



GRANT
— COUNTY —

GRANT COUNTY
PERSONNEL POLICIES
AND
PROCEDURES

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1. General Provisions

1.1 Statement of Intent

It is Grant County's intent to establish employment policies and procedures that will:

- A. Provide a system of personnel administration throughout Grant County.
- B. Ensure that recruitment, selection, placement, promotion, retention, and separation of Grant County employees are following federal and state laws.
- C. Assist supervisors in the development of management practices and procedures.

1.2 Purpose

It is the purpose of this document to describe the employment policies of Grant County and benefits provided. All employees are expected to abide by these policies. The department head has the discretion to make the final determination on matters regarding these policies.

1.3 Scope

Except for wages, benefits and conditions of employment, these Personnel Policies and Procedures shall apply to all Grant County employees except elected officials and independent contractors. In the event of conflict between these rules and any Grant County resolution or state or federal law, the terms and conditions of that resolution or law shall prevail. In all other cases, these policies and procedures shall apply.

1.4 Amendments

In the event of the amendment of any resolution, rule or law incorporated in this document or upon which these provisions rely, these rules shall be deemed amended in conformance with those changes.

Grant County specifically reserves the right to repeal, modify or amend these policies at any time, with or without notice.

1.5 Representations

None of these provisions shall be deemed to create a vested contractual right in any employee or to limit the power of the Grant County Board of Commissioners to repeal or modify these rules. The policies are not to be interpreted as promises of employment or of specific treatment. The department head has the discretion to make decisions based on their analysis of situations.

1.6 Employment-At-Will

Employment by Grant County is "at will," not for a definite term, and may be terminated by the County or the employee at any time, for any reason.

1.7 Responsibility of Supervisory Employees

It is the responsibility of Grant County supervisory employees to read and be familiar with the contents of this Policy and Procedures Manual. The information contained herein applies to all employees of Grant County, except elected officials. It is presented as a matter of information only and its contents should not be interpreted as a contract between the county and any of its employees. This manual is not intended to and does not constitute any sort of contract of employment, either express or implied.

1.8 Employment Policy

It is the policy of Grant County that no elected official or department head shall permit or cause to be placed or have under his or her direct supervision in his or her office or department any member of his or her immediate family for full-time employment. Immediate family is defined as mother, father, daughter, son, sister, brother, stepmother, stepfather, stepdaughter, stepson, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, husband, or wife. Any employee who comes into violation of this policy after his or her initial employment shall have ninety (90) days to come into compliance with this policy.

2. Equal Employment Opportunity

All decisions regarding these activities will be made without discrimination on grounds of race, color, religion, sex, age, national origin, disability, political affiliation, or other factors which cannot lawfully be used as the basis of employment.

It is the policy of Grant County to provide equal opportunity to all employees and applicants for employment in such areas as recruitment, hiring, placement, transfers, promotions, terminations, working conditions, disciplinary measures, compensation, and benefits.

All county job openings that aren't being filled through an internal selection must be advertised in the county's newspaper of record a minimum of one time unless the job opening occurs within six (6) months of the initial opening.

2.1 Statement of Purpose

It is the purpose of this document to define the employment and fringe benefit policies of Grant County. All employees are expected to abide by these policies. Failure to do so may result in disciplinary action by the employee's immediate supervisor. The policies in this document supersede and replace all previous Grant County policies, whether written or oral.

2.2 Statement of Intent

It is Grant County's intent to establish employment policies that will:

- A. Provide fair and equal opportunity to all employees in all occupations on the basis of demonstrated merit and fitness for the job determined by fair and practical methods of selection.
- B. Develop a program of recruitment and advancement, which will make service to Grant County attractive as a career.
- C. Establish and maintain a plan of evaluation.
- D. Provide compensation based on the relative duties and responsibilities of positions.

2.3 Program Responsibility

Each Department Head/Supervisor shall carry out the Equal Employment Opportunity Policy and Program.

3. Grant County Employment Orientation and Status

3.1 Orientation of New Employees.

- A. All new County employees shall subscribe to a loyalty oath in accordance with K.S.A. 75-4308. This oath shall be administered in the County Clerk's office.
- B. Department heads shall provide the County Clerk's office with a completed Notice of Employment form prior to or at the time a new employee is being processed for payroll and benefits.
- C. Orientation and in processing of a new employee concerning payroll matters, group insurance benefits, etc., shall be conducted by the County Clerk's office on the employee's first day of work. During the orientation, new employees will be provided a copy of this handbook.
- D. The new employee's department head or supervisor shall provide departmental orientation to include an introduction to the department's mission, organization, facilities, and to the employee's coworkers.

3.2 Definition of Employment Status

- A. **Full-time Employee.** A full-time employee is one who is scheduled to work 30 to 40 hours per week on an on-going basis. It is the responsibility of department heads to make sure employees work the required number of hours per week. The payroll department will make no adjustment if an employee falls short of their normal workweek hours. All full-time employees will be eligible for all benefits and subject to all provisions as delineated in these policies unless otherwise agreed to in writing.
- B. **Part-time Employee 20.** A part-time employee 20 is one who works 20-29 hours per week on an on-going basis. A part-time employee 20 is subject to all provisions as delineated in these policies. Part-time employee 20 will be eligible for fringe benefits and holidays only as delineated in these policies unless otherwise agreed to in writing.
- C. **Part-time Employee 19.** A part-time employee 19 is one who works under 20 hours per week on an on-going basis. A part-time employee 19 is subject to all provisions as delineated in these policies. Part-time employee 19 is not eligible for any fringe benefits or holidays.
- D. **Fill-in or Seasonal Employee.** A fill-in or seasonal employee is one who is used on a temporary basis to supplement our workforce or to fill a vacant position for up to six months. Fill-in or seasonal employees are not eligible for any fringe benefits or holidays.
- E. **Variable Hour Employee.** A variable hour employee is one who is scheduled to work on an irregular basis and only as needed, typically less than 1,000 hours per calendar year. A variable hour employee does not work a specific number of hours per week and does not meet the requirements for fringe benefits or holidays.

- F. **Employee on Leave.** An employee on leave is any employee on leave from duty, including but not limited to sick, vacation, funeral, or unpaid leave. Return to work may be contingent on medical release, drug testing, or other review depending on the length of leave.
- G. **Miscellaneous Service Provider.** In special circumstances the county may contract for the services of a consultant or other professional person. A person who works for the County in this capacity is not considered a county employee and is not entitled to any county benefits. These people will receive compensation on a contract basis and will not be included in the county payroll.

3.3 Drug Screening

Pre-Employment - Employment by Grant County is contingent upon a confirmed negative drug-screening test. **Drug screening will be required of all new county employees, including fill-in. However, individuals hired for short-term periods of less than one month (e.g., election and fair workers, etc.) may be excluded from this requirement.** The cost for drug testing will be paid by the department that is hiring the individual.

Post-employment - Drug screening will be required of all Non- DOT County employees taking a leave of absence from work for three months or longer. Return to work will be contingent upon a confirmed negative drug-screening test. The cost for drug testing will be paid by the department needing the returning employee.

Post-employment - Drug screening will be required of all DOT county employees taking a leave of absence from work for one month or longer. Return to work will be contingent upon a confirmed negative drug-screening test. The cost for drug testing will be paid by the department needing the returning employee.

3.4 Pre-employment Physical

Employment by Grant County is contingent upon certification by a County Health Department Nurse or a licensed physician that the applicant can perform the essential functions of the position. **A pre-employment physical will be required of all new county employees, including fill-in. However, individuals hired for short-term periods of less than one month (e.g., election and fair workers, etc.) may be excluded from this requirement.** The cost for the physical will be paid by the department that is hiring the individual.

3.5 Training Period

- A. Upon employment, each employee may undergo a training period of six (6) months. At the end of the sixth month of employment, an evaluation of the employee shall be completed. A copy of this evaluation of the employee will be given to the employee. The evaluation itself will be kept on file. The department head may extend the training period for up to an additional six (6) months.
- B. Employees who are promoted or transferred to another position may be placed in a training period for up to six (6) months.

3.6 Citizenship Verification

All employees initially hired after November 6, 1986, for any position shall complete an employment eligibility verification statement in compliance with the Federal Immigration Reform and Control Act of 1986 (I-9). Employees must also complete all employment forms on or prior to the first day of employment.

3.7 Confidentiality

Confidentiality of business and personal matters should not be compromised. Employees should not disclose confidential matters to family, friends, or other people.

3.8 Hours of Work/Illness and Tardiness Notification

- A. **Hours worked.** The normal work week for general employees, which includes all employees other than police officers, shall not exceed 40 hours, consisting of five eight-hour days. Department heads may, in their discretion, direct fewer or more hours to be worked each day and/or week for more efficient operation of that department. FLSA guidelines will be followed regarding meal breaks. No specific time is allotted for other breaks.
- B. **Sheriff Officers.** The normal pay period for full-time police officers is 86 hours in a two-week period.
- C. **Overtime Hours.** No employee shall be permitted to work more than their normal workweek except when so directed by the employee's department head.
- D. **Notification.** Employees are responsible for notifying their department head in case of illness or if they are delayed in reporting to work. Such notification shall be made prior to the workday or as soon as possible thereafter. Medical, dental, eye or any other appointments that are made in advance shall have prior approval of the employee's department head.

3.9 Holidays

- A. The County Commissioners shall by motion, at budget time each year, designate for the county employees which days shall be paid holidays for the next year.
- B. To be eligible to receive pay for a county holiday, an employee must not have been absent without leave either on the workday before or the workday after the holiday.
- C. Full-time employees receive a full day's pay for holidays. Holiday pay for full-time employees is based upon the job position work week whether it is 30, 35, 40 hours in one week; or 86 hours in 2 weeks.
- D. Part-time employees who work at least 20 hours per week on an on-going basis are eligible for holiday pay. Holiday pay for part-time positions shall be equal to the hours they would have been scheduled to work in a normal week (example: 20-hour work week equals 4 hours for a day's holiday pay).
- E. Part-time employees working less than 20 hours per week, Fill-in or Seasonal employees, and Variable Hour employees are not eligible for holiday pay.

- F. Employees who are eligible for holiday pay, and work on the holiday will receive holiday pay equivalent to their position day's pay or the actual hours worked, whichever is greater.
- G. Holidays which occur during vacation or sick leave, shall not be charged against vacation or sick leave.

3.10 Overtime

Employees may be required to work overtime hours during the course of employment.

- A. Employees considered non-exempt from certain categories of the Fair Labor Standards Act (FLSA) shall receive overtime compensation for hours worked in excess of 40 hours per week. All hours worked over 40 hours during the week worked shall have prior approval by the employee's immediate supervisor. The necessity for overtime hours will be left to the discretion of the department head.
- B. Employees considered exempt from the Fair Labor Standards Act (FLSA) will not be entitled to additional time off for hours worked in excess of forty (40) hours per week.
- C. Law Enforcement Officers will receive overtime for all hours worked in excess of 86 hours in a two-week pay period.

3.11 Vacation Leave

- A. **General.** Vacations are for the purpose of rejuvenating both the mind and the body, and all employees are urged to utilize this opportunity. No employee shall receive pay in lieu of vacation except upon retirement, or separation from service, or by motion of the county commissioners.
- B. **Eligibility.** All full-time employees in the service of the county shall be entitled to earn and accrue vacation leave. Employees must have worked for the county for one year before they are eligible to utilize accrued vacation leave.
- C. **Rate of Leave Accrual.** Vacation leave is accrued according to years of service with the county and is accumulated at the rate of ten (10) working days per year. An employee continuously employed by the county for five (5) years, or more, is entitled to fifteen (15) working days per year. An employee continuously employed by the county for twenty (20) years, or more, is entitled to twenty (20) working days per year. Vacation leave calculation of accrual is based upon the regular hours of a department as determined by the Board of Commissioners and/or State Statutes.
- D. **Vacation Leave Accumulation.** Vacation time is earned from the beginning of service; however, no vacation leave will be allowed until the employee has worked one full year. Vacation leave must be taken by the end of the calendar year or forfeited unless either of the below exceptions occur.
 1. If an employee's year of service ends after August 31. Special permission may be granted by the Commissioners to carry part of the vacation time to the next calendar year.
 2. If an unforeseen event occurs that limits an employee's ability to use their vacation. Special permission may be granted by the Commissioners to pay for the unused vacation time for that calendar year.

- E. **Paying Hours of Vacation.** Vacation leave may be used in hourly increments to match the regular week worked. (Example: an employee regularly works 45 hours per week, 40 hours are paid at regular rate of pay and 5 hours are paid at overtime rate of pay. When recording a vacation week for this employee he could use 50 hours of vacation as long as it was equivalent to the same pay as his typical 45 hours per week position.)
- F. **Request for Leave.** Vacation leave with pay must be approved by the department head at least one (1) week in advance of the planned vacation unless family illness or another unexpected occurrence prevents prior notification. The dates for the taking of vacation leave shall be scheduled on consultation with the employee's supervisor and department head. In cases where the requested vacation schedules of one or more employees would adversely affect the efficient operation of that department, vacation leave shall be granted based on seniority of county employment. Final approval of vacation leave shall be made by the employee's department head.
- G. **Using Vacation Leave.** Employees are encouraged to take one week of their vacation leave all at once. Accrued vacation leave may be taken in one (1) hour increments.
- H. **Termination.** Upon termination, an employee shall be compensated for all earned but unused vacation leave at their final rate or pay.
- I. **Holiday During Vacation.** County holidays that occur during the taking of an employee's authorized vacation leave will not be counted as a day of vacation.

3.12 Sick Leave

- A. **General.** Sick leave shall be allowed to an eligible employee for the following reasons:
 - 1. In case of actual sickness or disability of the employee or for medical, dental, or eye examinations for which arrangements cannot be made outside working hours.
 - 2. Pre-scheduled medical, dental, eye, or any other appointments shall be approved by the employee's department head.
 - 3. When the employee is required to care for a sick or injured spouse, child, or other relative.
 - 4. Final approval of sick leave usage shall be made by the employee's department head. An employee shall report all instances of illness requiring absence from work, prior to the scheduled work time, or as promptly as possible thereafter.
- B. **Eligibility.** Employees shall be entitled to utilize sick leave following the completion of six months of service with the county.
- C. **Sick Leave Rate of Pay.** The rate of pay for sick leave is based on a regular workweek.
- D. **Rate of Leave Accrual.** Upon the completion of six (6) months of service with the county, the employee is credited with six (6) days of sick leave. Thereafter, the employee accrues sick leave at the rate of one (1) day per month of continued employment.

E. **Certification by Physician.** For verification of an absence, a doctor's signed statement may be required.

F. **Maximum Allowable Accumulation.** Sick leave may not be accumulated in excess of ninety (90) days.

G. **When Earned Sick Leave is Exhausted.** If any employee exhausts earned sick leave, the employee may use accrued, unused vacation leave.

H. **Using Sick Leave.** Sick leave for full-time employees may be used in one (1) hour increments. For pay purposes, a partial hour of sick leave will be rounded off to the next higher hour.

3.13 Family and Medical Leave Act - FMLA

A. Family and Medical Leave – All Employees: All eligible employees are entitled to a total of 12 weeks of leave during any rolling 12 month period for one or more of the following: (1) birth of a child, (2) placement of a child for adoption or foster care, (3) caring for a spouse, child or parent with a serious health condition, or (4) the serious health condition of the employee that renders him or her unable to perform the functions of the position. A serious health condition is defined as inpatient care at a hospital, hospice, or residential medical or osteopathy or other health care provider as defined by the Act and regulations. For employees to be eligible for this benefit, they must have worked for Grant County at least 12 months and a minimum of 1250 hours in the last 12 months. Certification issued by a health care provider is required to support an employee's request for leave due to a serious health condition that makes the employee unable to perform the functions of the position, or to support an employee's request for leave in order to care for the spouse, son, daughter, or parent of the employee if such spouse, son, daughter, or parent has a serious health condition. Certification should include: (1) the date the condition began; (2) its probable duration; (3) appropriate medical facts; (4) an assertion that the employee is unable to perform the essential functions of the employee's position, or that the employee is needed to care for a sick family member for a specified time; and (5) if leave must be taken intermittently or on a reduced schedule, a statement of the medical necessity for such leave is necessary to care for the child, parent or spouse who has a serious health condition or will assist in the family member's recovery, and the expected duration and schedule of the intermittent or reduced leave schedule. If Grant County questions the validity of the certification, Grant County may require, at its own expense, a second opinion.

An employee can take the 12 weeks of leave intermittently for a serious health condition (i.e., take a day periodically when needed or use the leave to reduce the work week or workday) resulting in a reduced work schedule. The employee and his/her supervisor may agree on such reduced work schedule if it is taken for the birth, adoption, or foster care of a child.

If employees have accumulated paid leave for less than 12 weeks, the remainder of the 12 weeks may be taken as unpaid leave. Grant County may require the employee to use all paid vacation or other paid leave before taking unpaid leave. However, employees will not be required to use sick leave, if any, for time off because of a birth, adoption, or foster placement.

