**Washington County**

**PERSONNEL POLICIES HANDBOOK**

Revised: April 15, 2019

**Introduction**

As an employee of Washington County, it is important that you be aware of the benefits as well as the policies and procedures that will prove helpful to you. This is your copy of Washington County's new Employee Manual.

This manual provides answers to most of the questions you may have about Washington County's benefit programs, as well as the policies and procedures we abide by, our responsibilities to you and your responsibilities to Washington County. You are responsible for reading and understanding this Employee Manual. Any statement in this manual that may now or later prove to be in conflict with state or federal laws or regulations will be superseded by those laws or regulations. If anything is unclear, please discuss the matter with your department head, as he or she is your first line of contact and will be able to provide guidance on day-to-day personnel matters. Washington County values its employees & we hope that this Employee Manual gives you an indication of our interest in your welfare. Washington County is committed to providing you with a satisfying work experience and we wish continued success as a valued employee of Washington County.

From time to time, the information included in our Employee Manual may change. Every effort will be made to keep you informed through suitable lines of communication.

Washington County Commission

**Receipt & Acknowledgment**

**of the Washington County Employee Manual**

This Employee Manual is an important document intended to help you become acquainted with Washington County. This Manual will serve as a guide; it is not the final word in all cases. Individual circumstances may call for individual attention.

Because the general business atmosphere of Washington County and economic conditions are always changing, the contents of this Manual may be changed at any time at the discretion of the County. No changes in any benefit, policy or rule will be made without due consideration of the mutual advantages, disadvantages, benefits and responsibilities such changes will have on you as an employee and on Washington County.

Please read the following statements and sign below to indicate your receipt and acknowledgment of the Washington County Employee Manual.

• I have received and read a copy of the Washington County Employee Manual. I understand that the policies, rules and benefits described in it are subject to change at the discretion of the County Commission. I understand that this manual replaces (supersedes) all other previous manuals for Washington County as of January 2004.

• I further understand that my employment is terminable at will, either by Washington County, or myself regardless of the length of my employment or the granting of benefits of any kind.

• I understand that no contract of employment other than "at will" has been expressed or implied, and that no circumstances arising out of my employment will alter my "at will" employment relationship unless expressed in writing, with the understanding specifically set forth and signed by myself and the Washington County Commission.

• I understand that my signature below indicates that I have read and understand the above statements and have received a copy of the Washington County Employee Manual.

Employee Printed Name

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Employee's Signature Date

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**ARTICLE 1. DEFINITION OF TERMS**

The following words and phrases shall have the meanings indicated throughout these rules except where the context clearly indicates otherwise.

**Anniversary date.** Date of an employee's first day of work.

**Appointing authority.** The County Commission or a designee of the County Commission, or any person having the power by virtue of state law or other lawfully delegated authority to make appointment to positions in the County service.

**Appointment.** The designation to a position in the County service of a person who hasqualified for the appointment through an appropriate selection process.

**Certification.** The act of supplying an appointing authority with an appropriate number of names of applicants who are eligible, in accordance with legal provisions and these rules, for appointment to a position.

**County Commission.** The duly elected County Commission of the County or a designee when appropriate.

**Class.** One or more positions sufficiently similar in respect to assigned work duties and responsibilities that the same class title may be reasonably and fairly used to designate each position allocated to the class, that the same minimum education and work experience qualifications may be required, and that the same salary range may apply with equity.

**Covered employees.** An employee who is covered by the provisions of the Fair Labor Standards Act (FLSA), particularly as related to overtime.

**Date of employment.** The date an employee starts work as a new hire or rehire.

**Date of termination.** The date an employee separates from employment.

**Demotion.** The movement of an employee from a position in one class to a position in another class having a lower maximum salary rate.

**Department.** Any of the departments under the jurisdiction of the County Commission now or as hereafter established.

**Department head.** The chief operating manager of any department.

**Eligible.** A person whose name is on a current eligible list and who may under these rules be certified for appointment to a position in the County service.

**Emergency.** A sudden and unforeseen happening that requires the unscheduled services of an employee to protect the health, welfare, and safety of the community.

**Exempt employee.** An employee who is exempted from the provisions of the Fair Labor Standards Act (FLSA) by the Act or who is not covered by the Act, particularly as it relates to overtime.

**Full‑time employee.** An employee occupying a position included in the adopted annual budget that is neither specified part‑time nor temporary employment, nor limited for a period of less than the budget year. Also, any employee occupying such a position established during a given budget year unless the appointing authority certifies that such position will not be continued in the succeeding year's budget. The hours of work are approximately 2080 per year.

**Grievance.** A complaint relating to employment, the application of personnel rules and regulations, working conditions, or relationships between an employee and a supervisor.

**Immediate family.** Husband, wife, son, son‑in‑law, daughter, daughter‑in‑law, mother, mother‑in‑law, father, father‑in‑law, brother, brother‑in‑law, sister, sister‑in‑ law, grandparents, and grandchildren.

**Introductory employee.** A full‑time or part‑time employee serving an introductory working test period.

**Introductory period.** A working test period during which a newly appointed full‑ time or part-time employee is required to demonstrate fitness by actual performance of the duties of the position to which the employee is appointed.

**Job description.** A written statement of the characteristic duties, responsibilities, and qualification requirements that distinguish a specific class from other classes.

**Layoff**. Employment separation made necessary by lack of work or funds or other reasons not related to fault, delinquency, or misconduct on the part of an employee.

**Original employment date.** First date of official appointment to a position in the County service after appropriate certification and for any period of continuous service.

**Part‑time employee.** Part‑time employee in these rules shall mean both part‑time employee with benefits and part‑time employee without benefits.

**Part-time employee with benefits.** An employee in a position scheduled to work less than full time (2080 hours), but at least 1500 hours (including hours of work, vacation, sick leave, and compensatory time) in any continuous twelve (12) month period.

**Part‑time employee without benefits.** An employee hired into a position scheduled for less than 1500 hours (including hours of work and compensatory time) in any continuous twelve (12) month period.

**Position.** A group of current duties and responsibilities assigned or delegated by competent authority, requiring the full‑time, part‑time, or temporary employment of one person.

**Promotion.** The movement of any employee from a position of one class to a position of another class having a higher maximum salary rate.

**Promotional list.** The names of persons currently in the County service who have applied and are qualified for appointment to a position in a class having a higher maximum salary rate.

**Qualifying Period.** The working test period served by promotional appointees and employees transferred to a class dissimilar to the one previously held.

**Resident.** A person whose principal place of domicile is within the corporate boundaries of the county.

**Temporary/seasonal employee.** Terms used interchangeably to describe a position comprising duties that occur, terminate, and recur seasonally, intermittently or according to the needs of the department. Such position shall not require more than 1499 hours of pay in any continuous twelve (12) month period. The appointing authority shall assign a projected date of termination of less than one (1) year from date of hire and shall have such date made a part of the employee's personnel file.

**Transfer.** The movement of an employee from one department, division, or unit of the County government to another, from one position to another position of the same class, or to another class having the same maximum salary rate involving the performance of similar or dissimilar duties and requiring essentially the same basic qualifications.

**Vacancy.** A duly created position that is not occupied and for which funds have been provided.

**Year.** A calendar year unless otherwise specified in a particular section.

# ARTICLE 2. GENERAL EMPLOYEE POLICIES

**Section 2‑1. Equal Employment Opportunity.**

It is the intent of the County that all personnel activities be conducted in a manner that will assure equal employment opportunity for all persons, without regard to political affiliation, race, color, religion, national origin, sex, age, or disability. This policy shall include all personnel practices related to the employment process, promotions, demotion, transfer, layoff, termination, compensation, benefits, training, and general treatment of employees.

**Section 2‑2. Affirmative Action Plan.**

(a) Affirmative Action Statement

The County hereby adopts the following Affirmative Action Program for Equal Employment Opportunity:

 Affirmative Action means that all employees shall be treated equally in regard to terms, conditions, and privileges of employment including promotions, salary advancements, assignments, training, demotion, or any other personnel action. If for any reason an employee feels that he/she is being discriminated against because of race, creed, color, religion, age, nation origin, handicap, sex, or ancestry, he/she should contact the Equal Opportunity Officer of the Commission.

 This policy shall be made known to all employees and potential sources of employees.

 The County Commission shall be responsible for insuring compliance with the Equal Opportunity policies. The Commission shall designate an Equal Opportunity Officer with the responsibility of coordinating the efforts of the County Commission to eliminate discriminatory practices.

 (b) Nondiscriminatory Recruiting

 The County will take appropriate nondiscriminatory recruiting measures such as, but not limited to:

(1) Placing employment advertisements in newspapers that serve the largest number of minority group people in the recruiting area.

 (2) Maintaining systematic contacts with minority and human relations organizations, leaders and spokesmen to encourage referral of qualified minority applicants.

 (3) Encouraging commissioners and employees to refer minority applicants.

(4) Making it known to recruitment sources that qualified minority members are being sought for consideration for work whenever the County hires personnel.

(c) The County assures that it will take appropriate nondiscriminatory hiring measures, such as, but not limited to, instructing those who make hiring decisions that minority applicants for all jobs are to be considered without discrimination.

(d) The County will make maximum use of training programs to help equalize opportunity for minority persons such as, but not limited to actively encouraging minority employees, as well as others to increase their skills and job potential through participation in available training and education programs.

(e) The County assures nondiscriminatory placement and promotion by taking measures such as, but not limited to:

 (1) Instructing those who make placement and promotion decisions that minority employees are to be considered without discrimination.

 (2) Encouraging the promotion of minority employees who have increased their skills and job potential in accordance with the County's Affirmative Action Policies.

(f) The County assures nondiscriminatory pay, other compensation and working conditions by taking appropriate steps such as, but not limited to examining the rates of pay and fringe benefits for present employees with equivalent duties and adjusting any inequities found.

(g) The County encourages nondiscriminatory contracting by taking appropriate steps such as encouraging minority group contractors and contractors with minority representatives among their employees to submit proposals for contract work.

(h) The County assures that it will follow through with questioning, verifying, and making whatever changes or additions to the County's Equal Employment Opportunity Program that may be necessary to assure effectiveness.

**Section 2‑3. Alcohol & Controlled Substance Use, Abuse & Testing Policy.**

 (a) Policy objectives.

