

County of Franklin, Missouri  
**Personnel Policy Manual**

---

*For the Offices of the:*

- Assessor
- Auditor
- Building
- Collector of Revenue
- County Clerk
- County Commission
  - Emergency Management
  - Health Department
  - Information Systems/Geographic Information/911 Addressing
  - Public Works – Highway, Building, and Planning & Zoning
- Human Resource
- Maintenance
- Municipal Court
- Purchasing
- Prosecuting Attorney
  - Child Support
- Public Administrator
- Recorder of Deeds
- Sheriff
- Treasurer

EFFECTIVE JUNE 16, 2020  
REVISED JULY 7, 2020  
REVISED AUGUST 11, 2020  
REVISED OCTOBER 13, 2020  
REVISED OCTOBER 20, 2020  
REVISED NOVEMBER 09, 2021  
REVISED FEBRUARY 01, 2022  
REVISED AUGUST 16, 2022  
REVISED OCTOBER 25, 2022  
REVISED FEBRUARY 7, 2023

**Franklin County Officeholders**

Assessor .....	Dawn Mentz
Auditor .....	Angela Gibson
Collector of Revenue .....	Doug Trentmann
Presiding Commissioner .....	Tim Brinker
Commissioner, District 1 .....	Todd Boland
Commissioner, District 2 .....	Dave Hinson
County Clerk .....	Tim Baker
Prosecuting Attorney .....	Matthew Becker
Public Administrator .....	Mary Jo Straatmann
Recorder of Deeds .....	Lisa Smart
Sheriff .....	Steven Pelton
Treasurer .....	Debbie Aholt

**Franklin County is an Equal Opportunity Employer.**  
**In compliance with the Americans with Disabilities Act, the county will provide**  
**reasonable accommodations to qualified individuals with disabilities.**

**Table of Contents**

<b>CHAPTER 1</b>	<b>GENERAL PROVISIONS.....PAGE 1</b>
Section 1-1	- Purpose
Section 1-2	- Applicability
Section 1-3	- Responsibility
<b>CHAPTER 2</b>	<b>DEFINITIONS.....PAGE 4</b>
<b>CHAPTER 3</b>	<b>GENERAL EMPLOYMENT POLICIES.....PAGE 8</b>
Section 3-1	- At-Will Employment
Section 3-2	- Open Communications Policy
Section 3-3	- Equal Employment Opportunity
Section 3-4	- Anti-Harassment and Non-Discrimination Provisions
Section 3-5	- Provisions Pertaining to Employees with Disability
Section 3-6	- Immigration Law Compliance
Section 3-7	- Employment of Relatives
Section 3-8	- Outside Employment
Section 3-9	- Conflict of Interest
<b>CHAPTER 4</b>	<b>APPLICANTS AND ORIENTATION.....PAGE 14</b>
Section 4-1	- Employment Applications
Section 4-2	- Criminal Record Checks/Pre-employment
<b>CHAPTER 5</b>	<b>EMPLOYMENT STATUS AND RECORDS.....PAGE 16</b>
Section 5-1	- Employment Status
Section 5-2	- Personnel Records
Section 5-3	- Personnel Data Changes
Section 5-4	- Performance Evaluations
Section 5-5	- Position Descriptions and Classification Specifications
Section 5-6	- Transfers
<b>CHAPTER 6</b>	<b>COMPENSATION.....PAGE 20</b>
Section 6-1	- Compensation
Section 6-2	- Overtime and Compensatory Time
Section 6-3	- Salary Payment to Exempt Employees
Section 6-4	- Payroll Deductions

**CHAPTER 7                   WORK SCHEDULE AND ATTENDANCE.....PAGE 24**

- Section 7-1           -     Work Schedules and Attendance
- Section 7-2           -     Recording Work Hours
- Section 7-3           -     Attendance and Punctuality
- Section 7-4           -     Weather-Related Emergency Closings

**CHAPTER 8                   HOLIDAYS.....PAGE 26**

- Section 8-1           -     Eligibility
- Section 8-2           -     Designation of Holidays
- Section 8-3           -     Payment of Holidays
- Section 8-4           -     General Conditions

**CHAPTER 9                   LEAVE.....PAGE 29**

- Section 9-1-a         -     Eligibility
- Section 9-1-b         -     Paid Time Off (PTO) Days Accrual Schedule
- Section 9-1-c         -     Leave of Absence without Pay
  
- Section 9-2           -     Catastrophic Illness Leave Philosophy
- Section 9-2-a         -     Carry Over of Paid Time Off (PTO)
- Section 9-2-b         -     Health Care Provider Statement
- Section 9-2-c         -     Unused Catastrophic Illness Leave
- Section 9-2-d         -     Other Employment
- Section 9-2-e         -     Catastrophic Illness Leave and Other Leave Time
  
- Section 9-3           -     Special Leave

**CHAPTER 10                 FAMILY AND MEDICAL LEAVE ACT.....PAGE 36**

- Section 10-1         -     Purpose
- Section 10-2         -     Responsibility
- Section 10-3         -     Policy Statement
- Section 10-4         -     Eligibility Requirements
- Section 10-5         -     Determination of 12-Month Period
- Section 10-6         -     Coordination of Paid Leave
- Section 10-7         -     Leave Provisions for Spouses Both Working for Franklin County
- Section 10-8         -     Advance Notice
- Section 10-9         -     Medical Certification
- Section 10-10        -     Leave Taken Intermittently or on a Reduced Leave Schedule
- Section 10-11        -     Job Benefits and Protection
- Section 10-12        -     Reinstatement

**CHAPTER 11                   EMPLOYEE CONDUCT AND  
GENERAL WORK RULES.....PAGE 40**

- Section 11-1                   -       Employee Conduct
- Section 11-2                   -       Termination for Cause
- Section 11-3                   -       Personal Appearance
- Section 11-4                   -       Use of Telephone and Mail Systems
- Section 11-5                   -       Acceptable Use of Computer and Electronic Equipment
- Section 11-6                   -       Solicitation
- Section 11-6-a                -       Campaign and Speech Activity
- Section 11-7                   -       Smoking
- Section 11-8                   -       Safety
- Section 11-9                   -       Drug Free Workplace Act
- Section 11-10                 -       Workplace Violence

**CHAPTER 12                   SEPARATION OF EMPLOYMENT.....PAGE 55**

- Section 12-1                   -       Employment at Will
- Section 12-2                   -       Retirement
- Section 12-3                   -       Reduction in Workforce/Layoff
- Section 12-4                   -       Payment upon Employment Separation
- Section 12-5                   -       Return of County Property

**CHAPTER 13                   WORKER’S COMPENSATION.....PAGE 57**

## **Chapter 1**

# **GENERAL PROVISIONS**

- **Purpose**
- **Applicability**
- **Responsibility**

## Section 1-1 Purpose

The purpose of this manual is to provide the framework for the uniform application of personnel policies and procedures which affect employment with the County of Franklin, Missouri (hereinafter defined as the "County" or "Franklin County"). These policies and procedures were developed and approved by Franklin County elected officials and ratified by the County Commission in order to provide the terms and conditions of employment for all County employees, interns and volunteers.

