

MINUTES FOR JULY 9, 2012
COLUMBUS, KANSAS, CHEROKEE COUNTY
OFFICE OF THE COUNTY CLERK
CRYSTAL L. GATEWOOD

The Cherokee County Commissioners met July 9, 2012. Those in attendance were Commissioners Collins, Garner, and Hilderbrand. The Pledge of Allegiance was said by all. Commissioner Garner made a motion to accept the minutes for July 2, 2012 as presented by County Clerk Crystal Gatewood; his motion was seconded by Commissioner Collins with Commissioners Collins, Garner, and Hilderbrand voting in favor. Commissioners Garner, Collins and Hilderbrand, and Clerk Gatewood signed off on the documentation. Commissioners Hilderbrand, Collins and Garner, and Clerk Gatewood signed off on the Interlocal Cooperation Agreement of the Shoal Creek Basin Regional Water Authority as presented by the County Counselor. (A copy of this agreement is available in the Cherokee County Clerk's Office.)

EXECUTIVE SESSIONS

County Appraiser Nancy Herrenbruck requested an Executive Session for Non-Elected Personnel with herself, the three commissioners, and the HR representative. Commissioner Collins made a motion to go into Executive Session for five minutes for Non-Elected Personnel with himself, Commissioners Hilderbrand and Garner, Nancy Herrenbruck, and Deana Randall; his motion was seconded by Commissioner Garner with Commissioners Garner, Hilderbrand, and Collins voting in favor. They went in at 11:00 AM and returned at 11:05 AM.

County Counselor Cure requested Executive Session for the duration of 11:46 AM to 12:00 PM for Attorney/Client Privilege with himself and Commissioners Garner, Collins and Hilderbrand. Commissioner Collins made a motion to go into Executive Session from 11:46 AM to 12:00 PM for Attorney/Client Privilege with himself, Commissioners Garner and Hilderbrand, and the County Counselor; his motion was seconded by Commissioner Garner with Commissioners Garner, Collins, and Hilderbrand voting in favor.

MOTIONS MADE BY COMMISSION

Commissioner Hilderbrand made a motion to recess for lunch; his motion was seconded by Commissioner Garner with Commissioners Garner, Collins, and Hilderbrand voting in favor.

Commissioner Hilderbrand made a motion to pass the **County Handbook as presented by County Counselor Cure, and to pass and approve RESOLUTION #07-2012; A RESOLUTION ENACTING A PERSONNEL HANDBOOK AND REPEALING ANY PRIOR RESOLUTIONS IN CONFLICT THEREWITH...**; his motion was seconded by Commissioner Garner with Commissioners Garner, Collins, and Hilderbrand voting in favor. Those signing off on Resolution #07-2012 were Commissioners Collins, Garner and Hilderbrand, and County Clerk Crystal Gatewood. A copy of the Personnel Handbook and the Resolution are available in the Cherokee County Clerk's Office.

RH

OTHER BUSINESS

Representative Doug Gatewood came before the commission to ask them how they were going to bring a remedy to the Commission Redistrict Map that the Cherokee County Commission passed and approved on March 19, 2012. The commission had set the numbers as the following: District #1 - 6,372, District #2 - 6,317, and District #3 - 6,396 for a total of 19,085. The numbers and map were released on March 19, 2012 during the public hearing. The US Census numbers for Cherokee County did not match the commission numbers used during the dividing of the districts. The total certified population from the US Census was 21,603 as of July 1, 2011 for Cherokee County. The commission was asked by Representative Gatewood where they had gotten their numbers and they said they received them from Tim Shallenburger of the Governor's Office. He asked them if they had asked the County Clerk for the numbers; and the commission reported they got their numbers from the Governor's Office in good faith. They were not aware of the programs available and the Clerk did not offer this information from her office. The commission said they would speak with the County Counselor and Representative Gatewood said he would return to speak to the County Counselor at 1:30 PM. At 1:30 PM, Counselor Cure responded to Representative Gatewood that he would review and look into the questions that the Representative had and get back with him with the information.

Supervisor of Road and Bridge Leonard Vanatta reported they were doing general road maintenance in the county and gave an update on the bridges currently being worked on, and the bridges are on schedule to be opened before school starts. The commission asked Leonard to look at 78th Street and Gilstrap Lane in the county and let them know the condition.

The County Counselor updated the commission on Resolution #05-2012 for Sunday beer sales in businesses in the rural areas of the county, which will be official as of July 11, 2012. The Clerk will send a letter to the current businesses in the county that it affects to let them know. He also updated the commission on the Baxter Re-Call petition and read a letter he received. The commission also addressed the Cherokee County Sewer District's # 1 budget shortfall of \$17,936.82. Counselor Cure will write a resolution to transfer the monies from the No Fund Warrants Fund # (099) to the Sewer District # 1 Fund # (330) and bring the resolution in on July 16, 2012 for the commission to approve.

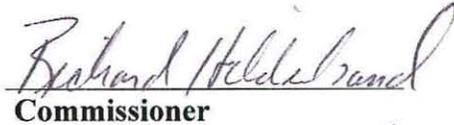
The commission held a budget workshop for any interested Department Heads. The county budgets submissions are due to the County Clerk on July 16, 2012 so she can get their proposed numbers into the 2013 budget proposal for the commission.

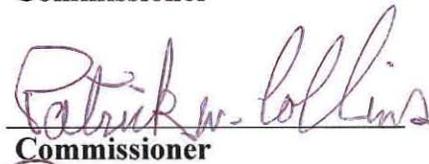
ADJOURNMENT

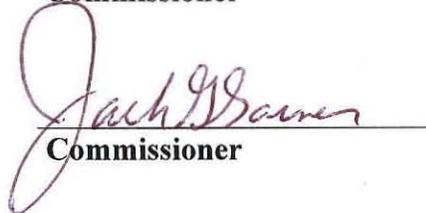
Commissioner Garner made a motion to adjourn at 2:26 PM; his motion was seconded by Commissioner Collins with Commissioners Collins, Garner and Hilderbrand voting in favor. The next Cherokee County Commission meeting will be held July 16, 2012 at 9:00 AM in the Cherokee County Courthouse in Columbus, Kansas.

Resolved and ordered this day, July 16, 2012


Cherokee County Clerk


Commissioner


Commissioner


Commissioner

(Published in the official county newspaper on the 9th day of July, 2012)

RESOLUTION NO. 7- 2012

**A RESOLUTION ENACTING A PERSONNEL HANDBOOK AND
REPEALING ANY PRIOR RESOLUTIONS IN CONFLICT
THEREWITH.**

**BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF
CHEROKEE COUNTY, KANSAS:**

WHEREAS, the Board of County Commissioners of Cherokee County, Kansas, upon due consideration of the matter finds that enacting the legislation below would better provide for improved personnel management by providing the rules contained therein.

WHEREAS, the Board of County Commissioners of Cherokee County, Kansas, meeting in regular session this 9th day of July, 2012, does hereby resolve as follows:

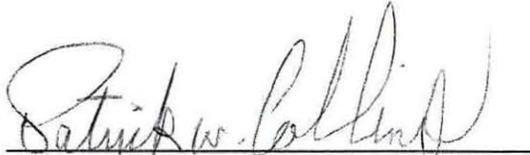
Section 1. Personnel Policy Handbook. There is hereby enacted and incorporated by reference as though fully set forth herein a document, attached hereto, entitled "Personnel Policy Handbook for Cherokee County, Kansas, July 9, 2012."

Section 2. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this resolution, or the application thereof to any circumstances, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this resolution.

Section 3. Repeal. The provisions of any previously enacted resolution that are inconsistent herewith are hereby repealed.

Section 4. Effective Date. This resolution shall take effect and be in full force from and after its passage and publication once in the official county newspaper.

Adopted this 9th day of July, 2012, by the BOARD OF COMMISSIONERS OF CHEROKEE COUNTY, KANSAS.



Patrick W. Collins
County Commissioner



Richard J. Hilderbrand
County Commissioner

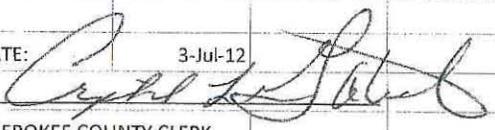


Jack G. Garner
County Commissioner

ATTEST:



Crystal Gatewood
County Clerk of Cherokee County,
Kansas
Resolution No. 7- 2012

CHEROKEE COUNTY BUDGET REPORT		ACTUAL DOLLARS			
AS OF JULY 3, 2012					
FUND	K.S.A.	BEG BALANCE	YTD REVENUE	YTD EXPENSE	ENDIND FUND BALANCE
COUNTY GENERAL	79-1946	\$224,617.47	\$2,394,767.52	\$1,754,574.93	\$864,810.06
ROAD & BRIDGE	79-1946	\$3,329.49	\$2,700,029.83	\$1,322,544.04	\$1,380,815.28
APPRAISER	19-436	\$93,360.47	\$236,880.61	\$164,823.11	\$165,417.97
HEALTH	65-204	\$1,104,926.51	\$159,829.85	\$79,556.43	\$1,185,199.93
DIRECT ELECTION	25-2201a	\$136,553.35	\$128,199.70	\$39,011.43	\$225,741.62
NOXIOUS WEED	2-1318	\$68,639.66	\$20,767.26	\$13,249.49	\$76,157.43
EXTENSION COUNCIL	2-610	\$27,598.80	\$164,652.01	\$145,835.25	\$46,415.56
CONSERVATION DISTRICT	2-1907b	\$3,551.27	\$21,115.75	\$18,750.00	\$5,917.02
FAIR		\$190.89	\$0.00	\$0.00	\$190.89
AMBULANCE		\$64,716.20	\$491,879.80	\$279,424.98	\$277,171.02
ELDERLY SERVICES		\$16,981.64	\$28,511.84	\$12,008.41	\$33,485.07
MENTAL HEALTH		\$15,100.05	\$91,648.75	\$81,022.50	\$25,726.30
MENTAL RETARDATION		\$14,946.12	\$91,782.46	\$81,022.50	\$25,706.08
NO-FUND WARRANTS		\$14,234.86	\$9,517.80	\$0.00	\$23,752.66
SPECIAL BRIDGE		\$334,843.31	\$136,903.28	176484.5	\$295,262.09
SPECIAL PARKS		\$6,513.42	\$5,383.93	\$6,180.00	\$5,717.35
SPECIAL ALCOHOL		\$0.00	\$14,594.64	\$8,342.11	\$6,252.53
LANDFILL		\$80,322.61	\$65,430.00	\$65,430.00	\$14,892.61
TOURISM & PROMOTION		\$800.00	\$3,448.86	\$3,448.86	\$800.00
SP. LAW ENFORCEMENT TRAINING		\$6,047.34	\$6,548.00	\$1,442.00	\$11,153.34
INTERGOVERNMENTAL 911		\$0.00	\$50,980.92	\$217,190.53	\$268,171.45
911 WIRELESS		\$289,215.64	\$91.25	\$289,306.89	\$0.00
PA TRAINING		\$1,247.54	\$984.75	\$571.38	\$1,660.91
EMPLOYEE BENEFITS		\$242,262.61	\$2,257,419.97	\$1,596,266.96	\$903,415.62
DATE:	3-Jul-12				
CHEROKEE COUNTY CLERK					

PERSONNEL
POLICY HANDBOOK
FOR
CHEROKEE COUNTY, KANSAS
July 9, 2012

**CHEROKEE COUNTY
PERSONNEL POLICIES**

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PERSONNEL POLICY HANDBOOK CHEROKEE COUNTY, KANSAS

ARTICLE I. GENERAL

I-1. Policies Established. The following policies, guidelines and other provisions for personnel administration in Cherokee County are established to:

- (a) Promote and increase the efficiency and effectiveness of service.
- (b) Establish County employment and personnel policies. These policies and guidelines do not create contractual employment rights. All employees are considered to be at-will employees for the purposes of County employment.
- (c) This Handbook is not to be construed as a contract or guarantee of employment for any specified time or any specific type of work. Employees are at-will employees.

I-2. Application of Policies. These policies and guidelines shall apply to all employees of other designated individual in the service of the County, except elected officials, appointed members of Boards, Committees and Commissions, and persons employed by contract (unless expressly placed under these policies and guidelines by the terms of the contract).

I-3. Responsibilities.

- (a) **Board of Commissioners.** The Board of County Commissioners has the sole authority for the authorization of new positions, general policy and the level of salaries. The Board shall further be responsible, to the extent permitted by law, for approving maximum salary appropriations for the offices of all elected officials and those departments covered by these rules.
- (b) **Elected Officials and Department Heads.** Elected officials and department heads shall be responsible for all personnel matters of employees under their supervision. Such matters include, but are not exclusive of: appointments to authorized positions, promotions, demotion, transfers and separations. Any and all questions concerning personnel matters which cannot be settled by a department head shall be referred to the Board of County Commissioners. Any hiring decisions, to the extent permitted by law, are subject to the approval of the Board of County Commissioners.