 It is the policy of the County to provide safe, dependable, and economical services to its citizens and to provide safe working conditions for its employees, and to comply with the requirements of federal law and regulations related to the Drug Free Work Place Act of 1988 and the Omnibus Transportation Employee Testing Act of 1991. It is also the policy of the County to provide healthy, satisfying working environments for its employees.

To meet these goals, it is the policy of the County to ensure that its employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner; to create a workplace environment free from the adverse effects of alcohol and controlled substance abuse or misuse; to prohibit the unlawful manufacture, distribution, dispensing, possession or use of alcohol and controlled substances; and to encourage employees to seek professional assistance when personal problems, including alcohol and controlled substance dependency, adversely affect their ability to perform assigned duties.

The purpose of this policy is to assure worker fitness for duty and to protect employees and the public from the risks posed by the use of alcohol and controlled substances. It is also the purpose of this policy to comply with all applicable federal and state regulations governing workplace alcohol and controlled substance abuse programs mandated under the above‑noted acts. These acts mandate urine drug testing and breathalyzer alcohol tests for safety‑sensitive positions and prevent performance of safety‑sensitive functions when there is a positive test result. The federal law has also established standards for the collection and testing of urine and breath specimens, for the reporting of certain drug‑related offenses, for protective measures for certain employees tested, for the preservation of confidentiality, and for certain reporting.

 (b) Applicability

 This policy applies to all safety‑sensitive employees who perform safety‑sensitive functions as these persons and activities are defined in the Omnibus Transportation Employee Testing Act and its implementing regulations, including but not limited to persons who are required to possess a CDL license for the operation of a commercial vehicle and all law enforcement and emergency services personnel, as well as any others in safety‑sensitive positions in the jurisdiction.

 (c) Definitions

 (1) Administrator ‑ designated by the County Commission to be the

 Presiding Commissioner.

(2) Commercial vehicle ‑ as defined in the Missouri statutes requiring commercial drivers' licenses.

(3) Delay ‑ any failure to immediately report to the test site to participate in the required testing under this policy.

 (d) Policy Administrator

 Unless otherwise designated by the County Commission, the designated policy administrator for the County is the Presiding Commissioner**,** who shall be designated as the controlled substance and alcohol policy administrator.

 Any inquiries concerning this policy, its application, its administration, or its interpretation shall be made to the policy administrator. The policy administrator shall develop and maintain a current list of the positions that are governed by this policy. The list shall be available for inspection in the county clerk's office. Individuals who are applying for positions with the County and affected employees shall be notified of the positions that are covered by this policy.

The policy administrator shall develop all forms necessary to carry out the provisions of this policy, unless the forms are provided under the federal regulations. The forms shall be provided to appropriate persons who are responsible for the implementation and management of this policy.

 (e) Alcohol & Controlled Substances Prohibitions

An employee is prohibited from the operation of a commercial motor vehicle and/or from engaging in any work‑related functions for alcohol‑related conduct: (1) while consuming alcohol; (2) while having a blood alcohol concentration of 0.02 or greater; (3) within four (4) hours of consuming alcohol; (4) after refusing to submit to an alcohol test; and (5) from consuming alcohol within eight (8) hours after an accident as specified in this policy.

An employee is prohibited from the unauthorized use of a controlled substance at any time, whether on or off duty.

An employee is prohibited from the unauthorized possession of alcohol while on duty and of controlled substances at any time, whether on or off duty.

 Any employee convicted of illegal conduct related to controlled substances or alcohol or who fails to report such a conviction to the policy administrator shall be subject to immediate termination from service.

 Any employee whose job performance requires the possession of a valid CDL and who loses the CDL for a violation of or as a consequence of the law shall be subject to disciplinary action up to and including termination from service. The employee shall notify the policy administrator and the employee's immediate supervisor of the loss of the CDL. Failure to notify the policy administrator of the loss of the CDL shall result in immediate termination from service.

 (f) Controlled Substance & Alcohol Testing Provisions

Employees subject to this policy shall be subject to controlled substances and alcohol testing including the following types of tests: pre‑employment testing; random testing (except as provided herein); reasonable suspicion testing; post‑accident testing; return‑to‑work testing; and follow‑up testing to rehabilitation programs.

Pre‑Employment Testing

Pre‑employment urine drug and alcohol testing shall be required of all applicants for positions covered by this policy as a condition of the application procedure. Future employment as defined shall be considered as if the application was for original entry into service for purposes of this policy. Receipt of satisfactory test results is required prior to commencement of employment and/or engaging in safety‑sensitive functions, and the failure of a controlled substance or alcohol test disqualifies an applicant from appointment to employment for a period of at least 120 days. Evidence of the absence of controlled substances or alcohol dependency from a Substance Abuse Professional (SAP) and negative controlled substance and alcohol tests shall be required prior to further consideration for any employment, including reports from prior employers upon an employee's written authorization.

Reasonable Suspicion Testing

Reasonable suspicion testing shall be used to determine fitness for duty evaluations, including appropriate urine and/or breath testing when there are objective observable reasons to believe that a controlled substance or alcohol use is adversely affecting an employee's job performance or that the employee has violated this policy. Reasonable suspicion referral for testing shall be made on the basis of documented objective facts and circumstances which are consistent with the effects of substance use. Reasonable suspicion observations and reports can only be made by supervisory or management personnel who are trained to detect the signs and symptoms of controlled substance and alcohol use and who may reasonably conclude that an employee may be adversely affected or impaired in the employee's work performance due to the use of the controlled substance or alcohol. The observing supervisor or manager, whether or not the person is the employee's immediate supervisor, is required to complete the appropriate required documentation concurrently with the observation and consideration to impose reasonable suspicion testing.

Reasonable suspicion testing shall be required and completed whenever possible within two (2) hours of the observation, but in any case no later than before eight (8) hours after the observation for breath alcohol testing and thirty‑two (32) hours for controlled substance testing.

Post‑Accident Testing

Post‑accident testing shall be required to test employees after a vehicular accident has occurred in which a fatality has occurred, or when a traffic citation is issued to a County employee after an accident. Testing shall include both breath alcohol and urine drug testing of the employee(s).

Post‑accident testing shall be required and completed whenever possible within two (2) hours of the accident occurrence, but in any case no later than before eight (8) hours after the accident for breath, alcohol testing and thirty‑two (32) hours for controlled substance testing. An employee involved in an accident shall refrain from alcohol consumption for eight (8) hours following the accident.

Random Testing

Random testing shall be conducted on all persons covered by this policy. Random testing shall be unannounced and conducted with unpredictable frequency throughout the year using an established scientifically based selection method. Testing shall be conducted whenever and as ordered by appropriate supervisory personnel, but no less frequently than required by federal law and regulations, and in such numbers as is minimally determined under the regulations.

Return‑to‑Work Testing

Return‑to‑work urine drug and alcohol testing for all employees covered by this policy shall be required for all employees who previously tested positive on a controlled substance or alcohol test. The employee must test negative and be evaluated and released to return to work by an SAP before being permitted to return to work.

Follow‑up Testing

Follow‑up testing of employees returning to work shall be required. Employees shall submit to frequent, unannounced random urine drug and breath alcohol testing at least six (6) times in the following twelve (12) months after returning to work. Random testing may be continued for a period of up to sixty (60) months from the employee's return to work date.

Any employee who questions the results of a required urine drug test under this policy may request that an additional test be conducted. The test must be conducted on a split sample that was provided at the same time as the original sample and the test analysis shall be conducted at a different qualified laboratory than where the original test was conducted. All costs for employee requested testing shall be paid by the employee unless the second test invalidates the original test. An employee's request for a re‑test must be made to the Medical Review Officer (MRO) within seventy‑two (72) hours of the notice to the employee of the initial test result. Requests made after the seventy‑two (72) hour limit will only be accepted if the delay was due to document able facts that were beyond the control of the employee.

The method of collecting, storing, and testing the split sample required under this policy shall be consistent with the procedures established in 49 CFR Part 40.

Failure to test

Any employee who fails to submit to the required testing under this policy is considered to have tested positive and shall be subject to all of the consequences that flow related to positive testing.

 Any employee ordered to test shall report immediately to the test site upon being ordered to submit to testing. No delay of any type may be granted or taken. Delay in reporting by the employee shall be treated as a refusal to test and shall subject the employee to all of the consequences that flow related to positive testing. Failure to provide a sufficient sample or for providing an adulterated sample shall be considered as a refusal to test and shall subject the employee to all of the consequences that flow related to positive testing.

 (g) Testing Controls

ALCOHOL: Federal regulations require breath testing to be done on Evidential Breath Testing devises approved by the National Highway Safety Administration. An initial screening test is conducted first. Any result that is less than 0.02 blood alcohol concentration is considered negative. If the blood alcohol concentration is 0.02 or greater, a second confirmatory test must be conducted. Any employee who tests with a blood alcohol concentration of 0.02 or greater shall be removed from service for at least twenty‑four (24) hours.

Any employee who is found to have engaged in prohibited alcohol conduct under this policy shall be immediately removed from work‑related activity; and the employee shall not be permitted to resume work until the employee is (1) evaluated by an SAP, (2) complies with the rehabilitation contract if such is required, and (3) has tested negative in a follow‑up test.

CONTROLLED SUBSTANCES: Controlled substance testing is conducted by analyzing an employee's urine specimen performed at a laboratory certified and monitored by the U.S. Department of Health & Human Services for the following controlled substances:

 (1) Marijuana (THC metabolite)

 (2) Cocaine

 (3) Amphetamines

 (4) Opiates (including heroin)

 (5) Phencyclidine (PCP)

The testing for controlled substances is a two‑stage process. First a screening test is conducted. If the test is positive for one or more of the controlled substances, a confirmatory test is conducted for each identified controlled substance. The confirmatory test is a gas chromatography/mass spectrometry (GC/MS) analysis.

Any employee who tests positive on the confirmatory test shall be interviewed by the County's Medical Review Officer (MRO). The employee shall be immediately removed from work related activity; and the employee shall not be permitted to resume work until the employee is (1) evaluated by a SAP, (2) complies with the rehabilitation contract if such is required, and (3) has tested negative in a follow‑up test.

 (h) Employment Assessment

An employee who tests positive for the presence of controlled substances or alcohol above the minimum thresholds set forth in the federal regulations shall be evaluated by a SAP. The SAP shall evaluate each employee who tests positive to determine what assistance, if any, the employee needs in resolving problems associated with the controlled substance or alcohol.

Assessment by a SAP does not protect an employee from disciplinary action or guarantee continued employment or reinstatement by the County. The County's disciplinary policy provides guidance to the discipline that may be imposed, unless otherwise stated in this policy.

