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:




MICHAEL L. FESSINGER
Assistant County Counselor

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

RICHARD RANZAU
Commissioner, Fourth District

JAMES M. HOWELL
Commissioner, Fifth District

 <i>Sedgwick County...</i> <i>working for you</i>	Employment
Last Revision Date:	Policy No. 4.300
Last Enabling Resolution:	Developer/Reviewer: Human Resources Director

1. 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.

2. Scope

This policy applies to all Sedgwick County employees, with the exception of Election Poll Workers and the Sheriff's Department.

3. Policy Statement

It shall be the policy of Sedgwick County, through responsible recruitment, Department Directors, Division Heads, Elected/Appointed Officials, and Supervisors hire individuals; train, promote, transfer, compensate, terminate, and provide benefits and other conditions of employment to employees; without regard to race, color, national origin, ancestry or citizenship, marital status, gender, sex, 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 bonafide occupational qualification or where ADA Title I regulations require differential treatment, as defined in Policy 4.311 – Reasonable Accommodation.

Drug-Free Workplace Act of 1988: 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. The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance on County premises is prohibited. Violations of this policy will result in disciplinary action, including termination, and may result in criminal prosecution. Sedgwick County recognizes drug dependency as an illness and 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. 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 a 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.

Personnel Policies and Employee Handbook: The Human Resources Director shall develop, update and maintain personnel policies and procedures. These are available on e-line or by requesting a paper copy from the Human Resources Division. 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.

Employment of Immediate Family: Sedgwick County will prohibit the hiring of spouses and/or immediate family members within the same Division, but not within the County structure. 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. In-laws who are currently employed will be grandfathered into the system and can continue to work in the same Division. 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. 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 an assignment with or work in close proximity to, a member of his/her immediate family. 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 affected, one of the employees must resign or be terminated. The Department Director, Division Head, or Elected/Appointed 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.

Part-Time Jobs: Employees of the County may take part-time jobs if, in the opinion of the Department Director, Division Head, or Elected/Appointed 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. 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.

Criminal History Investigation of job candidates: The Human Resources Division 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. The candidate shall grant authorization for Sedgwick County to conduct background investigations by providing an "electronic signature" through an online application, or by signing an approved "Pre-employment Authorization to Release Information" form. The Hiring Authority or designee will contact the Human Resources Division prior to an offer of employment and request that a KBI CHRI database search is conducted for the selected candidate. The Human Resources Division will conduct an online search of the KBI CHRI database for criminal history. The Human Resources Division will report KBI CHRI findings to the requesting. All criminal history uncovered by the Human Resources Division 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. 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 for "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.

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 the Human Resources Division to attempt to obtain them.

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 Human Resources Division. Therefore, these Divisions will be exempt from provisions of this policy and will be responsible for conducting appropriate criminal history investigations using their own investigative resources. Information obtained through KBI 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.

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, the Human Resources Division 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 the Human Resources Division, shall take reasonable steps to verify the accuracy of all information presented and determine appropriate action. Current county employees who transfer between departments will be subjected to a background check.

Driving Record Checks of job candidates: Upon request of the appropriate hiring authority, the Human Resources Division 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. Sedgwick County may conduct a MVR check on any current employee for any reason. 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. The hiring authority or designee will contact the Human Resources Division prior to an offer of employment and request a MVR check for the finalist applicant. The Human Resources Division will report MVR findings to the requesting hiring authority or designee.

A. 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 Driver's 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.

B. Level 1 "Driving" positions -

1. Positions in public safety services which require the operation of emergency response vehicles; or,
2. Positions requiring the transportation of clients on a regular or routine basis; or,
3. Positions requiring the transportation of hazardous materials.

C. Level 2 "Driving" positions -

1. Positions requiring driving to multiple worksites on a regular or routine basis (daily to weekly);
2. Positions requiring the transportation of associates, or co-workers on a regular or routine basis (daily to weekly);
3. Positions requiring the transportation of clients on an irregular or non-routine basis; or,
4. 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).

D. Level 3 "Driving" positions -

1. Positions requiring occasional (less than weekly) driving to attend meetings or training sessions;
2. Positions requiring occasional (less than weekly) driving to appear; or
3. For work at non-routine worksites.