I-4. Administration. The personnel program of Cherokee County consists of the sum total of all policies and guidelines related to personnel administration in Cherokee County. The Board of County Commissioners and/or their designated

representatives shall administer the county personnel program. Except as may otherwise herein be provided, or be provided by State or Federal law, the policies and guidelines of the personnel program shall apply to all employees in the service of the County.

I-5. Departmental Guidelines. The head of each County department may formulate in writing, guidelines for the conduct of the operations of his or her department, such as those relating to safety or operational procedures, which shall be available to all departmental employees. Such department procedures shall not be less stringent than, in violation of, or in conflict with any personnel guidelines adopted by the Board of County Commissioners. If a conflict arises, the policies contained in this Handbook will govern unless the Board of County Commissioners issues a written approval to the contrary.

I-6. Personnel Records. The Human Resources Department shall keep adequate records of all persons employed, their pay scale, time worked, accrued vacation and sick leave, all absences for vacation, sick or other leave, accrued overtime, and all other records directed to be made and maintained under these policies and guidelines or under applicable state or federal law. Upon advance notice and prior approval, an employee's personnel file shall be available during office hours under supervision for inspection by that employee. County department heads are responsible for ensuring that the Human Resources Department is in possession of all pertinent employee information and that personnel files and information remains with the Human Resources Department.

Examples of records which may be kept with the Human Resources Department include:

- (a) Name, address, telephone number, person to notify in emergency, social security number, date of birth.
- (b) Salary record, change in status, promotion, demotion.
- (c) Attendance record: hours worked, vacation and sick leave earned, leave taken.
- (d) Original application form, resume or letters of recommendation.
- (e) Retirement forms.
- (f) Medical insurance forms
- (g) Employee performance evaluations and records of disciplinary actions.
- (h) Accident reports filed.

Other information may be kept as needed and for purposes of complying with State and Federal law.

I-7. Interpretation and Amendment.

- (a) **Authority for Interpretation.** The Board of County Commissioners shall be the final authority for rendering official interpretation of these

personnel policies and guidelines. If personnel matters not covered in these personnel policies and guidelines arise, the Board of County Commissioners shall be asked to render a written interpretation. Such interpretations shall be considered final.

- (b) **Amendments.** The Board of County commissioners specifically reserves the right to repeal, modify or amend these policies and procedures at any time, with or without notice, and such change shall not apply ex post facto.
- (c) **Repeal.** Any personnel policies previously adopted by resolution of the Board of County Commissioners that are in conflict with this document are repealed upon official adoption of these personnel policies. These personnel policies supersede all previous personnel policies and guidelines, employee handbooks and memos which may have been issued on subjects covered herein.
- (d) **Severance Clause.** If any article or section thereof is held to be invalid, the remainder of these personnel policies and guidelines, other than which has been held invalid, shall not be affected by that section's invalidity.

ARTICLE II. POSITION CLASSIFICATONS

II-1. Job Descriptions. Each position shall have a job description with the essential and marginal functions of the position and a statement of the qualifications and other requirements for filling such positions. Such descriptions shall be approved by the Board of County Commissioners and kept on file in the office of the Human Resources Department.

II-2. Maintenance of Plan. The classification plan shall, from time to time, be reviewed so as to provide for changes in class duties necessitated by organizational adjustment, improved methods or new or revised class descriptions, reclassify, reassign or transfer any employee when such action is deemed essential or desirable for the improvement of county operations. The classification plan in no way alters the employment-at-will status of all County employees.

ARTICLE III. TYPES OF EMPLOYMENT AND ELIGIBILITY FOR BENEFITS

III-1. Statement Of Purpose. It is the purpose of this section to establish guidelines and definitions for types of employment and for entitlement to benefits. All County employees are employees-at-will.

III-2. Types Of Employment

- (a) **SALARIED EMPLOYEE** includes exempt non-contract personnel hired for management, professional or technical positions and compensated on a monthly or annual basis.
- (b) **CONTRACT EMPLOYEES** are employed under personal services or statutory contracts to staff specific positions in the organization.
- (c) **ELECTED OFFICIAL** is any individual who is elected into County office or is legally appointed to fill an unexpired term of elective County office.
- (d) **REGULAR FULL-TIME EMPLOYEES** are scheduled to work full work periods of the department assigned on a regular and continuing basis.
- (e) **REGULAR PART-TIME EMPLOYEES** work less than a full work period of the department assigned, on a regular and continuing basis, but at a position which requires more than 20 hours of work per work week, unless other arrangements as to the number of hours have been made.
- (f) **SEASONAL EMPLOYEE OR TEMPORARY EMPLOYEE** is one who works on an irregular and/or non regular basis which requires less than one thousand (1000) hours of work per fiscal year. The period of time served by a temporary or seasonal employee shall not be counted as part of the initial six (6) months of employment.
- (g) **NONPAID VOLUNTEER** is a nonpaid individual in the position he or she holds. When acting as a volunteer an individual is not an employee regardless of other County employment.
- (h) **PAID VOLUNTEER** is an individual who is paid based on the occurrence of a specific event. Paid and unpaid volunteers are subject to the policies and procedures of this Handbook, and are covered by Cherokee County's employment-related workers compensation policy.

III-3. Eligibility For Benefits

- (a) Salaried Employees, Contract Employees and Elected Officials are eligible for all benefits offered except leave benefits, subject to State and Federal laws.
- (b) Regular Full-time Employees are entitled to all Employee benefits provided by the County, subject to applicable eligibility provisions and waiting periods, if any.

- (c) Regular Part-time Employees are entitled to one half of all Employee benefits as further described herein, subject to applicable eligibility provisions and waiting periods, if any.
- (d) Seasonal, Temporary, Paid and Non Paid Volunteers are not eligible for any benefits except workers compensation as required by law.

III-4. Qualifications for Employment.

All new applicants for any position with the County, shall be able to perform the essential functions of the position, with or without a reasonable accommodation, and meet the qualifications for the position. Each applicant shall complete a job application form. A medical examination or other testing, including drug testing, may be required after a conditional offer of employment has been made, provided that, such exams or testing are required of all such applicants. The offer of employment is contingent upon the applicant passing required tests. Candidates will be recruited from a geographical area as wide as necessary to ensure obtaining well-qualified applicants. In those instances where a County employee and a non-employee are competing for the same position and are equally qualified, the County employee will receive primary consideration. All county employees are employees-at-will.

III-5. Promotion.

Whenever possible, it is the policy of the County to fill all vacancies for supervisory, skilled and upper-level positions from the ranks of present employees from within the department where the vacancy exists. All employees seeking promotion shall be expected to meet the minimum qualifications for the classification to which they seek promotion, be able to perform the essential functions of the position, with or without a reasonable accommodation, and to perform satisfactorily on any tests which are job-related and deemed necessary by the Board of County Commissioners and/or the department head. An offer of promotion is conditioned upon the applicant passing required tests. Departmental promotions filling vacancies within the department do not require notifications of vacancy.

III-6. Notification of Vacancy.

Notification shall be by position announcements on official bulletin boards and by publishing in the official County newspaper or in such other places as the department head determines useful. The announcement shall specify the title, pay range and the essential and marginal functions of the position, the

minimum qualifications, time, place and manner of making application, closing dates for receiving application, and other pertinent information.

III-7. Orientation.

During the first week of employment, the employee shall be required to attend an orientation session. The orientation session includes, but is not limited to, a review of the County's Personnel Handbook. The new employee shall sign the Receipt/Acknowledgement Page, which is included with the Handbook.

III-8. The Training Period.

- (a) The training period is a working test of the employee's ability to render satisfactory service and to perform the essential functions of the position, with or without reasonable accommodation.
- (b) Each employee, following initial employment, shall undergo a training period of six (6) months in duration in order to achieve a minimum level of competency. Prior to the end of the sixth month of employment, the appropriate supervisor shall complete a written evaluation of the new employee. A copy of this evaluation of the new employee will be given to the employee and the department head. The supervisor shall review the evaluation with the employee. When justifiable, the department head may extend the training period for an additional six (6) months.
- (c) Each employee promoted to a classification with higher pay or an employee demoted will also undergo a three (3) month training period in order to achieve minimal competency in the new position. An employee may be returned to the pay and position he or she held immediately prior to the promotion or to a position with equal pay and responsibility if a minimal level of competency cannot be demonstrated.
- (d) All employees, whether within a training period or during regular employment thereafter remain employees-at-will.

III-9. Appointing Authority. Employees of the County shall be selected by the respective office or department heads, subject to the approval of the Board of County Commissioners.

III-10. Disqualification. An applicant shall be rejected if:

- (a) The applicant cannot perform the essential functions of the position with or without a reasonable accommodation.
- (b) Has made any false statement of any material fact.

- (c) Has practiced or attempted to practice any deception or fraud in the application or during the application process.
- (d) Has violated any county policy or procedure including but not limited to, the drug and alcohol policies.

The foregoing is not an exclusive list of grounds for disqualification for a position.

III-11. Equal Employment Opportunity Policy. It shall be the policy of the County to provide equal opportunity to all qualified persons to enter County employment on the basis of demonstrated merit and fitness determined without regard to race, color, sex, disability, religion, age, national origin or ancestry.

III-12. Nepotism.

- (a) In order to avoid favoritism or the appearance of favoritism based on family relationships, no one shall be employed in a department where the supervisor or department head is a member of their immediate family. "Immediate family" is defined to include only an employee's parents, stepparents, spouse, children, stepchildren, sister or brother, grandparents, grandchildren, mother or father-in-law and brothers- or sisters-in law unless approved by the County Commissioners.
- (b) In addition to the above, no person shall be employed in a position in any department if that person is a member of the immediate family of another employee within that department. Members of immediate families may be employed within the same department as a part-time or temporary employee but not to exceed six months in any 12 consecutive month period unless approved by the County Commissioners.
- (c) If two employees within the same department marry or otherwise obtain a relationship whereby they become members or the equivalent of members of each other's immediate family, one of the employees shall be transferred to another department, if possible, without loss of pay or other benefits. However, the establishment of such a relationship shall not be the basis for termination of employment unless approved by the County Commissioners.
- (d) This policy shall apply to all employees hired after the adoption of these Personnel Policies.

III-13. Citizenship Verification. All employees initially hired after November 7, 1986, for any position with the County, shall complete an employment eligibility verification statement in compliance with the federal Immigration Reform and Control Act of 1986 as amended.

ARTICLE IV. COMPENSATION

IV-1. Pay Plan.

- (a) All employees shall be paid at the rates prescribed for the classification in which they are employed. Employees working on a part-time basis shall receive that portion of the salary assigned to their class to be determined by the actual time they work. Temporary and/or seasonal employees who work on an irregular and/or non-regular basis shall be paid at an hourly rate computed from the monthly salary assigned to his or her position.
- (b) The promotion of an employee to a class with a higher salary range shall include an increase in his or her salary to at least the minimum for the new classification. If the minimum for the new classification is below his or her present salary, he or she shall not be granted more than a one-step increase in salary at the time of promotion unless the increase first shall have been approved by the Board of County Commissioners or unless he or she is also eligible for any other pay increase.
- (c) In the event an employee is reclassified or demoted to a lower classification, his or her salary may be reduced to any step in the lower classification; provided, however, in no event shall his or her salary be fixed at an amount greater than he or she was earning immediately prior to his or her demotion.

IV-2. Salary Range, New Employees. A new employee normally will enter the employment at the minimum rate of pay for the position in which he or she is employed. In the case of difficulty in finding qualified personnel, the starting salary may be on the second-step of the range assigned to the position being filled. Any exception to this policy must first be approved by the Board of County Commissioners.

IV-3. Effective Date of Salary Increase. No step-salary increase shall take effect until the pay period immediately succeeding the pay period during which such salary increase was granted. No other salary increase shall take effect until the pay period determined appropriate by the Board of County Commissioners.

IV-4. Performance Evaluation.

- (a) Performance evaluation will be based primarily on the employee's job description.
- (b) Employee performance evaluation shall be considered in determining salary increases and decreases within the limits established in the pay plan; as a factor in promotion; as a factor in determining the order of

layoffs; as a means of discovering employees who should be promoted or transferred; or who, because of their low performance, should be demoted or dismissed.

- (c) An evaluation of each employee's performance of his/her job's essential functions, marginal functions and qualifications shall be made by each office or department head or authorized supervisor, or by another qualified person designated by the appointing authority or department head or supervisor. A qualified person is one who can perform the essential functions of the position with or without reasonable accommodation.
- (d) If the initial rater is not the appointing authority, the rating shall be subject to review, approval, or modification by the appointing authority before the rating is final.
- (e) All rating periods shall be annual and in increments of twelve (12) months, commencing on the first day of January of each and every year and terminating on the last day of December of each and every year thereafter.
- (f) The employee shall be asked to sign the report to show that he or she has been informed of the evaluation.
- (g) An unscheduled or special evaluation may be performed as the department head or supervisor feels appropriate for the development of the employee's performance or for disciplinary reasons.
- (h) The evaluation process does not alter the status of County employees as employees-at-will.