 (i) Rehabilitation Effort

Any employee who is determined to be in need of assistance for a controlled substance or alcohol‑related problem under this policy by the SAP may be permitted to enter into a rehabilitation plan approved by the County, provided the employee agrees to adhere to the terms of the rehabilitation contract with the County.

Rehabilitation assistance may only be granted to an employee once while employed by the County. Failure to complete the rehabilitation assistance plan or to adhere to the rehabilitation contract shall be considered a resignation by the employee from employment with the County.

 (j) Contractual Support Professionals

The County shall secure a contract with an appropriately certified testing laboratory to conduct the controlled substance testing analysis and reporting required under this policy and under the federal regulations in conformity with the standards established under the federal regulations. The County may contract for the required alcohol testing or may perform the testing using qualified County personnel who utilize appropriate testing equipment.

The County shall engage the services of an independent contractor to serve the County as the MRO properly credential and trained in compliance with the federal regulations, who shall not be an employee of the County. The MRO shall, as a part of the engagement contract, maintain all relevant records and provide the required reports that the County needs to comply with the federal reporting requirements.

The County shall appoint a SAP for the providing of services under this policy and in compliance with the federal regulations.

 (k) Education & Training

 The County shall provide all employees with a copy of this policy and materials related to the effects of the use and/or abuse of alcohol and controlled substances. The County shall also provide information to employees regarding treatment and rehabilitation available. Employees shall be required to confirm receipt of this policy and any revisions and of the educational materials in writing, noting the date of receipt and acknowledgment by signature witnessed by the supervisor providing the materials.

The County shall develop and provide training for all supervisors and managers who are responsible for the administration and enforcement of this policy. The training, at a minimum, shall include at least sixty (60) minutes of a program on the physical and behavioral effects on personal health, safety and on the work environment and performance indicators on the effects of alcohol use and abuse, the side effects of abuse, and the consequences of prohibited work‑related activity involving alcohol consumption. The training shall include an overview of this policy and its implementation and application to employees. The training, at a minimum, shall include at least sixty (60) minutes of a program on the physical and behavioral effects on personal health, safety and on the work environment and performance indicators of controlled substances use and abuse, the side effects of controlled substance abuse, and the consequences of prohibited work‑relatedactivity involving controlled substances. Training shall also include a component related to objective observation for reasonable suspicion testing, documentation and record keeping.

 The training may include other components that the policy administrator, the MRO, and/or the SAP believe can enhance the program administration and awareness of problems and treatment related to alcohol and controlled substance use. The training may also provide components related to County‑sponsored or supported referral programs and employee assistance efforts that are sanctioned to deal with alcohol and controlled substance use and abuse problems.

 (l) Confidentiality

 All records developed and/or acquired pursuant to this policy shall be maintained under strict confidentiality by the County, the testing laboratory, the MRO, and the SAP, when and as applicable. The records shall be maintained separately from other personnel records kept by the County and shall be kept in a secured location with other medical records. Materials shall not be released to others without the written consent of the affected employee, except under provisions provided in the federal regulations, as needed with regard to the rehabilitation contract, in litigation or quasi‑judicial and administrative proceedings related to positive test results and/or to matters initiated by an employee.

Any person who breaches the confidentiality provisions of this policy shall be subject to immediate termination from employment and/or from any contractual relationship with the County without recourse.

 (m) Disciplinary Issues

Unless otherwise specified in this policy, the County's policies related to disciplinary action shall be followed when imposing discipline for violation of this policy.

The acceptance by an employee of the rehabilitation assistance plan and contract does not serve as a bar to imposing disciplinary action related to violations of this policy.

Any supervisor or manager who knowingly permits an employee to violate this policy or engage in work activity while consuming alcohol or a controlled substance or fails to enforce this policy shall be subject to immediate termination from employment.

This policy does not displace any other penalties that may be imposed or be incurred as a result of violation of County policy or state and federal laws, or as provided in the workers' compensation laws.

 (n) Coordination With Other Laws & Policies

This policy shall be administered in compliance with other federal, state and local laws related to employee health & welfare policies, leave policies, benefit programs and other related policies of the County. In the case of apparent conflicts between this policy, other policies, and applicable laws, the policy administrator shall make the appropriate rulings to resolve the potential conflicts, whenever possible.

In the event that any part of this policy is judicially determined to be in conflict with any law or to be in violation of any law or is rendered ineffective because of some state or federal legislative enactment, that part(s) shall be void, but the remainder of the policy shall remain in effect. Parts that are void or voided shall be replaced as soon as possible so as to maintain the full effect of this policy and/or to bring it into compliance with relevant laws.

 (o) Amendments

This policy is subject to amendment by the County from time to time. Amendments that are made shall be provided to employees upon adoption and shall become effective as provided by the policy administrator.

(p) Drug Awareness Program.

 Employees are made aware of the drug‑free workplace policy and the dangers of drugs in the workplace through the display and distribution of informational material. For employees performing safety‑sensitive functions, which include any duties related to the safe operation of County vehicles or equipment, the information includes the effects and consequences of drug use on personal health, safety and the work environment, and the manifestations and behavioral cues that may indicate drug use and abuse. Supervisors shall receive training on the physical, behavioral, and performance indicators of probable drug use.

The program also includes information about the availability of drug counseling and rehabilitation as provided by the Employee Assistance Program.

 (q) County's Right to Test.

An individual may not be hired to perform a safety‑sensitive function unless the individual passes a drug test of urine for evidence of marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines. All new hires and re‑hires of full‑time, part‑ time, or temporary/seasonal employees may be required to take a urine or other medical test and to agree in writing to allow the results of those tests to be furnished to and used by the County. Those persons who do not pass such test(s) shall not be employed.

**Section 2-4. Acquired Immune Deficiency Syndrome (AIDS).**

The unfortunate spread of AIDS in recent years has presented a need for a policy regarding the employment of those who have, or may have, this disease. Medical experts and medical evidence available to date has shown that casual workplace contact with employees who have AIDS, or who have been exposed to the AIDS virus, will not result in the transmission of AIDS to others.

The County's policy shall be to employ persons who have AIDS, or are suspected of having AIDS, so long as such persons remain qualified to perform their jobs in accordance with County standards. Some exceptions or deviations to this policy may be necessary for certain positions, but the County's intent will be to maximize the employment opportunities of AIDS patients, while at the same time preserving the safety and morale of all employees and the public.

 The County will stay abreast of the latest medical knowledge regarding this disease. If it ever appears that the implementation of this policy may present a danger to employees and the public, appropriate revisions will be made.

**Section 2‑5. Health and safety.**

All employees shall be responsible for performing work assignments in a safe manner. Prime consideration shall be given to safety in all work situations.

 (a) All employees shall:

 (1) be thoroughly familiar with safety requirements and practices applicable to their respective work assignments;

(2) actively observe safety practices, and report unsafe or potentially dangerous conditions and accidents or injuries to their supervisor immediately;

 (3) refrain from engaging in horseplay, wrestling, hazing of

 co‑workers, and any other unsafe practice under penalty of disciplinary action up to and including dismissal;

 (4) wear protective equipment, use protective devices and wear safety belts in all County vehicles so equipped;

 (5) report to supervisors any suspension, revocation or other loss or potential loss of the right to legally drive a motor vehicle if driving a County vehicle is a responsibility or privilege of the job;

 (6) report to supervisors when on medication or under a doctor's care for any reason that could affect their operation of machinery, equipment, or other job duties;

 (7) be properly licensed at the time of employment or assignment to a vehicle (if they are responsible for driving county vehicles) and, upon each license renewal date, must complete driver training or driver performance qualification checks as required by the department before operating county vehicles.

(b) It is the employee responsibility to report any work related injury (no matter how minor) to his/her Supervisor. The Supervisor must report the injury to the Washington County Clerk in the same work shift in which the injury occurred.

For work related injury, the County may retain a physician(s) to perform services for the County. An employee may be directed by his supervisor to see the retained physician(s) at the expense of the County, and it will be the responsibility of the employee to make any scheduled appointments with the retained physician(s). For charges not covered by Workers' Compensation, the County will pay for the cost of the examination only. Any referral or additional charge outside the examination can be submitted to the employee's health insurance plan, offered by the County, with the employee responsible for any portion not paid by the health plan.

**Section 2‑6.** **Applicants and Employees with Disabilities.**

Assistance shall be available to applicants with disabilities who may require personal assistance to participate in the selection process. Such assistance shall include but not be limited to providing readers for the vision‑impaired and written materials for the hearing‑impaired.

In determining whether an applicant or employee with a disability shall be accommodated, the following shall apply. The applicant or employee must make a documented request for reasonable accommodation. The department head and supervisor, if applicable, shall consult with the disabled individual regarding an appropriate accommodation. If the accommodation does not impose an undue hardship, the accommodation shall be implemented. Assessing the reasonableness of the possible accommodations shall include the following factors:

 (a) how well it accommodates the needs of the individual with a disability;

 (b) how reliable it is;

 (c) whether it can be made available in a timely manner;

 (d) and whether it imposes an undue hardship defined as an action requiring significant difficulty or expense.

Employees and applicants with disabilities shall be afforded a procedure that provides for prompt and equitable solutions to complaints. Employees shall utilize the grievance procedure described in Article 17 of this manual. Applicants shall use the procedure found under the special policy of the County relating to disabilities and the accessibility of services.

**Section 2‑7.** **Washington County Code of Ethics**

Employees and representatives of Washington County shall endeavor to uphold not only appropriate state and federal laws and statues but shall conduct themselves in a manner consistent with their role as holders of the public trust.

1. Civility – All personnel shall be civil, orderly, diligent, discreet, courteous and patient as a reasonable person is expected to be in any situation public or private.

2. Contact with Citizens – All personnel shall answer questions from citizens in a courteous manner and if unable to supply an answer, shall make every effort to obtain the answer for the citizen, avoiding argument and unnecessary conversation. If requested, an employee shall give his name in a courteous manner to any person who so requests. All persons shall receive equal courtesy regardless of race, color, handicap, creed, religion, sex, or age.

3. Truthfulness – All personnel shall speak the truth at all times under all circumstances. In cases which he/she is not allowed by the regulation of his/her office to divulge facts within his/her knowledge, he/she will respectfully decline to speak on the subject.