4. All driving history uncovered by the Human Resources Division through the MVR 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.

E. Level 1 "Driving" positions -

1. Must possess valid Kansas Driver's License (DL) appropriate to the vehicle operated.
2. Must maintain in-force personal vehicle insurance if operating a POV while conducting authorized county business.
3. 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 (2) years.
4. May not have been convicted of driving under the influence of any drug, alcohol, or combination of drugs and/or alcohol two (2) or more times within the last five (5) years.
5. May not have been convicted of operating a motor vehicle during a period of driver's license suspension or revocation within the last twelve (12) months.
6. May not have been convicted of failure to yield and/or speeding over ten (10) MPH of the posted maximum speed limit two (2) or more times within the last twelve (12) months.
7. May not have been convicted of failure to maintain liability insurance within the last two (2) years.
8. 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.

F. Level 2 "Driving" positions -

1. Must possess valid Kansas DL appropriate to the vehicle operated.
2. Must maintain in-force personal vehicle insurance if operating a POV while conducting authorized county business.
3. 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 (2) years.

4. May not have been convicted of failure to yield and/or speeding over ten (10) MPH of the posted maximum speed limit two (2) or more times within the last twelve (12) months.
5. May not have been convicted of failure to maintain vehicle insurance two (2) or more times within the last two (2) years.
6. 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.

G. Level 3 "Driving" positions -

1. Must possess valid Kansas DL appropriate to the vehicle operated.
2. Must maintain in-force personal vehicle insurance if operating a POV while conducting authorized county business.
 - a. 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 Human Resources Division. Therefore, these Divisions will be exempt from Section G. provisions of this policy and will be responsible for conducting appropriate MVR investigations using their own investigative resources.
 - b. 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 (DL) Record shall be maintained at the requesting Division in a restricted access confidential file. Applicant/Employee Motor Vehicle (DL) Record may be released to Risk Management in support of County policy.
 - c. Adverse action taken on the basis of KDMV DLR investigations: If an applicant/employee is disqualified on the basis of Vehicle (DL) Record investigations, the Human Resources Division 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 the Human Resources Division, shall take reasonable steps to verify the accuracy of all information presented and determine appropriate action.
 - d. NOTE: Only driving records related to a DL issued by Kansas will be reported by KDMV DLR investigations. Records pertaining to a DL issued by any other state or issuing agency will not be reported. If such records are needed the

hiring authority or designee should consult with the Human Resources Division in order to attempt to obtain them.

3. **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 KBI. 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.
4. **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.
 - a. **Education Verification**
 - i. For all new hires the Division of Human Resources will perform a verification of educational credentials.
 - b. **PROCEDURE:**
 - i. The candidate shall grant authorization for Sedgwick County to conduct education verification.
 - ii. The hiring authority or designee will contact the Human Resources Division prior to an offer of employment and request education verification.
 - iii. The Human Resources Division will report education findings to the requesting hiring authority or designee.
 - iv. The hiring authority will be responsible for verification of professional licensure and/or certification.

H. 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.

I. 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 HRE Partners 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.

4. 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. Exempt employees do not serve a probation period. See the section in this policy on 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 one thousand (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/Appointed 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/Appointed 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, Division Heads, and Elected/Appointed Officials 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 (BOCC) 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 BOCC, 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.

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

- a. Initial probation is defined as the first twelve (12) months of employment starting from the employee's hire date or, if the employee is re-hired/re-employed, from the last hire date.
- b. Insurance Coverage:

- i. 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.
- ii. Employees will be enrolled for insurance coverage on the first day of the month following receipt of completed paperwork by the Human Resources Division.

B. The above definitions shall remain the same throughout this manual.

5. Procedures

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, sex, 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 Policy 4.311 – Reasonable Accommodation.

5. Any employee who witnesses or experience any prohibited conduct should contact their supervisor, the Human Resources Division, 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 Division.