When an employee plans to take leave under the Act, the employee is required to give his/her supervisor thirty (30) days' notice, except for bona fide emergencies and unplanned medical treatment, which will be accommodated as soon after notice as practicable.

Grant County will continue the employee's health benefits (if applicable) during the leave period at the same level and conditions as if the employee had continued to work. Employees will be responsible for their contribution to such health care coverage, if any, as if actively at work. If the employee chooses not to return for reasons other than the continuation, recurrence, or onset of a serious health condition, which would entitle the employee to leave under the Act or other circumstances defined in the regulations, Grant County reserves the right to recover from the employee the premiums paid by Grant County for the employee's health coverage.

Employees should complete and submit for supervisory approval a written family leave request, which shall be forwarded to the County Clerk. At the time the request is submitted, arrangements for time off, whether paid or unpaid, and payment of the employee's share of the employee benefit plan will be reviewed by the employee, supervisor, and county clerk.

B. Military Family Leave – Service Member: An employee may take leave in conjunction with a service member's call to duty or to care for a service member with an injury or illness. A covered service member may be a current member of the Armed Forces, including the National Guard or Reserves, or a veteran of the Armed Forces, including the National Guard or Reserves.

Exigency: Employees with a spouse, son, daughter, or parent (i.e., the "service member") on covered active duty or call to covered active duty may use leave to address certain qualifying exigencies arising out of the active duty or impending active duty.

Examples of qualifying exigencies include attending certain military events, arranging, or providing for alternative childcare or school, addressing certain financial and legal arrangements, addressing issues arising from short-notice deployment, attending certain counseling sessions, and attending post-deployment reintegration briefings.

Amount of Leave: An employee may take up to twelve (12) weeks of leave per calendar year (January 1 – December 31).

Injury or Illness: Employees may also take leave to care for a covered service member ("the service member") who has a serious injury or illness incurred in the line of duty that may render the service member medically unfit to perform his or her own duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

In order to care for the covered service member, the employee must be the spouse, son, daughter, parent, or next of kin of the service member.

Amount of Leave: An employee may take up to twenty-six (26) weeks of leave per service member or per injury/illness during a twelve-month period, beginning on the first day of leave.

3.14 Paid Personal Leave Days

All full-time employees are granted two (2) paid personal leave days per year after one full year of employment. Personal leave days may be taken in one-hour increments. The department head must approve personal leave unless scheduling is prevented due to an emergency.

3.15 Jury Leave

Any employee subpoenaed to appear in court as a witness or selected for jury duty shall receive a paid leave of absence for the time spent in such endeavor. The employee will retain jury fees.

3.16 Funeral Leave

In the event of a death in the family of an employee, up to twenty-six (26) hours with pay may be allowed for personal matters relating to death. Additional time off using vacation, personal or sick leave may be arranged through the department head. (Note: Family as applied here includes members of the immediate family of the employee and their spouse. Proof of death may be required.)

3.17 Disability Leave

Any employee who after completing six (6) months employment with Grant County becomes temporarily disabled may be eligible for a disability leave of absence of up to six months without pay. An employee must take unused sick leave before being placed on disability leave. In no circumstances shall disability leave exceed six (6) months or one hundred eighty (180) days, inclusive of other leaves including, but not limited to, sick leave, vacation leave, personal leave, and leave under the Family and Medical Leave Act. An employee may not 'stack' or combine the various leaves to extend leave more than six (6) months or one hundred and eighty (180) days without the express written consent of the board of County Commissioners. As soon as possible after the start of the disability, the employee shall submit:

A medical statement by a doctor stating the nature and projected duration of a disability.

A signed statement indicating the employee's intention to return to work; and

The County may require a second opinion from a doctor of the County's choice regarding the disability.

The employee will be expected to return to work from a disability leave at the earliest date the attending physician certifies that the employee can assume normal work duties. The employee will return to his/her former position or to a position substantially equivalent in responsibility, pay and benefits, subject to the availability of a vacant position for which the employee is qualified.

An employee on disability leave who has certified his/her intention to return to work following the disability may continue to receive employee benefit coverage for up to six months. Failure to return to work upon being certified and able to return to work by the attending physician constitutes a voluntary termination and waiver of benefits. Granting of disability leave and employee benefit coverage requires the approval of the Grant County Board of Commissioners.

3.18 Military Leave

Military Training. Any employee ordered to report for active duty as a member of reserve component of the armed forces or National Guard will be granted leave in accordance with K.S.A. 48-222.

Military Duty. Military duty consists of training and service performed by an inductee or enlistee in the armed forces of the United States, including time spent in reporting for and returning from such training service. It also includes active-duty training in the reserves of the armed forces of the United States or as a member of the National Guard.

Using Military Leave. An employee who is absent due to military duty for Reserve or National Guard weekend and annual training will be treated as active work time up to 15 days per year. During such leave, an employee receives normal pay, accrues vacation and sick leave, and is entitled to all benefits accruing under this system.

3.19 Inclement Weather or Other Emergency Situations

As a rule, Grant County offices are always expected to be open for business during usual business or operational hours. The Board of County Commissioners may determine, due to inclement weather or other emergency situations, some or all of Grant County offices should be closed. Notification will be made as soon as possible to all department heads and local media sources. The County Clerk shall make notifications and the Emergency Management Coordinator will serve as backup in the County Clerk's absence.

If the Board of County Commissioners determines it necessary to close County offices, employees affected will be compensated paid leave based on their scheduled hours for that day. Those departments that are required to operate in inclement weather or emergency situations will also be compensated with paid leave in addition to hours worked.

Departments required to operate in inclement weather or emergency situations (Law Enforcement, Road Department, Emergency Medical Service, and Emergency Management) should follow procedures established in their department.

Employees on approved leave when inclement weather cancellations or other emergency situations occur will be charged leave time as previously approved.

If the Board of County Commissioners do not determine it necessary to close County offices and employees feel threatened by inclement weather or other emergency situations, employees will have the option to use any accumulated hours of vacation leave, sick leave, and/or unpaid leave.

3.20 Leave without Pay

The department head must approve time off without pay. (The commissioners must approve a long-term leave of absence.) All available accumulated hours (sick leave, vacation leave, and personal leave) must be exhausted before leave without pay will be approved.

An agreement between the department head and the employee allows an employee during the first year of full-time employment to take leave without pay and then be reimbursed with accumulated vacation time after their initial year of employment is up.

3.21 Job Responsibility

Each employee of Grant County is assigned to work in a specific area of responsibility. Additionally, the employee's immediate supervisor may assign additional tasks as required to fulfill the goals and objectives of Grant County. Employees shall perform their assigned duties promptly, competently, efficiently, and honestly. They shall carry out any reasonable, just, and legitimate instruction or order of supervisors or department heads.

3.22 Changes in Wages, Benefits and Policies

Grant County periodically reviews employee wages and the benefits, rules and policies set forth in this manual, and these may be changed by Grant County from time to time, with or without notice.

3.23 Travel Leave

Employees of Grant County will be allowed travel leave upon approval by the appropriate elected official or department head. Such leave is with pay. FLSA guidelines will be followed regarding travel time. (See FLSA guidelines: Addendum A) The employee will be reimbursed by the County for travel expenses incurred through job-related meetings and training. Such expenses include meals, motel, transportation, and other related expenses. Such expenses must be validated by receipts and attached to an expense voucher upon return for the employee to be reimbursed for such expenses. All expenses must be within a reasonable amount.

If travel does not require overnight status, meals will be reimbursed through payroll and will be subject to payroll taxes.

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4. Employee Performance Evaluation

4.1 Objective

The purpose of the employee performance evaluation shall be primarily to inform the employee of work performance to include areas of outstanding performance and areas of work performance needing improvement. The performance evaluation may also be used in determining salary advancement, as a factor in determining order of layoff, as a basis for training, promotion, demotion, transfer, or dismissal and for other purposes as set forth in these policies.

4.2 Period and Method of Evaluation

The appropriate supervisor shall utilize the standard county evaluation form for evaluating the work performance of all employees within the respective area of responsibility. Each employee shall be evaluated at the conclusion of six months' employment with the county, and on an annual basis thereafter. If a new employee does not successfully complete the six-month probation period, the job position may be filled without advertising again. Annual evaluations will be done by July 1, and submitted to the County Commissioners or their designee by July 1.

4.3 Review with Employees

The appropriate supervisor shall discuss each performance evaluation with the employee being evaluated. The evaluation shall be signed and dated by the supervisor, the department head (if not the supervisor), and the employee being evaluated. The employee's signature signifies that the evaluation was discussed with the employee and does not signify agreement on the part of the employee.

If the employee disagrees with any statement in an evaluation, the employee may submit, within ten (10) working days following the conference with the supervisor, a written, signed statement describing the disagreement. Such statement shall be attached to the employee's evaluation form.

4.4 Performance Evaluations Confidential

Performance evaluations shall be confidential and shall be made available to: (1) the employee evaluated; (2) the employee's supervisor; and (3) the appropriately elected official or department head.

4.5 Changes in Evaluation

If, for any reason, the appropriate elected official or department head desires to alter the employee's performance evaluation form after it has been officially filed in the employee's personnel file, such alteration shall be in writing and will include reasons for the alteration. The alteration shall be attached to the employee's personnel file and the employee will be notified of the change.

5. Compensation

5.1 Pay Plan

Grant County has adopted a pay plan with starting wages, wage increases and maximum wages for each class of positions that shall be annually reviewed and revised as determined by County Commissioners. It shall be the duty of each department head to report to the Commissioners any and all organizational changes in which will significantly alter or affect changes in existing positions or proposed positions. The Pay Plan Committee, consisting of department heads, will meet as needed to review ranking of positions and make recommendations to the commissioners. The commissioners shall review recommendations from the pay plan committee for approval or denial.

5.2 Employee Wage Schedule

Wages for employees may be established using the following schedule:

0-1 years of related experience/skills/training/formal education, wages may begin at 80% of the maximum rate of pay for the position and may be raised to 85% of the maximum rate of pay for the position after 6 months if he/she is meeting the expectations of the job.

2+ years of related experience/skills/training/formal education, wages may begin at 90% of the maximum rate of pay for the position and may be raised to 95% of the maximum rate of pay after 6 months if he/she is meeting the expectations of the job.

5+ years of continuous employment with the county and if he/she is meeting the expectations of the job position may be eligible to be raised up to but not to exceed 100% of the maximum rate of pay for the position.

5.3 Position Transfers

Employees accepting new positions by transferring to other departments or within a department will be subject to the pay plan ranking and maximum rate of pay for the job position.

5.4 Pay Increase Limitations

Employees above the pay plan maximum rate of pay for their job position will have pay increase limitations. If an employee is above the pay plan maximum rate of pay, he/she will get cost of living increases in lump sum until he/she falls into the pay plan range for the job position.

5.5 Pay Schedule

Paychecks are issued every two weeks. Electronic direct deposit is mandatory for all employees.

6. Separations

6.1 Separation of Service

An employee may be separated from the service of the County by any of the following methods:

Resignation. An employee who resigns from County employment shall be separated in good standing if the employee gives reasonable notice of fourteen (14) days, excluding vacation days, to the appropriate department head of the intention to resign and if other circumstances of the separation are such as to justify good standing. If an employee gives two weeks' notice to end employment, the department head may tell that person to go home, and he/she will be paid for the two weeks.

Compulsory Resignation. All employees of the County shall be on duty at the times indicated by the department's policies and under the condition of their employment. An employee who is absent without leave and who fails to return to duty within four (4) days after the department head has notified or attempted to notify the employee via registered mail notification to do so shall be deemed to have resigned the position. Such resignation is not in good standing and the employee shall not be eligible for re-employment.

Involuntary Resignation. Involuntary resignation is a discharge or separation made by the county.

Death. If an employee dies while in the service of the County, the employee's final paycheck shall be issued in the employee's name. Payment shall be made for all money due, including unused and accumulated vacation and personal leave.

Retirement. All County employees who are hired to work in a Kansas Public Employees Retirement System covered position shall automatically become a member of the Kansas Public Employees Retirement System and shall be subject to all the laws and supplemental regulations governing such membership.

Retirement is Voluntary.

Loss of Job Requirements. Any employee who is unable to perform the assigned duties adequately, because of loss of a necessary license or other requirement, shall be terminated. At such time as the necessary license or other requirement is obtained, the employee may become eligible for re-employment.

6.2 Layoff and Reduction in Work Force

In the event that a position is no longer required in County service, the appropriate department head shall provide the employee in such a position with a two (2) week written notification of the layoff. The appropriate department head may relieve the employee of all responsibilities at the time the two (2) week notification is presented to the employee. The employee is entitled to two (2) weeks' pay at the regular rate of pay subsequent to their final work date.

6.3 County Owned Equipment and Employee Termination

Any person employed by the County of Grant whose employment is terminated by any of the above-described methods and who has County equipment in his/her possession, shall return the equipment to the appropriate department before receiving the final paycheck. Such return of equipment shall be in accordance with these policies and with departmental policies.

6.4 Employee Status Reports

The department head shall notify the County Clerk's office of all separations and terminations and other changes in employee status immediately. This has to be done for the purpose of adjusting and/or eliminating salary and/or benefits.

6.5 Exit Interview

Upon termination, all terminating employees and/or Grant County may request to have an exit interview with the department head, and another department head, commissioner, or another county employee. The main reason for this interview is to be certain that the reasons for the employee's termination are not founded on a misunderstanding or erroneous information that might be corrected by either Grant County or the employee. Additionally, terminating employees may have certain rights under the fringe benefits program that may require explanation.

7. Employee Rules and Discipline Policy

7.1 Purpose

Grant County expects employees to meet the standards set for high quality work performance and conduct. Corrective action, however, may be necessary from time to time for the purpose of maintaining the effective operation of Grant County.

7.2 Disciplinary Actions

The following types of disciplinary actions are officially recognized by Grant County.

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

Reprimand. A reprimand is a written censure to an employee by his or her supervisor or department head, a copy of which shall be recorded in the employee's file.

Performance Improvement Period. The performance improvement period is a trial of a specific length of time during which an employee is required to fulfill a set of conditions, or to improve work performance, or to improve on the job behavior. Failure to meet the requirements may result in additional disciplinary actions.

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

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

Suspension. A suspension is the removal of an employee from service, with or without pay, for a specific period.

Termination. Termination is the removal of an employee from Grant County employment.

The foregoing list is not exclusive and other types of disciplinary action may be approved by Grant County.

7.3 Employee Rules and Discipline

Whenever people work together, some rules and guidelines for conduct are necessary. Grant County will discipline, up to and including discharge, for violations of Grant County rules or policies. This list is intended to be representative of the types or activities which may result in disciplinary actions. It is not intended to be comprehensive and does not alter the employment-at-will relationship between the employee and Grant County.

Violations to Grant County rules, policies, or procedures include but are not limited to the following:

General Conduct That May Result in Disciplinary Actions

- A. Insubordination or failure to carry out Grant County instructions, rules and other policies of Grant County as set forth in this Policy Manual or otherwise made known to employees.
- B. Dishonesty, inefficiency, incompetence, and negligence of duties. Carelessness which endangers the physical welfare of oneself or others, or damages Grant County's integrity or causes costly litigation.
- C. Repeated tardiness or unexcused absences. Absent without being on leave, failure to notify in a timely manner and provide valid excuse to supervisory personnel of absence.
- D. Falsifying information contained in employment applications, reports, written statements, or timecards.
- E. Unauthorized possession, theft, damage, distribution, sale or removal of property, goods or services owned by Grant County or its employees.
- F. Rudeness or unprofessional conduct while on duty. Abusive or discourteous language, threats, fighting or injury to the person or property of Grant County personnel or others doing business with or seeking to do business with Grant County.
- G. Actual physical violence toward another.
- H. Possession, transfer, use or sale of all forms of narcotics, depressants, stimulants, hallucinogens, or other drugs whose possession or use, transfer or sale is prohibited by law.
- I. Criminal acts of vandalism.
- J. Unauthorized use of Grant County's long-distance telephone service for personal toll calls.
- K. Unauthorized disclosure of confidential business or personal information.
- L. Sexual harassment, including but not limited to unwelcome advances, verbal, and physical conduct, where such harassment has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment.
- M. Discrimination with regard to race, color, sex, national origin, ancestry, age, religion,

creed, marital status, disability, or status as a disabled veteran.

Safety

- A. Failure to report accidents to supervisory personnel.
- B. Failure to follow safe working practices.
- C. Contributing to unsafe, unsanitary, or unhealthy conditions.
- D. Possession of firearms, explosives, or concealed weapons on Grant County property unless job related.

7.4 Release of County Information to the News Media

No county employee is to make any type of “news” release to any form of news media concerning county operations, business matters, etc. Only the appropriate elected official, department head, or their designees will make news releases.