4. Criticism and Malicious Gossip – Personnel shall not criticize any other person or employee, except in the line of duty as a superior to a subordinate. Nor shall the employee criticize or maliciously gossip about any superior, fellow employees, order, policy, procedure, case or event that should remain official information. No employee shall cause discredit, lower or injure the morale of the personnel of the County or that of any individual of the County.

5. Possession/Use of Intoxicants/Drugs – Personnel shall not bring, permit to be brought, placed, or kept in any buildings, location, or vehicle within the County any intoxicants or drugs (this policy in not intended to include alcohol and drugs held as legal evidence). Use of intoxicants in any manner while on duty or within 4 hours prior to scheduled duty is not permitted. Use of illegal drugs at anytime, whether on duty or not, is prohibited.

6. False Information on Records – Personnel shall not make false official reports or knowingly or willingly enter or cause to be entered into any County books, records, or reports any inaccurate, false, or improper information or material matter.

7. Misappropriation of Property – Personnel shall not appropriate for his own use any lost, found, or stolen property not convert to his own use any County property.

8. Marking or Altering Department Notices – Personnel shall not mark, alter, or deface any printed or written notice, memorandum, general order or directive relating to County business nor any notice posed on any bulletin board or blackboard maintained by the County. All notices of a personal nature and/or of a derogatory character regarding any member, employee, or department of the County are prohibited.

9. Statements Concerning Liability – Personnel shall not make any oral or written statements to anyone concerning liability in connection with the operations or administration of County business.

10. Seeking/Accepting Gifts – No person shall seek or accept, directly or indirectly, any gift, present, or gratuity from any person, firm, group of people, relatives, friends, employees of the same, or for any service rendered or expense incurred on the basis of his employment or association with the County if the purpose of that gift is to in any manner influence the action/function of the employee or is the gift has any significant monetary value.

## Section 2-8. Attitude and appearance

A friendly and courteous attitude by County employees toward the public and co‑workers is required at all times. Similarly, employees are expected to deliver prompt, thorough, and efficient service to consumers to the best of their ability. All employees are required to maintain a neat and clean personal appearance. Each employee shall be subject to specific department rules and regulations concerning proper clothing, personal hygiene, and grooming.

**Section 2‑9. Commercial Drivers' License.**

The law requires employers to make certain that drivers of "commercial vehicles," including certain County vehicles, have the required class of commercial drivers' license for the size and type of vehicle they are required to drive. Depending on the particular job requirements, County employees may be required to possess a special class of license. The State may require a written test covering the class of vehicle operated and the applicable endorsements and restrictions.

Endorsements for hazardous materials, passenger, tank vehicle, double/triple trailer and restrictions for air brakes may also be required. Written testing varies with the class of license and the endorsements and restrictions. The actual driving test must be taken in a vehicle falling in the class applied for.

 The County may provide employees with the training and assistance necessary to comply with the licensing requirements. The County may also make available to the employee, a well-maintained vehicle for road testing as well as allow time for the employee to take the test.

Employees shall be required to have and maintain the necessary class of drivers' licenses at their expense.

**Section 2‑10. County's Right to Search.**

When the County has reason to believe an employee is violating any policy regarding contraband or controlled substances or other rules, the employee may be asked by the County to submit immediately at any time (including breaks and the meal period) to a search of the person and/or to make the employee's locker, lunch box, briefcase, purse, pockets, wallet, personal belongings, desk, vehicles, or any other receptacle the employee uses or has access to, available for inspection. Entry on to County premises constitutes consent to searches and inspections. Refusal to consent to a search or inspection when requested by the County constitutes insubordination and a violation of County policy that will subject the employee to disciplinary action.

**Section 2-11. Personal Use of County Technology**

The internet is a business communication tool provided to employees to assist them in performing their responsibilities. Employees are to use the Internet in a professional, ethical and lawful manner. Security and confidentiality of county information is to be everyone’s first concern.

Washington County has the right and a responsibility to manage its employees’ usage of electronic mail or other activities involving Washington County’s technology resources. All information including files or software downloaded via the Internet into the network becomes the property of Washington County. Washington County may examine all information stored on any technology resource at any time, for any reason.

**Acceptable Use of the Internet:**

1. Business Use
2. Communicating with employees, customers and suppliers.
3. Researching relevant business topics or obtaining useful business information.
4. Personal Use

Personal use of the Internet is only permitted where such use:

1. Does not interfere with work at Washington County;
2. Is not for personal financial gain;
3. Does not add to Washington County’s costs; and
4. Adheres strictly to this policy.

Any personal use that does not fulfill all of these conditions is prohibited.

**Prohibited Use of the Internet:**

Internet use is prohibited for any unlawful or illegal purpose or activity that violates any federal, state, or municipal law or regulation or that could give rise to a civil cause of action against the employee and/or Washington County. This includes any activity that could constitute a criminal or quasi-criminal offense and/or result in civil liability including but not limited to the following:

1. Possession, downloading, distributing or displaying any of the following:
2. Pornography or child pornography including obscene or sexually explicit material;
3. Material of a harassing nature including any form of harassment on the basis of race, creed, religion, color, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin. This includes any form of hate propaganda or messages that promote hatred or incite violence against identifiable groups;
4. Type of defamatory statements or providing inaccurate or misleading information which may lead to civil lawsuits against the employee and/or Washington County.
5. Violating or infringing the Copyright Act or the Trademarks Act by, for example, violating another person’s copyright without permission or authorization or by making unauthorized use of patents or trademarks;
6. Activities relating to hacking and/or breaches of computer security, such attempts to defeat security features of electronic networks including making, possessing, or distributing computer systems, or an attempt to spread viruses;
7. Any use relating to personal and/or commercial activity that may result in personal financial gain, including but not limited to, any personal or commercial advertising, solicitations or promotions that do not directly benefit Washington County;
8. Accessing without authorization another employee’s personal computer Internet account, including obtaining or modifying of files, data or passwords belonging to others, or intercepting any private communications or electronic mail without authorization, other than as required by Washington County for business purposes; and
9. Disclosing confidential business information of Washington County, without prior authorization.

Employees who encounter a prohibited activity should immediately report the incident to their manager, or other management representative. All reports will be investigated.

**Communicating Via the Internet**

There is no guarantee of privacy with the Internet. Employees should not treat any transmission like an electronic postcard; if the content is not appropriate on a postcard, it should not be posted to the Internet.

Employees should apply good judgment when using the Internet. Security and confidentiality of corporate information is to be everyone’s first concern.

**Internet User’s Accountability**

Employees who create and transmit messages are responsible for the content of the message including any attachments.

Employees corresponding over the Internet shall identify themselves honestly and accurately.

Files that are downloaded from the Internet should be scanned for viruses before they are run or accessed.

Reviews will be conducted from time to time to ensure compliance to policy.

**Disclosure**

Washington County reserves the right to monitor and/or review Internet activity.

Washington County has a legal obligation to report illegal activity and to disclose unlawful Internet activity to law enforcement officials without prior notification to employees, as governed by law.

**Compliance**

Failure to comply with this policy may result in disciplinary action ranging from temporary or permanent loss of Internet access to employee dismissal, and/or legal action. The nature and type of discipline will depend upon the severity of the incident.

**Section 2-12. Whistleblower Protection**

Washington County requires commissioners, office holders, and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of Washington County, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations.

**Reporting Responsibility**

This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns internally so that Washington County can address and correct inappropriate conduct and actions. It is the responsibility of all commissioners, office holders, and employees to report concerns about violations of Washington County’s code of ethics or suspected violations of law or regulations that govern Washington County’s operations.

**No Retaliation**

It is contrary to the values of Washington County for anyone to retaliate against any commissioner, office holder, or employee who, in good faith, reports an ethics violation, or a suspected violation of law, such as a complaint of discrimination, or suspected fraud, or suspected violation of any regulation governing the operations of Washington County. Any employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment.

**Reporting Procedure**

Washington County has an open door policy and suggests that employees share their questions, concerns, suggestions or complaints with their supervisor. If an employee is not comfortable speaking with his/her supervisor, or is not satisfied with the supervisor’s response, the employee is encouraged to speak with the Commission. Office holders and supervisors are required to report complaints or concerns about suspected ethical or legal violations in writing to the Washington County Commission who has the responsibility to investigate all reported complaints. Employees with concerns or complaints may also submit their concerns in writing directly to their supervisor or the commission.

**Acting in good Faith**

Anyone filing a written complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

**Confidentiality**

Violations or suspected violations may be submitted on a confidential basis by the complainant. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

**Handling of Reported Violations**

Washington County will notify the person who submitted a complaint and acknowledge receipt of the reported violation or suspected violation. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.

**ARTICLE 3. APPLICATIONS AND APPLICANTS**

**Section 3-1. Recruitment.**

Notice of employment opportunities in the County service shall be published by posting announcements on official bulletin boards and in such other places as the appointing authority deems advisable including, as appropriate, a newspaper in general circulation in the area or region. Notice of all examinations for promotion shall be published by posting and other methods. The announcements shall specify the job title and base pay; the nature of the work to be performed; the minimum qualifications required for position; the time, place, and manner of making application; the closing date for receiving applications; and other pertinent information.

**Section 3-2 Application**

All applications shall be made on forms prescribed by the County Commission and shall be filed on or prior to the closing date specified in the announcement. Applications may require information concerning personal characteristics, education, experience, references, and other pertinent information. All applications shall be signed and the truth of the statements contained therein certified by signature. The County Commission shall require such proof of education, experience, and other claims as may be appropriate.

**Section 3-3.** **Disqualification.**

 The appointing authority may refuse to examine an applicant, or, after examination, may disqualify such applicant, remove a name from an eligible list, or refuse to interview an applicant, or may take steps to remove such person already appointed if the applicant or employee:

 (a) does not meet the preliminary requirements established for the position;

 (b) has a physical or mental disability such that the person is unable to perform the essential functions of the job:

 (c) tests "positive" to drug tests, is a current user of narcotics or the habitual use of intoxicating liquors to excess;

 (d) has made a false statement in an application;

 (e) has used or attempted to use political pressure or bribery to secure an advantage in the examination;

 (f) has failed to submit the application correctly or within the prescribed time limits;

(g) has previously been dismissed from a position in the County service or has resigned while charges for dismissal were pending;

 (h) has otherwise willfully violated the provisions of these rules;

 (i) has established an unsatisfactory employment or personnel record as evidenced by a reference check of such a nature as to demonstrate unsuitability for employment;

 (j) has taken for another or allowed another to take all or part of the examination, or has been found cheating in any other way on an examination;

 (k) has a criminal history that may expose the public to a risk of harm or loss.