These policies are not intended to be a contract between the County, or any elected officials thereof and its employees and does not create contractual rights for employees. The County reserves the right to revise, supplement or rescind any policies or any portion of the manual from time to time as it deems appropriate. Any revisions to the existing policies will be approved by the County Commission.

Employees will be notified of any changes to the manual as they occur.

## Section 1-2 Applicability

The provisions of this manual cover County employees working for the following elected offices in the following departments:

- Assessor
- Auditor
- Collector of Revenue
- County Clerk-Voter Registration
- County Commission
- Health Department
- Prosecuting Attorney (including Child Support)
- Public Administrator
- Recorder of Deeds
- Sheriff
- Treasurer
- Highway (when not in conflict with contract)
- Human Resources
- Emergency Management Agency and 911 Dispatching
- Building Department
- Maintenance Department
- Planning and Zoning (including GIS)
- Purchasing
- Municipal Court

Employees who are members of an authorized and accepted bargaining unit and covered by a separate contract may also be covered by this manual. However, if there is a conflict between the information contained in this manual and the contract, the provisions of the contract will prevail for bargaining unit employees.

## Section 1-3 Responsibility

Each elected official will be responsible for the proper administration of these policies and will retain the authority for making employment decisions affecting employees in their office or department including hiring, promotion, transfer, demotion, discipline and termination. This manual will not be construed as limiting in any way the power and authority of any elected official to make operating departmental rules and regulations governing the conduct and performance of employees. However, departmental rules and regulations should not conflict with provisions of this policy manual.

Any office or department may have internal operating procedures necessary for the efficient operation of such office or department and to regulate the particular needs of such office or department so long as such procedures and policies are not in conflict with this policy. Any policy of an office or department which is in conflict with this policy shall be of no effect. A copy of all department or office policies shall be filed with Human Resources and County Clerk and shall be included as addendums to this policy.



## Chapter 2

# DEFINITIONS

The following words and phrases will have the meanings indicated throughout these policies except where the content clearly indicates otherwise.

Anniversary Date	See "Date of Employment"
Appointing Authority	The elected official or designee of the elected official or any person having the power by virtue of state law or other lawfully delegated authority to make appointments to positions in the County service.
Appointment	The designation to a position in the County of service of a person who has qualified for the appointment through an appropriate selection process.
Break in Service	An employee shall be considered to have a break in service when such employee misses five (5) or more work days while in an unpaid status between the transitions from part-time or temporary status prior to attaining full employment status. In addition, an employee shall be considered to have had a break in service if he or she transfers from one department or office to another and as a result of such transfer is unemployed and is in an unpaid status by Franklin County for five (5) or more days. A break in service shall also occur if an employee leaves the employment of Franklin County and is in an unpaid status for five (5) or more day sand returns to the same office or department thereafter. If a break in service occurs an employee's Date of Employment shall be the date upon which the employee returns to work.
Classification	The original assignment of a position to an appropriate class on the basis of the nature, difficulty, and responsibility of work to be performed, work experience and minimum education.
Classification Specification	A written statement of the characteristic duties, responsibilities and qualification requirements of class.
Compensatory Time	Time off given in lieu of payment of overtime to non-exempt employees.
Complaint Manager	The Director of Human Resources or the Prosecuting Attorney.
County Commission	The duly elected governing body of Franklin County, Missouri or a designee when appropriate.
County Employee	An employee who is employed by and serves under the direction and at the will of an elected official.
Date of Employment	The date an employee begins processing after an offer of employment has been made and accepted.
Date of Termination	The date an employee separates from employment.
Demotion	The voluntary or involuntary movement of an employee from one pay grade having a lower maximum salary rate.
Department Head	An appointed administrator, a manager, or director who reports directly to an elected official, or officials who is entrusted with the overall direction of an office or department and who makes decisions.

Elected Official	A duly elected official of Franklin County, Missouri or a designee when appropriate.
Exempt Employee	An employee who is exempted from the provision of the Fair Labor Standards Act (FLSA) by the Act or who is not covered by the Act, particularly as it relates to overtime.
Immediate Family	Immediate family means the employee's spouse, parent, sibling, or child.
Layoff	Employment separation made necessary by lack of work or funds or other reasons not related to fault, delinquency, or misconduct on the part of an employee.
Non-Exempt Employee	An employee who is covered by the provision of the Fair Labor Standards Act (FLSA), particularly as related to overtime.
Overtime	Any time worked in excess of that required in the "standard work cycle" for a given position. For the purposes of this policy, the standard work cycle for the covered employees shall be 37 ½ hours per week. Non-exempt employees who work more than 37 ½ hours per week shall receive additional compensation at the rate of 1 ½ times the employee's normal hourly rate for all time worked in excess of 40 hours. Exempt employees shall not be entitled to overtime pay or compensatory time. (See Section 6-5 regarding Overtime and Compensatory Time for Law Enforcement Personnel).
Position	A group of current duties and responsibilities assigned or delegated by competent authority, requiring the full-time, part-time, or temporary employment of one person.
Pay Grade	A salary range within a minimum and maximum rate of pay.
Position Description	A written statement of the characteristic duties, responsibilities, and qualification requirements of a position.
Promotion	The movement of any employee from a position or class of a pay grade to a position of another pay grade having a higher salary rate.
Resignation	A voluntary employment separation initiated by the employee.
Retirement	A voluntary employment separation initiated by the employee who meets age requirements of the LAGERS retirement program established by the State of Missouri as such currently exists or may hereafter may be modified by the State of Missouri and who has at least ten (10) years of service with Franklin County.
Serious Health Condition	All illness, injury, impairment (physical or mental) that involves inpatient care in the hospital, hospice, residential, medical facility or continuing treatment by a health care provider, as defined by the Family and Medical Leave Act of 1993.
Supervisor	Supervisor means an individual with the authority to assign, direct, and review the work of two or more subordinates and, as used in this policy the term "supervisor" shall also include each elected official and department head.

Transfer	The movement of an employee from one department, division, or unit of the county government to another or from one position to another position or class of the same pay grade.
Vacancy	A duly created position which is not occupied and for which funds have been provided.
Worked	For the purposes of overtime compensation and compensatory time calculation the term "worked" shall mean the employee is actually performing duties for Franklin County and is not absent or in a leave status, whether authorized or not.
Year	A calendar year unless otherwise specified in a particular section.