7.5 Contractual Rights

These guidelines are not contractual and do not provide any contract rights for an employee, nor does the existence of a discipline policy or use of progressive discipline alter the employment-at-will relationship between any employee and the County. Grant County is not liable for any deviation or failure to observe these procedures.

8. Sexual Harassment

It is the policy of Grant County to maintain a work environment free of intimidation, insult, and harassment based upon race, religion, sex, age, national origin, ancestry, or disability. To insure that this policy is strictly adhered to, Grant County will not tolerate sexual harassment of any of its employees and will take immediate disciplinary action if such behavior occurs. This sexual harassment policy applies to all employees, including contractual employees.

8.1 Definition

Sexual Harassment is defined as:

- A. The threat or insinuation by one employee or group of employees, either explicitly or implicitly, that the refusal to submit to sexual advances will adversely affect employment, evaluation, wage, advancement, assigned duties, shifts or any other condition of employment or career development.
- B. The subjection of an employee, by another employee to unsolicited and unwelcome sexual overtures or conducting either verbal or physical acts, so as to create an intimidating, hostile, or offensive working environment.

8.2 Policy

No employee, whether supervisory or non-supervisory, may sexually harass another employee. Sexual harassment includes but is not limited to:

- A. Unwelcome touching, propositions, advances.
- B. Abusive and/or vulgar language of a sexual nature.
- C. Suggestive jokes or comments about an employee's body or clothing.
- D. Displaying of sexually graphic or suggestive pictures, photographs, cartoons, etc.

Any employee who believes that he/she is the victim of unwelcome behavior that would constitute sexual harassment shall immediately report all incidents to any Department Head or to a Commissioner.

All complaints involving claims of sexual harassment shall be investigated.

Any employee, supervisory or non-supervisory, found to have engaged in the sexual harassment of another employee, will be disciplined, up to and including discharge.

8.3 Complaint Procedure

Any employee who feels he/she is being subjected to sexual harassment should immediately contact one of the persons listed below with whom the employee feels the most comfortable. Complaints should be made in writing to:

- A. Employee's immediate supervisor.
- B. A commissioner.
- C. Other county department head or elected official.

9. Workplace Violence Prevention Policy

Grant County is dedicated to providing safe, dependable working conditions and services to its citizens and employees. In order to achieve this goal, it is our policy to provide a workplace free from violence and violent acts. Consistent with this policy, Grant County has adopted a "zero tolerance" for workplace violence. In other words, acts, or threats of physical violence, including intimidation, harassment and/or coercion between employees in the workplace or job-related contacts with citizens or persons outside Grant County will not be tolerated.

9.1 Applicability

This Workplace Violence Prevention Policy applies to all employees of Grant County, including contractual employees, except where specifically noted otherwise.

9.2 Dissemination of the Policy

All employees will be given a copy of this policy. All new employees will be given a copy of this policy as part of their orientation.

9.3 Definitions

Workplace Violence. Includes, but is not limited to, intimidation, threats, physical attack, or property damage.

Threat. The expression of intent to cause physical or mental harm.

Physical Attack. The unwanted or hostile physical contact such as, but not limited to, hitting, fighting, pushing, shoving, or throwing objects.

Intimidation. Includes but is not limited to, stalking, or engaging in actions intended to frighten, coerce, or induce duress.

Property Damage. The intentional damage to property owned by the County, employees, visitors, or vendors.

Zero Tolerance. Violations will not be tolerated and will result in severe disciplinary action up to and including termination of employment.

9.4 Policy Parameters

Any threats or acts of violence:

- Occurring on your organization's property during normal business hours and involving organization employees.
- Occurring on organization property during normal work hours and involving employees, vendors, visitors, or contractual employees.
- Occurring away from organizational property during normal work hours involving employees.

9.5 Prohibited Behavior

- Hitting or shoving an individual.
- Threatening to harm an individual, their family, friends, associates, or property.

- Intentional destruction or threat of destruction of property owned, operated, or controlled by the organization.
- Making harassing or threatening calls, letters, or other forms of written or electronic communications.
- Intimidating or attempting to coerce an employee to do wrongful acts that would affect the business interests of the organization.
- Harassing surveillance (stalking), which is the intentional and malicious following of another person and may include making a credible threat with the intent to place the other person in reasonable for their safety.
- Making a suggestion or otherwise implying intent to injure persons or damage property is "inappropriate", without regard to the location where such suggestions occur.
- Unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on organization property.

9.6 Disciplinary Action Against Employees

Employees violating this policy will be subject to disciplinary action up to and including termination of their employment. Additionally, criminal charges can be filed.

9.7 Actions Against Persons Not Subject to Organization Policy

Persons committing any threat or acts of violence, who are not organization employees, will be handled through the criminal justice system.

9.8 Employee Obligation

- Each employee of the organization and every person on organization property are encouraged to report incidents of threats or acts of violence of which they are aware.
- Where the reporting party is not an organization employee, the report should be made to local law enforcement.
- Where the reporting party is an employee, the report should be made to that party's supervisor, or to local law enforcement. In all cases, the report should be made as soon as possible.
- Employees who act in good faith by reporting real or implied violent behavior or violations of this policy will not be retaliated against or subjected to harassment.
- All employees are encouraged to be alert to the possibility of violence.
- Any report will be handled in a confidential manner, with information released only on a need-to-know basis, or as required by local law.

10. Smoking Policy

Smoking shall be prohibited within Grant County's buildings. Employees may be allowed to smoke outside the buildings with the permission of their immediate supervisor.

(Exception: The second floor of the courthouse, which houses the court system, is under the jurisdiction of the Administrative Judge who regulates smoking on that floor.)

11. Records Policy

All county employees shall be expected to comply with the Kansas Open Records Act.

12. Employee Welfare

12.1 Retirement

All employees are covered by the Kansas Public Employees Retirement System (KPERS) when they begin work in a covered position. KPERS is a mandatory deduction for all qualifying employees with the exception of elected officials. This is optional for elected officials.

12.2 Health Insurance

Grant County has a group health insurance policy for County employees and their families. Health Insurance coverage will begin on the 1st day of the month following 30 days of full-time employment with the county unless the employee waives the coverage.

12.3 Life Insurance

Grant County has a term life insurance policy for employees and their dependents. Employees are provided with this coverage upon completion of six (6) months of full-time employment.

12.4 Payroll Deductions for Life Insurance and Care Insurance

Grant County permits payroll deductions for commissioner approved life insurance policies and for commissioner approved care insurance policies.

12.5 Payroll Deduction for Deferred Compensation

Grant County participates in deferred compensation plans. Employees may invest up to the maximum amount established by the IRS.

12.6 Payroll Deductions for Cafeteria Pop Plan

Grant County participates in a Cafeteria Pop Plan. The plan currently consists of Cancer, Recovery Plus, Hospital Intensive Care, Accident Expense, and Short-term Disability. The County Commissioners may change programs included in the cafeteria plan. Employees are eligible to join these plans on the first day of the month following 30 days of full-time employment with the County. Deductions for these programs may be pre-taxed.

12.7 Payroll Deductions for Dental & Vision

Grant County permits payroll deductions for dental and vision insurance for employees and their dependents. Employees are eligible to join this plan on the first day of the month following 30 days of full-time employment with the County. This plan is under the Cafeteria Pop Plan to allow for the pre-taxed option if desired.

12.8 Workers Compensation

All county employees are insured against accidents on the job through Workers Compensation. When an employee is injured on the job or contracts an occupational disease while employed with the County, the employee may be eligible to receive benefits, the amount depending upon the seriousness of the injury or illness. Any injury should be reported immediately to the appropriate elected official and/or department

head to insure utilization of these benefits from Workers Compensation (An incident form may be obtained from a supervisor or see Addendum C). If an employee is injured on the job, the employee will receive full salary until the employee is able to return to work or until Workers Compensation insurance becomes effective, if the employee has sick leave, vacation leave or personal leave. A signed certification from a licensed physician will be required by the appropriate elected official or department head regarding the employee's ability to work and the extent of the injury or disability. Such certification shall be attached to the employee's personnel file. The appropriate elected official or department head may allow the employee to utilize accumulated unused vacation leave and sick leave to make up the difference between Workers Compensation insurance, after it becomes effective, at the employee's regular rate of pay.

12.9 County Provided Uniforms and Clothing

Employees may be provided with uniforms or clothing as determined by the needs of their department. Additional clothing personalized with county insignia and/or logo may be provided for all employees at the discretion of the County Commissioners to promote pride in employment with the county.

Sheriff Department - As required by law, uniforms are provided for the Sheriff, Undersheriff, Investigator, full-time Deputies, Jailers, and Civil Process Server. Uniforms are also provided for Dispatchers and part-time Reserve Officers. Full-time employees are provided with three (3) summer uniforms, three (3) winter uniforms and other accessories determined by the Sheriff's Department rules and regulations. Replacement of uniforms and accessories will be at the recommendation of the Sheriff. Up to \$75.00 will be paid towards replacement of boots after boots have been worn for a year.

Sheriff Department uniforms will be cleaned at county expense within a reasonable amount.

Road Department – Mechanics are provided with five uniforms per year. Oil Distributor Operators are provided with one pair of replacement shoes per year. Disposable coveralls are always available at the county shop for employee use. Road employees are provided with one (1) pair of bib overalls per year.

Civic Center - Full-time employees are provided with five (5) summer and five (5) winter shirts plus two (2) caps per year. Seasonal employees are provided with three (3) shirts per summer.

Fire Department - After completing a probationary period, fire department employees are issued one (1) dress shirt, one (1) pair of dress pants, a tee shirt, and a jacket. The shirt, pants, and jacket are replaced when they wear out. A new tee shirt is issued annually.

Ambulance Department - Full-time personnel are provided with four (4) uniform shirts, four (4) uniform pants, a sweatshirt, and a coat. Part-time personnel are provided with two (2) uniform shirts, two (2) pairs of uniform pants, a sweatshirt, and a coat. Identification accessories are also provided.

All Other Departments - New County employees are provided with one (1) shirt with the county emblem embroidered on it.

12.10 Safety Glasses

Safety glasses or goggles will be provided for those positions, which are required by OSHA Standards.

13. Employee Transportation and Safety

13.1 Use of County Owned Equipment and Vehicles

A county owned vehicle and other equipment are to be used for official business only. Before employees of Grant County will be permitted to drive a county vehicle, the employee must have a valid Kansas driver's license. The type of equipment or vehicle operated will determine the type of license required. Employees are required to obtain and maintain appropriate licenses. The County will reimburse employees for renewal of Commercial Driver Licenses, CDL Class A with tank endorsement, when the license is a requirement of their position. All county vehicles shall display the proper markings as outlined in K.S.A. 8-305. Current mileage shall be recorded on all fuel purchases. Only county employees will be allowed to operate county vehicles. Reserve deputies, volunteers, or other individuals may be authorized by the Department Head or Elected Official.

13.2 Driver's License Check

Department heads must require employees driving a county vehicle to have a driver's license check done annually. The fee for this will be paid by the department, not the individual. If there is an incident that affects an employee's driving record, they shall report to their department head immediately. (For instance, a DUI or speeding ticket) Failure to provide notification of an incident is grounds for termination.

13.3 Proof of Insurance

State law requires that any person operating a vehicle have proof of insurance. Certificates of insurance are provided for all county owned vehicles. Employees who operate these vehicles are responsible for having this proof of insurance in their possession while operating the vehicle. The employee will pay any fine incurred for not having proof of insurance.

13.4 Commuting Rule

1. A personal use vehicle is a county vehicle assigned to an employee to commute to and from work, unless the vehicle qualifies as a non-personal-use vehicle, as defined in IRS Publication 15B. (Not applicable for Elected Officials.)

An allocation of a personal use vehicle is considered a benefit and requires payment of \$1.50 to the employee through payroll for each one-way commute from home to work and from work to home. (Also, work to lunch and lunch to work). Use of county vehicles for personal use other than for commuting or minor personal use (such as a stop for a personal errand on the way between a business delivery and the employee's home) is prohibited. Personal use of a vehicle is all use that is not for your trade or business. (IRS Publication 15B) A commuting log is to be submitted with payroll.
2. A non-personal use vehicle as defined in IRS 15B includes the following:
 - Clearly marked police and fire vehicles.
 - Unmarked vehicles used by law enforcement officers if the use is officially authorized.
 - An ambulance or hearse used for its specific purpose.

- Any vehicle designed to carry cargo with a loaded gross vehicle weight over 14,000 pounds.
 - Delivery trucks with seating for the driver only, or the driver plus a folding jump seat.
 - A passenger bus with a capacity of at least 20 passengers used for its specific purpose.
 - School buses.
 - Tractors and other special purpose farm vehicles.
3. A pickup truck with a loaded gross weight of 14,000 pounds or less is a qualified non-personal use vehicle if it has been specially modified so that it is not likely to be used more than minimally for personal purposes. For example, a pickup truck qualifies if it is clearly marked with permanently affixed decals, special painting, or other advertising associated with your trade, business, or function and meets either of the following requirements:
- A. It is equipped with at least one of the following items:
- a) A hydraulic lift gate.
 - b) Permanent tanks or drums.
 - c) Permanent sideboards or panels that materially raise the level of the sides of the truck bed.
 - d) Other heavy equipment (such as an electric generator, welder, boom, or crane used to tow automobiles and other vehicles.)
- B. It is used primarily to transport a particular type of load (other than over the public highways) in a construction, manufacturing, or other similar operation for which it was specifically designed or significantly modified.

13.5 Responsibility of Drivers

An employee of the County is expected to correctly operate and practice all safety precautions when operating a county vehicle. An employee operating a County owned vehicle or equipment is responsible for informing the appropriate elected official and/or department head that the vehicle is being used, and has the responsibility of checking oil, water, brakes, gas, lights, etc. If repair or maintenance is necessary, the employee is responsible for reporting it to the appropriate elected official and/or department head.

Employees operating County vehicles are expected to fully observe all traffic laws and the dictates of common sense. County employees who demonstrate careless disregard for traffic regulations damage the image of Grant County and can jeopardize their jobs.

13.6 Use of Personal Vehicles

If an employee is required to use a personal vehicle in the performance of official county business, the employee will be reimbursed for actual miles to and from the destination. Requests for mileage reimbursement shall be calculated to and from destination by Google Map and recorded on the county's mileage reimbursement form. All reimbursements will be reviewed for accuracy and fairness. The County Commissioners will set the mileage reimbursement rate.

13.7 Accidents Involving County Vehicles

- A. If, while operating a County owned vehicle, an employee is involved in an accident that results in personal injury or property damage, the employee is required to:
- B. Notify the appropriate law enforcement agency immediately.
- C. Insist that all parties and property involved in the accident remain at the scene until law enforcement officers can investigate.
- D. Discuss the accident with no one except the investigating officer until the investigation has been completed.
- E. Report the accident, no matter how minor, to the appropriate elected official and/or department head.
- F. County employees involved in accidents while driving county vehicles may be required to have alcohol/drug testing done within two hours of the accident.

Accidents involving Sheriff's Department vehicles shall be reported and investigated according to Sheriff's Department rules and regulations.

13.8 Enforcement

Enforcement of this policy shall be the responsibility of the Department Heads or Elected Officials. Violation of any part of this policy could result in the loss of the privilege.

14. Political Activity

Every employee has the right and duty to register and vote on all political issues. Employees, however, are not permitted to use their position with the county to influence the vote or political activity of any person. Employees shall not solicit, sell, or handle political contributions, nor shall they wear or display political badges, buttons, or signs during on-duty hours.

15. Drug-Free Workplace (See Addendum B Drug Policy)

15.1 Prohibition

It is a specific condition of your employment for the County that you agree to abide by the terms of the Drug-Free Workplace Act, which prohibits the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the County workplace and at any site at which the County may conduct activities.

15.2 Required Notice to County

In addition, you agree to notify the County Clerk of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after you have been convicted.

15.3 Sanctions

If the County Commissioners determine that you have violated the prohibition in paragraph one, they have absolute discretion to decide which of the following action(s) to take against you.

Adverse personnel action which may include termination.

A requirement to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement or other agency.

15.4 Definitions

“Controlled Substance” means a controlled substance as defined in schedules I through V of the Controlled Substances Act (21 U.S.C. 812), and as further defined by regulation at 21 CFR 1308.11 through 1308.15.

“Conviction” means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal statutes.

“Criminal Drug Statute” means a federal or non-federal criminal statute involving the manufacture, distribution, dispensing, use or possession of any controlled substance.

“Drug-Free Workplace” means a site for the performance of work at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance.

16. Wireless Communication and Driving

16.1 Application

This policy shall apply to all County employees while operating County-owned vehicles, while using a non-county owned vehicle for County business, regardless of the ownership rights of the wireless communication device.