Applications, whether accepted or rejected, shall not be returned and shall remain on file for ninety days unless hired.

**Section 3-4.** **Disqualification by reason of police record.**

Employees and applicants may have their applications rejected or be subject to dismissal if a background check reveals conviction of a felony or misdemeanor that has a bearing on the work to be performed for the County or if they pose a risk of harm or loss to the public.

**Section 3-5.** **Medical examinations.**

Employees must possess the prescribed standard of health and physical fitness necessary to perform the essential functions of their jobs. All prospective County employees shall submit to drug testing as follows prior to becoming permanently employed by Washington County:

1. Road and Bridge – 6 panel
2. Sheriff’s Department – 10 panel
3. All Other Departments – 10 panel Hair Test Drug Screen Profile

Results of the drug testing described above must be filed in the County Clerk’s office.

**Section 3-6.** **Residence requirements.**

It is preferred that all applicants for employment in the County service have a principal place of domicile located within the corporate boundaries of the County, or obtain such within six (6) months following appointment, unless exempted by the appointing authority.

**ARTICLE 4. APPOINTMENTS**

**Section 4‑1.** **Appointments.**

 Appointments to fill vacancies shall be made from a pool of qualified applicants.

**Section 4‑2.** **Appointment authority.**

 Department heads that are elected officials shall be the appointing authority for their respective departments. In such cases where the department head is not an elected official, the County Commission shall be the appointing authority, unless provided otherwise by Missouri law.

**Section 4‑3.** **Appointment forms.**

No duly appointed employee may be placed on the payroll until all appointment forms have been properly signed by the appointing authority and pre‑employment forms have been completed and signed by the employee.

**Section 4-4.** **Transfer.**

A position may be filled by transferring an employee from a position having the same maximum salary rate. Inter‑departmental transfers must be approved by the requisitioning department and employee concerned. The relinquishing department may delay the transfer until the beginning of a pay period, but not for a period in excess of three (3) weeks.

**Section 4-5.** **Promotion/Demotion.**

A position may be filled by selection from qualified employees in another job position. Upon notification of a promotion/demotion, the relinquishing department may delay the promotion/demotion until the beginning of a pay period, but not to exceed three (3) weeks.

**ARTICLE 5. INTRODUCTORY & QUALIFYING PERIODS**

**Section 5‑1.** **Purpose.**

An introductory working period shall be an integral part of the examination process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee or re-hired employee to the position, and for replacing any employee whose performance does not meet the required work standards. A new employee, who has not successfully completed an introductory period and/or extension thereof, shall not have access to grievance or appeal privileges.

**Section 5‑2.** **Duration.**

 All original appointments and re‑employment's to full‑time and part‑time positions shall be tentative and subject to an introductory period of three (3) months.

**Section 5‑3.** **Evaluation and Counseling.**

Supervisors shall observe the employee's work performance and shall counsel an introductory employee whose work performance is marginal or inadequate. Employees must be notified in writing of the steps that must be taken to achieve an acceptable level of work performance.

**Section 5‑4.** **Extension of Introductory Period.**

With the approval of the appointing authority, the original introductory period may be extended to a maximum of nine (9) months if circumstances warrant an extension.

**Section 5‑5.** **Termination during introductory period.**

 An employee terminated during the introductory period shall not have access to grievance or appeal processes. The department head shall fill out the appropriate personnel action forms when a decision on termination has been made.

**ARTICLE 6. COMPENSATION**

**Section 6‑1.** **Beginning salary.**

 The appointing authority authorizes beginning salary for new hires. The Washington County Commission has developed a pay schedule for all employees who are not considered Road and Bridge Employees or Commissioned Law Enforcement Officers. This pay schedule sets the base/beginning pay for all new employees and provides for pay-step increases related to longevity. The Washington County Commission shall review this pay schedule annually, in an attempt to provide these employees with appropriate cost of living adjustments and encourages all appointing authorities to follow this pay schedule in order to provide consistency throughout the county.

All Road and Bridge employees in both road districts shall be paid the same rate of pay for his/her job classification. The Road and Bridge Departments shall employ Truck Drivers, Operators, Mechanics, Assistant Superintendents and Superintendents. Assistant Superintendents shall be paid the same rate of pay as Mechanics. The Washington County Commission shall review the pay rate for each Road and Bridge job classification annually, in an attempt to provide these employees with equal and appropriate cost of living adjustments.

At the time of approval of the above-mentioned policy for Road and Bridge Employees (January 22, 2019), the Assistant Superintendents are receiving a higher pay rate than described above. Upon the current Assistant Superintendents’ leaving the employment of Washington County, the pay rate for the successor Assistant Superintendents shall be the same as the mechanics at that time, and at all times going forward.

**Section 6‑2. Overtime and compensatory time.**

(a) Supervisors shall develop methods and procedures to maximize productivity and reduce or avoid the need for overtime. It is the responsibility of each employee to work as efficiently as possible to accomplish job tasks during regularly scheduled work hours. All overtime or arrangements for overtime work shall be approved by the department head in advance. A determining factor in the approval of overtime work is whether the work could be accomplished through rescheduling of employee work hours and allowance of time off in the same work period. These factors reduce the burden of overtime on employees and avoid accrual of comp time and excessive overtime payments. Overtime is based on work hours in excess of forty (40) hours in a workweek, except for law enforcement employees. Under the provisions of the Fair Labor Standards Act (FLSA), work hours in excess of 171 hours in a twenty‑eight (28) day pay period is adopted for law enforcement personnel. Hours worked in excess of a standard work day or work week or duty tour by employees covered by the provisions of the Fair Labor Standards Act (FLSA) shall be compensated by payment at one and one‑half (1 1/2) times the straight hourly equivalent rate for the classification or by the award of compensatory time off equal to one and one‑half (1 1/2) times the overtime hours worked. The type of compensation made to employees (compensatory time or payment) is at the discretion of the department head. Hours worked shall only include hours actually worked on the County's behalf.

Exempt employees shall not accrue compensatory time nor be paid for overtime worked except for those who have approved compensatory hours recorded prior to January 1, 1996, and they shall be allowed to take comp time off in eight (8) hour increments only. Exempt employees who leave County employment shall be paid for the compensatory balance the same as covered employees.

(b) For hours worked on a holiday, employees of the Road and Bridge Department will be compensated holiday pay plus one and one-half the rate (1½ times) the usual rate of pay in the form of monetary compensation or compensatory time (at the discretion of the County).

(c) Department heads shall maintain records in a form and manner approved by the County Commission on compensatory time earned by employees under their jurisdiction. No employee shall be permitted to accumulate and retain more than 80 hours of compensatory time without the approval of the County Commission.

 (1) Upon termination of employment, any employee who has

accumulated compensatory time off shall be paid for unused

 time at the final regular rate received by such employee.

 (2) Any overtime work which will result in an employee covered under the provisions of the FLSA accumulating compensatory time above the limits set out above, shall be compensated by payment at one and one half (1 1/2) times the straight hourly equivalent rate for the employees classification.

(3) All departments are encouraged to utilize compensatory time in lieu of paying overtime. The departments shall make every effort to avoid either by the proper scheduling of the employees.

 (4) The period of work that will be used for ascertaining whether or not time worked is overtime will be determined by reference to the FLSA.

 (d) Department heads may require, out of necessity for the expeditious conduct of public business or for the protection of the public business or for protection of the public health, safety, or welfare that an employee work overtime. Failure to comply with such requests shall constitute a violation of these rules and regulations and provide grounds for disciplinary action as herein provided.

 (e) Law enforcement officials must work more than 168 hours in a 28-day period to be eligible for compensatory time or overtime pay. Law enforcement officials working between 168 to 170 hours in a 28-day period will earn straight time or pay. All hours worked beyond 171 hours will be compiled at 1.5 times the number of hours worked beyond the limit. The Sheriff retains the right to determine how hours worked beyond the limit of 171 hours will be compensated (either by overtime pay or compensatory hours).

**Section 6-3 Call-back Time**

 Employees who have left their normal workplace and who are called back to work shall be credited for actual time worked. Employees shall accumulate time from the time they begin to perform services for the County until they complete the services or are relieved from duty.

**Section 6-4 Emergency alert duty status**

A department head or duly authorized supervisor may designate an emergency alert duty status whereby employees would be immediately contacted by telephone or other acceptable means of communication. This duty status shall normally be limited to off-duty hours between regularly scheduled shifts or weekends.

 Employees shall not receive pay for this duty status unless they are required to report for duty. Compensation upon reporting for service shall be in accord with FLSA and department rules and regulations.

**Section 6‑5. Payday**

 Employees of the County shall be paid bi-weekly. All employees hired after January 22, 2019, shall be required to receive compensation by direct deposit into a bank account. Upon termination of employment, employees shall receive their final pay-out in the form of a paper check which will be delivered to the employee’s immediate supervisor. Final checks shall be held until all property belonging to Washington County is returned to the immediate supervisor.

**Section 6‑6.** **Compensation for leave taken and hours worked above the work schedule.**

Notwithstanding any provisions contained herein to the contrary, all approved and taken leave hours based on departmental schedules, and hours actually worked within a pay period shall be compensated with pay or compensatory time off. Determination of the rate, straight time or overtime, at which they will be compensated shall be determined according to Section 6-2.

**ARTICLE 7. WORK SCHEDULES AND ATTENDANCE**

**Section 7‑1. Regular working hours; exceptions.**

Regular working hours for all full‑time employees shall be forty (40) hours in any five (5) consecutive eight (8) hour days, except as noted below, provided approved prior to implementation by the County Commission:

(a) Department heads shall arrange work schedules to meet the needs of the County service and may allow variable or flexible work schedules, providing that all work schedules for full-time employees shall not be less than forty (40) hours in each workweek.

 (b) The work period of the Sheriff's Department is 28 days. This work period is different than other employees because the Sheriff's department falls under the 171 hour/28 day ruling of the FLSA. (Federal Register - 1/87, 29 CFR, Part 553).

**Section 7‑2.** **Work schedules determined by department head.**

The work schedules for employees shall be determined by the department head. Department heads shall maintain work schedules for all employees under their supervision on a current basis and give reasonable notice of changes in work schedules.

 The elected official or department head may designate a person in a supervisory role within the department to coordinate work schedules.

**Section 7-3 Designated Work Period**

 The County’s work period shall begin at 12:01 a.m. on Monday morning and shall end at 11:59 p.m. on Sunday evening.