IV-5. Pay Days. Employees shall be paid monthly according to the pay schedule adopted by the Board of County Commissioners.

IV-6. Pay on Termination.

- (a) An employee who is terminated will receive his or her final paycheck by the first regularly scheduled pay day following his or her termination.
- (b) A discharged employee, as defined in VI-3(g) herein, shall not be eligible to receive pay for any accrued benefits other than unused accumulated vacation pay.

- (c) Upon termination of an employee, the County will offset against the respective terminated employee's final pay check, including all unpaid accumulated regular pay, vacation pay, personal leave pay and sick leave pay, the value of any unreturned equipment issued by the County to the employee and the value of any funds embezzled or stolen from the County.

IV-7. On Call. Exempt employees, at a supervisory level and as a part of the agreed upon working conditions for the administrative position, will at times be required to be available to report for County service on short notice. Such administrative employees are paid based on being called out and are salaried.

IV-8. Overtime Work.

- (a) Compensation for authorized overtime work shall be at the rate of one and one-half times the employee's regular rate of pay.
- (b) No person employed in an exempt administrative, executive or professional position, as defined by the Federal Fair Labor Standards Act, shall be eligible for overtime compensation unless otherwise authorized to be reimbursed.
- (c) Employees shall be eligible to receive overtime compensation for all hours worked in excess of forty (40) in a work week, except for full-time law enforcement officers who may be paid according to an alternative pay period. Unless otherwise designated, the work week shall begin at 12:01 A.M. each Monday.
- (d) Overtime shall be granted for full-time law enforcement officers for hours worked in excess of 43 hours in a 7 day work period. For purposes of this section, law enforcement personnel are defined as members of that body of officers who are empowered to enforce laws, have the power of arrest, and have undergone (or are undergoing) on the job training or similar instructions. Not covered by this term are such personnel as dispatchers, jailers and secretarial staff. Effective January 1, 2013, the 43 hours provision contained herein shall become 40 hours.
- (e) All overtime work must have prior authorization by the employee's department head. The department head will maintain records of any overtime worked including but not limited to the date worked and the reason for overtime.
- (f) All overtime is subject to approval of the Board of County Commissioners.

- (g) Employees who are classified exempt under the Fair Labor Standards Act shall not be subject to suspensions without pay, except for infractions of safety rules of major significance.

IV-9. Pay Records.

- (a) The Human Resources Department office will provide to each department head a current and accurate daily attendance record on all employees under their supervision before the end of each pay period for review and correction.
- (b) All employees except those exempt under the provisions of the FLSA shall maintain accurate time records.
- (c) Except as may otherwise be provided herein, or by specific procedures within a department, no employee shall be permitted to clock any other employee "in" or "out".
- (d) It shall be the responsibility of the departmental or office head to make sure that all time sheets or time cards, electronic or otherwise, are properly filled out and are accurate to the best of his or her knowledge, and if any discrepancy is found, the office or departmental head shall appear before the Board of County Commissioners and render a satisfactory explanation of the same.
- (e) The Human Resources Department shall keep records of all persons employed, their pay scale, time worked, accrued vacation and sick leave, all absences for vacation leave, family and medical leave, personal leave and sick leave and accrued overtime. Such records shall be available at all reasonable times for inspection to the extent permitted by the Kansas Open Records Act and the resolutions of this County pertaining to same.

ARTICLE V. WORKWEEK, HOURS OF WORK, LEAVE AND HOLIDAYS

V-1. Workweek. The workweek for all employees shall be from 12:01 a.m. Monday until the following Sunday midnight, unless another period is otherwise designated as allowed by law. This is the official seven-day workweek for State and Federal wage and hour provisions.

V-2. Hours of Work.

- (a) Employees shall report to work in the following departments at the following times:

- (1) The following offices of Cherokee County shall be open from 8:00 a.m. to 5:00 p.m., Monday through Friday, with exceptions as stated:

Clerk – 8:00 a.m. – 5:00 p.m.

Treasurer – The Treasurer’s Office will open at 8:00 a.m., and will close to the public at 4:30 p.m.

Register of Deeds – 8:00 a.m. – 5:00 p.m.

Appraiser – 8:00 a.m. – 5:00 p.m.

County Attorney – 8:00 a.m. – 5:00 p.m.

Health Department – 8:00 a.m. – 5:00 p.m.

Mapping and Addressing – 8:00 a.m. – 5:00 p.m.

- (2) The offices of the County Road and Bridge Department and the County Noxious Weed Department shall be open from 7:00 a.m. to 3:30 p.m., Monday through Friday.
 - (3) The County Sheriff’s Department Emergency 911 Dispatch shall operate twenty-four (24) hours per day, seven (7) days a week.
- (b) All offices of the County, with the exception of the County Sheriff’s Department Emergency 911 Dispatch shall be open during the aforementioned periods of time attributable to each office unless the same shall constitute a holiday.

V-3. Holidays.

- (a) The Board of County Commissioners will designate annually, by resolution, the paid holidays for the County and may by motion designate other days as special holidays on a one-time basis.
- (b) All full-time employees, who are not required to work on an observed holiday, shall be compensated for eight (8) hours at their regular hourly rate as holiday pay. Regular part-time employees who are not required to work on an observed holiday shall be compensated for four (4) hours at their regular hourly rate as holiday pay.
- (c) Regular Full-time employees required to work on a County observed holiday shall be compensated for the hours they work, plus they will

receive eight (8) hours at their regular hourly rate as holiday pay unless they are a seven (7) hour day employee, in which case they will be compensated for the hours they work, plus receive seven (7) hours at their regular hourly rate as holiday pay. Regular part-time employees required to work on a County observed holiday shall be compensated for the hours they work, plus they will receive four (4) hours at their regular hourly rate as holiday pay.

- (d) To be eligible to receive pay for a County holiday, an employee must not have been absent either on the workday before or the workday after the holiday unless employee is taking approved vacation leave which is on file, in writing, in advance of the holiday, with the employee's supervisor or department head and Human Resources, or has a doctor's excuse to verify absence.

V-4. Vacation. The vacation year shall be from December 26th through December 25th of the following year. Vacation leave shall be earned and accrued from the most recent dates of appointment to employment under the conditions at the rate hereafter stated. No leave shall be granted to an employee until one year of service has been completed. Employees shall request vacation leave in advance of at least twenty-four hours and department heads shall insure a minimum disruption of work.

Vacation leave cannot be carried over from year to year and cannot be transferred or given from one employee to another.

- (a) **Regular Full-time employee.** Vacation leave shall be earned and accrued to the employee's continuous service. In the first year the employee gains an additional week. The additional week cannot be taken until after the employee's anniversary date. Following is the vacation leave earned.

<u>Length of Service</u>	<u>Vacation Leave</u>
1 year	1 week
2 through 6 years	2 weeks
7 through 11 years	3 weeks
12 through 19 years	4 weeks
20 through 29 years	5 weeks
30 or more years	6 weeks

Each week above is paid for actual hours regularly worked by the employee.

Each salaried, non-elected, employee of the County shall receive paid vacation equivalent to the pay such employee would receive if he or she was eligible to exercise vacation leave.

- (b) **Regular Part-time employee.** Each regular part-time employee shall receive one half vacation credit based upon the provisions of V-4 (a) above. Temporary or seasonal employees shall not earn vacation credit or pay.
- (c) **Holiday During Vacation.** Paid holidays which occur during a vacation leave shall not be counted as a day of vacation.
- (d) **Time to Request.** All requests shall be in writing and shall be filed with the employee's departmental or office head.
- (e) **Termination.** Upon termination, a regular full-time employee or regular part-time employee shall be compensated for all accumulated unused vacation leave.
- (f) **Death.** In the case of death, a regular full-time or regular part-time employee's estate shall be compensated for all accumulated unused vacation leave.
- (g) **Abuse of Vacation Leave.** Any employee who improperly claims vacation leave shall be subject to disciplinary action, including loss of pay or dismissal.
- (h) **Records.** The Human Resources Office shall provide each department head with records of earned and used vacation by each employee under their supervision on a monthly basis.
- (i) **Units of Use.** Employees may use vacation leave in units of not less than a regular full day for the employee (7 or 8 hours, as applicable), subject to the approval of their supervisor or department head.

V-5. Sick Leave. All regular full-time and regular part-time employees of the County shall be entitled to sick leave with pay for absences resulting from the employee's or the employee's immediate family's injuries, accidents or other physical incapacitation, occurring either on or off the job. No employee shall be permitted to use sick leave for any periods spent on unauthorized leave or participating in any unlawful work stoppage.

- (a) **Amount of Sick Leave.** Upon successful completion of the training period each regular full-time employee shall earn eight (8) hours of sick leave for each month of service or seven (7) hours of sick leave for each month of service if they are a seven (7) hour day employee.

Employees must work a minimum of 80 hours per month before accruing sick leave.

Each regular part-time employee shall earn one half the monthly sick leave allowed a regular full-time employee described above.

- (b) **Accumulation of Sick Leave.** No employee shall accrue more than seven hundred twenty (720) hours of sick leave. Any hours above the 720 will be paid to the employee on the last paycheck of the year.
- (c) **Computing Sick Leave.** Any absence for a fraction or part of a day which is chargeable to sick leave shall be charged in units of not less than fifteen (15) minutes.
- (d) **Doctor's Certificate.** For sick leave in excess of three (3) days, an office or department head may require a signed statement from a physician or dentist verifying the employee's inability to perform his or her assigned duties because of such illness or the illness any of the following persons: a parent, child, step-child, or person over which the employee is the legally appointed guardian or custodian.
- (e) **Notification.** To be eligible for paid sick leave, an employee shall notify his or her immediate supervisor of the reason for his or her absence no later than before the beginning of each day for which sick leave is taken.
- (f) **Termination of Employment.** An employee shall not be paid for any unused sick leave upon termination of his or her employment with the County, unless such employee has maintained 10 years of continuous full-time employment with the County, and was not discharged from his or her most-recent employment with the County.
- (g) **Abuse of Sick Leave.** An employee who improperly claims sick leave shall be subject to disciplinary action, including loss of pay or dismissal.
- (h) **Transfer of Sick Leave.** Employees may transfer sick leave to another employee up to 120 hours, but must have and keep 120 hours, subject to the approval of their departmental or office head and the County Commissioners. Transfer hours are only on an as need basis.

V-6. Personal Leave. Full-time employees will be allowed two days per year for personal reasons. Notification must be given to the department head at least one day in advance before this leave will be allowed. Personal days are based on a calendar year and cannot be carried over. Personal leave may be taken in hourly increments. Part-time employees will be allowed one day per year for personal reasons.

V-7. Funeral and Bereavement Leave. All regular full-time and regular part-time employees of the County shall be allowed up to three (3) days with pay for death in the immediate family. Immediate family for the purpose of funeral leave is defined as spouse, parent, child, grandchild, brother or sister, grandparent, step-relation of the same degree, mother-in-law, father-in-law, brother-in-law and sister-in-law. If more than three (3) days of leave are necessary, other paid leave may be used. In case of death of a family member while the employee is on vacation leave, the vacation will be extended up to three (3) days.

An employee who improperly claims funeral and bereavement leave shall be subject to disciplinary action, including loss of pay or dismissal.

V-8. Maternity/Paternity Leave. No employee shall be compelled, coerced or ordered to begin maternity leave at any time during their pregnancy. Maternity leave shall be governed by applicable state and federal law.

(a) **Use of Leave.** Absence commencing at the time an employee's condition of pregnancy necessitates leave shall be handled as follows:

- (1) An employee shall be granted upon request, maternity leave without pay, provided however, that the employee may elect to utilize any personal leave, accrued sick leave, or accrued vacation leave if, and to the extent, such leave is available.
- (2) The Family and Medical Leave Act Policy of Cherokee County shall govern such leave. However, an employee will normally be expected to return to work no later than six (6) weeks following termination of the pregnancy unless complications develop in which case the employee shall furnish written documentation of the circumstances and need for further leave to their department head or immediate supervisor.

(b) **Doctor's Release Before Returning to Work.** An employee shall be required to present a doctor's release to their department head before returning to work following a pregnancy or pregnancy-related condition.

V-9. Family and Medical Leave Act Policy.

(a) **Amount of Leave Granted.** Upon request, any employee will be granted up to 12 weeks of unpaid family and medical leave during any 12 month period. Such leave will be available as the result of the birth, adoption or placement of a child for foster care, to care for a spouse, child or parent with a serious health condition or due to a serious health condition or disabling illness of the employee. "Serious health condition" shall be defined as an illness, injury, impairment, or

physical or mental condition involving inpatient care or continuing treatment or supervision by a health care provider.