16.2 Exceptions

1. Law enforcement officer or emergency service personnel acting within the course and scope of the law enforcement officers or emergency service personnel's employment.
2. A motor vehicle stopped off the regular travelled portion of the roadway.
3. A person who reads, selects, or enters a telephone number or name in a wireless communications device for the purpose of making or receiving a phone call, while using a hands-free device.
4. A person who receives an emergency, traffic, or weather alert message; or
5. A person receiving a message related to the operation or navigation of the motor vehicle.
6. The provisions of subsection (b) shall not prohibit a person from using a wireless communications device while operating a moving motor vehicle to:
 - a) *Report current or ongoing illegal activity to law enforcement, or.*
 - b) *Prevent imminent injury to a person or property.*

16.3 Definitions

"Wireless communication device" means any wireless electronic communication device that provides for voice or data communication between two or more parties, including, but not limited to, a mobile or cellular telephone, a text messaging device, a personal digital assistant that sends or receives messages, an audio-video player that sends or receives messages or a laptop computer. "Wireless communication device" does not include a device which is voice-operated, and which allows the user to send or receive a text-based communication without the use of either hand, except to activate or deactivate a feature or function.

16.4 Policy

- A. Employees shall not operate a motor vehicle while sending or reading text messages via a wireless communications device.
- B. For incoming phone calls on a wireless communication device while operating a motor vehicle: the employee should answer the call while observing traffic if it is safe to do so. The caller should be told to hold, the phone sat down in a safe location and the vehicle should be stopped in a safe manner in a location where it is legal to do so. The call may then resume.
- C. For outgoing phone calls on a wireless communication device: the employee should stop the vehicle where it is safe and legal to do so, and then initiate the call.
- D. If the employee has a hands-free device, it is acceptable to operate the motor vehicle while speaking on the wireless communication device. However, the employee still is required to stop the vehicle in a safe and legal manner prior to dialing a phone number manually.

17. Spending Policy

17.1 Explanation Statement

In addition to normal operating supplies the following purchases will be allowed. All purchases made as a representative of Grant County must adhere to K.S.A.12-105b.

17.2 Additional Allowances

1. Reasonable coffee, tea and hot chocolate purchased for employee use will be allowed. No specialty coffee, tea or hot chocolate will be approved. (Sugar, creamer, disposable cups, and spoons are included in this.)
2. If hosting a special meeting for special guests, reasonable refreshments or meals will be permitted.
3. The commissioners on behalf of all county employees will send funeral flowers or memorial if an employee or their immediate family dies. The home department for that person may send flowers or memorial too. If any other department wants to send flowers or a memorial, they need to do so with individual donations not at county expense.
4. A gift for retirement from the labor force may be allowed but must be approved by the commissioners.

17.3 Claims for Payment

1. Claims for payment may be derived from purchasing goods or services on behalf of Grant County in person, over the telephone, or over the internet.
2. A detailed transaction receipt must be obtained when a purchase is made. This transaction receipt needs to include a description of the purchase, "miscellaneous" is not an adequate description.
 - Make sure the vendor is aware a purchase is being made from a tax-exempt entity and provide the tax-exempt number to them.
 - Make sure the vendor can supply a detailed transaction receipt before starting a purchase.

17.4 Claims for Payment Restrictions

1. In person, over the telephone, or over the internet purchases without itemized transaction receipts may be denied. Grant County in accordance with the language of K.S.A. 12-105b may deny reimbursement or allowances without the required documentation. The employee may be held personally liable for denied expenses. Grant County may request reimbursement of denied expenses through money order, personal check, or reasonable alternative means, including but not limited to filing suit in a court of law in order to recover costs.
2. Grant County reserves the right to revoke or restrict purchasing authority to any employee with continued discrepancies in their claims for payment.

18. Bus Policy

18.1 Purpose

The operation of County busses is necessary in conducting the day-to-day business of the County. This use of County busses represents one of the greatest liabilities facing the County. Recognizing this, it is imperative that the County takes reasonable steps to control the use of County buses. This policy sets forth the guidelines and policies governing the operation of buses. Department heads are responsible for the implementation and enforcement of this policy for all buses and drivers assigned to their department.

18.2 Scope

This policy applies to all county-owned buses.

18.3 General Guidelines

1. Only County employees are authorized to operate County buses. Persons volunteering services of the County are considered employees of the County for purposes of this policy and may operate County buses under the approval and direction of the department head.
2. Intentional abuse, moving violations, reckless operation, or negligent actions while operating any County bus may result in the suspension of the employee's driving privileges and is grounds for further disciplinary action.
3. County buses are to be used only for official County business and shall not be used by employees for personal reasons.
4. Only persons being transported in connection with a County run bus operation shall be passengers in any County bus.
5. No person shall be allowed to be seated anywhere on the bus which is not designed or approved by the bus manufacturer for passenger seating.
6. The driver shall not operate any bus when normal vision is obstructed for any reason.
7. A qualified operator must be at the bus controls any time it is running, unless otherwise approved by the bus manufacturer. No bus shall be left unattended without first stopping the motor, locking the ignition, removing the key, setting the parking brake, and locking the doors or otherwise securing the bus to prevent theft, vandalism, and unintentional movement.
8. The County shall not be responsible for personal property in County owned buses.

18.4 Bus Inspections

1. An employee who operates a county bus, regardless of frequency, is responsible for the property care and operation of that bus. Before operating, the driver will complete the Bus Inspection to make sure it is safe to operate.

2. Fluid levels, including brake, transmission, engine oil and coolant shall be checked each time the bus is fueled.
3. Any defects, which will affect safe bus operation of the bus, will be promptly reported to the driver's supervisor. No employee shall operate a County owned bus in an unsafe condition. Any damage, which is beyond normal wear and tear, must be documented and reported to the driver's supervisor.
4. Maintenance will be performed annually on all buses by authorized dealers or the county shop.

18.5 Operator's License

1. A valid Kansas bus operator's license must be in the employee's possession at all times while operating a County owned bus. In the case of commercially rated buses, the proper commercial driver's license for the bus's weight and class must be valid and in the possession of the driver at all times.
2. Any employee, who operates a bus in the performance of official county duties and whose operator's license is suspended or revoked, shall immediately report this fact to their department head.

18.6 Training

All bus drivers operating buses under this contract shall receive training according to the standards below.

1. All County drivers are required to attend defensive driving classes as requested by KCAMP.
2. New drivers not previously licensed to drive a bus shall receive not less than 10 hours of in-vehicle (actual driving time) instruction.
3. New drivers currently licensed to drive a bus shall receive an evaluation of their driving skills with necessary in-bus training to bring their skill levels up to acceptable levels.
4. Continuing drivers and all new drivers shall also receive training through safety meetings and through bus driver meetings that shall be conducted annually.

18.7 Bus Rules

The following rules shall be posted inside the bus where they will be visible to passengers. The driver will be responsible for enforcing the following rules:

1. Immediately follow the directions of the driver.
2. Sit in your seat facing forward keeping the aisle clear.
3. Talk quietly and use appropriate language.
4. Keep all parts of your body inside the bus.
5. Keep your arms, legs, and belongings to yourself.
6. No fighting, verbal harassment, intimidation, or horseplay.
7. Do not throw any object.
8. No eating, drinking by the driver or use of tobacco or drugs by the passengers.
9. Do not bring any weapon or dangerous objects on the bus.
10. Do not damage the bus or tamper with safety equipment.

11. Be seated while the bus is moving and remain seated until the bus stops and the driver opens the door.
12. Only items that can conveniently and safely be transported on a passenger's lap are allowed to be transported on the bus.

18.8 Driver Obligations

County bus drivers must adhere to the following:

1. To travel over the route and make stops according to the supervisor.
2. The driver is responsible for assuring that all items are properly secured to prevent them from shifting or falling from or within the bus. All passengers must be seated and secure prior to the bus moving.
3. To keep the conveyance and other property used in transporting passengers clean and protected at all times when not in actual use, and to exercise reasonable care in the use of such equipment.
4. To exercise the utmost care in protecting passengers from injury or exposure.
5. To be alert and observe all laws and rules relating to travel on public roads.
6. To remain in the bus while being loaded or unloaded.
7. To maintain order among passengers at all times; to allow them to enter and to leave the bus only at appropriate stops, and to report all cases of rule infraction by passengers to the appropriate person(s).
8. To use no profane or indecent language within hearing of the passengers and to tolerate none from them.
9. To abstain from the use of tobacco on the bus.
10. To abstain absolutely from the use of intoxicating beverages and illegal drugs on days when he/she operates a county bus.
11. Seat belts – all bus drivers shall be required to use the driver seat belt at all times when the vehicle is so equipped.

18.9 Parking

1. Any bus left unattended must be legally parked in a designated parking space.
2. County buses must be secure in a County parking area during non-duty hours.

18.10 Accident Reporting Requirements

1. Any accident involving a County owned bus shall be reported as follows:
 - a. Summon medical care for any injured parties.
 - b. Notify appropriate law enforcement authorities.
 - c. Notify employee's immediate supervisor.
2. The supervisor shall immediately notify the County Clerk or the Insurance Coordinator, who will in-turn notify KCAMP.

3. The supervisor shall be responsible for obtaining a written statement from the involved employee(s), completing all required County reports, and recommending any follow-up preventative actions.
4. When the County employee is determined to be more than 50% at fault in an accident by the County's liability insurance carrier, or has violated any of the provisions of this policy, the supervisor shall conduct the following disciplinary actions:
 - a. First offense in a three-year period – written reprimand.
 - b. Second offense in a three-year period – written reprimand and one-week suspension without pay.
 - c. Third offense in a three-year period – termination or reassignment to a new non-driving position that does not require bus/equipment operation.

18.11 Use of Safety Restraints

1. All occupants of County buses must properly wear seat belts, when so equipped, any time that the bus is in motion.
2. Employees are prohibited from removing, deactivating, modifying or otherwise defeating any occupant restraint system installed by the manufacturer unless approved or instructed by the manufacturer.

18.12 Motor Bus Driving Record Review

1. As a conditional offer of employment to a prospective County driver, a MVR must be requested for that driver and a copy forwarded to KCAMP for review.
2. At least annually, the Insurance Coordinator/Safety Officer shall request a copy of the transcript of driving record form the Division of Driver's licensing for each employee whose position requires operation of a County bus and will forward those documents to KCAMP for review.
3. An accumulation of eight or more points on the Motor Bus Report Program shall be cause for disciplinary action up to and including suspension of County driving privileges and/or termination.
4. Refusal to submit to a lawful roadside sobriety test shall, for the purposes of this policy, constitutes a conviction for DUI.
5. An employee who is suspended from driving privileges under this policy, who is in a position that requires driving, may be assigned to a non-driving position at the supervisor's discretion, at the new position's rate of pay. The employee will be considered for the open position along with other applicants, and no preferential treatment will be given to the employee. If the employee is not offered a non-driving job within thirty days of his removal from the driving position, he shall be terminated. If the employee is offered and accepts a non-driving position within the thirty-day period, the employee's service record will be unbroken.

18.13 Motor Bus Report Program

Conviction	Points
Minor Citation, not involving an accident	1
At-fault Accident	2

Major Conviction (past 3 years)	8
Major Conviction (4-5 years old)	6
IN ADDITION	
Two incidents within the last 18 months	2
OR	
Three incidents within last 18 month	3

18.14 Definitions

Minor Citation – Any moving citation you receive unless it qualifies as a “Major Conviction” as defined below.

Major Conviction – Any conviction that involves:

- DUI.
- Homicide, manslaughter, or assault arising out of the operation of a motor bus.
- Reckless Driving.
- Driving with a suspended or revoked license.
- Possession of an open alcohol container.
- Attempting to elude an officer of the law.

At-Fault Accident – Any accident where the county driver was determined to be more than 50% at-fault by the County’s liability insurance carrier AND the total amount of all damages exceeds \$500.00.

Incident – Includes minor citation, major conviction, and at-fault accident, as defined above.

Grant County
Personnel Policy Receipt

I acknowledge that I have received a copy of Grant County's Personnel Handbook. I agree to read the Handbook, and to be bound by the policies, practices and rules contained in the Handbook as they are amended from time to time.

I understand that:

- (1) The handbook is prepared for informational purposes only and does not constitute a contract between Grant County and its employees and should not be construed as such.
- (2) The policies and information contained in the Handbook may be changed or amended at any time by Grant County, with or without notice.
- (3) Employment by Grant County is "at will," not for a definite term, and may be terminated by the County or the employee at any time, for any reason; and
- (4) No supervisor of Grant County or any other person except the County Commission has any authority to enter into any agreement for employment for any specified period of time or make any binding representations or agreements inconsistent with this Handbook.

Employee Name (Please Print)

Employee Signature

Date

Grant County Representative

Date

¶470 Travel Time

The Portal-to-Portal Act (29 U.S.C. §254(a)) specifically excludes from compensable time all time that is spent “walking, riding or traveling to and from the actual place of performance of the principal activity” of an employee and time spent in “activities which are preliminary or postliminary” to the principal activity. Travel time at the beginning or end of the workday, therefore, is not compensable. Note, however, that under the Portal-to-Portal Act, an employer must compensate employees for such time if it is agreed to in a contract or collective bargaining agreement, or if it is customary to do so (29 C.F.R. §785.34).

With the exception of normal commuting time (see ¶471), the general rule is that employees should be compensated for all travel unless it is overnight *and* outside of regular working hours *and* on a common carrier *and* where no work is done. Of course special rules can apply to special situations.

The following regulatory guidelines apply in determining whether an employee’s travel time is compensable (29 C.F.R. §785.33).

¶471 Commute Time

In an ordinary situation where an employee commutes to and from the work site, the employee is not entitled to additional compensation for such travel time. This is the case even if the employee must travel to different work sites for the job (29 C.F.R. §785.35; see Wage and Hour Opinion Letter dated Aug. 18, 1986). For example, in *Qualls v. United States* (678 F.2d 190 (Cl. Ct. 1982)) the court found that an employee who had been assigned to a site location about two hours away from his home was *not* entitled to additional compensation for the four-hour round trip because it was his own choice that he incurred the additional costs and inconvenience of commuting. While this may appear harsh, it is well established that normal travel from home to work is not working time, no matter how long the commute. Also, in *Singh v. City of New York*, 524 F.2d 361 (2d Cir. 2008), the court held that city inspectors who were required to carry a briefcase with 15 pounds of files during their daily commute to and from work were not entitled to compensation for any of their commute time. Carrying the files posed only a “minimal burden” on the employees, the court said.

Generally, an employee is not at work until he or she reaches the work site (*Dillon v. Northern States Power Co.*, 22 Wage & Hour Cas. (BNA) 1187 (8th Cir. 1976)). But if an employee is required to report to a meeting place where he or she is to pick up materials, equipment or other employees, or to receive instructions before traveling to the work site, compensable time starts at the meeting place (29 C.F.R. §785.35; see *Marshall v. R&M Erectors Inc.*, 429 F. Supp. 771 (D. Del. 1977)). In addition, if a company organizes van or car pools for commuting, the driver does not have to be compensated for the time spent driving as long as the arrangement is voluntary.

An employee who drives a company car or vehicle need not be compensated for commute time simply because he or she is operating the employer’s vehicle, as long as it is for the employee’s convenience (*Field Operations Handbook* §31c01; see also Wage and Hour Opinion Letter dated April 3, 1995). This means that the employee does not have to be compensated if *all* of the following conditions are met:

- (1) driving the employer's vehicle between the employee's home and the work site is strictly voluntary and not a condition of employment; *and*
- (2) the vehicle involved is the type of vehicle that would normally be used for commuting; and
- (3) the employee incurs no costs for driving the employer's vehicle or parking it at home; and
- (4) the work sites are within the normal commuting area of the employer's establishment.

However, if the driver is ordered to pick up employees before proceeding to work, the time spent driving will be considered working time (see Wage and Hour Opinion Letter dated Feb. 11, 1976; FOH §31c02).

Where an employee drives an employer's vehicle and performs activities which are incidental to the use of such vehicle for commuting, such time would not be considered hours worked if the travel is within normal commuting range for the employer's business. Also, the use of the employer's vehicle must be by mutual agreement between the employer and the employee or the employee's representative (29 U.S.C. §254(a); 29 C.F.R. §785.50(a)(2)).

¶472 Travel During the Workday

A difficult problem arises when the "travel time" of an employee occurs on the same day. The general rule of thumb is that time spent by an employee in travel as part of the *employer's* principal activity must be counted as hours worked (29 C.F.R. §785.38). For instance, where an employee travels from job site to job site during the day or reports to a meeting place to receive instructions or pick up assignments and then travels to the place of work, the employee must be compensated for all of the travel time. However, if an employee leaves home on his way to a worksite, but stops at the home office or shop for his *own convenience*, the time traveling from the office to the site is not compensable (*Saribekian v. Concrete Drilling & Sawing Co.*, No. 89-C-7902, 1990 WL 133431 (N.D. Ill. 1990) (employee was permitted to take company truck home but did not; failure to do so and consequent need to stop at the shop was for his own convenience and thus, was noncompensable)). Obviously, if a stop is made for the *employer's* convenience, it would be compensable (29 C.F.R. §785.38; *Dole v. Enduro Plumbing Inc.*, 30 Wage & Hour Cas. (BNA) 196 (C.D. Cal. 1990) (office to site travel compensable when employees stopped at the shop to receive assignments and to collect tools)).