**Section 7‑4. Required attendance.**

Regular and punctual attendance at work shall be required of all employees. Employees who fail to observe attendance requirements and procedures for recording and reporting of attendance shall be subject to disciplinary action.

**Section 7‑5.** **Inclement weather closings.**

The County Commission or authorized department heads shall be the only person authorized to release non‑essential persons earlier than the normal closings of business or delay the normal time to report for work because of inclement weather.

**ARTICLE 8. PAID HOLIDAYS**

**Section 8‑1. Holidays – All Employees Other Than Those Employed by the**

 **Washington County Sheriff’s Department**

 (a) All regular, full-time and part-time employees with benefits shall receive eight (8) hours compensation for the following holidays.

New Year's Day Labor Day

Martin Luther King's Birthday Columbus Day

Washington’s Birthday Veterans' Day

Lincoln’s Birthday Thanksgiving Day

Harry S. Truman's Birthday Friday after Thanksgiving Day

Memorial Day Christmas Eve

Independence Day Christmas Day

When a holiday falls on a Saturday, the preceding Friday shall be observed. When a holiday falls on a Sunday, the following Monday shall be observed. Employees required to work on a holiday shall be given compensatory time off at the rate of time and one-half.

(b) The County Commission shall be the only body authorized to declare special holidays or days off as an unusual need or circumstance may occur.

(c) Regular part‑time employees with benefits will be paid for the holidays noted in paragraph (a) above on a prorated basis.

**Section 8-2. Holidays – Employees Employed by the Washington County Sheriff’s**

 **Department**

1. Effective January 1, 2014, the following is the Holiday Policy for all

employees of the Washington County Sheriff’s Department.

Observed Holidays:

New Year’s Day Labor Day

Martin Luther King Junior Day Columbus Day

Lincoln’s Birthday Veteran’s Day

Washington’s Birthday Thanksgiving Day

Truman’s Birthday Day After Thanksgiving

Memorial Day Christmas Eve

Independence Day Christmas Day

1. All full time hourly employees scheduled to work on the actual holiday will be compensated with eight (8) hours of Holiday Compensation. All salaried employees and clerical staff will receive the day off with pay at his/her normal rate of pay. If the employee is not scheduled to work on the actual holiday, it will be treated as a normal recreation day. If an employee is called in to work by his/her supervisor, the employee will receive eight (8) hours of compensation.
2. All existing holiday time remaining on the books as of January 1, 2014, will be moved to the employees’ compensation bank. The maximum amount of compensation allowed to accumulate will be two hundred and forty hours (240). If an employee reaches the maximum allowed amount, the employee will be scheduled time off.

**ARTICLE 9. VACATION LEAVE**

**Section 9‑1. Amount.**

1. Vacation time is awarded as follows to employees employed **prior to March 1, 2017:**

Starting date to completion of 1 year 72 hours per year

(13th month) 2 years to completion of 5 years (60th month) 120 hours per year

(61st month) 6 years to completion of 10 years (120th month) 144 hours per year

(121st month) 11 years to completion of 15 years (180th month 168 hours per year

(181st month) 16 years to completion of 20 years(240th month) 192 hours per year

(241st month) 21 years to completion of 25 years (300th month) 216 hours per year

(301stmonth) 26 years and over 240 hours per year

1. Vacation time is awarded as follows to employees employed **on or** **after March 1, 2017:**

Starting date to completion of 1 year 0 hours per year

(13th month) 2 years to completion of 5 years (60th month) 40 hours per year

(61st month) 6 years to completion of 10 years (120th month) 80 hours per year

(121st month) 11 years to completion of 15 years (180th month 100 hours per year

(181st month) 16 years to completion of 20 years(240th month) 120 hours per year

(241st month) 21 years to completion of 25 years (300th month) 140 hours per year

(301stmonth) 26 years and over 160 hours per year

 (c) Regular part-time employees with benefits will accrue vacation on a prorated basis.

(d) Employees are not eligible for use of vacation before their one-year anniversary date.

(e) Since employees must use all earned vacation within the calendar year which it was accrued, for award of vacation only, employees’ anniversary dates will be January 1st immediately following the date of employment.

**Section 9‑2. Payment upon separation.**

 Any employee with benefits, who has worked for one full year, leaving the County service due to resignation, death or termination, shall be compensated for vacation credit unused to the date of termination. To be eligible for such compensation, employees resigning from the County service must comply with the provisions of Section 13.1 of these rules governing resignations. In the event of separation due to death of the employee, compensation shall be made to the employee's beneficiary. No accrual shall occur after date of termination.

**Section 9‑3. Holidays occurring during vacation period.**

 Any official holiday as set forth in these rules that may occur during an employee's scheduled vacation period shall not be counted as a day of vacation.

**Section 9‑4. Use of vacation leave.**

 Vacation time earned each calendar year must be used within the calendar year. Unused vacation will be forfeited at the end of the calendar year.

Vacation leave may be used for the purpose of sick leave if an employee has used all sick leave accrual.

**Section 9‑5. Vacation schedules.**

Department heads shall schedule vacation leave for employees. Such leave schedule shall take into consideration employee desires. Vacation shall, under normal circumstances, be taken in continuous increments of at least four (4) hour increments unless otherwise approved by the department head.

**ARTICLE 10. SICK LEAVE**

**Section 10‑1.** **Amount.**

Employees in the County service shall earn eight (8) days of sick leave per year.

 Each regular part‑time employee with benefits shall earn sick leave on a prorated basis.

 Employees in the introductory period shall be eligible to receive sick leave.

**Section 10‑2.** **When taken.**

Sick leave with pay will be granted for absence from duty because of actual personal illness, non‑compensable bodily injury or disease, exposure to a contagious disease. Sick leave with pay may be used, with the prior approval of the elected official or department head, for any illness in an employee’s immediate family.

Sick leave shall not be granted in cases where regular retirement, disability retirement or long‑term disability insurance has been approved.

When an employee finds it necessary to be absent for any of the reasons specified herein, the employee shall report this fact to the immediate supervisor. Departments may require specific time frames for notice for work‑related purposes. Sick leave may not be granted unless reported to the appropriate supervisor during the specified time frame.

An employee must keep the department head informed of the condition for the absence. The department head may require the employee to submit a doctor's verification of any illness or accident that results in an employee missing two consecutive days of work. Failure to comply with the provisions of this section shall result in denial of sick leave. Abuse of sick leave shall be cause for dismissal.

An employee who becomes ill while on vacation must submit a signed statement from a doctor in order to have the appropriate portion of her/his absence changed from vacation to sick leave.

Any authorized absence due to injury or illness covered by Workers' Compensation insurance shall not be charged against an employee's accrued sick leave.

**Section 10‑3. Accrual.**

 Sick leave time may accrue up to unlimited hours. Sick leave does not accrue while the employee is absent from work without pay or is receiving benefits from Workers' Compensation, long‑term disability insurance, or a retirement program sponsored by the County.

**Section 10-4. Payment upon termination.**

 No compensation for accrued sick leave shall be paid to employees upon termination.

**ARTICLE 11. SPECIAL LEAVE**

**Section 11‑1. Approval authority.**

A department head may approve requests for special leave as defined hereinafter in accordance with procedures established by the County Commission.

**Section 11‑2. Court leave.**

 Full‑time and part‑time employees with benefits subpoenaed as a witness in a civil or criminal case or selected to serve on a jury shall receive the difference between jury earnings and their regular County pay.

**Section 11-3. Military training leave of absence.**

(a) All regular employees, who have met their introductory status, who are active members of the National Guard, the Officers' Reserve Corps, or the Enlisted Reserve Corps of the United States Government shall be entitled to leave of absence with pay from their respective duties for a period not to exceed a total of fifteen (15) calendar days in any one calendar year. An employee who participates in this paid leave may not receive a net amount greater than his or her regular rate of pay when he or she is on duty. Employees requesting this leave of absence shall provide documentation of the orders or authorization of competent authority for the time period for which military leave will be taken. This request shall be made at least thirty (30) days prior to the start date of the military leave.

(b) All employees who are or may become active members of the National Guard, the Officers' Reserve Corps, or the Enlisted Reserve Corps of the United States Government who are required to attend monthly training sessions which conflict with their normal work schedules shall give advance notification to their supervisors in accordance with departmental rules and regulations.

(c) For longer-term call-ups (where pay does not continue) the County will allow the employee to return to the same or to a similar position of equal or greater pay at the end of the employee’s duty.

**Section 11-4. Maternity leave.**

 Maternity shall be treated as any other non‑duty temporary disability covered under the rules pertaining to sick leave and family and medical leave. If at any time during pregnancy an employee is aware that her and/or her unborn child's health is endangered by her job, she shall immediately make this fact known in writing to her department head. At such times as deemed necessary by the department head, pregnant employees shall submit to their department head a doctor's statement indicating the employee's physical ability to perform her job. Employees returning to work after childbirth shall submit to their department head a doctor's statement indicating the employee's physical ability to return to the job. The duration of maternity leave shall be determined by reference to the family and medical leave provisions of this Article.

Those employees who are not yet eligible for the family and medical leave act but have completed their introductory period, may request maternity leave. Maternity leave can be up to six (6) weeks leave time without pay. An employee may request maternity leave to be consistent with a physician's approval.

**Section 11‑5. Family and medical leave (FMLA).**

Employees who have worked at least 1,250 hours in the twelve (12) months prior to a family or medical leave request shall be granted up to twelve (12) weeks of unpaid leave during any twelve (12) month period for a child's birth, adoption or foster care arrival. Leaves may also be taken to care for a spouse, parent or child with a serious health condition or for an employee's own serious health condition which prevents the employee from performing the functions of his or her position. A serious health condition is any illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility or continuing treatment by a health‑care provider.

Employees on approved family or medical leave are allowed: 1) to continue group health and disability insurance during the leave on the same conditions as would have been provided if the employee had been continuously employed; and 2) to return to the prior job or an equivalent one in terms of salary, accrued benefits and other job conditions.

 Employees must attempt to schedule family and medical leave so as not to disrupt County operations. If leave is for the birth or placement of a child or for planned medical treatment the employee must give notice at least thirty (30) days in advance, or as soon as practical.

If leave is requested for a serious health condition, the employee must provide a certification from a health‑care provider stating the medical facts regarding the condition, including its date of onset and probable duration.