## **Chapter 3**

# **GENERAL EMPLOYMENT POLICIES**

- **At-Will Employment**
- **Open Communications Policy**
- **Equal Employment Opportunity**
- **Anti-Harassment and Non-Discrimination Provisions**
- **Provisions Pertaining to Employees with Disability**
- **Immigration Law Compliance**
- **Employment of Relatives**
- **Outside Employment**
- **Conflict of Interest**

### Section 3-1 At-Will Employment

Employment with Franklin County is at-will. Employees are free to resign at any time, for any reason, with or without cause or notice. Similarly, Franklin County, or any elected official thereof, may terminate the employment relationship of any employee under their supervision at any time, for any reason, with or without cause or notice.

Policies set forth in this manual are not intended to create a contract, expressed or implied, guaranteeing employment for a specific duration, nor are they to be construed to constitute contractual obligations of any kind of a contract of employment between Franklin County and any of its elected county officials and any of their employees.

### Section 3-2 Open Communications Policy

Franklin County elected officials believe that when employees deal openly and directly with supervisors, the work environment can be excellent, communications can be clear, and attitudes can be positive. Therefore, employees are strongly encouraged to voice concerns openly and directly to their elected County officials or supervisors to resolve any misunderstandings or conflicts before serious problems develop. If a situation persists that an employee believes is detrimental to them or to the county, they should discuss it with their immediate supervisor, department head, or elected official in order to work out a satisfactory solution to the problem.

### Section 3-3 Equal Employment Opportunity

Franklin County and its elected officials provide equal employment opportunities to all employees and applicants for employment without regard to race, color, religion, sex, national origin, sexual orientation and/or gender identity, age, and disability, status as a Vietnam-era or special disabled veteran in accordance with applicable federal and state laws. This policy applies to all terms and conditions of employment, including, but not limited to: hiring, placement, promotion, termination, layoff, recall, and transfer, leaves of absence, compensation, and training.

### Section 3-4 Anti-Harassment and Non-Discrimination Provisions

#### (a) Policy Statement

Franklin County and its elected officials are committed to providing a work environment that is free from all forms of discrimination, including freedom from sexual harassment. Actions, words, jokes, or comments based on an individual's race, color, religion, sex, national origin, sexual orientation and/or gender identity, age, and disability status, or any other legally protected characteristic will not be tolerated.

It is against the policy of Franklin County for any employee to sexually harass another employee by:

- 1) Making acceptance of unwelcome sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature a condition of continued employment.
- 2) Making submission to or rejection of such conduct the basis for employment decisions affecting the employee; or
- 3) Creating an intimidating, hostile, or offensive working environment by such conduct.

#### (b) Responsibility.

All employees are encouraged to assist in the development and maintenance of a work environment free from discrimination and respecting the rights of their coworkers and the rights of citizens with whom they come into contact. Any supervisor or employee who becomes aware of unlawful harassment must notify

the Director of Human Resources. In the event the allegations of harassment involve an elected official, such conduct should be reported to the County Commission. Franklin County will not retaliate against any employee who files a good faith complaint pursuant to this policy.

- (c) Franklin County's elected officials will act positively to investigate alleged sexual or other unlawful harassment claims and to promptly and effectively remedy them when an allegation is determined to be valid. The following complaint procedure should be followed if an employee experiences any job-related harassment based on race, color, religion, sex, national origin, sexual orientation and/or gender identity, age, and disability, or believe that they have been treated in an unlawful, discriminatory manner. Any complaint will be kept confidential to the maximum extent possible. Anonymous complaints may not be investigated.
- 1) The employee should confront his/her harasser directly, unless such confrontation would be futile or inappropriate.
  - 2) The employee should report any incident to the Director of Human Resources, who will investigate the matter and take appropriate action, including reporting it to the next level of management or their elected official or department administrator.
  - 3) The employee shall prepare a written complaint, including identification of all witnesses and supporting documents. During the investigation, the accused may be placed on administrative leave.

An internal grievance procedure has been adopted to provide for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations which implement Title II of the Americans with Disabilities Act. Complaints should be filed with the Human Resources Department.

- I. A complaint should be filed in writing, containing the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
- II. A complaint should be filed within 30 calendar days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination which occurred before this grievance procedure was in place will be considered on a case-by-case basis.
- III. An investigation, as may be appropriate, will follow a filing of a complaint and will be conducted by the Human Resources Department. These rules contemplate informal but thorough investigations, affording all interested person and their representatives, if any, an opportunity to submit evidence relevant to a complaint. Under the Department of Justice regulation, the County is not required to process complaints from applicants for employment.
- IV. A written determination as to the validity of the complaint and a description of the resolution, if any, will be issued by the Human Resources Department and a copy forwarded to the complainant no later than fifteen (15) working days after its filing.
- V. The Human Resources Department will maintain the files and records of the County relating to the complaints filed.
- VI. The right of a person to a prompt and equitable resolution of the complaint filed hereunder will not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.
- VII. These rules will be construed to protect the substantive rights of interested person who meet appropriate due process standards, and to assure what the County complies with the ADA and implementing regulations.

d) Consequences of Harassment

Sexual or other unlawful harassment is a form of employee misconduct that is demeaning to another person, undermines the integrity of the employment relationship, and is strictly prohibited. If it is determined that an employee is guilty of harassing another individual, appropriate disciplinary action will be taken against the offending employee by their elected official or department head, up to and including termination of employment.

Any form of retaliation against any employee for filing a bona fide complaint under this policy or for assisting in a complaint investigation is strictly prohibited. However, if after investigating any complaint of harassment or unlawful discrimination, it is determined that the complaint is not bona fide or that employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint or who gave the false information.

Section 3-5 Provisions Pertaining to Employees with Disability

Franklin County complies with the Americans with Disabilities Act (ADA) and does not discriminate against qualified individuals with disabilities in regard to job application procedures, hiring, or discharge of employees, employee compensation, advancement, job training, and other terms, conditions, and privileges of employment. No qualified individual with a disability will, because of such disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in county programs or activities.

Franklin County will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. Qualified individuals with disabilities may make requests for reasonable accommodation to the Non-Discrimination Coordinator, the Director of Human Resources. Any employee who believes this policy has been violated may file a complaint pursuant to the Grievance Procedure, supra.

Section 3-6 Immigration Law Compliance

Franklin County employs only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin. In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Form I-9 and present documentation establishing identity and employment eligibility to Human Resources Department, prior to beginning their first day of employment. Former employees who are rehired must also complete the form if they have not completed an I-9 with Franklin County within the past three (3) years, or if their previous I-9 is no longer retained or valid.