The U.S. Court of Claims concluded that security guards had to be compensated for their 30-minute travel time between the place where they obtained their weapons and their actual assigned duty posts (*International Business Investments Inc. v. United States*, 11 Cl. Ct. 588 (1987)). The same rule would apply to employees who meet for roll call and assignments and then are dispatched to job sites. This rule also holds true if an employee is required to travel to a central location at the end of the day before leaving for home. Generally, if work of consequence is performed for the employer before travel commences, any travel time incurred thereafter is compensable (*Marshall v. R&M Erectors Inc.*, 429 F. Supp. 771 (D. Del. 1977)).

The key to identifying whether travel time during the work day is compensable is determining whether the employees are engaged in travel *as part of the employer's principal activity*. For example, in *Wirtz v.*

Healy (227 F. Supp. 123 (N.D. Ill. 1964)), the court found that time spent by travel escorts accompanying passengers on trips, riding with passengers on sightseeing tours and traveling from tour location to tour location constituted hours worked because the activities were performed for the benefit of the employer.

If the travel time, before or after the work day, is *not* for the benefit of the employer or part of the employer's principal activity, the travel time is noncompensable. In *Tanaka v. Richard K.W. Tom, Inc.* (299 F. Supp. 732 (D. Hawaii 1969)), the court found that because the employer furnished a pick-up truck for the employees' convenience in traveling to and from the job site, the employees were not entitled to compensation for the time spent traveling (see also *D.A. & S. Oil Well Servicing, Inc. v. Mitchell*, 262 F.2d 552 (10th Cir. 1958)).

Moreover, even if employees must use the employer's transportation to obtain access to the job site, such travel time is noncompensable, ruled a district court in *Dolan v. Project Const. Corp.* (558 F. Supp. 1308 (D. Colo. 1983)). In *Dolan*, employees were required to meet at a main camp to pick up identification tags and, for security reasons, had to board the employer's bus to the job site. The court held that the 30-minute bus ride was not compensable. This was the case despite the fact that the employees received their paychecks on the bus and occasionally were given informational mimeographs on job progress and company policy. The court found that such activity was not part of the employer's "principal activity," noting that the employees were free to disregard the mimeographs and that no work instructions were disseminated on the bus.

¶473 Call Back or Emergency Calls

In certain rare emergency situations, the regulations provide that an employee must be compensated for home-to-work travel time. For example, if an employee, after completing a day's work, is called at home and must travel a "substantial distance" to perform the emergency job, the travel time is compensable (29 C.F.R. §785.36). Otherwise, DOL takes no position on the compensability of home-to-work travel for emergency calls. This effectively leaves the matter for the parties to negotiate or a court to resolve.

¶474 Out-of-Town Travel

The rules on compensable travel time are more complicated when the employee is traveling out of town. The first issue addressed in the regulations is the treatment of those who are assigned to work in another city for a day. DOL gives the following illustration of the one-day travel assignment problem (29 C.F.R. §785.37):

For example, an employee who works in Washington, D.C. with regular working hours from 9 a.m. to 5 p.m. may be given a special assignment in New York City, with instructions to leave Washington at 8 a.m. He arrives in New York at 12 noon, ready for work. The special assignment is completed at 3 p.m., and the employee arrives back in Washington at 7 p.m.

That all travel occurred on the same day does not mean that the employee does not need to be compensated for the travel time. DOL takes the position that such travel is not ordinary home-to-work travel. Instead, the travel was performed for the employer's benefit and at its request. It is part of the "principal activity" of the employee; therefore, the employee must be compensated. Note, however, that not all of the travel time needs to be counted as hours worked. DOL specifically permits the employer to exclude the travel time between the employee's home and the airport or railroad station as "home-to-work" travel time.

Overnight travel

Another complicated issue in determining compensable working time involves overnight travel. The regulations provide that travel time is compensable work time when it occurs during the employee's regular working hours (29 C.F.R. §785.39). This is true whether the employee actually performs work or not, since the employee is simply substituting travel for other work duties (*Boll v. Federal Reserve Bank of St. Louis*, 365 F. pSupp. 637 (E.D. Mo. 1973)). Moreover, if the travel occurs during normal working hours on nonworking days (i.e., Saturday or Sunday for an employee who works Monday to Friday), the time is compensable.

Because of enforcement difficulties, DOL does not count as working time overnight travel that occurs outside of regular working hours as a passenger on an airplane, train, boat, bus or car and where the employee is free to relax (29 C.F.R. §785.39). It is advantageous to most employers, therefore, to have their non-exempt employees travel after working hours. Of course, employees who perform work while traveling must be compensated (29 C.F.R. §785.41). In addition, if an employee is required to drive or required to ride as an "assistant or helper" in an automobile, the employee must be compensated for the travel time (29 C.F.R. §785.41), except when the employee is on a bona fide meal break or is provided sleeping facilities. If an employee is offered the option of public transportation but chooses to drive, the employer may count as hours worked either the time spent driving or the time that would have had to be counted if public transportation had been taken (29 C.F.R. §785.40). (If the travel is overnight and done outside work hours, the travel time is not compensable.)

†Travel Abroad

A nonexempt employee's travel time to a foreign country, and any of his or her time spent working abroad, pose special compensation challenges for employers, due to jurisdictional differences as well as the need to calculate working time occurring across time zones.

If an employee's *entire* workweek is spent outside the United States' jurisdiction — as defined in 29 U.S.C. §213(f) — that workweek is not covered under the FLSA. This also applies in the case of American citizens who are working abroad for American companies or on American bases or embassies (*FOH* §10e02).

However, if a nonexempt employee works during *part* of his or her workweek in the U.S. (or one of the territories or possessions listed in §213(f)), the entire workweek is subject to the act's provisions, even if the employee travels abroad and performs work in a foreign country during the same workweek (29 C.F.R. Part 776, Section 776.7(b), footnote 20; see Wage and Hour Opinion Letter, June 29, 1981). In such a case, an employee would be eligible for overtime compensation if he or she worked more than 40 hours during the workweek, even if the employee worked abroad during most of that workweek.

For instance, if a nonexempt employee starts his workweek on Monday in Washington, D.C., then flies to Beijing, China on Tuesday, and attends meetings in Beijing for the rest of the week, that employee would be subject to the FLSA for the entire week. And if the employee returns to Washington where he works during the next workweek, he again would be subject to the FLSA for *that* entire week. On the other hand, if the

†Indicates new or revised material.

employee remained in China (or anywhere else outside of the U.S.) for a full workweek, the employee would not be subject to the FLSA for the workweek when he was abroad.

Unfortunately, not all instances of partial-workweek compensation are as straightforward. For one thing, such work is subject to all FLSA rules (1) defining "hours worked" (see Tab 400) and (2) governing the "regular rate of pay" (on which overtime calculations are based) (see ¶510).

Thus, all such instances are subject to a variety of factors, including (a) when the employee begins his or her workweek (see 29 C.F.R. §785.7; see ¶401); (b) whether the employee's travel time occurs during his or her regular work hours (see ¶470); (c) whether the employee performs any work while traveling (29 C.F.R. §785.41; see above); (d) time zone changes; and (e) the terms of a collective bargaining agreement, or other agreement the employer has come to with the employee, and/or whether it is customary or to pay that employee for working under these circumstances (29 C.F.R. §785.34).

Neither the FLSA nor its interpretive regulations address how to compensate a nonexempt employee when his or her work time occurs across time zones. A DOL opinion letter calculating compensable work hours for employees working a partial workweek in the U.S. and the other part of the workweek in a foreign country converted all times to Eastern Standard Time (EST) (Wage and Hour Opinion Letter, June 29, 1981). Alternatively, the employer could base its calculations on the local time of the foreign destination. And, for days during which the employee travels between countries, the employer should base its calculations of working time on the time zone of *one* of the countries; in fact, while any system that is reasonable and that is fair to the employees is likely to pass muster, it is advisable to use the time zone where the employee began his or her day to control the entire day. This is especially important when determining whether an employee traveled during his normal workday.

If the employee works and remains in the destination country on the following day, the employer could then use the local time of the destination country to calculate the employee's working time.

As an example of travel time and working time across time zones: If a nonexempt employee, whose working hours are 9 a.m. to 5 p.m., travels from New York to London on a flight that leaves at 11 p.m. EST on Wednesday (midway through his workweek), arriving at his destination at 5 a.m. EST (10 a.m. London time) on Thursday, the travel time is noncompensable because (1) it occurred outside of his regular working hours and (2) assuming the employee did no work during the travel time. If the employee then travels home on Friday, leaving London at 5 a.m. London time and arriving in New York at 7 p.m. (also London time), at which point he goes straight home, only his regular work hours (for example, 9 a.m. to 5 p.m. London time) are compensable, because (1) all travel time during his regular work hours are compensable, and (2) he did no work while he traveled, so that the time outside of his regular hours is not compensable.

¶475 Transportation Furnished by the Employer

Employees are not entitled to compensation for home-to-work travel merely because the employer furnishes the transportation. An employee who chauffeurs other employees to work at the direction of his or her employer, however, is entitled to compensation. An employee who uses a government car is working while driving on business, but not while going to and from home.

For example, a police officer who has the use of a patrol car and drives it home at night and to the station in the morning is *not* entitled to compensation for that time, unless he or she otherwise proceeds to do work.

¶476 Work While Traveling

DOL takes the position that driving is a manual labor activity, so employees must be paid for such work if it is for the benefit of the employer. Thus, noncompensable travel should be on a common carrier (train, plane, bus, etc.), or at least that option should be offered to the employee. And if your job is to travel, such as a courier, then almost all travel time is working time. Moreover, if an employee performs work while traveling, that time should be compensated. Preparatory and concluding activities of truck drivers, for example, are compensatory time (*Beovich v. C.G. Gredvig Inc.*, 2 Wage & Hour Cas. 2d (BNA) 539 (D. Ore. 1994)).

[The next page is Tab 400, Page 105.]

**Addendum B
Non-Regulated**

**GRANT COUNTY
ULYSSES, KANSAS**

FINAL

**WORKPLACE
SUBSTANCE ABUSE AND TESTING POLICY
[Non-regulated]**

Originally Adopted: October 1, 2008

Policy Revision Date: February 21, 2012

GRANT COUNTY

Substance Abuse and Testing Policy

I. PURPOSE

As a part of its commitment to safeguard the health of its employees and provide a safe place for its employees to work Grant County (hereinafter "Company") has established this policy on the use or abuse of alcohol and illegal drugs by its employees. Substance abuse, while at work or otherwise, seriously endangers the safety of employees and creates a variety of workplace problems, including increased injuries on the job, increased absenteeism, increased health care and benefit costs, increased theft, decreased morale, decreased productivity, and a decline in the quality of products and services provided by the Company. The Company has established this policy to detect users and remove abusers of alcohol and illegal drugs from the workplace. It is also the policy of the Company to prevent the use and/or presence of these substances in the workplace in accordance with the following guidelines.

Employment with the Company is at-will. Company policies, procedures, and/or employee assistance programs are not intended to create any implied or express contracts, written or verbal, between the Company and its employees, independent contractors, or job applicants. The Company reserves the right to alter any policy, procedure, or program at its discretion and without notice to its employees, independent contractors, or job applicants. The Company creates no promises with any of its policies, procedures, and programs, and remains free to change wages and all other working conditions without having to consult employees or anyone else and without anyone's agreement. The Company reserves the right to terminate an employee with or without cause and to refuse to hire any job applicant, as is consistent with existing law.

II. SCOPE

As a condition of employment, employees are required to abide by the terms of this policy. This substance abuse policy primarily governs actions in the areas of alcohol and drugs. Other Company policies may apply in these areas to the extent that they do not conflict with this policy.

[Certain employees may be subject to additional requirements under state and/or federal regulations.]

III. DEFINITIONS

A. "ILLEGAL DRUGS"

"Illegal drugs" are drugs or controlled substances that are (1) not legally obtainable or (2) legally obtainable but not obtained or used in a lawful or prescribed manner. Examples include, but are not limited to, cocaine, marijuana, opiates, amphetamines, and phencyclidine (PCP) as well as prescription drugs that are not lawfully obtained and/or not properly utilized. The term "illegal drugs" also includes mind-altering and/or addictive substances that are not sold as drugs or medicines but are used for the mind- or behavior-altering effect (e.g. glue, peyote).

B. LEGAL DRUGS

"Legal drugs" are those prescribed or over-the-counter drugs that are legally obtained by the employee and used for the purpose for which they were prescribed and sold.

C. COMPANY PROPERTY

The term "Company Property" includes work sites; parking lots; vehicles; offices owned, rented, utilized or serviced by the Company or by any customer of the Company; employee-owned or employee-rented vehicles on the property of the Company or of any customer of the Company while on Company business; and locations where the employee represents the Company in any capacity.

D. ON DUTY

The term "On Duty" includes all working hours as well as meal periods and break periods, regardless of whether on premises, and all hours when the employee represents the Company in any capacity.

E. COVERED EMPLOYEES

The term "Covered Employees" applies to any employee who is considered safety sensitive.

IV. DRUG USE PROHIBITIONS

- A. The use, sale, purchase, possession, manufacture, distribution or dispensing of illegal drugs on Company property or while on duty is against Company policy and is cause for immediate termination.
- B. It is also against Company policy for any employee to report to work or to work with the presence of illegal drugs in the employee's body. Employees who violate this policy are subject to disciplinary action, up to and including termination.
- C. The use of legal drugs can also affect the safety of the employee, fellow employees or members of the public. Therefore, any employee who is taking any legal drug that might impair safety, performance or any motor function [must advise his or her supervisor before reporting to work under such medication. A failure to do so may result in disciplinary action. Improper use of "legal drugs" is prohibited and may result in disciplinary action up to and including termination].
- D. Refusal to submit to, efforts to tamper with, or failure to pass a drug test will result in disciplinary action, up to and including termination, and/or referral to the Company's EAP.

V. ALCOHOL USE PROHIBITIONS

- A. The consumption, possession or being under the influence of alcohol on Company property or while on duty is prohibited and will result in disciplinary action, up to and including termination. There may be occasions, however, removed from the usual work setting, at which it is permissible to consume alcohol in moderation (e.g., Company picnics, receptions, civic activities, sporting events).
- B. Notwithstanding the exception mentioned above, it is always against Company policy to report to work or to work under the influence of alcohol and such action will result in disciplinary action, up to and including termination.

- C. Employees asked to submit to an alcohol test and the test result is .04 or higher will be considered positive.
- D. Refusal to submit to, efforts to tamper with or failure to pass an alcohol test will result in a disciplinary action, up to and including termination.

VI. TESTING EVENTS

A. PRE-EMPLOYMENT TESTING

1. Applicants will be advised of the Company's pre-employment testing requirements in writing following an offer to hire and prior to referral for a physical and/or drug and/or alcohol testing. Applicants will be asked to sign the Applicant Drug/Alcohol Testing Consent Agreement.
2. All applicants considered final candidates and who have received an offer for a position will be tested for the presence of illegal drugs and/or alcohol and must receive negative test results as a part of the hiring process.

B. RANDOM TESTING

1. All covered employees are subject to random, unannounced drug and/or alcohol testing.
2. Selection of employees for random testing shall be conducted through the use of a computerized random number generator.
3. Random testing will be unannounced and unpredictable; and spread reasonably throughout the calendar year.
4. Employees are required to proceed immediately to the collection site upon notification of testing.
5. Drug and alcohol testing will be conducted anytime an employee is on duty.
6. The list of employees selected will be retained by the DER in a secure location.

C. POST-ACCIDENT TESTING

Employees who are involved in an accident will be tested for the presence of drugs and/or alcohol following an accident or other occurrence that involves one or more of the following covered events: a fatality, an injury to an employee or other individual, or damage to vehicles and/or other property.

D. REASONABLE SUSPICION TESTING

Employees will be required to submit to a drug and/or alcohol testing if reasonable suspicion exists that an employee is violating, or has violated this policy. Any supervisor or employee who believes another employee is violating this policy should report his or her belief to the Designated Employer Representative (DER).

E. FOLLOW-UP TESTING

Any covered employees who have participated in a substance abuse counseling or rehabilitation program and all supervisor referrals due to work performance problems will be subject to unannounced follow-up testing as determined by the Substance Abuse Professional or at the discretion of the Company for a twelve-month period following completion of the program.

F. ADDITIONAL TESTING

Additional testing may also be conducted as required by applicable state or federal laws, rules or regulations, or as deemed necessary by the Company. Upon initial implementation of this substance abuse policy, all current employees will be subject to testing.