- (b) **Notice.** Employees are required to provide at least 30 days notice of the need for leave for birth, adoption, or planned medical treatment. No notice is required for unforeseen events such as premature birth or sudden changes in the patient's condition that requires a change in scheduled medical treatment. Cherokee County also recognized that parents who are waiting to adopt a child are often given short notice. Notice is waived for employees who face emergency medical conditions or unforeseen changes.
- (c) **Use of Paid Leave.** It is the policy of Cherokee County to require employees to expend all paid leave before taking unpaid family and medical leave. The accumulated paid leave time shall be counted as part of the 12 week period for qualified family medical leave.
- (d) **Eligibility.** An employee must have worked for the County at least 12 months and for a minimum of 1,250 hours during the previous year. Where a husband and wife work for the County, the total number of weeks leave to which both are entitled will be limited to 12 weeks during any 12 month period. Where leave is requested as a result of a serious health condition, the employee will provide the County a certification statement issued by a health care provider. Should there be a question of validity of the certification provided by the employee the County may, at its own expense, require an opinion from a second health care provider. Where there is a conflict between the two opinions, the County may pay for the opinion of a third provider. The opinion of the third provider is binding on both the employee and employer.
- (e) **Restoration.** An employee returning from family leave will be entitled to return to their position or to a position with equivalent benefits, pay and other terms and conditions of employment.
- (f) **Key Employees.** Under certain conditions, employees who are designated as "key" may be denied job restoration rights. These employees must be in the highest paid ten (10) percent of the work force, and their absence must mean a substantial economic loss to Cherokee County. Supervisors are urged not to use a "key" person designation unless absolutely necessary. If a person designated as "key" still takes family leave, Cherokee County will pay the health care premiums, but no guarantees are made about returning the key employee to the job he or she left. Cherokee County will not attempt to recover health care premiums from such employees who do not return to work.

- (g) **Vacation and Sick Leave.** Employees on unpaid family leave will not accrue any seniority, vacation or sick leave benefits.
- (h) **Health Insurance Coverage.** The County will continue to provide health care coverage under the same provision as prior to the leave. Where the employee fails to return from leave, the County can recover the premium(s) that have been paid on behalf of the employee to maintain health care coverage. If failure to return to work is due to the continuation, recurrence, or onset of a serious health condition beyond the employee's control the employee will not be liable for health care premiums paid while on family leave. In such cases, a certification issued by a health care provider will be required.
- (i) **Certification.** Employees must provide certification explaining their own serious health condition or that of a family member. It should detail the date on which the condition began; the probable duration of the condition; appropriate medical facts regarding the condition; a statement that the employee is needed to care for a spouse, parent or child; a statement that the employee's own health condition makes it impossible for him or her to work. A certification form is available from the Human Resources Department.
- (j) **Certification for Return to Work.** All employees returning from medical leave, due to their own illness, will be required to obtain medical certification from a designated health care provider that the employee is able to resume work.
- (k) **Reporting Requirements.** Employees on leave status will be required to report their status on a weekly basis. The employee's estimated date of return to work will be communicated to their supervisor as far in advance as practical, so that scheduling can be facilitated. Supervisors will communicate with employees during the leave to determine the employee's intention to return to work, and they should be informed immediately if the medical condition changes or the employee states that he or she will not be returning to work.
- (l) **Reduced or Intermittent Leave.** The employee and Cherokee County may work out an agreement by which leave may be taken intermittently or on a reduced leave schedule. While this would not reduce the employee's 12-week entitlement for the full-year period, it would enable him or her to spread the leave over a longer period of time.
- (k) Employees who take intermittent leave may be transferred to another position that would better accommodate a part-time schedule. They

would receive equivalent pay and benefits during the temporary transfer.

(m) **Reduction in Force.** Employees who are on a family or medical leave during a layoff will be treated in exactly the same way as they would have been treated if they were not on leave. They will not be given preferential treatment because of the leave nor will it be held against them in the layoff selection. They will be recalled to work in the same order as they would have been under normal circumstances.

V-10. Work-related Injury Leave.

- (a) All injuries occurring on the job shall be reported as soon as possible to the employee's immediate supervisor.
- (b) Payment of workers compensation benefits will be made according to Cherokee County's policy on such matters.

V-11. Civil Leave.

- (a) **Civil Leave With Pay.** An employee shall be given necessary time off without loss of pay, when appearing in court as a witness in answer to a subpoena or as an expert witness when acting in an official capacity in connection with the County.
- (b) **Civil Leave Without Pay.** If an employee is involved in a personal lawsuit either as a plaintiff or as a defendant in an action not related to his or her duties with the County, the employee may take leave without pay unless he or she elects to utilize any accumulated vacation or personal leave.
- (c) **Jury duty.** An employee shall pay any money received for jury duty to the County, before he or she will be paid his/her regular hourly rate as if the employee had been at work while performing jury duty.
- (d) **Abuse of Civil Leave.** An employee who improperly claims civil leave shall be subject to disciplinary action, including loss of pay or dismissal.

V-12. Military Leave and Emergency Civilian Duty. All regular full-time and regular part-time employees shall be entitled to fifteen (15) days of leave per calendar year for the purpose of active service in any branch of the United States Armed Forces, Federal Reserves, or National Guard or when performing emergency civilian duty in connection with national defense. In those cases where military pay is less than the employee's regular salary, an employee may be compensated for the

difference between his military pay and his county salary for a period not to exceed fifteen (15) days. No employee shall be permitted to use this leave for any period spent on unauthorized leave or participating in any unlawful work stoppage.

- (a) **Accumulation of Military Leave.** There shall be no accumulation of this leave from year to year.
- (b) **Computing Military Leave.** Any absence for a fraction or part of a day which is chargeable to military leave shall be charged in units of not less than one (1) hour.
- (c) **Termination of Employment.** An employee shall not be paid for any unused military leave upon termination of his or her employment with the County.
- (d) **Abuse of Military Leave.** An employee who improperly claims military leave shall be subject to disciplinary action, including loss of pay or dismissal.

V-13. Domestic Violence or Sexual Assault Leave.

- (a) "Domestic Violence" means abuse as defined in K.S.A. 60-3102, and amendments thereto.
- (b) "Sexual Assault" means any crime defined under Kansas statutes as Rape, Indecent Liberties with a Child, Aggravated Indecent Liberties with a Child, Criminal Sodomy, Aggravated Criminal Sodomy, Incest and Aggravated Incest.
- (c) An employee who is a victim of domestic violence or a victim of sexual assault shall be permitted to take time off from work to:
 - (1) Obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order or other injunctive relief to help ensure the health, safety or welfare of the victim or the victim's child or children;
 - (2) seek medical attention for injuries caused by domestic violence or sexual assault;
 - (3) obtain services from a domestic violence shelter, domestic violence program or rape crisis center as a result of domestic violence or sexual assault; or
 - (4) make court appearances in the aftermath of domestic violence or sexual assault.
- (d) As a condition of taking time off for a purpose set for in (c)(1)-(4), the employee shall give the supervisor reasonable advance notice of employee's intention to take time off, unless such advance notice is not feasible. Within

48 hours, excluding weekends and holidays, after returning from the requested time off, the employee shall provide documentation which may include, but is not limited to, the following to support taking time off for a purpose set forth in (c)(1)-(4):

- (1) A police report indicating that the employee was a victim of domestic violence or sexual assault;
 - (2) a court order protecting or separating the employee from the perpetrator of an act of domestic violence or sexual assault, or other evidence from the court or prosecuting attorney that the employee has appeared in court; or
 - (3) documentation from a medical professional, domestic violence advocate or advocate for victims of sexual assault, health care provider or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence or assault.
- (e) To the extent allowed by law, the employer shall maintain the confidentiality of any employee requesting leave to accomplish any of the purposes set forth in (c)(1)-(4), as well as the confidentiality of any supporting documentation provided by the employee to the employer relating to a purpose set forth in (c)(1)-(4) above.
- (f) An employee may use any accrued paid leave or, if paid leave is unavailable to the employee, unpaid leave, not to exceed a total of eight days per calendar year, as time off for a purpose specified in (c)(1)-(4) above.

V-14. Other Leave.

- (a) **Meetings, Seminars.** An employee may be granted leave with pay to attend meetings, seminars and conventions related to the employee's work for the County when such attendance is authorized by the employee's department head or elected official.

V-15. Request for Leave. Except as provided in other sections of this Handbook, or in the family and medical leave act, all leave must be authorized in writing by the employee's department head or supervisor prior to leave being taken, unless it is an emergency situation. A copy of each leave record, including records of sick leave taken, signed by the employee and department head, shall be maintained.

V-16. Credits for Paid Leave. An employee while on paid sick leave, vacation leave or other leave with pay shall continue to earn credit for sick leave and vacation leave, but no leave credit shall be earned by any employee while on leave without pay.

V-16. Absence without Leave.

- (a) An employee absent from duty, including absence for a single day or part of a day, without specific prior authorization under these policies, shall

be deemed to be absent without leave and may be subject to disciplinary action. Any employee who is absent from work for two continuous work days within a calendar year and such absence is unauthorized may be terminated.

- (b) Any employee who is absent without leave and who fails to return to duty within twenty-four (24) hours after having received notice to do so, shall be deemed to have resigned his or her position voluntarily.
- (c) Absence without leave shall be construed to be any absence in which the employee has failed to secure prior approval, or, in the case of illness or emergency, has failed to notify his or her immediate supervisor or department head of such absence no later than the date such absence begins.

V-17. Social Security and Kansas Public Employees Retirement System. All eligible employees are under the Federal OASDI Social Security System, and receive the benefits thereof in accordance with Federal laws and regulations. The cost of this benefit is paid equally by the County and the employee, with the employee contribution subject to payroll deduction or withholding.

All eligible employees are members of the Kansas Public Employees Retirement System (KPERS) and receive the benefits thereof in accordance with Kansas laws and regulations. The County and employees both contribute a share as determined by KPERS which may vary annually. Employees will participate immediately upon hire date.

V-18. Death and Disability Benefits. Those employees who are contributing members of KPERS are eligible for the insured death and disability benefits provided by KPERS, which is supplemental to the regular KPERS benefits. The cost of this benefit is paid entirely by the County.

V-19. Unemployment Compensation. All eligible employees receive the benefits of the Kansas Employment Security (unemployment compensation) Act, in accordance with such law and regulation. The cost of this benefit is paid entirely by the County.

V-20. Group Health Insurance. Eligible Employees shall qualify for the County's group health care insurance program the first full calendar month following 90 days of employment. The cost of the health care insurance program for the Regular Full-time employee is paid by the County.

When an individual is required to contribute because of participation in the County's group health care program the amount of such contribution shall be a payroll deduction. All costs for health care insurance shall be paid by the Employee during

any period the Employee: is on a leave without pay (except see Family Leave); is on a suspension without pay; is on unauthorized leave; or is participating in unlawful work stoppage. Health care insurance shall be extended to an individual who is temporarily disabled and drawing worker's compensation while serving as an Employee. The Employee's share of the cost, if applicable, shall be deducted from any compensation due the Employee in addition to workers' compensation payments. In the event no additional compensation is due, insurance may be extended at the option of the Board.

Retirees, under age 65 with at least ten (10) years of service, shall be eligible for continued participation in the County's health care plan, upon payment of all the costs thereof, in accordance with the provisions of K.S.A. 12-5040. In addition, the County complies with those provisions of the Federal Consolidated Omnibus Reconciliation Act of 1986 (COBRA) relating to the extension of group health care plan coverage upon separation from County employment. Married retirees whose legally recognized spouse is not employed and is under age 65, may have such spouse's coverage continued without Retiree's continued enrollment in the County plan.

Qualified Employees may be eligible for family coverage at a premium amount to be set on an annual basis by the Board of County Commissioners.

V-21. Cafeteria Plan. The Board has established a "Cafeteria" fringe benefit plan, under Section 125 of the Internal Revenue Code. This plan provides the opportunity for each eligible Employee to execute a pre-tax salary reduction agreement, once annually, to fund any of the below listed items with pretax dollars. Once the annual allocation is made for each selected benefit, the only change in the salary reduction agreement which will be allowed during the year is for a fluctuation in health care premiums or other qualifying events as defined by the County's cafeteria plan. The plan year is from January 1 to December 31. Each Employee executing a salary reduction agreement for benefits shall allocate an annual sum to be used for the purchase additional benefits offered by the County's designated carrier, which shall consist of one or more of the following items:

- Health Insurance
- Group Term Life Insurance
- Disability Insurance
- Dental Insurance
- Vision Insurance
- Cancer/Dread Disease Insurance
- Heart and Stroke Insurance
- Excess medical expense
- Dependent care expense
- Accident Insurance

Each employee shall be provided with a description of the benefits in the new hire packet and additional information should be obtained from the Payroll clerk.

ARTICLE VI. DISCIPLINE

VI-1. Authority to Discipline. Department heads and elected officials are responsible for the conduct and effective performance of all employees under their jurisdiction and shall have the authority and the responsibility to discipline employees for violations of the County's personnel policies and/or any departmental guidelines.

VI-2. General Policy. The purpose of discipline is to ensure high standards of performance and efficiency, and to provide the citizens of the County with the highest possible level of courteous and professional public service. Discipline in the county organization is for the most part "self" discipline. It is the duty of employees to make conscientious effort to work and behave in accordance with the values, service standards, policies and guidelines of the County and the department in which they work. Each employee is expected to be self-disciplined and to work hard at being the best at what he or she does and in helping the County provide a high level of public service.