Exceptions to the procedure are as follows:

1. County Officers Elected by popular vote and/or Appointed persons to fill vacancies in such Elective Offices.
2. Members of Boards and Commissions appointed by the BOCC.
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 BOCC.
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 Division 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; and
 - c. Ensure equal employment opportunity and accessibility to all persons interested in employment in Sedgwick County service.
2. The Human Resources Division 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; and
 - c. Ensure equal employment opportunity and accessibility to all Sedgwick County employees seeking promotion or transfer.
3. Positions should typically be posted for five (5) business days. Under limited circumstances, waivers of the posting requirements for position vacancies may be

considered. The County Manager will inform the BOCC before waiving the posting process. The Human Resources Division 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:

- a. The appointment of an individual who is in an Interim Management role to fill the position permanently; or
- b. 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.
- c. Extraordinary circumstances not mentioned in items one (1) and two (2) 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 BOCC approval.

G. Authority for hiring

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

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 and 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 Division 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 BOCC;
- d. Positions of a professional, scientific, or investigative nature which are filled by temporary appointment by the BOCC;
- 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 may be filled with employees who are at least sixteen (16) years of age, unless the State requires the employee to be over sixteen (16) years of age. All employees are subject to the age restriction provisions of State and Federal Child Labor Laws, the Fair Labor Standards Act and State and Federal regulatory agency regulations.

J. Drug Free Workplace Act of 1988

1. The Human Resources Division 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/Appointed Official, they are to notify the Human Resources Division immediately. The Human Resources Division is to notify the contracting agency within ten (10) days after being notified by the Department Director, Division Head, or Elected/Appointed Official.

 <i>Sedgwick County...</i> <i>working for you</i>	Progressive Discipline
Last Revision Date: 9/5/18	Policy No. 4.501
Last Enabling Resolution: 125-2018	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, with the exception of Election Poll Workers and the Sheriff's Department.

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.

 <i>Sedgwick County...</i> <i>working for you</i>	Separation from Employment
Last Revision Date: 9/5/2018	Policy No. 4.608
Last Enabling Resolution: 125-2018	Developer/Reviewer: Human Resources 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, with the exception of Election Poll Workers and the Sheriff's Department.

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 any legitimate business reason, including when progressive discipline steps fail to bring about improvement in an employee's performance, job performance issues and failure to adhere to Personnel Policies and Procedures. 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, gender, 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 State of Kansas and Federal Law. Doing so 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** – Separation of employment by an employee made at the discretion of the employee.

B. **Involuntary Termination** – Termination of employment made by the County.

5. Procedures

A. Voluntary Resignation

1. An employee who desires to end his/her employment 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 Resignation:
 - a. If an employee fails to give the required notice of 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 Resources 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.

B. Involuntary Termination

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 Resources Director and a representative from the County Counselor's Office.
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 Counselor's Office, the hiring authority will offer the employee a Final Review Meeting as required in Policy 4.501 – Progressive Discipline.
 5. If termination is recommended after the Final Review Meeting has concluded, the hiring authority will complete the appropriate form found on e-line and send it to the Human Resources Director.
 6. After the Human Resources Director's review and approval, the hiring authority 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 have final approval authority 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 the Human Resources Division to add to the employee's file.
- 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.
- C. **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.
- D. **Payment of Wages, Vacation Leave and Employee Notice**
1. When an employee resigns or is involuntarily terminated, he/she shall be paid all earnings which are due and owing on the next regularly scheduled pay date.
 2. When an employee 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 of employment, he/she shall not be compensated for any accrued vacation leave.
 4. If an employee is terminated after the employee has given fourteen (14) days' notice in writing and has been employed for six (6) months, the hiring authority must pay the employee for the two (2) weeks for which the employee gave notice, plus earned but unused vacation leave.

- a. The Deputy County Manager, Assistant County Manager, Division Head, or Elected/Appointed Official may 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 action may only be taken within the fourteen (14) calendar day notice period.

F. Processing Separations of Employment

1. Whenever an employee resigns, is terminated, is part of a RIF, or in any way separates his/her employment 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. The hiring authority shall take steps to assure access to County data systems is terminated no later than the employee's last day of employment.
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 the Human Resources Division and placed into the employee's personnel file. 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.