Section 3-7 Employment of Relatives

Elected officials and department heads will exercise sound judgment in the placement of related employees in accordance with Article VII, Section 6 of the Missouri Constitution and the following guidelines:

- (a) A County employee may not appoint or promote any person over whom the employee exercises jurisdiction or control who is a member of the immediate family of the employee. That is, no employee is permitted to work within the "chain of command" of a relative such that one relative's work responsibilities, salary or career progress could be influenced by the other relative.
- (b) No relatives shall be hired or shall be permitted to work in the same department if the hiring of such relative would result in relatives being within the direct "chain of command" of one another. For purposes of this section "chain of command" shall mean the relationship between employees whereby



one employee has either direct supervision over another employee or the employee is directly involved in the evaluation or evaluation review of another employee. Relatives are also precluded from being hired into any other position in which an inherent conflict of interest may exist or would be in violation of any provision of the Missouri Constitution or Missouri law.

- (c) If a relative relationship is established after appointment in which there is a coworker or supervisor-subordinate relationship, the appropriate elected official or department head will determine if a conflict or potential conflict may arise and if it is necessary to transfer one of the employees.
- (d) For purposes of this section, "family member or relative" is a spouse, child, parent, sibling, grandparent, grandchild, aunt, uncle, first cousin, or corresponding in-law or "step" relation and individuals who are not legally related but who reside with another employee. This policy applies to all categories of employment, including full-time, part-time, and temporary classification.
- (e) Employees who marry or become members of the same household may continue employment as long as there is not:
  - (1) A direct or indirect supervisor/subordinate relationship between such employees; or
  - (2) An actual conflict of interest or the appearance of a conflict of interest.

Should one of the above situations occur, the County shall attempt to find a suitable position within the County to which one of the affected employees may be transferred. If a combination of the nature is not feasible, the employees will be interviewed to determine which one of them will resign.

### Section 3-8 Outside Employment

It is the policy of the County of Franklin to allow its employees to engage in outside work or hold other jobs, subject to certain restrictions as outlined below and within any limits established by the County's insurance carrier. Any like service performed by an employee who involves the use of any County property, equipment or vehicle for private compensation is deemed to be a direct conflict of interest and shall not be allowed. In addition, any outside activity or job which has the appearance of a conflict of interest shall also be prohibited. Any outside employment which adversely affects job performance and the ability to fulfill all responsibilities to the County as determined by the Elected Official or Department Head will be considered a conflict of interest.

### Section 3-9 Conflict of Interest

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in personal gain for that employee or for a relative due to business dealings with the County. The purpose of these guidelines is to provide general directions so that employees can seek further clarification on issues related to the subject of acceptable standards of operation.

- (a) All employees will be subject to the conflict of interest provisions of Sections 105.452 and 105.454 RSMo., in effect as of the date this policy is adopted and as such sections may from time to time be amended.
- (b) No County employees may derive personal financial gain resulting from any purchase of goods or services by the County.
- (c) No County employee may use or disclose confidential information obtained in the performance of County business.

- (d) No County employee will hold a financial interest in a firm, institution, corporation or other establishment supplying goods or services to the County.
- (e) No County employee will have a direct or indirect financial interest in any contract or in the sale of the County of land, materials, supplies, or services, except on behalf of the County as an officer or employee.
- (f) No County employee will be employed in any capacity with a firm, institution, corporation, or other establishment supplying goods or services to the County when that capacity means the possession, direct or indirect, of the powers to direct or cause the direction of the management and policies of the organization.

## **Chapter 4**

# **APPLICANTS AND ORIENTATION**

- **Employment Applications**
- **Criminal Record Checks/Pre-Employment**

#### Section 4-1 Employment Applications

Franklin County relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. All applications shall be signed and the truth of the statements contained therein certified by signature. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in exclusion of the individual from further consideration for employment, or if the person has been hired, termination of employment.

#### Section 4-2 Criminal Record Checks/Pre-employment

Criminal Records checks will be conducted prior to the conditional offer of employment with respect to all applicants for positions with the County. Employees and applicants may have their applications rejected or be subject to dismissal if a background check reveals a criminal conviction that has a bearing on the work to be performed for the County or if they pose a risk of harm or loss to the public. Applicants may also be required to submit to a fitness-for-duty examination and/or a drug test after receiving an offer of employment.

## **Chapter 5**

# **EMPLOYMENT STATUS AND RECORDS**

- **Employment Status**
- **Personnel Records**
- **Personnel Data Changes**
- **Performance Evaluations**
- **Position Descriptions and Classification Specifications**
- **Transfers**

## Section 5-1 Employment Status

For purposes of salary administration, eligibility for compensatory time or overtime payments and employee benefits, each employee will belong to one of the employment categories listed below, which is noted on his/her job description. In addition to these categories, each employee will be designated as either NONEXEMPT or EXEMPT from federal state wage and hour laws (For more information refer to Section 6-2. Overtime and Compensatory Time). Employees will be informed of their initial employment category and of their status as exempt or nonexempt by their department supervisor.

### (a) Introductory Period

All new and rehired employees will work on an introductory basis for the first 60 days after their date of hire, unless extended. Introductory employees are not entitled to benefits except mandatory items such as Workers Compensation, Social Security, potentially CERF and/or LAGERS Benefits and holiday pay. If a full time employee successfully completes the introductory period s/he becomes eligible for health care benefits on the first day of the following month (i.e. on the first day of the month following 60 days of employment).

### (b) Full-Time Employees

Full-time employees are those who are not in a seasonal or temporary status and who are regularly scheduled to work at least thirty seven and ½ (37.5) hours per week. Full-time employees are eligible for the county's benefit package, including paid leave and fringe benefits.

### (c) Part-Time Employees

Part-time employees are those who are not assigned a seasonal or temporary status and who are regularly scheduled to work less than thirty (30) hours per week.

#### (1) Part-time Employees with Limited Benefits

Part-time employees with limited benefits are those who are not in a temporary status and who are assigned to a budgeted position that is scheduled to work 20-29 hours per week (for a cumulative total of at least 1000 hours per year). Such employees may be exempt or nonexempt from overtime requirements. Employees in this category are eligible for PTO on a pro rata basis, rounded up to the nearest half day, LAGERS, and CERF retirement benefits. However, they are ineligible for all other fringe benefits including health, dental, and life insurance.

#### (2) Part-Time Employees without Benefits

Part-time employees without benefits are those who are not in a temporary status and who are assigned to a budget position that is scheduled to work less than 1,000 hours in a continuous 12 month period. Such employees may be exempt or nonexempt from overtime requirements. Employees in this category are eligible to receive all legally mandated benefits (such as worker's compensation insurance and Social Security), but they are ineligible for all other county benefit programs except for "holiday pay" if the holiday falls on the day the employee is regularly scheduled to work.

### (d) Temporary or Seasonal Employees

Temporary and/or seasonal employees are those who are hired on the county's payroll to work on a full-time or part-time basis as interim replacements; to temporarily supplement the work force; or to assist in the completion of a specific project. Such employees may be exempt or nonexempt from overtime requirements. Employment assignments in this category are of a

limited duration normally not to exceed four (4) consecutive months. While temporary employees receive all legally-mandated benefits (i.e. workers' compensation insurance and Social Security), they are ineligible for all the county's other benefits.