VII. TESTING PROCEDURES

1. The Company will determine for which drugs and/or alcohol testing will be performed.
2. Specimen samples will be analyzed by an appropriately licensed or certified laboratory.
3. Employees will be informed of the results by the Designated Employee Representative (DER) or other appropriate Company official.
4. The testing laboratory will report the finding of a confirmed positive test result to a designated Medical Review Officer (MRO). The MRO will contact the employee to verify the positive result. Following the verification of a positive result by the MRO, the Designated Employee Representative (DER) will be informed of the positive test result.
5. An employee may request and receive from the Company a copy of the test result report.
6. If an employee challenges the validity or accuracy of the verified positive result, he/she may appeal, in writing, to the MRO, within three (3) working days of the employee having been notified of the positive result.
7. The employee will be responsible for all costs associated with conducting any requested retest.

VIII. DISCIPLINARY ACTION

- A. Any violation of the Company's substance abuse policy, including a verified positive drug or confirmed alcohol test, will result in discipline up to and including termination.
- B. Any employee engaging in the use, sale, purchase, possession or distribution of drugs or alcohol on duty or on Company property is subject to disciplinary action, up to and including termination.

IX. INVESTIGATION

- A. To ensure that illegal drugs and alcohol do not enter or affect the workplace, the Company reserves the right to search all vehicles, containers, lockers or other items on Company property in furtherance of this policy. Individuals may be requested to display personal property for visual inspection upon Company request.
- B. Failure to consent to a search or to display personal property for visual inspection will be grounds for termination or denial of access to Company premises.
- C. The Company will turn over all confiscated drugs to the proper law enforcement authorities. Further, the Company will cooperate with and may enlist the services of the proper law enforcement authorities in the course of any investigation.

X. ARREST OR CONVICTION FOR DRUG-RELATED CRIME

- A. If an employee is arrested or convicted of a drug-related crime, the Company may investigate the circumstances and Company officials may require a drug test.
- B. As a condition of employment, an employee shall notify the Company's Designated Employee Representative (DER) of any criminal drug statute conviction or for any plea of guilty, nolo contendere or suspended imposition of sentence that has been entered on a criminal drug statute charge. The employee must give notice in writing to the Company within five (5) days of such conviction, plea or imposition.

XI. CONFIDENTIALITY

Results of an applicant's or employee's test for the use of illegal drugs or alcohol shall be remitted to the Designated Employee Representative (DER). In order to effectively address the employees with drug or alcohol problems, it will be necessary for the Designated Employee Representative (DER) to consult with other persons in the process. However, such results may be disseminated only on a need-to-know basis.

Employees are encouraged to approach their supervisor or Designated Employee Representative (DER) at any time with any questions they have about the Company's substance abuse policy as stated herein.

GRANT COUNTY

Announcement of Substance Abuse Policy

Letter to all employees:

Substance abuse is a nationwide issue in all sectors of our lives - and the workplace is no exception. Alcohol and drug abuse have a significant health and safety impact as well as seriously affecting a company's productivity, product quality, health care and workers' compensation costs, and most importantly, the well-being of the most valuable resource - the employees.

As you know, Grant County has always been committed to providing a safe and positive working environment and to looking out for the welfare of our employees. Substance abuse jeopardizes this commitment and undermines the capability of Grant County to provide high quality products and services.

To address this problem, Grant County has developed a policy regarding the illegal use of drugs and abuse of alcohol that we believe best serves the interests of all employees. Our policy formally and clearly states that the illegal use of drugs and the abuse of alcohol will not be tolerated. This policy was designed with two basic objectives in mind:

1. Employees deserve a work environment that is free from the effects of drugs and alcohol and the problems associated with their use; and
2. This Company has a responsibility to maintain a healthy and safe workplace.

I believe it is an important and worthwhile venture that we all work together to make Grant County a drug-free workplace and a safe, rewarding place to work.

NOTE: This policy will take effect on _____ updated on February 21, 2012.
Date

All employees are required to sign the accompanying agreement form, indicating that he/she has read, understood, and will comply with the substance abuse policy, and return it to Supervisor.

Randy McCauley
Designated Person

Road Department Administrator
Designated Person Title

2/21/2012
Date

GRANT COUNTY

Last Chance Acknowledgment

I, _____, request reinstatement or continued employment with Grant County. I understand that my reinstatement to employment is conditional, subject to the following terms.

1. I am participating in and/or have completed an approved rehabilitation program at a licensed, approved facility and will actively comply with any and all follow-up requirements as stated by the program mandates.
2. I understand that any further violation of the substance abuse policy or failure to comply with and complete the follow-up terms of the approved treatment program will result in my immediate termination of employment.
3. I understand the importance of involving (if applicable) my spouse, family or the significant other person in my life in the process of my recovery program.
4. I understand and recognize the importance of communication between; my supervisor and treatment provider regarding performance and compliance issues **ONLY** and specifically consent to such communication.
5. **[I understand the adverse affects of overtime that may impair my recovery and waive my rights to overtime during the period of the Last Chance Acknowledgment.] OPTIONAL**
6. I understand and agree that, as a condition to reinstatement, I am expected to meet all established requirements of the policies and procedures and that I will continue to be subject to established procedures for failure to comply with those standards.
7. I understand that my past conduct and my recovery program require that I may be required to comply with random drug and/or alcohol screening requests and procedures during the period of this Agreement. My failure to comply with this section may result in my immediate termination.
8. I understand that I will be subject to the terms of this Last Chance Acknowledgment for a period of **[twelve (12)]** months from the date of my reinstatement. I understand that compliance with this Last Chance Acknowledgment does not constitute a guarantee of continued employment and that I remain an "at-will" employee.

I understand and agree that my reinstatement and continued employment are conditioned upon my satisfactory compliance with the terms listed above. I have discussed these terms with my supervisor(s) and understand that I will be subject to further disciplinary action, up to and including termination of employment with Grant County, if I fail to comply with the terms and intent of this agreement.

Employee's Name (print): _____

Employee's Signature: _____

Social Security Number: _____

Supervisor's Name (print): _____

Supervisor's Signature: _____

Date: _____

**SUPPLEMENT
DILUTE NEGATIVE DRUG TEST RESULTS**

Grant County

This supplement explains what happens when an employer receives a report from the MRO of a negative dilute specimen and employer options.

A negative dilute specimen (Creatinine 5mg/dl to <20 mg/dl, Specific gravity between 1.001 & 1.003) is a specimen that contains an unusually high level of water concentration. Some of the ways this can occur are outlined below:

1. Donor may consume large amounts of water as part of their regular routine.
2. In the case of "shy bladder" collector may offer extra fluids in order to obtain a specimen.
3. Donor may consume large amounts of water in an effort to intentionally dilute the specimen causing drug concentrations to fall below the cutoff levels.
4. Donor may conceal additional water on their person and add to the specimen in an effort to deliberately dilute the sample.

As an employer you may establish different policies regarding dilute negative specimens based on different types of tests. You have the following options:

- a. Accept a negative dilute specimen as a valid drug test.
- b. Require one recollection of the specimen.

Please mark the different types of tests in which your company will accept a negative dilute specimen or require a repeat test to be performed.

Pre-Employment	_____	Accept Test	_____	Repeat Test
Post-Accident	_____	Accept Test	_____	Repeat Test
Reasonable Cause	_____	Accept Test	_____	Repeat Test
Return to Duty	_____	Accept Test	_____	Repeat Test
Follow-Up	_____	Accept Test	_____	Repeat Test
Random	_____	Accept Test	_____	Repeat Test

1. You must treat all employees the same for this purpose. For example, you must not retest some employees and not others for each test type. Retests should be done as soon as possible and within the same selection quarter.
2. You are required to inform your employees in advance of your decisions on these matters.
3. You must ensure that the employee is given the minimum possible advance notice that he or she must go to the collection site.
4. You must treat the result of the recollected test as the test result of record.

Signature

Title

Date

GRANT COUNTY
108 S. Glenn
Ulysses, Kansas 67880

**APPLICANT AFFIRMATION OF
DRUG & ALCOHOL TESTING CONSENT AGREEMENT**

STATEMENT OF POLICY

Grant County is committed to providing a safe, drug and alcohol-free workplace for all employees and the general public.

Grant County is concerned with the safety and well-being of its employees. Grant County's Drug & Alcohol Testing Program offers a helping hand to those who need it, while sending a clear message that drug or alcohol use **WILL NOT BE TOLERATED!**

It is the policy of Grant County that all applicants, for safety-sensitive positions, who receive a conditional offer of employment, submit to a drug test to document that they are drug free. Refusal to comply with this requirement will be considered the equivalent of receiving a confirmed "positive" result for employment and disqualification purposes. Any applicant who receives a confirmed "positive" drug screen result will have the offer of employment withdrawn and will be subject to disqualification from employment, but will be referred to a Substance Abuse Professional (SAP). If an applicant receives a verified positive drug test result and requests a retest of the split sample, applicant agrees to reimburse Grant County for the cost of the retest \$150.00.

AFFIRMATION OF POLICY

As an applicant for a position, I affirm that I have read and understand the Grant County's Drug & Alcohol Testing Policy Statement of Policy noted above, and I am aware that any offer of employment is conditional upon my taking a drug test and the results thereof. If hired into a position for Grant County, I agree to abide by all provisions of the anti-drug policy as a condition of my continued employment with the Company.

Applicant Name (Please Print)

Applicant Signature

Date

Grant County Representative

Date

GRANT COUNTY CN2636
108 S. Glenn
Ulysses, Kansas 67880

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

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

Employee Name (Please Print)

Employee Signature

Date

Grant County Representative

Date

**Addendum B
FMCSA/DOT**

**GRANT COUNTY
Ulysses, Kansas**

FINAL

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

Originally Adopted: April 29, 2002

Policy Revision Date: February 21, 2012

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APPENDIX

- A. INFORMATION CONCERNING THE EFFECTS
OF ALCOHOL AND CONTROLLED SUBSTANCES
- B. DER AND SERVICE AGENTS
- C. JOB CLASSIFICATION SUPPLEMENT
- D. DILUTE SPECIMEN NEGATIVE INFORMATION

I. GENERAL

A. Purpose

1. The Department of Transportation (DOT), Federal Motor Carriers Safety Administration (FMCSA) requires Grant County, to establish a drug and alcohol testing program designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles. Further, the purpose of this policy is to bring Grant County into compliance with all regulations, which require affirmative actions to eliminate the impact of the use of controlled substances and misuse of alcohol in the workplace.
2. **This policy does not create any contractual rights in favor of employees to whom the Policy is applicable. Nor does this Policy in any way alter the at-will nature of employment or imply that discharge will occur only "for cause".**
3. **Those areas of the policy printed in bold and underlined text reflect Grant County independent authority to require additional provisions with regard to the drug and alcohol testing procedures.**
4. **The presence of controlled substances in the body as well as the use or possession of controlled substances and/or alcoholic beverages while on Grant County property, or in any Grant County vehicle, or on duty, including breaks or lunch, paid or unpaid, on any shift, is strictly prohibited.**
5. Designated Employer Representative: **(Appendix B)** contains the name, address, and telephone number of the Designated Employer Representative (DER). The DER is authorized by Grant County to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer consistent with the requirements of 49 CFR, Part 40.

B. Applicability

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

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

C. Testing Procedures

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

D. Definitions

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

II. PROHIBITIONS

A. Alcohol

1. No driver shall report for duty or remain on duty requiring the performance of safety sensitive functions while having an alcohol concentration of 0.02 or greater.
2. No driver shall use alcohol while performing a safety-sensitive function. This includes beverages containing alcohol or substances containing alcohol including any medication, mouthwash, food, candy, or any other substance that would cause alcohol to be present in the body.
3. No driver shall perform safety-sensitive functions within four hours after using alcohol.
4. No driver required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until a post-accident alcohol test has been administered, whichever occurs first.

B. Controlled Substances

1. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance.
 - a. **ILLEGAL DRUGS:** The use of any illegal drug or any substance identified in Schedules I through V of the Controlled Substance Act is prohibited at all times unless a legal prescription has been written for the substance. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs.
 - b. **LEGAL DRUGS:** The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to a supervisor. In addition, the employee must obtain a written release from a licensed medical practitioner releasing the person to perform their job duties any time they obtain a performance-altering prescription.
 - c. **PRESCRIPTION DRUGS:** A legally prescribed drug means that the employee has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization. The misuse or abuse of legal drugs while performing safety-sensitive functions is prohibited.

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

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

As an employee, you have refused to take a drug test if you:

1. Fail to appear for any test (except pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer
2. Fail to remain at the testing site until the testing process is complete
3. Fail to provide a urine specimen for any drug test required by this part or DOT agency regulations
4. In the case of a directly observed or monitored collection in a drug test, fail to permit the observation or monitoring of the provision of a specimen
5. Fail to provide a sufficient amount of urine when directed and it has been determined through a required medical evaluation, that there was no adequate medical explanation for the failure
6. Fail or decline to take an additional drug test the employer or collector has directed you to take
7. Failing to undergo a medical examination when required
8. Failing to cooperate with any part of the testing process
9. For an observed collection, fail to follow the observer's instructions to raise and lower clothing above the waist, lower clothing and underpants, and turn around to permit the observer to determine if you have a type of prosthetic or other device that could be used to interfere with the collection process

10. Possess or wear a prosthetic or other device that could be used to interfere with the collection process
11. Admit to the collector or MRO that you adulterated or substituted the specimen
12. Fail to provide an adequate amount of saliva or breath for any alcohol test required by this part or DOT agency regulations
13. Fail to provide a sufficient breath specimen, and the physician has determined through a required medical evaluation, that there was no adequate medical explanation for the failure
14. Failing to sign Step 2 of the alcohol testing form
15. The employee refuses to wash his or her hands -- after being directed to do so

For Pre-employment Tests, the Following Are NOT Refusals

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

III. TESTS REQUIRED (DOT PANEL)

A. Pre-employment testing

1. Any applicant offered a safety sensitive position or an employee transferring to a safety sensitive position must first take a pre-employment drug test. This applicant or employee must receive a verified negative test result before performing any safety sensitive function. Details of pre-employment testing and exemptions can be found in 49 CFR Part 382.301.
2. Grant County must request alcohol and controlled substances information from previous employers in accordance with the requirements of 49 CFR Parts 40 382.413 and 391.23 (e).
3. Applicants offered a safety sensitive position and employees transferring to a safety sensitive position must sign release of information forms allowing Grant County to receive alcohol and controlled substances information from previous employers.

B. Post-accident testing

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

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

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

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

C. Random testing

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

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

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

D. Reasonable suspicion testing

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

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

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

E. Return-to-duty testing

Details of the return-to-duty testing process can be found in 49 CFR Part 40, Subpart O.

F. Follow-up testing

Details of the follow-up testing process can be found in 49 CFR Part 40, Subpart O.

IV. HANDLING OF TEST RESULTS, CONFIDENTIALITY

A. Access to records

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

V. CONSEQUENCES FOR DRIVERS ENGAGING IN PROHIBITED CONDUCT

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

1. General. Compliance with this drug testing policy is a condition of employment. Refusal to take a required drug test or failure of a drug test shall result in removal from performing safety sensitive functions. Additional disciplinary action up to and including termination may result.
2. Prohibitions On Use. Grant County will remove from performing a safety sensitive function any employee who:
 - a. Fails a drug test as verified by the Medical Review Officer (MRO), or
 - b. Refuses to take a drug test required by this policy. (See Section II.C.)
3. Required Referrals and Evaluation. Any applicant or employee who fails or refuses a drug test will be referred to a Substance Abuse Professional (SAP) for evaluation and treatment.
4. An employee may be given an opportunity to retain his or her employment, provided they first do the following:
 - a. Have been evaluated by a SAP, and
 - b. Have completed the recommended evaluation/rehabilitation program successfully, and
 - c. Receive a verified negative test result on a return-to-duty test

B. Retesting of Drug Positive Samples

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

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

1. General. Compliance with this alcohol testing policy is a condition of employment. Refusal to take a required alcohol test or failure of an alcohol test will result in removal from performing safety sensitive functions. Additional disciplinary action up to and including termination may result.
2. Refusal and Prohibited Conduct. Grant County will remove from performing a safety sensitive function any employee who:
 - a. Has a confirmed alcohol test result of 0.02 or higher but less than 0.04. This driver must be removed from duty for a minimum of 24 hours. This is not a positive test requiring a SAP referral
 - b. Fails an alcohol test with a confirmed result of 0.04 or higher, or
 - c. Refuses to take an alcohol test required by this policy (See Section II.C.)
3. Required Referrals and Evaluation. Any employee who fails or refuses an alcohol test will be referred to a Substance Abuse Professional (SAP) for evaluation and treatment.
4. An employee may be given an opportunity to retain his or her employment, provided they first do the following:
 - a. Have been evaluated by a SAP, and
 - b. Have completed the recommended evaluation/rehabilitation program successfully, and
 - c. Receive a verified negative test result on a return-to-duty test

- D. All costs associated with the evaluation and rehabilitation program are the responsibility of the employee.
- E. Employees should consult their health insurance policy for extent of nervous, mental and substance abuse coverage.
- F. A second positive test whether drug or alcohol or the equivalent will result in immediate termination of employment.
- G. Additional Requirements

Grant County may impose such additional disciplinary actions as they deem appropriate. This may include removal from performing covered functions, suspension (with or with out pay), and even termination.