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

An employee is subject to disciplinary action if:

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

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

VI-3. Disciplinary Actions. The following types of disciplinary actions are officially recognized by the Board of County Commissioners but are not required to be administered in a sequential fashion:

- (a) **Verbal Warning.** A verbal warning is an oral reprimand given to an employee by his or her supervisor or department head. A record of the warning shall be recorded in the employee's file.

(b) **Reprimand.** A reprimand is a written censure to an employee by his or her supervisor or department head, a copy of which shall be recorded in the employee's file. Causes for the issuance of a written reprimand may include, but are not limited to:

- (3) Violation of any county personnel policy or procedure.
- (4) Action unbecoming an employee of the County which reflects on the County adversely.
- (5) Insubordination to his or her office or department head or supervisor or a Cherokee County Commissioner or the Board of County Commissioners.
- (6) Carelessness or negligence with monies or other property of the County.
- (7) Engaging in outside business activities on County time, or using County property for such activity.

(c) **Training.** Training is a trial period of a specific length of time during which an employee is required to fulfill a set of conditions, or to improve work performance, or to improve on the job behavior. Failure to meet the training requirements may result in additional disciplinary actions.

(d) **Salary Reduction.** A salary reduction is the lowering of an employee's rate of pay within the pay range to which the employee's position is assigned.

(e) **Demotion.** A demotion is the placement of an employee into a position of a lower pay range.

(f) **Suspension.** A suspension is the removal of an employee from service, with or without pay, for a specific period of time. Suspensions without pay shall not exceed ten (10) calendar days for any given offense unless the employee has been charged with or arrested for a felony criminal offense or criminal offense related to the unlawful taking of the property of others. In the latter instance, the employee must be suspended pending a full investigation. Following such investigation, the employee may or may not be reinstated at the discretion of the Board of County Commissioners.

(g) **Discharge.** Discharge is the removal of an employee from county employment for a reason other than retirement, resignation or a lay-off of the employee. A lay-off of an employee is removing an employee from his or her

duties due to a temporary or permanent budgetary or financial consideration related to the County's operations.

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

VI-4. Procedure for Disciplinary Action. Whenever the conduct of an employee occurs, that in the judgment of the employee's supervisor or department head, justifies the application of disciplinary actions, other than a verbal warning, the supervisor or department head shall:

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

VI-5. Conduct Subject to Disciplinary Action. The following is a list of conduct which may subject an employee to disciplinary action, up to and including termination. This list is not exclusive, it is only representative of the types of conduct which subject an employee to disciplinary action.

- (1) Conviction of a violation of any state or federal criminal law.
- (2) Conviction of a violation of any County law.
- (3) Failure to follow prescribed safety procedures including failure to notify his or her supervisor of unsafe working conditions.
- (4) Violation of personnel policies and guidelines or departmental policies and guidelines.

- (5) Inattention to duty, carelessness, breakage or loss of public property or funds.
- (6) Incompetency or inefficiency in the performance of the duties of his or her position.
- (7) Insubordination or other breach of discipline.
- (8) Discourteous or disruptive conduct or other offensive behavior in public to the public or to employees and officers of the County.
- (9) Abuse of leave, excessive absenteeism or tardiness (lateness).
- (10) Temporarily leaving the workplace without the approval of his or her supervisor.
- (11) Failure to give proper notice of absence.
- (12) Sleeping on the job.
- (13) Use of alcohol or drugs, off the job, to the extent that the employee's job performance or effectiveness as a County employee is impaired.
- (14) Inducing or attempting to induce any officer or employee of the County to commit an unlawful act or to act in violation of any lawful or official order or regulation.
- (15) Unauthorized possession of firearms or other weapons on the job.
- (16) Conviction of a felony or conviction of driving under the influence while operating a County vehicle.
- (17) Willful or continued violation of County or departmental safety policies and procedures or willful or negligent creation of unsafe conditions in the workplace.
- (18) Willful or continued violation of personnel policies and guidelines or departmental guidelines.
- (19) Negligent or willful damage to public property or waste of public supplies or equipment.

- (20) Taking or using any funds or property of the County for personal use or for sale or gift to others or the making of any false claim against the County.
- (21) Gross incompetency, neglect of duty or willful or continued failure to render satisfactory service.
- (22) Refusal to abide by any lawful official regulation or order, failure to obey any proper direction made by a supervisor or department head or knowingly making a false statement to any employee or officer of the County.
- (23) Claiming leave time under false pretenses or falsifying attendance records for oneself or another employee.
- (24) Absence without leave.
- (25) Possession or use of controlled substances, alcohol or drugs, except where prescribed by a physician, or except where the substance can be purchased over-the-counter. Use of alcohol or drugs, except where prescribed by a physician, while on duty. Sale of or offering for sale or giving away alcohol or prescribed drugs while on duty or at the workplace.
- (26) Sexual harassment.
- (27) Disclosing confidential records or information unless directed to do so by his or her department head or supervisor.
- (28) Revocation or suspension of a certification or license, including a driver's license, when such is required as a condition of County employment.
- (29) Material falsification of application for County employment or making a false statement or report in regard to any test, certification or appointment or any attempt to commit any fraud that violates the merit principles of personnel administration.
- (30) Giving or attempting to give any monetary consideration or the delivery of undeserved service to or from any person or organization for, or in connection with, any test or appointment.
- (31) Taking or offering to take from any person for the employee's personal use, any fee, gift or other thing or service of value, in

the course of his or her work or in connection with it, when such gift or other valuable thing or service is given in the hope or expectation of receiving a favor or better treatment than that accorded any other person; accepting a bribe, gift, money or other thing of service or value intended to perform or refrain from performing any official act; engaging in any act of extortion or other means of obtaining money or other things or service of value through his or her position in the service of the County.

- (32) Discharge of duties in a manner which results in discrimination to any person on the basis of race, creed, color, sex, age, physical or mental disability or national origin.

In the case of acts of violence or other flagrant misconduct, serious safety violations, or criminal offense, any employee may be suspended immediately, with or without pay, pending an investigation and review of the matter.

An employee may be suspended with pay or without pay when he or she has been arrested or charged for a crime and is awaiting legal adjudication. An employee may be suspended with pay when he or she has been charged with misconduct while on the job and an internal investigation is being conducted.

In the event the supervisor believes an employee has been absent without good cause or late from scheduled work to such an extent that further absence or lateness may result in the discharge of such employee, then the supervisor shall send written notice to the employee, at the employee's last known address, that future absence may or will result in discharge for excessive absences or tardiness. Supervisors shall remain mindful of this provision as it may permit County to oppose under K.S.A. 44-706(b)(3)(A), on the basis of the employee being excessively absent or tardy, a request for unemployment benefits by such employee.

ARTICLE VII. RESIGNATION

VII-1. Resignation. An employee who desires to terminate his or her service with Cherokee County is requested, but not required, to submit a written resignation to his supervisor or department head. Cherokee County would appreciate but does not require at least two (2) weeks notice of the employee's resignation.

ARTICLE VIII. EMPLOYEE COMPLAINTS

VIII-1. Definition. Cherokee County maintains an open door policy with respect to employee complaints and encourages employees first to address and try to resolve such complaints with their supervisor or department head. A complaint may involve

a perceived misinterpretation or misapplication of a practice or policy under the personnel policies and guidelines of the County, including but not limited to, suspension, demotion and termination. This complaint procedure does not alter the status of County employees as employees-at-will.

VIII-2. Registering a Complaint. Each department head and supervisor will attempt to resolve an employee's complaint. The problem and possible solutions should be discussed among them and resolution of the situation sought. Should the employee find such attempts unsatisfactory after conferring with the department head, he/she may, within five (5) working days after the failure to resolve the complaint, file a complaint in writing with the Human Resources Department. The Human Resources Department shall present the complaint to the Board of County Commissioners will review the complaint and try to resolve it which may include referring it back to the department head, or the Board of County Commissioners may refer the complaint to a Complaint Committee. This process does not alter the status of County employees as employees-at-will.

VIII-3. Complaint Committee. A complaint committee is to be appointed by the Board of County Commissioners on a case-by-case basis and shall consist of two (2) office or department heads and one (1) supervisory employee to be jointly chosen by these two. Persons so appointed shall be from a department different from the one in which the complaining person is employed. Said committee shall be appointed by the Board of County Commissioners at the meeting in which the complaint was presented by the Human Resources Department.

VIII-4. Consideration of Complaint. The complaint committee shall convene within fifteen (15) working days of appointment to consider the complaint. The complaint committee shall submit its findings to the employee and department head or supervisor within fifteen (15) working days after its meeting.

VIII-5. Board of County Commissioners Consideration.

- (a) Any employee or department head may appeal a finding of the complaint committee to the Board of County Commissioners by filing written notice of intent with the Human Resources Department not later than five (5) working days from the date the complaint committee has submitted its findings.
- (b) No complaint shall be considered by the Board of County commissioners at this stage until the complaint committee shall first have reviewed the complaint and made a finding.
- (c) The Board of County Commissioners shall consider the appeal within fifteen (15) working days after the filing of a notice of intent to appeal and shall give not less than forty-eight (48) hours notice of the time and place of consideration of the complaint to the complaining employee. A

decision on the appeal shall be rendered within fifteen (15) working days after the close of the consideration meeting and such finding shall be final and subject to no further administrative appeal.

- (d) The hearing procedure shall be informal, however, a transcript of the hearing may be made.
- (e) Completion of this complaint process completes the administrative remedies for the settlement of a complaint in Cherokee County.

ARTICLE IX. SEXUAL HARRASSMENT

IX-1. Purpose. It is the policy of the County to maintain a work environment free of harassment based upon sex. To insure that this policy is strictly adhered to, the County will not tolerate sexual harassment of any of its employees, and will take immediate disciplinary action if such behavior occurs.

IX-2. Definition. Sexual harassment is defined as:

- (a) The threat or insinuation by one employee or group of employees, either explicitly or implicitly, that the refusal to submit to sexual advances will adversely affect employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment or career development; and
- (b) The subjecting of an employee, by another employee, to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical, so as to create an intimidating, hostile, or offensive working environment.

IX-3. Policy.

- (a) No employee, whether supervisory or non-supervisory, may sexually harass another employee. Sexual harassment includes but is not limited to:
 - (1) Unwelcome touching, propositions, advances;
 - (2) Abusive and/or vulgar language of a sexual nature;
 - (3) Suggestive jokes or comments about an employee's body or clothing;
 - (4) Displaying of sexually graphic or suggestive pictures, photographs, cartoons, etc.

- (b) Any employee who believes that he/she is the victim of unwelcome behavior that would constitute sexual harassment shall immediately report all incidents to any supervisor.
- (c) All complaints involving claims of sexual harassment shall be promptly and confidentially investigated.
- (d) Any employee, supervisory or non-supervisory, found to have engaged in the sexual harassment of another employee will be disciplined, up to and including discharge.

IX-4. Complaint Procedure. Any employee who feels he/she is being subjected to sexual harassment should immediately contact one of the persons listed below, with whom the employee feels the most comfortable. Complaints may be made orally or in writing to:

- (a) Employee's immediate supervisor
- (b) Employee's department head
- (c) Personnel officer
- (d) Other supervisory personnel
- (e) County Commissioner

The County would appreciate the following information from the employee:

- (a) Employee's name, department and position title.
- (b) Name of the person or persons committing the alleged harassment.
- (c) Date(s) and approximate time(s) of the harassment.
- (d) The specific nature of the sexual harassment, how long it has gone on, and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee as a result of the harassment, or any other threats made against him/her as a result of the harassment.
- (e) Witnesses, if any, to the harassment.
- (f) Whether the employee has previously reported such harassment and, if so, when and to whom.

After receiving a sexual harassment complaint, the person receiving the complaint shall assist the employee filing the complaint by documenting the incident in writing. The County would appreciate the employee signing the written complaint, attesting to the accuracy and truthfulness of the incident. The County will attempt to keep all

information disclosed in the complaint procedure in strictest confidence and disclose information on a need-to-know basis in order to investigate and resolve the matter.

ARTICLE X. OUTSIDE EMPLOYMENT

X-1. Outside Employment. Outside employment constitutes a County employee holding a second job with another employer. Outside employment of a full-time employee is permitted only when such outside employment:

- (a) is considered secondary to service with the County;
- (b) does not interfere with the performance of duties for the County;
- (c) does not conflict with the employee's working hours; and
- (d) no legal, financial or ethical conflict of interest results from such dual employment.
- (e) use of county vehicles, equipment or facilities or transportation to outside employment using county vehicles or equipment is expressly prohibited without prior written approval by the Board of County Commissioners.
- (f) Not a sexual establishment.

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

ARTICLE XI. POLITICAL ACTIVITY

XI-1. Political Activity. It is the right of every employee to register and vote on all political issues. Employees are permitted to join political organizations, civic associations or groups and to become involved in political activities subject to the restrictions of this article.