(e) Internships

Interns are college students who, for a maximum of four (4) consecutive months, are employed by the County through a college or university internship or cooperative education program for college credit. Internships may be paid or non-paid. While paid interns receive all legally-mandated benefits (i.e. workers' compensation insurance and Social Security), they are ineligible for all the County's other benefit programs.

Section 5-2 Personnel Records

(a) Confidential Personnel File

Franklin County maintains a confidential personnel file on each County employee, which is the property of Franklin County. Personnel files will be maintained by the Director of Human Resources. An employee's personnel file includes such information as the employee's job application, resume, emergency contacts, and records of training and educational accomplishments, performance evaluations, and letters of recommendation, records of disciplinary actions, salary information and other employment records. Personnel files are the property of the County and will be maintained for a minimum of three (3) years after termination of each employee. Medical information, including benefits records, will be kept confidential in a separate location from the personnel file.

(1) Confidentiality

Personnel files are not open to public inspection. Only personnel authorized by the elected official, department head and those persons authorized in writing by the affected employee who have a legitimate reason to review the personnel file are allowed to do so. Further, disclosure will be made pursuant to Court Order or to an investigatory agency pursuant to State and/or Federal law.

(2) Inspection by Employees

Employees may inspect their own personnel records. Such an inspection must be requested in advance and at a mutually convenient time scheduled by the authorized personnel or department representative. Employees must review their own personnel files in the presence of this representative. Employees may not remove documents in their personnel file.

(3) The Director of Human Resources will respond to all reference check inquiries from other prospective employers by providing only dates of employment, title(s), and wage rates.

(b) Payroll Records

Payroll and retirement records are maintained by the Human Resources Director for each County employee. Payroll records contain information such as employees' names, positions, addresses, salaries, tax deductions, garnishments, etc. In accordance with RSMo 610.023, these records are open to the public unless specified otherwise by federal or state law. However, due to the sensitive nature of employees' personal and payroll information, this information will only be released or communicated to other County employees (except for legitimate business reasons) and the public, if a written request is received from the individual requesting the information and it is approved by the Director of Human Resources, and County Clerk. A reasonable fee, not to exceed the actual

cost of document search and duplication may be assessed. Request for Records forms are available in the County Clerk's office.

### Section 5-3 Personnel Data Changes

It is the responsibility of each employee to insure that the information contained in his or her personnel file is current and accurate by notifying Human Resources Director's Office of any changes in personal data as soon as possible after the change occurs. Personal mailing addresses, telephone number and names of dependents, individual to be contacted in the event of an emergency, educational accomplishments, and other such status reports should be accurate and current at all times.

### Section 5-4 Performance Evaluations

#### (a) Purpose.

The purpose of performance evaluations is to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

#### (b) Responsibilities.

The Director of Human Resources may maintain and ensure timely completion of employee performance evaluation forms for employees in departments under the direction of the County Commission and as designated by other County elected officials.

#### (c) Procedure.

An annual performance evaluation will be completed by the employee's supervisor and discussed with the employee. Each employee will be asked by their supervisor to sign the appraisal form after it has been discussed with them. Performance evaluations will become a part of an employee's confidential file.

### Section 5-5 Position Descriptions and Classification Specifications

Written position descriptions or classification specifications are required for all County positions. All descriptions will be approved by the Elected official or department head and acknowledged by the employee who is occupying the position by signing the document at the time of appointment to any new position. Position descriptions must be developed and contain the following information.

(a) Position title, department name, pay grade, FLSA status, and title of the position's supervisor;

(b) Purpose of the position;

(c) Essential and non-essential duties and responsibilities of the position;

(d) Minimum training and experience required to perform the essential job functions of the position.

### Section 5-6 Transfers

A transfer of employees between offices or departments shall be permitted if agreed to by the heads of both offices, in writing. Transfer will not result in a break in service.



## **Chapter 6**

# **COMPENSATION**

- **Compensation**
- **Overtime and Compensatory Time**
- **Salary Payment to Exempt Employees**
- **Payroll Deductions**

Section 6-1 Compensation

Employees of Franklin County shall be compensated according to a payroll plan prepared by the Department of Human Resources and approved by the County Commission with a schedule of pay grades consisting of a salary range with a minimum, middle and maximum rate of pay for each position or classification.

(1) Pay Rates.

(a) Hiring Rate of Pay

The normal starting rate for new employees will normally be the minimum rate of the pay grade. If budgeted funds are available, an appointing authority may offer higher than the minimum rate if the candidate's education and/or experience exceed the minimum qualifications for the position. Hiring rates above the minimum rate require advance approval from the County Commission.

(b) Advancement within Salary Range

An employee may receive pay increases on an annual basis as the applicable authority deems appropriate. Increases are contingent on the following factors:

- (1) Budget approval by the County Commission;
- (2) At least six months of continuous service has elapsed since the employee was hired, promoted or demoted;
- (3) The increase will not exceed the maximum rate for the grade; and
- (4) The Elected Official or department head certifies that the employee has achieved the required level of performance and has recommended, in writing, advancement to the next higher rate.

(c) Emergency Communications/911 Personnel

An employee in Emergency Communications 911 shall receive a night shift differential of \$2.00 per hour during a regularly scheduled nonovertime shift occurring between the hours of 6:30 p.m. and 6:30 a.m. Night shift differential is part of an employee's base pay rate.

(2) Payday.

All County employees are paid on a biweekly basis (every other Friday). Employees will be paid via direct deposit, and will be provided an earnings statement. Authorized and required payroll deductions will be made and reflected on the employee's earnings statement each pay period.

Section 6-2 Overtime and Compensatory Time

It is the responsibility of each supervisor to develop methods and procedures to maximize productivity and reduce or avoid the need for overtime. It is the responsibility of each employee to work as efficiently as possible to accomplish his or her job duties during regularly scheduled work hours. The officeholder or department administrator must approve all overtime in advance. In the event a department, agency or office is eligible for grant funds which are dedicated to be used for overtime compensation, the selection of which employees are to be utilized to fulfill the needs for which the grant is intended, shall be up to the appropriate elected official/department head. For the purpose of meeting the goals of such grants any employee selected to work under the requirements of the grant shall be allowed credit as time worked for any authorized time off during the grant term when calculating eligibility for overtime payment under such grant.

When operating requirements or other needs cannot be met during regular working hours, the following provisions will apply to employees who are required to work overtime hours.

(a) Work Week Defined

The Fair Labor Standards Act (FLSA) establishes overtime requirements for employees who are covered by the Act. The work week will cover a fixed period of seven (7) consecutive days, beginning Sunday at 12:01 a.m. and ending on the following Saturday at Midnight, unless otherwise specified in writing to employees by the department's elected official.