APPENDIX A

ALCOHOL AND CONTROLLED SUBSTANCES USE SUPPLEMENT

A. Why you should get involved:

1. Although Grant County has no history of substance abuse problems, we recognize that substance abuse, alcoholism and alcohol misuse are problems throughout America.
2. There are three good reasons why you should be concerned if any of your co-workers are using drugs or alcohol on the job.
 - a. Your health and safety may be at risk.
 - b. Substance abuse and alcohol misuse costs you money.
 - c. Substance abuse and alcohol misuse creates a negative work environment.
3. According to the National Institute on Alcohol Abuse and Alcoholism, drug and alcohol use on the job costs society an estimated \$102 billion a year. Since most of this cost is passed on to you in the form of higher health insurance rates or in consumer prices, drug and alcohol use on the job costs you and your fellow workers a significant amount of money.
4. Absenteeism among problem drinkers or alcoholics is 3.9 to 8.3 times greater than normal. If your fellow workers don't come to work, you may have to do their jobs in addition to your own.
5. Workers who use drugs and/or misuse alcohol don't function at their full potential. Not only is absenteeism a problem, when they are at work these employees may have reduced capabilities and productivity.
6. No matter what your position is in the organization, there is something you can do to ensure that drug and alcohol use on the job never becomes a problem at the company. Acceptance of any misuse puts you, this company, and the public at risk.
7. Workers who use alcohol and other drugs affect everyone. Studies show that compared to alcohol and drug-free workers, substance abusers are far less productive, miss more workdays, are more likely to injure themselves or someone else, and file more workers' compensation claims.
8. The measurable dollar costs of workplace substance abuse from absenteeism, overtime pay, tardiness, sick leave, insurance claims, and workers' compensation can be substantial. However, the hidden costs resulting from diverted supervisory and managerial time, friction among workers, damage to equipment, and damage to the company's public image means that workplace substance abuse can further cut profits and competitiveness.
9. Alcohol can also destroy relationships, lead to serious problems with the law (e.g., drunk driving), and even cause harm to the people you love.
10. If taking drugs and drinking affects your work life, it could lead to job loss and all the financial problems that would follow.

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

Alcohol

1. Alcohol is a central nervous system depressant. Taken in large quantities, it causes not only the euphoria associated with being drunk, but also adversely affects your judgment, ability to think, and your motor functions. Drink enough alcohol fast enough and it can kill you.
2. Long term overuse of alcohol can cause liver damage, heart problems, sexual dysfunction, and other serious medical problems.

3. In some cases, alcohol use can lead to physical and psychological dependence on alcohol. Alcoholism is a serious chronic disease. Left untreated it will inevitably get worse.

Marijuana

1. Marijuana is a central nervous system depressant. It causes a feeling of euphoria, increased sense of well being, lack of motivation, lowered inhibitions, talkativeness, dry mouth and throat, increased appetite, impaired coordination, concentration and memory, and increased heart rate.
2. Long term use may result in deteriorating work performance, "burn out" involving muddled thinking, acute frustration, depression, and isolation, impaired sexual development and fertility, including production of abnormal sperm and menstrual irregularities, damage to the lungs and pulmonary system, hallucinations and paranoia, increased risk to safety and health as a result of impaired judgment and motor abilities.
3. Prolonged use of marijuana often results in psychological dependence for the user. Moreover, marijuana is considered a "gateway" drug. Casual users of marijuana often become chronic users, or become abusers of "harder" drugs.

Cocaine

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

Amphetamines/Methamphetamines

1. Amphetamine is a central nervous system stimulant. It causes feelings of alertness and euphoria, increases heart rate and blood pressure. It dilates the pupils of the eyes, decreases appetite, enables the user to go without sleep for relatively long periods of time, and causes distorted thinking.
2. Use causes dizziness, headaches, blurred vision, sweating, loss of coordination, tremors, convulsions, physical collapse, anorexia and malnutrition resulting from decreased appetite. It causes sudden blood pressure increases from injections resulting in fever, stroke, or heart failure, nervousness, irritability, drastic mood swings, hallucinations, paranoia, physical collapse, and brain deterioration; overdose or continued heavy use can be fatal.
3. Amphetamines are addictive both physically and psychologically. Following the use of amphetamines, many users experience a "crash" which is often counteracted by taking more of the drug, creating an increasingly difficult pattern to break.

Opiates

1. Opiates are central nervous system depressants. The physical effects of opiates depend on the opiate used, the dose, and how the drug is taken. Effects may include: short lived state of euphoria, followed by drowsiness, slowed heart rate, breathing, and brain activity, depressed appetite, thirst, reflexes, and sexual desire, and increased tolerance for pain.
2. The most common dangers associated with opiate misuse are: AIDS, blood poisoning, and hepatitis as the result of drug injection and use of un-sterilized or "shared" needles, death resulting

from the injection of impure heroin, death resulting from an unexpectedly high purity of the drug, convulsions, coma, or death from overdose.

3. Opiates, particularly heroin, have an unusually high potential for abuse and addiction. Heroin addiction often leads to malnutrition, infection and unattended injuries and diseases. Addicts tend to continue using the drug despite damaging physical and psychological consequences.

Phencyclidine (PCP)

1. PCP is a central nervous system stimulant. The physical effects of PCP include: altered states of consciousness, disorientation, confusion, and memory loss; highly unpredictable, and sometimes bizarre or even violent behavior; extreme agitation; impaired driving ability and increased tolerance to pain.
2. The most common dangers of PCP use are mental changes resembling schizophrenia, severe depression, and loss of learning abilities and violent and other "intoxicated": behaviors resulting in bodily harm or death.
3. Physical dependence on PCP has been documented and may be accompanied by memory loss, violence, weight loss, and paranoia. Symptoms of withdrawal include headaches, intense cravings for the drug, increased need for sleep, and "flashbacks" for a period of years.

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

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

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

- Poor physical coordination/slow reactions and slurred speech
- The odor of marijuana smoke in the area
- Hand tremors or unsteady walking
- Dilated or constricted pupils
- Disorientation/unusual restlessness
- Combative behavior, loud arguing or fighting
- The presence of drug paraphernalia and/or observing the employee ingest, inject, smoke, or inhale (snort) a prohibited substance
- Work performance problems, including a deterioration in quality and/or quantity of work
- Problems with attendance such as tardiness and increasing absenteeism
- Increased accidents and injuries
- Poor judgment and difficulty in concentration
- Personality changes, including aggressiveness, mood changes, fearful or paranoid behavior
- Negligence in personal hygiene or pale or sickly complexion
- Social withdrawal, including isolation, overreaction to criticism, and lack of eye contact
- Emotional changes such as noticeable signs of anxiety or depression, paranoia, or excessive laughing

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

1. Outpatient programs exist in a variety of settings:

- a. Community mental health centers
- b. Full service agencies
- c. Private physicians' and therapists' offices
- d. Occupational settings
- e. Specialized alcoholism treatment facilities

2. Inpatient services, designed for those with more serious problems, can be found in hospitals, residential care facilities, community halfway houses, and some alcoholism clinics.

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

- Al-Anon / Al-Ateen
1-800-356-9996
- Narcotics Anonymous
1-818-773-9999

GRANT COUNTY
108 S Glenn
Ulysses, Kansas 67880

APPENDIX B GRANT COUNTY

DRUG AND ALCOHOL TESTING PROGRAM PERSONNEL AND SERVICES

1. DESIGNATED EMPLOYER REPRESENTATION (DER)

Primary Contact

Randy McCauley
108 S Glenn
Ulysses, Kansas 67880
620-356-4837

Secondary Contact

Sheila Brown
108 S Glenn
Ulysses, Kansas 67880
620-356-4837

2. LOCAL COLLECTION SITE

Gerstberger Medical Clinic
301 E. Grant
Ulysses, Kansas 67880
620-356-2432

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

3. MEDICAL REVIEW OFFICER (MRO)

Sanford E. Pomerantz, M. D.
515 S. Kansas Ave., Suite 301
Topeka, Kansas 66603
Local: 1-785-291-9162
Toll-Free: 1-888-842-0348

4. CERTIFIED LABORATORY

MEDTOX
402 West County Road D
St. Paul, Minnesota 55112
Toll-Free: 1-800-832-3244

5. EMPLOYEE ASSISTANCE PROGRAM (EAP) REFERRAL FOR SUBSTANCE ABUSE PROFESSIONAL (SAP)

Employee Assistance
Local 1-785-575-9343
Toll-Free: 1-800-999-1196

GRANT COUNTY
108 S Glenn
Ulysses, Kansas 67880

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

(JOB CLASSIFICATIONS/TITLES)

County employee position descriptions that require a Commercial Drivers License (CDL) and are subject to alcohol and drug testing.

- a. Public Works Administrator
- b. Road & Bridge Foreman
- c. Operator
- d. Operator II
- e. Mechanic
- f. Shop Foreman
- g. Road & Bridge Truck Driver
- h. Transfer Station Manager
- i. Truck Driver/Transfer Station Operator
- j. Noxious Weed Equipment Operator
- k. Traffic Control Supervisor
- l. County Surveyor

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

GRANT COUNTY
108 S Glenn
Ulysses, Kansas 67880

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

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

Employee Name (Please Print)

Employee Signature

Date

Grant County Representative

Date

**SUPPLEMENT
DILUTE NEGATIVE DRUG TEST RESULTS**

Grant County

**This supplement explains what happens when an employer receives
a report from the MRO of a negative dilute specimen and employer options.**

A negative dilute specimen (Creatinine 5mg/dl to <20 mg/dl, Specific gravity between 1.001 & 1.003) is a specimen that contains an unusually high level of water concentration. Some of the ways this can occur are outlined below:

1. Donor may consume large amounts of water as part of their regular routine.
2. In the case of "shy bladder" collector may offer extra fluids in order to obtain a specimen.
3. Donor may consume large amounts of water in an effort to intentionally dilute the specimen causing drug concentrations to fall below the cutoff levels.
4. Donor may conceal additional water on their person and add to the specimen in an effort to deliberately dilute the sample.

As an employer you may establish different policies regarding dilute negative specimens based on different types of tests. Under 49 CFR, Part 40 Section 40.197, you have the following options:

- a. Accept a negative dilute specimen as a valid drug test.
- b. Require one recollection of the specimen.

Please mark the different types of tests in which your company will accept a negative dilute specimen or require a repeat test to be performed.

Pre-Employment	_____	Accept Test	_____	Repeat Test
Post-Accident	_____	Accept Test	_____	Repeat Test
Reasonable Cause	_____	Accept Test	_____	Repeat Test
Return to Duty	_____	Accept Test	_____	Repeat Test
Follow-Up	_____	Accept Test	_____	Repeat Test
Random	_____	Accept Test	_____	Repeat Test

1. You must treat all employees the same for this purpose. For example, you must not retest some employees and not others for each test type. Retests should be done as soon as possible and within the same selection quarter.
2. You are required to inform your employees in advance of your decisions on these matters.
3. You must ensure that the employee is given the minimum possible advance notice that he or she must go to the collection site.
4. You must treat the result of the recollected test as the test result of record.
5. You are required to follow the provisions regarding negative dilute specimens as outlined under Section 40.197 of 49 CFR Part 40.

Signature

Title

Date

**GRANT COUNTY KANSAS
INJURY / ACCIDENT / EXPOSURE REPORT
(Please Type or Print)**

EMPLOYEE: YES _____ **NO** _____ **INJURY** _____ **NEAR MISS** _____ **DATE OF REPORT** _____

NAME: _____ **DATE OF BIRTH** _____ **AGE** _____

PHONE NUMBER: _____ **DEPARTMENT:** _____

INCIDENT DATE: _____ **TIME:** _____ **LOCATION:** _____

DISCRPTION OF INJURY/INCIDENT: (What happened?) _____

CAUSE OF INJURY/INCIDENT (Why did it happen?) _____

EXTENT OF INJURY: _____

WHAT SHOULD BE DONE TO PREVENT RECURRENCE? _____

WAS HOSPITALIZATION REQUIRED: YES _____ **NO** _____ **WAS WORKMAN'S COMP. FILED?** _____

NAME OF HOSPITAL: _____

ATTENDING PHYSICIAN: _____

SUPERVISORS DESCRIPTION OF WHAT WAS DONE: _____

NAME (S) OF WITNESSES: _____

REPORT PREPARED BY: _____ **DATE:** _____

EMPLOYEE SIGNATURE: _____ **JOB TITLE** _____

SUPERVISOR'S SIGNATURE _____

This report is to be completed by the involved employee's supervisor or department supervisor within 24 hours of the incident. This report does not replace K-WC Form A. This report needs to be turned into the County Clerk.

ATTENTION

EMPLOYERS ARE REQUIRED TO PROVIDE THIS FORM TO EACH INJURED WORKER

OMBUDSMAN/CLAIMS ADVISORY

DIVISION OF WORKERS COMPENSATION
800 SW JACKSON STREET STE 600
TOPEKA KS 66612-1227

TOLL FREE 1-800-332-0353

If you were hurt on the job and have any questions about Workers Compensation benefits contact the Ombudsman/Claims Advisory Section at the Kansas Division of Workers Compensation. The Division of Workers Compensation has full-time personnel who specialize in aiding injured workers with claim information and problems. They can give information about benefits an injured worker may be entitled to receive. They can help try to solve problems with benefits not being paid on time, with medical treatment, with unpaid medical bills, with questions about how to figure settlement amounts, etc. Assistance in Spanish is available at the Division of Workers Compensation.

WHAT TO DO IF AN ACCIDENT OCCURS ON THE JOB:

1. Tell your employer that you were hurt on the job.
2. Follow your employer's instructions on getting medical aid and follow the doctor's instructions.
3. Within 200 days of the date of accident or the date of last payment of compensation for disability or authorized medical care, tell your employer **in writing** that you expect workers compensation benefits for your injury. Your employer might know you were hurt and compensation may be paid, however, you could lose all rights to future compensation if you do not tell the employer **in writing**. This is called a "**Written Claim.**" Written claim may be served in person by taking it to the employer and getting a receipt for it or by mailing it to the employer by certified mail, return receipt requested. The post office receipt for the certified letter is generally sufficient proof that you sent written claim.

AVERAGE WEEKLY WAGE: A worker's "average weekly wage" is calculated by adding together the **base wage**, the **average weekly overtime** and the **weekly value of fringe benefits** that have been discontinued.

WEEKLY BENEFITS: Benefits are paid by the employer's insurance carrier or self-insurance program. Injured workers are not entitled to compensation for the first week they are off work unless they lose three consecutive weeks. The first compensation payment is normally due at the

WRITTEN CLAIM FOR COMPENSATION

In order to protect your rights for possible future workers compensation benefits, a written claim must be filed with your employer within 200 days after one of the following:

- (1) The date of accident.
- (2) The last compensation paid.
- (3) The last approved medical treatment.

An accident report filed with the Division of Workers Compensation IS NOT a written claim.

Employee's Receipt

(Do not send to the Kansas Division of Workers Compensation Office)

I hereby acknowledge receipt of written claim:

Employer's Signature _____ Date Received: _____

Employee's name: _____

Date of alleged accident: _____

KEEP TOP HALF FOR YOUR RECORDS

LEAVE BOTTOM HALF WITH EMPLOYER

WRITTEN CLAIM FOR COMPENSATION

Date: (month/day/year) _____

To (employer): _____

Street: _____ City: _____ State: _____ Zip: _____

You are herewith informed that I claim compensation in accordance with the Workers Compensation laws of Kansas by reason of an accident which arose out of and in the course of my employment with you on or about (date: month/day/year) _____

Signature (worker making claim): _____ Social Security No.: _____

Street: _____ City: _____ State: _____ Zip: _____

EMPLOYER INSTRUCTION: Please forward this claim to your workers compensation insurance carrier or to your self-insurance claim processing office.

Federal Privacy Act Disclosure Section 7(a)(2)(B)

The mandatory requirement that social security number be included in forms filed with the Division of Workers Compensation is permitted by Section 7(a)(2)(B) of the Federal Privacy Act of 1974, since our regulations which require its disclosure were in existence before January 1, 1975. The number is used as a means of identifying all the various records in the Division of Workers Compensation pertaining to an individual.

The use of social security numbers is made necessary because of the large number of applicants who have similar names and birth dates, and whose identities can only be distinguished by the social security number.

GRANT COUNTY KANSAS

RISK MANAGEMENT (SAFETY) POLICY STATEMENT

GRANT County recognizes that its employees are its most valuable asset.