If leave is requested to care for family members, a certification may be required to state that the employee is unable to perform the functions of the job, that the leave will assist in a family member's recovery, or that there is medical need for a reduced schedule.

 Employees shall be required to take all accrued sick leave, vacation, and compensatory time prior to being granted leave under the Family Medical Leave Act.

Employees returning from medical leave must provide a certification from a health‑care provider that they are able to resume work.

An employee who fails to return from family or medical leave shall repay the premiums which the County paid for the employee to keep group insurance in effect during the leave.

**Section 11‑6. Occupational injury leave.**

(a) Any employee who sustains an on‑the-job injury shall immediately report such injury, regardless of severity, to the immediate supervisor. The employee and the immediate supervisor shall prepare required reports of such injuries and submit them to the department head and personnel & safety officer within twenty‑four (24) hours of the accident or the next business day after notification by the injured employee.

 (b) Employees injured on the job are covered by the Missouri State Workers' Compensation Act. This law provides specific benefits including payment of approved medical expenses and partial payment for loss of wages.

(c) Supervisors shall be responsible for the investigation of accidents or injuries involving employees assigned to their work units. Every effort shall be made to determine the causes of accidents or injuries and preventive measures taken as appropriate.

(d) Employees returning from occupational injury leave must provide a certificate from a health-care provider that they are able to resume work.

**Section 11‑7. Absence without leave.**

Any unauthorized absence of an employee from duty shall be deemed to be an absence without pay and may be grounds for disciplinary action by the department head. In the absence of such disciplinary action, any employee who is absent for three (3) or more days without authorized leave shall be deemed to have resigned. Such absence may be covered, however, by the department head subsequently granting leave with or without pay where extenuating circumstances are found to have existed.

**Section 11‑8. Funeral leave.**

 Regular full‑time employees are eligible to use funeral leave with pay in the event of a death in the immediate family provided no more than three (3) consecutive days are taken per funeral. Part‑time employees with benefits shall be granted funeral leave on a prorated basis.

**ARTICLE 12. OTHER FRINGE BENEFITS**

**Section 12‑1.** **Medical and Dental Insurance**

Group medical insurance as well as group dental and vision insurance is available to full time employees of Washington County. For the purpose of medical, vision, and dental insurance, “full time employees” shall be defined as any employee working an average of thirty (30) or more hours per week during a twelve (12) month look back period ending each calendar year on December 31st. The county will pay the premium for employees. Employees must pay the premium for dependents.

**Section 12‑2.** **Workers' Compensation**

The Missouri Workers' Compensation Law is a no-fault insurance plan which is supervised by the state and one hundred percent (100%) paid for by Washington County. This law was designed to provide employees with benefits for any injury that they may suffer in connection with employment. Under the provisions of the law, if an employee is injured while at work, the employee is eligible to apply for Workers' Compensation.

**Section 12‑3.** **Unemployment Compensation**

Washington County provides unemployment insurance protection for its employees.

**Section 12‑4.** **Social Security/Medicare**

Social Security and Medicare will be withheld from the employee's pay and matched by Washington County.

**Section 12‑5. Retirement/Pension**

Washington County participates in the County Employee's Retirement Fund (CERF). Details regarding the plans are available in the "CERF UPDATE". This publication is located in the new employee packet and in the County Clerk's office.

**Section 12-6. 457 Deferred Compensation Program**

Washington County also offers a 457 deferred compensation program to its employees. This program enables employees to defer a portion of their current earnings into an account for their retirement. This allows employees to postpone current income taxes on the amount they contribute to the program.

**Section 12‑7.** **Cafeteria Plan**

The County offers a cafeteria plan. Insurance premium only may be withheld pre-tax from an employee’s paycheck.

**Section 12-8. Clothing Allowance**

All road and bridge, maintenance, and airport employees shall receive compensation for the purchase of appropriate clothing needed to perform their duties. The clothing allowance shall be paid to each of the described employees as follows:

$350.00 shall be paid in January of each calendar year.

$350.00 shall be paid in July of each calendar year.

Only full-time employees who have completed any period of probation at the time of payment shall be eligible to receive said payment.

Each employee shall also receive reimbursement for up to $125.00 for the purchase of the appropriate footwear needed to perform his/her job. Employees shall only be paid for one pair of boots in each calendar year.

**ARTICLE 13. SEPARATION AND DISCIPLINARY ACTIONS**

**Section 13‑1. Resignations.**

 (a) Notice required.

Any employee who is in good standing may resign from the service of the County by presenting his resignation in writing as contained herein. Employees holding positions which are covered by the Fair Labor Standards Act must present such notice of resignation not less than two (2) weeks prior to the effective date. Employees holding positions which are exempt from coverage under the Fair Labor Standards Act must present notice of resignation no less than four (4) weeks prior to the effective date. Such resignation may be withdrawn by the employee at any time priorto the effective date with the approval of the department head. Department heads must present notice of resignation no less than thirty (30) days prior to the effective date.

 (b) Failure to give notice.

Any employee who fails to provide notice as set out in paragraph (a) shall be deemed to have relinquished all accrued vacation time and sick leave and shall no longer be eligible for any benefits related to payment for hours not worked including holiday pay.

**Section 13‑2. At-Will Employment**

 Employment at Will.

 All employment and compensation with Washinton County is "at will" which means that your employment can be terminated with or without cause, and with or without notice, at any time, at the option of either Washington County or the employee.

**Section 13‑3. Reduction in force; layoffs.**

 The County Commission may separate any employee without prejudice because of lack of funds or curtailment of work, after giving proper notice. All other factors being equal, employees shall be laid off in reverse order of their total service with the County. The County will provide two (2) weeks notice or equivalent compensation to persons being laid off and holding positions which are non‑exempt under FLSA. For persons laid off and holding FLSA‑exempt positions, the County will provide four (4) weeks notice or equivalent compensation.

**Section 13‑4.**  **Return of County property.**

All employees separating from the County service for any reason shall, prior to separation, return, in acceptable condition, all County‑owned property and equipment issued to the employee. Failure to do so will result in the withholding of benefits otherwise due the employee.

**Section 13‑5.** **Discipline.**

It shall be the duty of all employees to maintain high standards of conduct, cooperation, efficiency, and economy in their work for the County. Department heads and supervisors shall organize and direct the work of their units in a manner calculated to achieve these objectives.

Whenever conduct of an employee falls below a desirable standard, supervisors shall point out the deficiencies at the time they are observed. Corrections and suggestions should be made in a constructive and helpful manner in an effort to elicit the cooperation and good will of the employee.

 Any action which reflects discredit upon the County service or is a direct hindrance to the effective performance of the County government functions shall be considered cause for disciplinary action against any employee of the County.

**Section 13‑6.** **Disciplinary actions defined.**

Disciplinary actions shall normally follow the sequence set forth below unless the seriousness of the offense dictates otherwise.

(a) Oral reprimand. An employee shall receive an oral reprimand for the first minor disciplinary offense. This action is normally taken by the employee's supervisor with notation to the employee's personnel file.

(b) Written reprimand. A written reprimand shall be transmitted through the appropriate department head to the employee and shall state the specific actions leading to the reprimand. This action is normally taken by the employee's supervisor. This written reprimand shall be signed by both the employee's supervisor and the employee and a copy placed in the employee's personnel file.

 (c) Suspension. Suspension is the temporary removal from duty status without pay of an employee for a specified or indefinite period. Suspension shall be approved by the department head and reviewed by the County's attorney prior to completion of the action. The County Commission shall be notified of such action.

 (1 ) An employee may be suspended for an indefinite period when the department head determines such action is necessary and in the best interest of the County and in cases where an employee is charged and awaiting trial for a criminal offense involving matters apparently prejudicial to the reputation of the County.

(2) When an employee has acted or is alleged to have acted in a manner which would be cause for dismissal, the employee may be suspended while such charges are investigated.

(3)Whenever an employee is suspended pending trial or investigative outcomes and is subsequently exonerated, the employee shall be reinstated without loss of pay or benefits.

 (4) An employee may be suspended for a definite period of time for specific cause.

 (d) Demotion. An employee may be moved to a position with a lower maximum salary rate for serious misconduct. Demotions shall be approved by the department head and reviewed by the County's attorney prior to completion of the action. The County Commission shall be notified of such action.

 (e) Dismissal. Discharge of a regular employee should be recommended in cases involving recurring disciplinary offenses or a single offense involving a serious breach of discipline.

(f) Personnel file. Documentation of all disciplinary actions will be placed in the employee's personnel file.

**Section 13‑7. Retirement.**

All full‑time employees are eligible for retirement benefits at age and length of service requirements specified by the retirement plan in which they are enrolled. Notice of retirement shall be in the same manner as for resignations, Section 13‑1.

**Section 13‑8. Honoring of retirees.**

 Retirement recognition may be presented to each person retiring from the service of the County.

**Section 13‑9.** **References.**

 The County does not provide former employees with references for work performed for the County. Employees who seek confirmation of employment with the County shall submit appropriate liability release forms before any information will be released to prospective employers who seek information about a former employee. Release of information is, however, mandated by state law for certain employment transactions. In such cases, the County will comply with state law and forward the information to the requesting agency.

**ARTICLE 14. APPEALS AND GRIEVANCES**

**Section 14‑1. Grievance policy.**

 State law on elected officials currently allows for elected officials to determine policies and procedures for their department. The County recommends that elected officials give individual employees an opportunity to discuss their grievances with their supervisors in order to find mutually satisfactory solutions as rapidly as possible.

 For those employees working for non-elected officials the following procedures shall be used for a grievance process. In the preparation of grievances at any supervisory level, employees are assured of freedom from restraint, interference, discrimination, or reprisal. Appeals of disciplinary actions shall begin with the second step of the grievance procedure as set forth below, and shall be in the form of a written grievance report.

(a) Representation. An employee may be accompanied by another employee of the employee's choosing in the presentation of a grievance.

 (b) Grievance procedure.

(1 ) Oral report. An employee who has a grievance shall first present the grievance to the immediate supervisor within five (5) working days of the action or incident in question. If the grievance is against the immediate supervisor, the employee may report it to the next level of supervision as outlined in number 3 below, within five (5) working days of the incident.

 (2) Written report. If the oral grievance presentation fails to settle the grievance the employee may within three (3) working days submit a written grievance report of the action or incident in question to the immediate supervisor. Within three (3) working days after receiving such grievance, the immediate supervisor shall furnish the employee with a written reply to the grievance.