(b) Compensatory Time

The FLSA allows government employees to provide FLSA compensatory time (comp time) off in lieu of monetary overtime compensation. Non-exempt employees (refer to paragraph (d) FLSA Non-Exempt Positions) will earn FLSA comp time or overtime pay for all overtime worked in excess of 40 hours during a work week at a rate equal to 1 ½ times the employee's normal rate.

Any person appointed to a non-exempt County position will be informed of the requirement of this section (i.e. compensatory time in lieu of cash payment for overtime worked) and agreement is a condition of employment.

The use of compensatory time must be approved by the employee's supervisor. All FLSA compensatory time must be used within four (4) weeks from when it was earned. Notwithstanding the foregoing, all FLSA compensatory time for employees of the Highway Department must be used within six (6) months from when it was earned, and all compensatory time earned by an employee of the Sheriff's Office assigned as a School Resource Officer shall be utilized by August 14 following the end of the school year. It is the responsibility of the department head or elected official to insure that the employee is given the opportunity to utilize earned FLSA comp time. Any earned FLSA compensatory time which is not utilized within said four (4) weeks, or six (6) months in the case of Highway Department workers or by August 14 following the end of the school year in the case of School Resource Officers, from when it was earned shall be paid at a rate equal to 1 ½ times the employee's normal rate.

(c) Payment of Overtime

Employees transferring to other departments within the County will be paid for all earned FLSA compensatory time at their previous rate of pay from the previous department's budget prior to transferring so that any employee who transfers will have a "zero" balance for overtime and/or comp time as of the date of transfer. Upon termination of employment, any employee who has unpaid overtime or unused comp time shall be paid the appropriate sum at their final regular rate of pay.

Notwithstanding anything contained herein to the contrary, employees of the Sheriff's Office who are working Traffic Enforcement Overtime shall be paid at two (2) times the employee's normal rate for all overtime worked.

(d) FLSA Exempt Positions

Exempt employees generally fall into three (3) categories as defined by the FLSA: executive, administrative, and professional. These employees are exempt from the overtime provisions of FLSA. All exempt employees as defined by the FLSA will be paid on a salary basis and are not entitled to receive compensatory time for hours worked in excess of 40 hours in a work week. Exempt employees may be required to keep time cards, depending on the nature of their work. Additionally, depending on the source of funding for the position, some exempt employees may be eligible for overtime.

Except as specifically authorized below, exempt employees are paid a fully salary in a pre-determined amount for any workweek in which the exempt employee performs work for the County. Unless compensation is provided through some other policy providing for paid time off, an exempt employee is not entitled to receive salary for a workweek in which he/she performs no work.

#### Section 6-4 Payroll Deductions

Deductions from employees' salaries are permitted in certain circumstances, including the following:

- Where required by law (such as mandatory tax withholding);
- Where authorized by the employee (such as deductions for health insurance premiums, employee purchases, etc.);
- To recoup salary payments advanced but not earned by the employee;
- Where an exempt employee works less than a full work week in the initial or final week of employment;
- Full-day absences caused by sickness or disability paid in accordance with the County's other plans, policies, or practices providing pay for those absences;
- Full-day absences caused by sickness or disability, even if unpaid, if the employee is not yet eligible for pay or pay has been exhausted under the County's other plans, policies, or practices providing pay for sickness or disabilities;
- Hours taken as unpaid leave under the Family and Medical Leave Act (FMLA);
- Full-Day absences for personal reason other than sickness or disability;
- Disciplinary suspensions of one or more full days, or other deductions from pay in any amount, imposed as penalties for serious infractions of safety rules of major significance;
- Disciplinary suspensions of one or more full days for infractions of workplace conduct rules including, for example, violations of the County's policies prohibiting anti-harassment or workplace violence, prohibited use of drugs or alcohol, or violations of state and federal law.

## **Chapter 7**

# **WORK SCHEDULE AND ATTENDANCE**

- **Work Schedules and Attendance**
- **Recording Work Hours**
- **Attendance and Punctuality**
- **Weather-Related Emergency Closings**

#### Section 7-1 Work Schedules and Attendance

Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week. Each supervisor will advise employees of the times their schedules will normally begin and end. The standard work schedule for all full-time employees is 8 ½ hours a day, including one (1) hour of duty-free lunch, five days a week.

#### Section 7-2 Recording Work Hours

Accurately recording time worked is the responsibility of every employee. Federal and state laws require Franklin County to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

It is the employee's responsibility to sign their time record to certify the accuracy of all time recorded. The supervisor will review and then sign the time record before submitting it for payroll processing. If corrections or modifications are made to the time record, both the employee and the supervisor must verify the accuracy of the changes by initiating the time record. Falsifying a time record is a breach of county policy and is grounds for disciplinary action, up to and including termination of employment.

#### Section 7-3 Attendance and Punctuality

Regular attendance and punctuality is expected of all county employees. Absenteeism and tardiness place a burden on other employees and may delay citizens in the transaction of business with the county. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence. Employees who have poor attendance and/or excessive tardiness or failure to report to work without prior notification, may be subject to loss of pay and other more serious disciplinary actions, up to and including termination of employment.

Employees who are absent from work for three consecutive days without giving proper notice will be considered as having voluntarily quit.

#### Section 7-4 Weather-Related Emergency Closings

In the event of weather-related or any other type of emergency which results in the closing of County buildings and/or facilities, employees shall have the choice of being off with pay by utilizing PTO, or without pay. Only essential employees, as determined by the appropriate elected official or department head, will report to work or will continue working. Nonexempt employees who are required to report to or remain at work shall report his/her hours, which must be approved by the appropriate elected official/department head. Any employee who remains at work or reports to work after having been told that County facilities and buildings were closed shall be instructed to return home unless instructed to remain at work by the Elected Official/Department Head for whom the employee works.

## **Chapter 8**

# **HOLIDAYS**

- **Eligibility**
- **Designation of Holidays**
- **Payment of Holidays**
- **General Conditions**

## Section 8-1 Eligibility

Full-time and part-time employees with limited benefits will receive compensation for observed holidays. Part-time employees without benefits may be eligible for holiday pay.

## Section 8-2 Designation of Holidays

The members of the County Commission have approved the following national and state holidays. This list is subject to change as modified by the County Commission.

- New Year's Day (January 1)
- Martin Luther King's Birthday (third Monday in January)
- President's Day (third Monday in February)
- The Friday before Easter
- Harry S. Truman's Birthday (May 8)
- Memorial Day (last Monday in May)
- Emancipation Day (June 19)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Columbus Day (second Monday in October)
- Veteran's Day (November 11)
- Thanksgiving Day (fourth Thursday in November)
- Day after Thanksgiving
- Christmas Eve (December 24). In the event Christmas Eve falls on a Saturday or a Sunday, the holiday will be observed on the preceding Friday.
- Christmas Day (December 25)

A recognized holiday that falls on a Saturday will normally be observed on the preceding Friday. A recognized holiday that falls on a Sunday will normally be observed on the following Monday. When Christmas Eve falls on a Sunday, it will be observed on the preceding Friday.