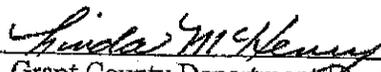
GRANT County is dedicated to managing the risks (safety) to its employees and citizens while providing services for the community. Recognizing that accidents and injuries will inevitably occur, the county considers no accident or injury to be acceptable, and will make every effort to identify, and address all loss exposures.

The Risk Management (Safety) Committee is empowered to make decisions concerning all operations of the county that effect the safety, and well-being of employees, elected officials, citizens, and the financial well-being of GRANT County.

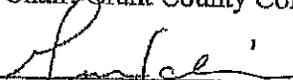
Every employee and elected official will adhere to the policies and practices established by the Risk Management (Safety) Committee.



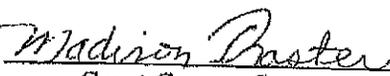
Chair, Grant County Commission



Grant County Department Head



Grant County Commission



Grant County Commission

Date of Issuance: January 21, 2003

GRANT COUNTY SAFETY COMMITTEE BYLAWS

SECTION 1: CREATION, MEMBERSHIP: OFFICERS

There is hereby created a GRANT COUNTY SAFETY COMMITTEE which shall consist of no less than five (5) members appointed by the Grant County Commissioners (*to two year staggered terms*). The Safety Committee membership shall consist of one (1) elected department head, two (2) appointed department heads, and no less than two (2) other members who are employees of Grant County agencies or departments. *At the discretion of the Grant County Commissioners, members may be appointed to succeeding terms.* A regular election of officers shall be held each year during the month of November. The Safety Committee shall elect from their membership one (1) Chairperson, one (1) Vice-Chairperson, and one (1) Recording Secretary. The Grant County Emergency Management/Work Safety Coordinator shall serve as an ad hoc advisor. New members will be appointed at the October meeting, and start their term(s) in January.

SECTION 2: PURPOSES

The Safety Committee has two primary purposes: (1) to study general safety issues as they relate to Grant County employees (and facilities), and (2) to review reportable accidents and incidents which involve a Grant County employee (s) (or visitors to Grant County facilities); in an effort to determine if specific training and/or the purchase of equipment is likely to reduce the frequency and /or severity of similar accidents or incidents. The Safety Committee will report its findings to the Grant County Commissioners. **THE SAFETY COMMITTEE WILL IN NO MANNER DETERMINE CULPABILITY OR RECOMMEND DISCIPLINARY ACTION.**

SECTION 3: MEETING; QUORUM

The Safety Committee shall hold quarterly meetings at a minimum, with the second Wednesday of the month being designated; and such other special meetings as a majority of the Committee may deem necessary. Safety Committee Meetings shall be the members present for a quorum to conduct official business. Meeting shall be recorded in a manner which the presiding officer deems appropriate. The Safety Committee may review a reportable accident or incident at either a regularly scheduled meeting or at a meeting specifically called for said review.

**SECTION 4: REPORTABLE ACCIDENT OR INCIDENT: SUPERVISORS'S
RESPONSIBILITIES**

Any accident or incident which involves injury to an on-duty Grant County Employee, to the extent that a WORKERS COMPENSATION REPORT is filed; (or injury which is likely to require professional medical services to any person visiting a Grant County facility); or any accident or incident, involving an on-duty Grant County employee, which results in damage to property to the apparent extent of five hundred dollars (\$500) or more shall be deemed a reportable accident or incident and shall be subject to review by the Safety Committee. (When a Grant County employee is involved,) The employee's supervisor shall insure that a Grant County EMPLOYEE STANDARDIZED INJURY /PROPERTY DAMAGE REPORT is completed. (Any Grant County employee who has personal knowledge that a visitor to a Grant County facility has been injured while on the premises is authorized to author a GRANT COUNTY STANDARDIZED INJURY/PROPERTY DAMAGE REPORT: All completed GRANT COUNTY STANDARDIZED INJURY/PROPERTY DAMAGE REPORTs shall be forwarded to Grant County Emergency Management/Work Safety Office within twenty-four (24) hours of the accident or incident. **IN EVERY EVENT WHERE THE EMPLOYEE IS LIKELY TO SEEK PROFESSIONAL MEDICAL SERVICES, THE EMPLOYEE'S SUPERVISOR SHALL INSURE THAT THE GRANT COUNTY CLERK IS NOTIFIED BY THE QUICKEST MEANS OF COMMUNICATION AVAILABLE.**

Approved 11-12-2008

Safety Mission Statement

The mission of the Grant County Safety Committee is to make its facilities as safe as possible for the employees and people of the community. The main focus is to prevent or reduce accidents and injuries to individuals. This will be accomplished by reviewing past information and finding ways to prevent or lessen the chance of occurrence and by providing health and safety education to employees.

BE SURE to get ALL THE FACTS when investigating an accident!

Remember to discuss:

WHO was injured?

WHAT was he/she doing?

WHEN did it occur?

WHERE did it occur?

WHY did it happen? Was there an unsafe act or unsafe condition?

HOW he/she was injured?

Below is listed a POOR example of a description of an accident. After the poor description is a GOOD example of a description of an accident.

POOR Employee inhaled ammonia gas when passing a leaking discharge pipe of an ammonia compressor and bruised his shoulder.

GOOD An employee was working in the Refrigeration Department, jumped back when he smelled leaking ammonia and "struck against" an unguarded flywheel on a circulating pump, resulting in a severe "shoulder bruise." The guard had not been replaced by this man even though he had received instructions on numerous occasions.

DO NOT USE VAGUE TERMS WHEN DESCRIBING AN ACCIDENT - i.e., employee was careless or carefree. Be explicit about what happened.

REMEMBER when an employee has been hurt the SUPERVISOR should:

1. Get the facts (from injured employee, witnesses, accident site, etc.)
2. Get all the causes (remember: all accidents have causes--they do not just happen). Causes can be:
 - a. Unsafe acts (committed by someone);
 - b. Unsafe conditions (dangerous conditions which could cause accidents, i.e. tripping hazards, poor housekeeping, defective stairs, railings, etc.).
3. Take corrective action (i.e. instruction, discipline or job placement if it was an unsafe act - or if the accident was an unsafe condition, fix it, report it or highlight it).

Good Example

**GRANT COUNTY
INJURY / ACCIDENT / EXPOSURE REPORT
(Please Type or Print)**

EMPLOYEE: YES NO INJURY Yes NEAR MISS DATE OF REPORT 02/02/2004

NAME: John Doe DATE OF BIRTH 08/17/54 AGE 50

PHONE NUMBER: 620-356-0000 DEPARTMENT: Road and Bridge

INCIDENT DATE: 02/02/2004 TIME: 10:10 AM LOCATION: shop area at Road and Bridge

DISCRPTION OF INJURY/INCIDENT: (What happened?) George was working on a vehicle and had a wrench on a bolt trying to loosen the bolt. While pulling on the wrench, it slipped off and flew over toward John, who was assisting George, and hit John's right wrist.

CAUSE OF INJURY/INCIDENT (Why did it happen?) Bolt was tight and hands were slick. Wrench slipped out of Georges hand, striking John's right wrist.

EXTENT OF INJURY: Bones broken above wrist on right hand.

WHAT SHOULD BE DONE TO PREVENT RECURRENCE? Use lubricant to loosen bolt and use gloves or make sure hands and tools are not slick. Hold onto fool better.

WAS HOSPITALIZATION REQUIRED: YES NO WAS WORKMAN'S COMP. FILED? Yes

NAME OF HOSPITAL: Bob Wilson Grant County Memorial Hospital

ATTENDING PHYSICIAN: Dr. Know, Ulysses Family Physicians

SUPERVISORS DESCRIPTION OF WHAT WAS DONE: After incident John was taken to Bob Wilson Hospital to check out wrist. Hospital took x-rays and applied cast to wrist.

NAME (S) OF WITNESSES: George Jones

REPORT PREPARED BY: George Jones and John Doe DATE: 2/2/2004

EMPLOYEE SIGNATURE: _____ JOB TITLE: Mechanic

SUPERVISOR'S SIGNATURE _____

This report is to be completed by the involved employee and/or department supervisor within 24 hours of the incident. This report does not replace K-WC Form A. This report needs to be turned into the County Clerk.

Bad
Example

**GRANT COUNTY
INJURY / ACCIDENT / EXPOSURE REPORT
(Please Type or Print)**

EMPLOYEE: YES NO INJURY Yes NEAR MISS DATE OF REPORT 02/02/2004

NAME: John Doe DATE OF BIRTH 08/17/54 AGE 50

PHONE NUMBER: 620-356-0000 DEPARTMENT: Road and Bridge
INCIDENT DATE: 02/02/2004 TIME: 10:10 AM LOCATION: shop area at Road and Bridge
DISCRPTION OF INJURY/INCIDENT: (What happened?) Wrench hit John in arm.

CAUSE OF INJURY/INCIDENT (Why did it happen?) not watching

EXTENT OF INJURY: broken wrist.

WHAT SHOULD BE DONE TO PREVENT RECURRENCE?

WAS HOSPITALIZATION REQUIRED: YES NO WAS WORKMAN'S COMP. FILED? Yes

NAME OF HOSPITAL: Bob Wilson Hospital

ATTENDING PHYSICIAN: Dr. Know, Ulysses Family Physicians

SUPERVISORS DESCRIPTION OF WHAT WAS DONE:

NAME (S) OF WITNESSES:

REPORT PREPARED BY: George Jones and John Doe DATE: 2/2/2004

EMPLOYEE SIGNATURE: _____ JOB TITLE: Mechanic

SUPERVISOR'S SIGNATURE _____

This report is to be completed by the involved employee and/or department supervisor within 24 hours of the incident. This report does not replace K-WC Form A. This report needs to be turned into the County Clerk.

**MANDATED SAFETY TRAINING
FOR GRANT COUNTY EMPLOYEES
THE GRANT COUNTY SAFETY COMMITTEE IS SUBMITTING
THE FOLLOWING RECOMMENDED TOPICS AND
TIME FRAMES FOR GRANT COUNTY EMPLOYEES**

<u>Course Topic</u>	<u>Length of Class</u>	<u>Frequency</u>	<u>Audience</u>
Recognition Level Training of OSHA Required Standards Including Blood Borne Pathogens, Energy Control, Personal Protective Equipment, Confined Space, Biohazards, Work Place Violence Fire Extinguisher	1 hour	Annually	All Employees that would be involved with these conditions
General Worksite Safety & Lifting Procedures	1 Hour	annually	All Employees
Hazmat Awareness (minimum)	4 Hour	annually	Commissioned Sheriff's Officers and Dispatchers, EMS, Public Works Fire Department, & Health Department
First Aid & CPR	8 Hour	as required	All Employees
Defensive Driving	4 Hour	as required	All Employees who may or will drive County vehicles

Mandated safety training will be conducted in "on Duty" status and when possible, be conducted in the EOC/Training Room in the basement of the Grant County Courthouse. Classes will be scheduled in coordination with the department head in order to minimize disruption of the regular operation of the department. When practical, multi-session scheduling will be used to allow supervisors discretion in assigning personnel.

Safety committee members are encouraged to attend scheduled training sessions "on duty" in order to become familiar with the training program after gaining their respective supervisors approval.

Departments which offer equivalent training may train "in house" and will not be required to assign personnel to the respective mandated safety classes. For other mandated safety courses the Emergency Management/Work Safety Coordinator will arrange for training and instructor.

New employees will be required to attend the mandated Safety training as soon as practical, and no more than twelve (12) months after acceptance of employment.

The list of mandated safety topics will be evaluated annually and will be subject to modification for the following years training cycle. The Emergency Management/Work Safety Office will provide other safety training for specific departments at the request of the department head.

Exempting EMS, Fire, Public Works, and the Sheriff's Department safety training records of other county employees will be maintained by the Emergency Management/Work Safety Office.

**SAFETY COMMITTEE
FEED-BACK SURVEY**

The Grant County Safety Committee solicits feed-back from Department Heads regarding the recommendations assigned to this report. Please take a minute to complete the form and return it to the Grant County Emergency Management & Work Safety Office within ten days.

EMPLOYEE NAME: _____

DEPARTMENT: _____

DATE OF INCIDENT: _____ **DATE OF REVIEW:** _____

1. Based upon your knowledge of the circumstances surrounding the referenced incident, was the committee recommendation appropriate? Yes () No ()

2. If not appropriate, what do you believe the committee should have recommended? _____

3. If recommended, have corrective measures been initiated?
Yes () No ()

4. What measures, activities, or actions can the Safety Committee undertake to assist you and members of your department to provide workplace safety? _____

5. Optional Comments:

Department Head Signature

Date

GRANT COUNTY PERSONNEL POLICIES & PROCEDURES

SUBJECT: DONATION OF ACCUMULATED SICK LEAVE		
EFFECTIVE DATE: August 1, 2006	REVISION DATE:	PAGE NO. 1 OF 2
APPROVED BY THE BOARD OF COMMISSIONERS OF GRANT COUNTY, KANSAS:		
BOARD CHAIRMAN: <i>Madison Plaster</i>		<i>8-1-06</i> (DATE)
BOARD MEMBER: <i>Marty E. Long</i>		<i>8-1-06</i> (DATE)
BOARD MEMBER: <i>Carl Huggins</i>		<i>8-1-06</i> (DATE)

Purpose

To allow county employees to donate accumulated sick leave to fellow employees under the following terms and conditions.

Eligibility

Any person in the full time employment of Grant County continuously for more than one year, who is in good standing, and who has exhausted all available accrued sick and personal leave time is eligible to receive donated sick leave.

Limitations

1. Donated sick leave shall be used only for serious conditions that render the recipient employee temporarily and totally disabled from gainful employment as certified by a physician.
2. The recipient employee shall not be entitled to use donated sick leave until seven (7) calendar days following the exhaustion of all previously accumulated sick and personal leave time.
3. Sick leave shall be donated in hourly increments of no less than seven (7) hours per donation and no more than a total of twenty-four (24) hours per donation. This is an hour for hour donation and is not tied to individual salaries.
4. All donated sick leave will be credited to the recipient's record and deducted from the donor's record to a maximum of thirty (30) days.
5. Recipients who will require more than thirty (30) days of donated leave time must contact their immediate supervisor or department head and inform them of the need to continue past the thirty (30) day timeframe.

6. Donations for the same condition will be accepted no more than three (3) times for a possible maximum donation of ninety (90) days sick leave.
7. An employee who has turned in notice to leave Grant County employment is no longer eligible to donate sick leave.

Procedure

1. An employee seeking sick leave donations will complete a Sick Leave Donation Request form. This form is available from the County Clerk.
2. The completed form, with a return to work date, must be returned to the department head.
3. The department head will forward the form to the County Clerk.
4. The County Clerk will present the form to the Grant County Board of Commissioners. The GCBC has the authority to approve or disapprove the request for donated time. Decisions of the GCBC are final.
5. An employee wishing to donate accumulated sick leave, will fill out a Sick Leave Transfer – Donor Application and forward it to the County Clerk's office for processing.
6. The County Clerk's office will determine if all donated time has been used by the recipient employee, which will result in a leave without pay situation.

SICK LEAVE DONATION REQUEST

Employee Requesting Sick Leave Donation:

Name (Typed or Printed)

Department

To be eligible for donated sick leave, you must be a full time employee of Grant County of more than one year, in good standing, and have exhausted all available sick and personal leave time.

Do you meet the above criteria? _____

Describe the serious condition that renders you temporarily and totally disabled from employment:

A physician's verification may be requested.

What is the return to work date? _____

By requesting a donation of sick leave, the circumstances of your health condition will need to be made known. By signing below, you are giving permission to Grant County to discuss your need for donated time and to explain to fellow employees your need for donated time. These explanations will be kept brief and will provide only the information necessary to make an informed decision.

Signature of Employee Requesting Donation
Department Head (or designee) sign and date _____ Date _____

Return this form to the County Clerk's Office

Grant County Board of Commissioners Approve _____ Denied _____

Chairperson Date _____

Member Date _____

Member Date _____

SICK LEAVE TRANSFER - DONOR APPLICATION

Instructions: Use this form to request the transfer of earned annual sick leave to an approved leave recipient. After completion, forward it to the County Clerk's Office.

1. Name of Donor (Last, First, Middle Initial)

2. Department

Sick leave shall be donated in hourly increments of no less than seven (7) hours per donation and no more than a total of twenty-four (24) hours per donation. This is an hour for hour donation and is not tied to individual salaries. All donated sick leave will be credited to the recipient's record and deducted from the donor's record to a maximum of thirty (30) days.

3. Number of Hours to be Transferred

4. Name of Recipient

5. Department

CERTIFICATION OF VOLUNTARY DONATION: I certify that I am making this donation entirely of my own free will and that no attempts have been made to coerce me to donate sick leave. I understand that except for any leave unused by the recipient, I have no right under any circumstances (including a medical emergency of my own) to have any of the donated leave restored.

Signature of Donor

Date