- (a) As private citizens, employees may participate in all political activities, including holding public office, except where holding an appointive or elective public office is incompatible with the employee's County employment.
- (b) County employees are not prohibited from supporting candidates for office nor from contributing labor to candidates and organizations that endorse candidates as long as it does not interfere with the performance

of their duties as County employees. County vehicles, supplies and/or equipment are not to be used.

- (c) Political activity must not interfere with job attendance or performance. Employees are not permitted to participate in political activities, to wear or display political badges, buttons or signs on their person or on County property during on-duty hours.
- (d) No supervisor or other person in authority shall solicit any County employee for contributions of money or labor for any candidate for elective office, or otherwise compel, or attempt to compel, any employee to support a candidate for elective office or to engage in any political activity.
- (e) The purpose of this policy is to prevent and avoid the appearance of impropriety on the part of any County employee. County employees are neither appointed to, nor retained in, the County's service on the basis of their political affiliations or activities.

ARTICLE XII. WORKER SAFETY

XII-1. General Safety. All employees are required to wear appropriate safety equipment and follow appropriate safety precautions according to County and/or departmental policy at all times. Failure to comply with safety policies may result in disciplinary action.

- (a) **Personal Accidents.** An employee injured on the job shall report the injury immediately to the supervisor and obtain medical assistance if necessary. Medical services may be obtained at a hospital emergency room or from the employee's physician.
- (b) **Vehicle Accidents.** County employees involved in vehicle accidents while on the job must immediately notify the appropriate police or state highway patrol for investigation and reporting. The employee shall follow state law and common sense in remaining at the scene of an accident and aiding those who might be injured.

The County employee shall also immediately notify their supervisor or department head of personal injury or vehicle damage. The Board of County Commissioners shall be notified as soon as possible. The department head shall also notify the County Clerk so that insurance matters can be initiated if necessary.

XII-2. Reproductive Health. Whenever there is substantial and unreasonable risk to the reproductive health of an employee or to the health of a pregnant employee due to working conditions or environment, and that risk is determined by medical evidence

presented to the County, the department head shall attempt to reduce or eliminate the risk to the employee through an employment action that is least disruptive to the employee and employer, such as a change in job responsibilities, transfer, or authorized leave of absence.

ARTICLE XIII. MISCELLANEOUS PROVISIONS

XIII-1. Professional Societies. At the discretion of the Board of County Commissioners, a full-time employee's membership dues to work-oriented professional societies may be paid by the County, provided such fees fall within the approved budget. No fees will be paid for new employees except those which are approved and become due upon or after employment. Any material received in connection with the employee's membership will remain the property of the County.

XIII-2. Uniform Allowance. Employees who must wear uniforms as a requirement of their positions shall be provided with necessary uniforms. Uniforms are the property of the County and must be returned upon termination of employment.

XIII-3. Travel.

(a) **Authorization.** All out-of-county travel on official business must be authorized in advance by the department head.

(b) **Eligible Expenses.**

- (1) Reasonable expenses will be paid on authorized official County business.
- (2) **Vehicles.** Each use of employee-owned vehicles for official travel must be authorized by the department head. Departmental policy regarding types of uses of employee-owned vehicles that are reimbursable will be first set by the Board of County Commissioners. The use of employee owned vehicles for official travel will be reimbursed at the current rate paid by the County per mile.
- (3) **Reporting.** Receipts for travel expenses shall be turned in to the County for payment. Mileage will be reported on the appropriate reporting form or voucher for payment at the current rate authorized by the Board of County Commissioners.

XIII-4. Educational Reimbursement for the County-Related Employment. The Board of County Commissioners may authorize payment for courses directly related to specific county employment and on-the-job training recommended by department

heads to prepare individual employees for advancement or to raise staff competence levels in specific county work-related areas. Should an employee fail to complete a training course, or terminate employment within six months after completion of a training course paid for by the County, the employee may be required to refund payments made by the County for that course.

XIII-5. Residency Requirement. Living in Cherokee County is not a requirement for County employees. However, priority will be given to job applicants who actively maintain a residence within the County.

XIII-6. Substance Abuse Policy. The use, possession, sale, transfer, purchase, or being under the influence of illegal drugs or illegal intoxicants or controlled substances by employees at any time on County premises, in County vehicles, or while on County business is prohibited. Employees must not be on County business or on County property or operating County vehicles or equipment while under the influence of any alcoholic beverage, marijuana, or illegally obtained drugs, narcotics or other controlled substances.

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

Employees who are required to hold commercial drivers licenses and who occupy safety-sensitive positions are covered by the Cherokee County Drug and Alcohol Policy for such employees, a copy of which appears with the Handbook.

XIII-7. Confidential Information. Some of the material and information handled throughout a normal workday is considered confidential. Information that is not available to the public should be held in confidence. The Employee will be required to sign and comply with a separate confidentiality agreement. Anyone responsible for distribution of this type of information to unauthorized sources may be terminated immediately.

XIII-8. Personal Mail and Electronic Messages. Personal mail shall not be run through the postage meter at the County's expense. Your personal mail should be addressed to your home and any personal mail received at work will be opened along with other mail received. The County reserves the right to monitor any and all electronic and telephonic messages transmitted in, to and from the workplace.

County email, computer, Internet, and voice-mail systems are County property. Anything you create or load on the system becomes County property.

These systems are in place to facilitate your ability to efficiently and productively do your job. To that end, these systems are solely for business purposes. Only "incidental personal use," as defined by state law, is allowed.

We reserve the right to intercept, monitor, copy, review, and download any communications or files you create or maintain on these systems, at any time, without prior notice to you.

When using the Internet, do not send materials of a sensitive nature or which constitute our "confidential information" unless the information is appropriately encrypted to prevent interception by third parties. Treat all "confidential information" just as you would if it was in written "memo" form. Don't access "confidential information" that you are not authorized to see.

Your communications and use of email, computer, Internet, and voice-mail systems will be held to the same standards as all other business communications, including compliance with our anti-discrimination and anti-harassment policies. The County expects you to use good judgment in your use of our system. If you receive unsolicited, offensive materials on any of these information systems, the employee should notify their immediate supervisor. In the event that the offensive material is received from the employee's supervisor, the employee should report the incident to either their supervisor's superior or the human resources official for the County.

Information on the Internet may be protected by copyright law. Before downloading any information on the internet, creating a web page with links to other material or using other's materials, consult with the County Counselor.

In the event that the County is placed in a severe thunderstorm warning or a tornado warning while the employee is at their work station, the employee is responsible for:

- Shutting down their computer;
- Unplugging the power cord from the wall;
- Unplugging the modem line or network cord from the computer;
- Unplugging the phone line from the back of the phone.

In the event that the County is placed in a severe thunderstorm warning or a tornado warning while an employee is not at their work station, the department head or supervisor, shall designate who shall complete the above computer preservation functions at any work station not attended by an employee. This provision shall not apply to computers that are facilitating the 911 or emergency systems of the county.

The same conditions apply if the employee is leaving their workstation, either for the evening or the weekend, and they have a reasonable belief that severe weather will occur while they are away.

Your consent to and compliance with these information systems policies is a term and condition of your employment. Failure to abide by these rules or to consent to any interception, monitoring, copying, reviewing and downloading of any communications or files is grounds for discipline, up to and including termination.

XIII-9. Appearance. While the County has no formal dress code, employees are expected to exercise reasonable personal hygiene and to adhere to standards of good taste and appear for work in modest, neat and clean clothing. This is part of the courtesy employees owe to those with whom they work. Employees provided a uniform and any necessary safety equipment are required to wear the same as needed during the work day.

XIII-10. Smoking. The County, as an employer, desires to provide a healthy and wholesome environment for its employees, including freedom from exposure to second hand smoke from tobacco products. Smoking is not permitted in any County building or vehicle unless authorized by department heads and permitted by law. Smoking is not permitted within 10 feet of any door or open window to a county building.

XIII-11. Employee Solicitations. While Cherokee County recognizes there are many worthwhile, not-for-profit fund raising activities, the policy of the County is solicitations of or by employees be allowed only during their break time.

XIII-12. Change of Status. Be sure to notify your supervisor and the Human Resources Department of any change in home address, home telephone number, or your personal status, such as marriage, or the birth of a child, etc. Supervisors are to send employees to the Human Resources Department to provide information and to sign the necessary forms.

ARTICLE XIV. DRUG-FREE WORKPLACE

- (a) **Prohibition.** It is a specific condition of your employment for the County that you agree to abide by the terms of the Drug-Free Workplace Act which prohibits the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance in a County workplace and at any site at which the County may conduct grant-supported activities.
- (b) **Required Notice to the County.** In addition, you agree to notify the Policy Administrator for the Cherokee County Drug and Alcohol Policy of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after you have been convicted.
- (c) **Sanctions.** If the Policy Administrator determines that you have violated the prohibition in paragraph (a), (s)he has absolute discretion to decide which of the following action(s) to take against you:
 - (1) adverse personnel action which may include termination;

- (2) a requirement to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement or other agency.

(d) **Definitions:**

- (1) **Controlled substance** means a controlled substance in schedules I through V of the Controlled Substances act (21 U.S.C. 812), and as further defined by regulation at 21 C.F.R. 1308.11 through 1308.15.
- (2) **Conviction** means a finding of guilty (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal statutes.
- (3) **Criminal drug statute** means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use or possession of any controlled substance.
- (4) **Drug-free workplace** means a site for the performance of work done in connection with a specific grant at which employees of the grantee are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance.

ARTICLE XV. ZERO TOLERANCE WORKPLACE VIOLENCE POLICY

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

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

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

County employees should report any threats of violence, displays of threatening behavior or other violent act to the attention of the county through their supervisors

and/or department head. All County employees and representatives are expected to comply with this policy. Failure to do so can result in disciplinary action.

HANDBOOK RECEIPT AND ACKNOWLEDGEMENT

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

I acknowledge that I have read, reviewed, and understand the contents of the Cherokee County Employee Handbook. I likewise acknowledge that if I had any questions, they have been satisfactorily answered by my supervisor and/or personnel manager.

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

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

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

Employee Signature

Date

EXHIBIT A

CONFIDENTIALITY AGREEMENT

As used herein, the following terms shall have the following meanings:

1. **“Confidential Information”** includes any information, regardless of the manner in which is communicated or maintained (e.g., oral, paper, electronic), sent or received by Cherokee County or any of its agents that falls into one or more of the following categories:

- a. **Protected Health Information:** Information relating to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual. Protected Health Information includes demographic information, e.g., address, telephone number, employer, date of birth, next of kin, identification numbers.
- b. **Personnel Information:** Information relating to a person’s status as a member of Cherokee County’s workforce, including but not limited to compensation, employment records, accommodations, performance reviews, and disciplinary actions.
- c. **Business Operations Information:** Information relating to Cherokee County’s business operations, including but not limited to financial and statistical records, strategic plans, internal reports, memos, contracts, pricing, staffing levels, supplier information, remote site information, peer review information, communications, proprietary computer programs, source code, and proprietary technology.
- d. **Third Party Information:** Information belonging to a third party utilized by Cherokee County for limited purposes pursuant to an agreement with the third party, including, but not limited to computer programs, client and vendor proprietary information source code, and proprietary technology.
- e. **Law Enforcement Information:** Information concerning criminal, civil or administrative investigation or litigation or which would reveal the identity of any undercover agent or any informant or concerning an emergency or security plan or procedure or any correspondence associated with any of the same or any information concerning prisoners or their status as such.

2. **“Receive,” “Receiving,” and Receipt”** means, with respect to Confidential Information, to come into possession, custody, or control; to perceive; to create; to gain the ability to come into possession, custody, or control; or to gain the ability to perceive Confidential Information in whatever form (oral, visual, written, electronic, or otherwise).
3. **“Use”** means, with respect to confidential information, accessing, reviewing, employing, applying, utilizing, examining, or analyzing such information, or sharing or discussing such information with other members of Cherokee County’s workforce.
4. **“Disclose”** means, with respect to confidential information, release, transfer, provision of access to, or divulging in any other manner such information to a person or entity who is not a member of Cherokee County’s workforce.
5. **“Cherokee County’s Workforce”** includes employees and other persons whose conduct, in the performance of work for Cherokee County, is under the direct control of a department head or the Board of County Commissioners, whether or not they are compensated by Cherokee County for such service. Independent contractors, and employers with which Cherokee County has entered into agreements are not part of its workforce.
6. **“Computer Systems”** includes computer files, computer hard drives, local area network, wide area network, mainframe, electronic mail. Internet access, intranet access, electronic medical records, and electronic order entry.