 (3) Appeal to department head. If the written reply to the grievance is not satisfactory, the employee may, within three (3) working days after receiving the reply, submit an appeal in writing to the department head. The department head shall confer with the aggrieved employee before rendering a decision. Such decision shall be reduced to writing and shall be delivered to the aggrieved employee within three (3) working days of the date on which the appeal was received by the department head.

 (4) Appeal to County Commission . If the appeal to the department head fails to resolve the grievance, the employee may, within three (3) working days of receipt of the decision on the grievance, submit an appeal in writing to the County Commission . Within ten (10) working days of the receipt of such an appeal, the County

 Commission or a designee and the County attorney shall meet with the employee to discuss matters pertinent to the grievance. Within five (5) working days after hearing the facts, the County Commission shall render a decision. The decision of the County Commission shall be final and no further right of appeal shall be provided to employees. The County Commission shall forward one (1) copy of the course of action to be followed to the employee concerned and to the department head.

(c) Compensation grievances. The pay range established for a given position shall not be subject of the grievance procedure.

(d) Termination appeals. All appeals of termination for cause shall be made to the County Commission within five (5) working days of the effective date of the termination.

**Section 14‑2.** **Conduct of investigation.**

In connection with the review of a grievance, appeal, or for any other purpose necessary to determine the adherence to any provision of these rules, the County Commission may conduct such investigation involving the production of records or reports by a County department.

**ARTICLE 15. RECORDS AND REPORTS**

**Section 15‑1.** **Personnel records.**

 Personnel files and records shall be kept by each department head. A copy of personnel files and records will also be kept by the County Clerk’s office.

**Section 15‑2.** **Public records.**

 Personnel files will be maintained as confidential and information will be revealed to only those persons who submit a written request and who have a reasonable and documented "need to know," as referred by the Missouri Open Meeting Sunshine Law.

**ARTICLE 16. TRAVEL EXPENSES**

**Section 16‑1.** **Policy.**

Department heads, County officials, and employees shall be reimbursed for official travel and related expenses while carrying out official duties or attending professional conferences and training courses that will benefit both the employee and the County.

All persons authorized to travel shall be reimbursed for actual air, bus, taxi or train fare to and from the travel destination, actual room cost for overnight lodging, taxi fares, tips, and other travel‑related expenses upon proper presentation of appropriate itemized receipts on a County travel expense voucher and, where appropriate, by a certified affidavit.

**Section 16‑2.** **Reimbursable expenses.**

All efforts shall be made to keep travel expenses to a minimum. The following expenses for approved travel shall be reimbursed according to established allowances or actual cost when accompanied by receipts or other documentation as required and appropriate:

 (a) Direct travel including air, bus, taxi, and train fares.

(b) Direct travel by personal vehicle at the established rate per mile, if approved by the department head. The established rate shall be determined each year by the County Commission.

(c) Overnight lodging when travel extends beyond forty (40) miles from the County.

 (d) Meals and tips.

 (e) Other reasonable and related expenses.

**Section 16‑3.** **Non‑reimbursable expenses.**

 The following travel expenses shall not be reimbursable:

 (a) Costs incurred by a spouse or other relative accompanying an employee.

 (b) Personal expenditures such as valet service, laundry and cleaning, intoxicating beverages, entertainment, or side trips.

**Section 16‑4.** **Vacation combined with official travel.**

 An employee wishing to combine a vacation by private vehicle with a business or convention trip must have the department head's approval, or where appropriate, the County Commission's approval. The employee will be reimbursed for travel to the destination based upon the established rate per mile for personal vehicles.

**Section 16‑5. Use of personal vehicle for official business.**

Employees required to use their personal vehicles for official County business shall be compensated at the rate set out in Section 16-8. All departments are encouraged to promote theuse of County vehicles whenever possible in lieu of use of personal vehicles for County travel purposes.

**Section 16‑6. Use of County vehicles.**

Employees who are assigned take‑home vehicles from the County fleet are prohibited from using the vehicle for any use outside of County business except for insignificant personal use.

Employees shall report to the police department any accidents involving a County vehicle and the property or vehicle of another party. Employees shall report any accident involving damage to a County vehicle to their supervisors, department heads, and the personnel & safety officer on a form prescribed for this purpose. Failure to report damage of County vehicles as prescribed may result in disciplinary action.

**Section 16‑7.** **Reimbursement rates and rules.**

 The mileage reimbursement rate for authorized travel shall be determined by the County Commission each year.

The following expenses of employees shall be reimbursed according to actual cost when accompanied by receipts or other documentation as required and appropriate:

 (a) direct travel including air, bus, train and taxi fares;

 (b) overnight lodging;

 (c) meals and tips

 (d) other reasonable and related expenses;

**16-8 Mileage Rate Set**

Rate set by the State Mileage Allowance Rate.

**ARTICLE 17. PROHIBITIONS AND PENALTIES**

**Section 17‑1.** **Participation in political activities.**

Employees are prohibited from bringing their political affiliations to bear on their official duties. Specifically, the following political activities of employees are prohibited:

(a) Campaign fund raising, or other partisan political activities on County premises while in the performance of duties and responsibilities as an employee of the County.

 (b) Abuse of official position for political ends.

(c) Use of official working time or unauthorized use of County resources for political activity.

(d) Promising any employment, position, work, compensation, or other benefits as consideration, favor or reward for political activity.

(e) Performing political activities at the direction of a supervisor, department head, or other County official.

(f) If political activity interfere with an employee’s job, a leave of absence may be requested.

**Section 17‑2. Discrimination and sexual harassment.**

No appointment, promotion, demotion, removal, or advancement in employment shall be made on the basis of race, religion, creed, national origin, sex, age, or non‑disqualifying physical or mental disability.

 Sexual harassment of employees is a serious matter and is prohibited in the work‑place by any person and in any form. No department head, supervisor or other employee shall threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, performance appraisal, wages, advancement, assigned duties, or any condition of employment or career development. Other sexually harassing conduct whether committed by department heads, supervisors, or non‑supervisory personnel is also prohibited. Such conduct includes but is not limited to: sexual actions, advances or propositions, verbal or written abuse of a sexual nature, or sexually degrading words used to describe an individual.

Any department head, supervisor, or other employee who is found, after appropriate investigation, to have discriminated against an employee or harassed any employee as prohibited in the preceding paragraphs shall be subject to appropriate disciplinary actions up to and including discharge.

It is the policy of the County to provide an environment free from unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication constituting sexual harassment. The purpose of this policy is to establish clearly and unequivocally that the County prohibits sexual harassment by and of its employees.

Sexual harassment is misconduct, which interferes with work productivity and deprives employees of the opportunity to work in an environment free of unsolicited and unwelcome sexual overtones. Sexual harassment includes all unwelcome sexual advances and sexually oriented communication, requests for sexual favors, and such other verbal or physical misconduct. Sexual harassment is a prohibited practice and in a violation of the law. The U. S. Equal Employment Opportunity Commission has issued guidelines interpreting Section 703 of Title Vll of the Civil Rights Act prohibiting sexual harassment. The Missouri Commission on Human Rights has also issued regulations regarding sexual harassment under the Missouri Human Rights Act.

 Sexual harassment is defined as follows;

 Unwelcome sexual advances, requests for sexual favors, and other verbal or physical misconduct of a sexual nature when

1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;

3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

An aggrieved person should directly inform the person engaging in sexually harassing conduct or communication that such conduct or communication is offensive and must stop. If the aggrieved person does not wish to communicate directly with the person whose conduct or communication is offensive or if direct communication with the offending person has been ineffective, the aggrieved person should report the conduct or communication to any supervisor. If the supervisor is the offending person, the aggrieved person should report to the next higher level of management.

Regardless of the means selected for resolving the problem, the initiation of a complaint of sexual harassment will not adversely reflect on the person complaining nor will it affect the employee's employment, compensation or work assignments.

Employees are encouraged to use the County's grievance procedure to address sexual harassment problems.

**Section 17‑3.** **Nepotism; restriction on employment of relatives.**

 A County employee may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion or advancement in or to any position of the County service over which the employee exercises jurisdiction or control, any person who is a member of the immediate family of the employee. As referred by Article VII, Section 6 of the Missouri Constitution, any public officer or employee in this state who by virtue of his office or employment names or appoints to public office or employment any relative within the fourth degree, by consanguinity or affinity, shall thereby forfeit his office or employment.

**Section 17‑4.** **Outside employment.**

Outside employment is prohibited if such employment would have an adverse effect on the employee's performance of official duties with the County or be prejudicial to the reputation of the County. Employees shall inform department heads of the acceptance of any outside employment.

**Section 17‑5.** **Conflict of interest.**

 No elected or appointed official or employee of the County shall perform services or supply goods to the County for receipt or payment of any compensation, other than the compensation provided for the performance of his official duties, in excess of five hundred dollars per annum, except on transactions made pursuant to an award on a contract or sale made after public notice and competitive bidding, provided that the bid or offer is the lowest received. County employees who hold a financial interest in a firm, institution, corporation or other establishment wishing to supply goods or services to the County will abstain from the selection process for the good or service.

 Missouri revised state statutes 105.452 and 105.454 will be referred to for any other questions arising regarding conflict of interest.

**Section 17‑6.** **Penalties.**

Any employee found guilty of any violation of this section shall be subject to any disciplinary action up to and including dismissal as defined by these rules, and such other penalties as may be deemed appropriate and consistent with the laws of the County and the State of Missouri.

**ARTICLE 18. MANAGEMENT RIGHTS**

**Section 18‑1. Retained rights.**

The County shall retain the sole right and authority to operate and direct the affairs of the County in all its various aspects. Among these rights are the County's right to determine its mission and set standards for service offered the public; to direct the working forces; to plan, direct, control, and determine the operations or services to be conducted in and by the employees of the County; to assign and transfer employees; to hire, promote, and demote employees; to suspend, discipline, or discharge employees; to relieve employees due to lack of work or for other reasons, such layoffs being normally accomplished through attrition; to make and enforce rules and regulations; and to change methods, equipment, or facilities.

**ARTICLE 19. SAVINGS CLAUSE AND AMENDMENT**

**Section 19‑1.** **Savings clause.**

Invalidation of any part, rule, or section of these personnel rules and regulations shall not affect the validity of the other rules and sections.

**Section 19‑2.** **Amendment.**

Amendment of these rules and regulations shall be approved by a majority vote of the County Commission. Copies of such amendments shall be distributed to all department heads, employees and such other officials as the County deems appropriate.