## Section 8-3 Payment of Holiday

### (a) Full-time Employees

All full-time employees, except 12-hour employees, will be paid for their regularly scheduled hours at their normal rate of pay for a holiday.

### (b) Part-time Employees (See Chapter 5-1-d)

Part-time employees' right to receive holiday pay will depend upon the status of the part-time employee.

**Part-Time without Benefits.** Part-time, non-exempt employees without benefits are eligible to receive holiday pay for holidays on which they are normally scheduled to work for the number of hours which they would have worked but for the holiday.

**Part-Time with Limited Benefit,** Part-time, non-exempt employees with limited benefits are eligible to receive holiday pay only for holidays on which they would normally be scheduled to work and only for their regularly scheduled number of hours.

### (c) Temporary Employees

Temporary employees are not eligible for holiday pay.

### (d) Emergency Communications/911 Employees



All non-exempt, full-time Emergency Communications/911 employees will earn twice their normal rate of pay when working any of the following holidays:

New Year's Day (January 1)  
The Friday before Easter  
Memorial Day (last Monday in May)  
Independence Day (July 4)  
Labor Day (first Monday in September)  
Thanksgiving Day (fourth Thursday in November)  
Christmas Eve (December 24). In the event Christmas Eve falls on a Saturday or a Sunday, the holiday will be observed on the preceding Friday.  
Christmas Day (December 25)

Holiday hours will start on 6:30 a.m. on the day of the holiday and will end at 6:30 a.m. the following day.

If holiday pay and overtime pay fall on the same day the employee will receive 2.5 times their normal rate of pay.

#### Section 8-4 General Conditions

- (a) An employee will not receive holiday pay for any holiday that falls within an unpaid leave of absence. For the purposes of determining who is eligible to receive holiday pay, any full-time employee who is absent the day before or the day after is ineligible for holiday pay. For the purposes of determining who is eligible to receive holiday pay, any part-time employee who is absent the day before or the day after is ineligible for holiday pay.
- (b) If a recognized holiday falls during an eligible employee's paid absence (e.g. vacation, sick leave), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

## **Chapter 9**

# **LEAVE**

### **Paid Time Off**

- **Eligibility**
- **Paid Time Off Accrual Schedule**
- **Leave of Absence without Pay**

### **Catastrophic Illness Leave Policy**

- **Catastrophic Illness Leave Policy**
- **Carry Over of Paid Time Off**
- **Health care Provider Statement**
- **Unused Catastrophic Illness Leave**
- **Other Employment**
- **Catastrophic Illness Leave and Other Leave Time**

### **Special Leave**

- **Special Leave**

Section 9-1-a Eligibility

Paid Time Off (“PTO) with pay is available to full-time and eligible part-time employees who have completed 6 months of employment to provide opportunities for rest, relaxation and personal pursuits as well as to allow time off due to illnesses which are not of a catastrophic nature. Part-time employees without benefits and temporary are ineligible for PTO.

Section 9-1-b PTO Hours Accrual Schedule

- (1) For purposes of accruing PTO hours, each employee shall have an anniversary date which is the date an employee was hired (See “definitions”). PTO hours are accrued as set forth below. The number of hours which an employee shall accrue as set forth below based upon the employee’s length of service. Adjustments in the number of hours which an employee shall accrue shall be made on each employee’s anniversary date in accordance with the schedule below. The foregoing to the contrary notwithstanding any employee hereafter who converts from a “12-hour” employee to an “8, 7.5 or 10-hour employee” or from an “8, 7.5 or 10-hour” employee to a “12 hour” employee shall have their then-existing PTO hours converted to the applicable hours for an employee of the same hourly schedule, on a pro-rated basis as of the date of the conversion to the rate to which they are transferring.
- (2) PTO. Eligible employees working 7.5 hour shifts shall earn and accrue PTO hours at the following rate effective as of each individual employee’s anniversary date.

<b>Years of Service</b>		
at 6 Months	37.5 hrs.	
1st Year Anniversary	127.50 annually	
2nd Year Anniversary	135.00 annually	
3rd Year Anniversary	142.50 annually	
4th Year Anniversary	150.00 annually	
5th Year Anniversary	157.50 annually	
10th Year Anniversary	180.00 annually	
14th Year Anniversary	195.00 annually	

- (3) PTO. Eligible employees working 8 hour shifts shall earn and accrue PTO hours at the following rate effective as of each individual employee’s anniversary date.

<b>Years of Service</b>		
at 6 Months	40 hrs.	
1st Year Anniversary	136.00 annually	
2nd Year Anniversary	144.00 annually	
3rd Year Anniversary	152.00 annually	
4th Year Anniversary	160.00 annually	
5th Year Anniversary	168.00 annually	
10th Year Anniversary	192.00 annually	
14th Year Anniversary	208.00 annually	

- (4) PTO. Eligible employees working 10 hour shifts shall earn and accrue PTO hours at the following rate effective as of each individual employee's anniversary date.

<b>Years of Service</b>	
at 6 Months	50 hrs.
1st Year Anniversary	170.00 annually
2nd Year Anniversary	180.00 annually
3rd Year Anniversary	190.00 annually
4th Year Anniversary	200.00 annually
5th Year Anniversary	210.00 annually
10th Year Anniversary	240.00 annually
14th Year Anniversary	260.00 annually

- (5) PTO. Eligible employees working 12 hour shifts shall earn and accrue PTO hours at the following rate effective as of each individual employee's anniversary date.

<b>Years of Service</b>	
at 6 Months	60 hrs.
1st Year Anniversary	228.00 annually
2nd Year Anniversary	240.00 annually
3rd Year Anniversary	252.00 annually
4th Year Anniversary	264.00 annually
5th Year Anniversary	276.00 annually
10th Year Anniversary	312.00 annually
14th Year Anniversary	336.00 annually

- (6) PTO Emergency Communications/911 Personnel. Eligible Employees working 12 hour shifts will earn and accrue PTO hours at the following rate effective as of each individual employee's anniversary date:

<b>Years of Service</b>	
at 6 Months	60 hrs.
1st Year Anniversary	204.00 annually
2nd Year Anniversary	216.00 annually
3rd Year Anniversary	228.00 annually
4th Year Anniversary	240.00 annually
5th Year Anniversary	252.00 annually
10th Year Anniversary	288.00 annually
14th Year Anniversary	312.00 annually