In performing your job duties, you may receive or create Confidential Information. As a condition of and in consideration of your receipt of Confidential Information, you agree to the following:

1. You understand that you have no right or ownership interest in any Confidential Information which you may receive. Cherokee County may, at any time and for any reason, revoke your password, access code, or any other authorization you have that allows you to send or receive Confidential Information in any form.
2. You understand that your obligations under this Agreement will continue after termination of your relationship (employment or otherwise) with Cherokee County. You understand that your privileges hereunder are subject to periodic review, revision, and if appropriate, renewal.
3. The use and disclosure of Confidential Information is governed by Federal and state laws and regulations as well as Cherokee County’s policies and procedures. The purpose of these specific requirements is to guarantee that Confidential Information remains confidential, *i.e.*, such information shall be used and disclosed only as necessary to accomplish Cherokee County’s

mission or as otherwise required by law. You shall be familiar with and adhere to all of these requirements concerning Confidential Information.

4. You shall actively participate in educational opportunities made available to you concerning proper safeguards for Confidential Information and uses and disclosures of Confidential Information as part of your job duties.

5. If you have any questions concerning whether certain information constitutes Confidential Information, you shall bring the matter to your supervisor or Cherokee County's Privacy Officer for direction.

6. You shall use and disclose Confidential Information only to the extent necessary to perform your assigned job duties. Such use and disclosure shall be in a manner consistent with applicable Cherokee County policies and procedures. Your use or disclosure of Confidential Information for any reason other than the performance of your assigned job duties or your failure to conform to applicable policies and procedures shall constitute misuse of Confidential Information. You understand that any misuse of Confidential Information may be grounds for discipline (up to and including termination of your employment or other relationship with Cherokee County) and/or the initiation of legal action against you.

7. Cherokee County is committed to protecting the privacy of those persons for whom it provides services. To fulfill its commitment, Cherokee County prohibits members of its workforce from discussing any information relating to persons for whom services are or may be provided except as necessary to perform their specific job duties. You shall not discuss or disclose protected information to any person except as needed to perform your specific job duties. You shall not engage in casual conversations concerning the fact that a person is or has been seeking assistance from the County or concerning any information relating to such persons.

8. If you have any questions concerning whether your assigned job duties permit you to use or disclose certain Confidential Information in a particular manner, you shall bring the matter to your supervisor or Cherokee County's Privacy Officer for direction. If you have any questions concerning the application of a particular policy or procedure to a particular use or disclosure of Confidential Information, you shall bring the matter to your supervisor or Cherokee County's Privacy Officer for direction.

9. You shall appropriately safeguard Confidential Information so as to prevent any inappropriate use or disclosure of such information. If you have reason to believe the confidentiality of information may have been compromised, you shall report such concerns to your supervisor or Cherokee County's Privacy Officer as soon as possible.

10. In performing your job responsibilities, you shall not knowingly include or cause to be included in any record or report a false, inaccurate, or misleading entry. Nor shall you make or cause to be made any false, inaccurate, or misleading statement to any person. If you become aware of false, inaccurate, or misleading information contained in any record or report, or a false, inaccurate, or misleading statement, you shall report the matter to your supervisor and cooperate in taking all steps necessary to correct the record, report or statement pursuant to Cherokee County policies and procedures.

11. You shall comply with Cherokee County policies and procedures concerning the alteration, deletion, or destruction of Confidential Information in any form. If you have any questions concerning such policies and procedures, you shall bring the matter to your supervisor for direction. If you have any reason to believe such policies and procedures have been violated, you shall report such concerns to your supervisor or Cherokee County's Privacy Officer as soon as possible.

12. You understand that Cherokee County may monitor each and every time its computer systems are accessed. You understand that any action you take in these computer systems may be tagged with your unique identifier as established in your user profile, and such actions may be traced back to you.

13. You shall safeguard and shall not disclose to any person your computer password, access code, or any other authorization you have that allows you to access Cherokee County's computer systems. You shall be responsible for all activities undertaken using your password, access code, or other authorization. You shall not utilize any other person's computer password, access code, or any other authentication to access any computer system.

14. If you have reason to believe the security of your computer password, access code, or any authorization you have that allows you to access to Cherokee County's computer systems has been compromised, you shall report such concerns to your supervisor as soon as possible.

15. You shall respect the ownership of proprietary software. For example, you shall not make unauthorized copies of any software for your own use, even if the software is not physically protected against copying, nor shall you operate any non-licensed software on any computer provided by Cherokee County.

**CONFIDENTIALITY AGREEMENT RECEIPT AND
ACKNOWLEDGEMENT**

By signing this document, you certify that you have reviewed the foregoing confidentiality Agreement, have been provided with an opportunity to ask questions concerning its term, and understand the duties and obligations it imposes on you. You hereby agree to the duties and obligations it imposes on you. You hereby agree to the duties and obligations as stated in this Confidentiality Agreement. You understand that this signed and dated document will become part of your permanent personnel record.

Signature

Date

**CHEROKEE COUNTY
COLUMBUS, KANSAS**

**DRUG AND ALCOHOL TESTING POLICY
(FMCSA/DOT)**

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APPENDIX

- A. INFORMATION CONCERNING THE EFFECTS OF
ALCOHOL AND CONTROLLED SUBSTANCES
- B. DER AND SERVICE AGENTS
- C. JOB CLASSIFICATION SUPPLEMENT
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I. GENERAL

A. Purpose

1. The Department of Transportation (DOT), Federal Motor Carriers Safety Administration (FMCSA) requires Cherokee County to establish a drug and alcohol testing program designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles. Further, the purpose of this policy is to bring Cherokee County into compliance with all regulations, which require affirmative actions to eliminate the impact of the use of controlled substances and misuse of alcohol in the workplace.
2. **This policy does not create any contractual rights in favor of employees to whom the Policy is applicable. Nor does this Policy in any way alter the at-will nature of employment or imply that discharge will occur only "for cause".**
3. **Those areas of the policy printed in bold and underlined text reflect Cherokee County's independent authority to require additional provisions with regard to the drug and alcohol testing procedures.**
4. **The presence of controlled substances in the body as well as the use or possession of controlled substances and/or alcoholic beverages while on Cherokee County property, or in and Cherokee County vehicle, or on duty, including breaks or lunch, paid or unpaid, on any shift is strictly prohibited.**
5. Designated Employer Representative: (**Appendix B**) contains the name, address, and telephone number of the Designated Employer Representative (DER). The DER is authorized by Cherokee County to take immediate action(s) to remove employees for safety-sensitive duties, or cause employee to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other

communications for the employer consistent with the requirements of 49 CFR, part 40.

B. Applicability

This policy applies to any employee of Cherokee County who holds a Commercial Drivers License (CDL) and uses that license to operate a commercial motor vehicle. 49 CFR, part 382.107 defines these vehicles as a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- (1) Has a gross combination weight rating of 26,001 or more pounds inclusive of towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- (2) Has a gross vehicle weight rating of 26,001 or more pounds; or
- (3) Is designed to transport 16 or more passengers, including the driver; or
- (4) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) which require the motor vehicle to be placarded under the hazardous Materials Regulations (49 CFR Part 172, Subpart F)

C Testing Procedures

All testing conducted under this policy will follow the procedures as set forth in 49 CFR, parts 40 and 382.

D. Definitions

Words and phrases used in this policy are as defined and found in 49 CFR, parts 40.3 and 382.107.

II. PROHIBITION

A. Alcohol

1. No driver shall report to duty or remain on duty requiring the performance of safety sensitive functions while having an alcohol concentration of 0.02 or greater.
2. No driver shall use alcohol while performing a safety-sensitive function. **This includes beverages containing alcohol including any medication, mouthwash, food,**

candy, or any other substance that would cause alcohol to be present in the body.

3. No driver shall perform safety-sensitive functions within four hours after using alcohol.
4. No driver required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until a post-accident alcohol test has been administered, which ever occurs first.

B. Controlled Substances

1. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance.

a. **ILLEGAL DRUGS:** The use of any illegal drug or any substance identified in Schedules I through V of the Controlled Substance Act is prohibited at all times unless a legal prescription has been written for the substance. Illegal use includes of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs.

- b. **LEGAL DRUGS:** **The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to a supervisor. In addition, the employee must obtain a written release from a licensed medical practitioner releasing the person to perform their job duties any time they obtain a performance-altering prescription.**

- c. **PRESCRIPTION DRUGS:** **A legally prescribed drug means that the employee has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization. The misuse or abuse of legal drugs while performing safety-sensitive functions is prohibited.**

- C. Refusal to submit to a required alcohol or controlled substances test.

No driver shall refuse to submit to an alcohol or controlled substance test required by 49CFR, parts 40 and 382.

Behaviors that constitute a refusal to test are as follows:

1. Refusing to provide specimen. This includes an insufficient volume of urine without a valid medical explanation.
2. Tampering with, adulterating, or substituting a specimen.
3. Failure to appear for testing upon notification.
4. Leaving the scene of an accident without just cause prior to submitting to a test.
5. Leaving collection facility prior to test completion.
6. Failing to permit an observed or monitored collection when required.
7. Failing to take a second test when required.
8. Failing to undergo a medical examination when required.
9. Failing to cooperate with any part of the testing process.
10. Failing to sign Step 2 of the alcohol test form.
11. Once test is underway, failing to remain at site and provide a specimen.

For pre-employment tests, the following are not refusals:

1. Failure to appear for the test.
2. Failure to remain at the site prior to the commencement of the test.
3. Failure to provide a specimen before the test commences.

III. TESTS REQUIRED

A. Pre-employment testing

1. Any applicant offered a safety sensitive position or an employee transferring to a safety sensitive position must first take a pre-employment drug test. This applicant or employee must receive a verified negative test result before performing any safety sensitive function. Details of pre-employment testing and exemptions can be found in 49 CFR, part 382.301.
2. Cherokee County must request alcohol and controlled substances information from previous employers in accordance with the requirement of 49 CFR, parts 40, 382.413 and CFR 391.23(e).

3. Applicants offered a safety sensitive position and employees transferring to a safety sensitive position must sign release of information forms allowing Cherokee County to receive alcohol and controlled substances information from previous employers.

B. Post-accident testing

1. As soon as practicable following an accident the driver of a commercial motor vehicle, operating on a public road in commerce, must be tested for alcohol and controlled substances under certain conditions.
 - a. Alcohol testing must be conducted if a driver receives a citation for a moving violation within 8 hours of the accident.
 - b. Drug testing must be conducted if a driver receives a citation for a moving violation within 32 hours of the accident.
2. The driver who is subject to post-accident testing shall remain readily available for such testing (meaning that the employer knows where the driver is) or may be deemed by Cherokee County to have refused to submit to testing.
3. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of the accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

The following chart defines when an accident has occurred and when testing must take place.

Type of accident involved	Citation issued to the CMV driver	Tests required
Human Fatality	YES	YES
	NO	NO
Bodily injury with immediate medical treatment away from the scene	YES	YES
	NO	NO
Disabling damage to any motor vehicle requiring tow away	YES	YES
	NO	YES

Details of post-accident testing and exemptions can be found in 49CFR, part 382.303.

C. Random testing

All drivers that perform safety sensitive functions are subject to random drug and alcohol testing.

1. Random testing will be unannounced and unpredictable; spread reasonably throughout the calendar year. Testing will be conducted at all times of the day when safety sensitive functions are performed.
2. Employees are required to proceed immediately to the collection site once notified of testing.
3. Drug tests will be conducted anytime a safety sensitive employee is on duty. Alcohol tests will only be conducted on an employee immediately before performing, while performing, or just after performing a safety sensitive function.
4. The list of employees selected will be retained by the DER in a secure location.

Details of the random testing process can be found in 49 CFR, part 382.305.

D. Reasonable suspicion testing

All drivers that perform safety sensitive functions are subject to reasonable suspicion alcohol and/or drug testing. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances that are consistent with the short-term effects of substance abuse or alcohol misuse. A trained supervisor must make the determination to test based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. Examples of reasonable suspicion include, but are not limited to, the following:

1. Physical signs and symptoms consistent with prohibited substance use or alcohol misuse.
2. Evidence of the manufacture, distribution, dispensing, possession, or use of controlled substances, drugs, alcohol or other prohibited substance.
3. Occurrence of a serious or potentially serious accident that may have been caused by prohibited substance abuse or alcohol misuse.

Details of the reasonable suspicion testing process can be found in 49 CFR, part 382.307.

E. Return-to-duty testing

Details of the return-to-duty testing process can be found in 49CFR, part 40, subpart 0.

F. Follow-up testing

Details of the follow-up testing process can be found in 49CFR, part 40, subpart 0.

IV. HANDLING OF TEST RESULTS, CONFIDENTIALITY

A. Access to records

1. Except as required by law or expressly authorized by release by an employee, Cherokee County will not release driver information that is contained in records required to be maintained under 49 CFR, parts 40 and 382.
2. A driver is entitled, upon written request, to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances tests.
3. A driver's testing records will be made available to a subsequent employer upon receipt of a written request from the driver.
4. Cherokee County may disclose information required to be maintained pertaining to a driver to the decision maker in a lawsuit, grievance, or administrative proceeding initiated by or on behalf of the individual, and arising from a positive DOT drug or alcohol test or a refusal to test (including, but not limited to, adulterated or substituted test result), (including, but not limited to, a worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the driver).

V. CONSEQUENCES FOR DRIVERS ENGAGING IN PROHIBITED CONDUCT

A. Use of drivers who fail or refuse a drug test

1. General. Compliance with this drug testing policy is a condition of employment. Refusal to take a required drug test or failure of a drug test shall result in removal from performing safety sensitive functions. **Additional disciplinary action up to and including termination may result.**

2. Prohibitions To Use. Cherokee County will remove from performing a safety sensitive function any employee who:
 - a. Fails a drug test as verified by the Medical Review Officer (MRO), or
 - b. Refuses to take a drug test required by this policy. (see Section II.C.)

B. Retesting of Drug Positive Samples

1. General. An applicant/employee may request a retest of a positive sample, within 72 hours of notification of the positive test result from the MRO. **The request may be verbal or in writing to the MRO.**
2. Retest Provisions. The retest will be conducted at a different SAMHSA certified laboratory. The test will be conducted on the split sample that was provided by the applicant/employee at the same time as the original sample. **All costs for such testing are to be reimbursed to Cherokee County by the applicant/employee unless the result of the split sample test invalidates the result of the original test.** The method of collection, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR, part 40.
3. Detection Levels. Because some analytes deteriorate or are lost during freezing and/or storage, quantitation for a retest is not subject to a specific cutoff requirement but must provide data sufficient to confirm the presence of the drug or metabolite.

C. Use of drivers who fail or refuse an alcohol test

1. General. Compliance with this alcohol testing policy is a condition of employment. Refusal to take a required alcohol test or failure of an alcohol test will result in removal from performing safety sensitive functions. **Additional disciplinary action up to and including termination may result.**
2. Refusal and Prohibited Conduct. Cherokee County will remove from performing a safety sensitive function any employee who:
 - a. Has a confirmed alcohol test result of 0.02 or higher but less than 0.04. This driver must be removed from duty for a minimum of 24 hours.

- b. Fails an alcohol test with a confirmed result of 0.04 or higher, or
- c. Refuses to take an alcohol test required by this policy (See Section II.C.)

APPENDIX A

ALCOHOL AND CONTROLLED SUBSTANCES USE SUPPLEMENT

- A. Why you should get involved:
1. Although Cherokee County has no history of substance abuse problems, we recognize that substance abuse, alcoholism and alcohol misuse are problems throughout America.
 2. There are three good reasons why you should be concerned if any of your co-workers are using drugs or alcohol on the job.
 - a. Your health and safety may be at risk.
 - b. Substance abuse and alcohol misuse costs you money.
 - c. Substance abuse and alcohol misuse creates a negative work environment.
 3. According to the National Institute on Alcohol Abuse and Alcoholism, drug and alcohol use on the job costs society an estimated \$102 billion a year. Since most of this cost is passed on to you in the form of higher health insurance rates or in consumer prices, drug and alcohol use on the job costs you and your fellow workers a significant amount of money.
 4. Absenteeism among problem drinkers or alcoholics is 3.9 to 8.3 times greater than normal. If your fellow workers don't come to work, you may have to do their jobs in addition to your own.
 5. Workers who use drugs and/or misuse alcohol don't function at their full potential. Not only is absenteeism a problem, when they are at work these employees may have reduced capabilities and productivity.
 6. No matter what your position is in the organization, there is something you can do to ensure that drug and alcohol use on the job never becomes a problem at the company. Acceptance of any misuse puts you, this company, and the public at risk.
 7. Workers who use alcohol and other drugs affect everyone. Studies show that compared to alcohol and drug-free workers, substance abusers are far less productive, miss more workdays,

are more likely to injure themselves or someone else, and file more workers' compensation claims.

8. The measurable dollar costs of workplace substance abuse from absenteeism, overtime pay, tardiness, sick leave, insurance claims, and workers' compensation can be substantial. However, the hidden costs resulting from diverted supervisory and managerial time, friction among workers, damage to equipment, and damage to the company's public image means that workplace substance abuse can further cut profits and competitiveness.
9. Alcohol can also destroy relationships, lead to serious problems with the law (e.g., drunk driving), and even cause harm to the people you love.
10. If taking drugs and drinking affects your work life, it could lead to job loss and all the financial problems that would follow.

B. Effects on an individual's health work, and personal life:

Alcohol

1. Alcohol is a central nervous system depressant. Taken in large quantities, it causes not only the euphoria associated with being drunk, but also adversely affects your judgment, ability to think, and your motor function. Drink enough alcohol fast enough and it can kill you.
2. Long term overuse of alcohol can cause liver damage, heart problems, sexual dysfunction, and other serious medical problems.
3. In some cases, alcohol use can lead to physical and psychological dependence on alcohol. Alcoholism is a serious chronic disease. Left untreated it will inevitably get worse.

Marijuana

1. Marijuana is a central nervous system depressant. It causes a feeling of euphoria, increased sense of well being, lack of motivation, lowered inhibitions, talkativeness, dry mouth and throat, increased appetite, impaired coordination, concentration and memory, and increased heart rate.

2. Long term use may result in deteriorating work performance, “burn out” involving muddled thinking, acute frustration, depression, and isolation, impaired sexual development and fertility, including a production of abnormal sperm and menstrual irregularities, damage to the lungs and pulmonary system, hallucinations an paranoia, increased risk to safety and health as a result of impaired judgment and motor abilities.
3. Prolonged use of marijuana often results in psychological dependence for the user. Moreover, marijuana is considered a “gateway” drug. Casual users of marijuana often become chronic users, or become abusers of “harder” drugs.

Cocaine

1. Cocaine is a central nervous system stimulant. It causes brief but intense feelings of euphoria and competence, increases pulse, blood pressure, body temperature, and respiratory rate. It dilates the pupils of the eyes, causes extreme excitability and anxiety, produces sleeplessness and chronic fatigue.
2. Long-term use results in bleeding and other damage to nasal passages, paranoid psychosis, hallucinations, and other mental abnormalities. Use causes impaired driving ability and death caused by heart or respiratory failure.
3. Cocaine users often become psychologically and physically dependent on the drug after relatively short periods of use. In many cases, crack cocaine use leads to virtual immediate addiction.

Amphetamines

1. Amphetamine is a central nervous system stimulant. It causes feelings of alertness and euphoria, increases heart rate and blood pressure. It dilates the pupils of the eyes, decreases appetite, enables the user to go without sleep for relatively long periods of time, and causes distorted thinking.
2. Use causes dizziness, headaches, blurred vision, sweating, loss of coordination, tremors, convulsions, physical collapse, anorexia and malnutrition resulting from decreased appetite. It causes sudden blood pressure increases from injections resulting in fever, stroke, or heart failure, nervousness irritability, drastic mood swings, hallucinations, paranoia,

physical collapse, and brain deterioration; overdose or continued heavy use can be fatal.

3. Amphetamines are addictive both physically and psychologically. Following the use of amphetamines, many users experience a “crash” which is often counteracted by taking more of the drug, creating an increasingly difficult pattern to break.

Opiates

1. Opiates are central nervous system depressants. The physical effects of opiates depend on the opiate used, the dose, and how the drug is taken. Effects may include; short lived state of euphoria, followed by drowsiness, slowed heart rate, breathing, and brain activity, depressed appetite, thirst, reflexes, and sexual desire, and increased tolerance for pain.
2. The most common dangers associated with opiate misuse are: AIDS, blood poisoning, and hepatitis as the result of drug injection and use of un-sterilized or “shared” needles, death resulting from the injection of impure heroin, death resulting from unexpectedly high purity of the drug, convulsions, coma, or death from overdose.
3. Opiates, particularly heroin, have an unusually high potential for abuse and addiction. Heroin addiction often leads to malnutrition, infection and unattended injuries and diseases. Addicts tend to continue using the drug despite damaging physical and psychological consequences.

Phencyclidine (PCP)

1. PCP is a central nervous system stimulant. The physical effects of PCP include: altered states of consciousness, disorientation, confusion, and memory loss; highly unpredictable, and sometimes bizarre or even violent behavior; extreme agitation; impaired driving ability and increased tolerance to pain.
2. The most common dangers of PCP use are mental changes resembling schizophrenia, severe depression, and loss of learning abilities and violent and other “intoxicated” behaviors resulting in bodily harm or death.

3. Physical dependence on PCP has been documented and may be accompanied by memory loss, violence, weight loss, and paranoia. Symptoms of withdrawal include headaches, intense cravings for the drug, increased need for sleep, and “flashbacks” for a period of years.

C. Signs and symptoms of alcohol misuse – Any one or more of the following signs may indicate a drinking problem:

- Family or social problems caused by drinking
- Job or financial difficulties related to drinking
- Loss of a consistent ability to control drinking
- “Blackouts” or the inability to remember what happened while drinking
- Distressing physical and/or psychological reactions if you try to stop drinking
- A need to drink increasing amounts of alcohol to get the desired effect
- Marked changes in behavior or personality when drinking
- Getting drunk frequently
- Injuring yourself – or someone else while intoxicated
- Breaking the law while intoxicated
- Starting the day with a drink

D. Signs and symptoms of substance abuse – Any one or more of the following signs may indicate an abuse problem:

- Poor physical coordination/slow reactions and slurred speech
- The odor of marijuana smoke in the area
- Hand tremors or unsteady walking
- Dilated or constricted pupils
- Disorientation/unusual restlessness
- Combative behavior, loud arguing or fighting
- The presence of drug paraphernalia and/or observing the employee ingest, inject, smoke, or inhale (snort) a prohibited substance
- Work performance problems, including a deterioration in quality and/or quantity of work
- Problems with attendance such as tardiness and increasing absenteeism
- Increased accidents and injuries
- Poor judgment and difficulty in concentration
- Personality changes, including aggressiveness, mood changes, fearful or paranoid behavior

- Negligence in personal hygiene or pale or sickly complexion
- Social withdrawal, including isolation, overreaction to criticism, and lack of eye contact
- Emotional changes such as noticeable signs of anxiety or depression, paranoia, or excessive laughing

E. Available methods of evaluating and resolving problems associated with the misuse of drugs and alcohol:

1. Outpatient programs exist in a variety of settings:
 - a. Community mental health centers.
 - b. Full service agencies.
 - c. Private physicians' and therapists' offices.
 - d. Occupational settings.
 - e. Specialized alcoholism treatment facilities.
2. Inpatient services, designed for those with more serious problems, can be found in hospitals, residential care facilities, community halfway houses, and some alcoholism clinics.

F. Where to find help for you or a co-worker:

*Al-Anon / Al-Ateen
1-800-356-9996

*Narcotics Anonymous
1-818-773-9999

CHEROKEE COUNTY
PO Box 14
Columbus, Kansas 66725

**APPENDIX B
CHEROKEE COUNTY**

**DRUG AND ALCOHOL TESTING PROGRAM
PERSONNEL AND SERVICES**

1. DESIGNATED EMPLOYER REPRESENTATION (DER)

Primary Contact

County Clerk
P.O. Box 14
Columbus, Kansas 66725
(620) 429-2042

1st Secondary Contact

Human Resources
PO Box 14
Columbus, Kansas 66725
(620) 429-2042

2nd Secondary Contact

Emergency Preparedness
110 W Maple
Columbus, Kansas 66725
(620)429-1857

2. LOCAL COLLECTION SITE

St Johns Maude Norton Hospital
220 North Pennsylvania
Columbus, Kansas 66725
(620)429-2545

In most instances TMHC Services mobile collector can do your collections on site. However, a local collection site has been set up for use when the on site collector is unavailable.

3. MEDICAL REVIEW OFFICER (MRO)

Sanford E Pomerantz, M.D.
534 South Kansas Ave, Suite 600
Topeka, Kansas 66603
Local (785) 232-3191
Toll Free (1-888-842-0348)

4. CERTIFIED LABORATORY

MEDTOX
402 West County Road D
St. Paul, Minnesota 55112
(800) 832-3244

APPENDIX C

**EMPLOYEE/SUPERVISORY POSITIONS
SUBJECT TO DRUG AND ALCOHOL TESTING**

(JOB CLASSIFICATIONS/TITLES)

Please list your employee positions requiring a Commercial Drivers License
(CDL)

Subject to alcohol and drug testing.

- a.
- b.
- c.
- d.
- e.

**PLEASE COMPLETE THIS FORM AND MAINTAIN THIS WITH
YOUR DRUG AND ALCOHOL POLICY**

**EMPLOYEE AFFIRMATION OF
DRUG AND ALCOHOL TESTING POLICY**

As an employee in a safety sensitive position, I affirm that I have received, read and understand the Cherokee County's Drug and Alcohol Testing Policy. I am aware that I may be required to undergo a drug and/or alcohol screen as outlined by Cherokee County's policy requirements and that I will be informed prior to the drug/alcohol screen; and, that I may be referred to an education and treatment program depending on the results of the drug/alcohol screen. I agree to abide by all provisions of the anti-drug policy as a condition of my continued employment with the company. I am aware and agree that the policy does not create any contractual rights in my favor or in any way alter the at-will nature of my employment or imply that discharge will occur only "for cause".

Employee Name (Please Print)

Employee Signature

Date

Cherokee County Representative

Date