- (7) The general conditions for earning and accruing PTO hours are as follows (the terms annual leave hours and PTO hours are interchangeable and are intended to replace personal leave days, vacation days, and sick leave):
- (a) The standard practice in all offices and departments shall be for employees to schedule vacations in advance utilizing PTO hours through the appropriate elected official or department head. Vacations, through the use of PTO, are to be encouraged but must be arranged and scheduled in order to ensure that the needs of the County are met. All elected officials and department heads shall develop procedures to clearly allot PTO time while accomplishing the mission of the office or department. Employees who request PTO without having it scheduled in advance, or, at a minimum, providing two (2) weeks' notice prior to the desired commencement date stand the chance of having such request denied if the demands of the office dictate that the leave not be allowed.
  - (b) Each year of prior continuous employment with the County shall be counted in determining years of service for accrual of PTO. If an employee terminated his employment with Franklin County or such employment is terminated by the County and thereafter the employee is rehired, the employee shall commence such new employment with no accrued benefits. If, however, an employee with the approval of the elected official is placed on a Long Term Leave of Absence (see Section 9-1-f) and desires to return to work and a position is available commensurate with that which was held prior to the long term leave of absence starting, such employee may be reinstated with all previous benefits to include seniority for purposes of PTO determination. If an employee is granted a Long Term Leave of Absence such will be without pay or benefits while on leave excepting only the ability to purchase medical and health insurance. No employee will be granted a non-health related leave of absence without first exhausting all PTO benefits and will be granted a health-related leave of absence without having exhausted PTO and catastrophic illness.
  - (c) An employee shall continue to earn PTO hours during a period of paid leave regardless of what type of paid leave the employee is utilizing.
  - (d) An employee shall not earn PTO hours during a period of leave without pay.
  - (e) An employee may take PTO leave hours only when authorized by his supervisor.
  - (f) For any eligible employee employed as of June 16, 2020 any accrued PTO in excess of 80 hours shall be banked for Catastrophic Illness purposes up to the maximum allowable. Any days not so banked shall be forfeited.
  - (g) Eligible employees may carry over a maximum of 80 hours PTO.

#### Section 9-1-c Leave of Absence without Pay

Leave of absence without Pay. The appropriate elected official may grant an employee a leave of absence without pay. Notice of a grant for leave of absence without pay shall be forwarded to the Commission and made a part of the employee's personal file. The general conditions for granting a leave of absence as contemplated herein are as follows:

- (a) The employee must submit a written request to the appropriate elected official for a leave of absence without pay and must include the anticipated beginning and ending dates of the leave and the specific reasons for the leave.
- (b) For a leave of absence without pay, the employee will be required to exhaust accrued PTO days and compensatory time prior to being granted the leave of absence and if the leave is necessitated because of illness, the employee will be required to exhaust PTO hours and catastrophic illness days.
- (c) PTO hours shall not be earned during a period of leave of absence without pay.

- (d) Only employees with ten (10) years or more of service shall be entitled to request a leave of absence without pay except for those situations involving drug or alcohol abuse treatment or hardship situations. No employee granted a leave of absence shall be guaranteed a position upon termination of their leave of absence. Any employee who has been granted a Leave of Absence Without Pay may continue his or her medical health insurance in force for a period not to exceed twelve (12) months by paying the full cost thereof. Under no circumstances shall the County continue to pay the cost of medical and health insurance for more than thirty (30) days.
- (e) The foregoing to the contrary notwithstanding, the County Commission or the appropriate elected official may grant a "hardship leave of absence" under appropriate circumstances for an employee with less than ten (10) years of service. In determining whether or not to grant a "hardship leave of absence", the County Commission or the appropriate elected official may consider such things as the grounds which gave rise to the hardship, the length of absence requested, the impact on the office or department and the impact on the employee.

#### Section 9-2 Catastrophic Illness Leave Philosophy

All employees shall be entitled to all benefits of the FMLA. It is the intent of this policy to coordinate to the maximum extent possible the benefits provided by the FMLA as established by Federal Law and the Catastrophic Illness Policy as established by Franklin County. The benefits provided by the FMLA shall run concurrent with utilization of an Employee's paid leave benefits. Applications for benefits under either program should be made as far in advance as possible. In the event the need arises as a result of an unanticipated illness or injury the application should be made as soon as possible after the onset of the illness or injury. Application must be made on forms provided by the Human Resources Department.

#### Section 9-2 Catastrophic Illness

Franklin County has established, for the benefit of its employees, a Catastrophic Illness Leave Policy (formerly Medical Leave Bank) benefit for its employees to be used in the event an employee, or a member of an employee's family within the limitations set forth herein, encounters a catastrophic or severe illness, injury or severe medical condition. Each employee shall have the number of days hereinafter set forth deposited in his or her bank on a monthly basis.

##### a. Eligibility

##### (1) Employee Utilization.

Each eligible employee shall utilize his or her Catastrophic Illness benefits before the employee has exhausted all available PTO and compensatory time. Any situation which would qualify for Family Leave Medical Act (FMLA) Benefits shall be so designated regardless of whether or not the employee applies for FMLA Benefits. The three (3) day requirement shall not apply to absences related to "waiting periods" under worker's compensation. Employees who are absent as a result of "waiting periods" under worker's compensation law may utilize Catastrophic Illness Benefits in less than three (3) day blocks. The three (3) day requirement shall also not apply to absences required for follow-up treatment for conditions which have been previously designated as a catastrophic or severe illness or injury.

##### (2) Family Members.

An employee may also utilize Catastrophic Illness leave benefits to care for the employee's family members as hereinafter defined who has a serious health condition that qualifies and is designated in advance as leave under the Family and Medical Leave Act (FMLA). For purposes of this section, family member is defined as a spouse, child, parent, sibling, grandchild, father-in-law or mother-in-law, stepchild or grandparent. Catastrophic Leave benefits may only be allowed for the care of family members with

serious health conditions other than those defined herein if requested in writing by the employee and approved in advance by the department's elected official.

b. Waiting Period

A waiting period of 60 calendar days must be completed and the affected employee must not be in an introductory status, before earned Catastrophic Illness Leave may be used. After that time, employees may request use of paid Catastrophic Illness leave including that accrued during the waiting period.

c. Accrual of Catastrophic Illness Leave

Full-time employees who have completed 60 days, excluding 12 and 10-hour employees in the Sheriff's Department, shall accrue Catastrophic Illness Leave at the rate of one-half day per month for a maximum of six (6) days annually to be used solely for the purpose of adding to the employee's Catastrophic Illness Bank. Leave will be earned on the last calendar day of each month. No Catastrophic Illness Leave may be taken in advance of it being accrued. Ten and 12-hour employees shall accrue Catastrophic Illness Leave at the rate of 4.0 hours per month. Employees in part time positions with limited benefits shall accrue Catastrophic Illness Leave on a prorated basis.

d. Catastrophic Illness Leave Limitations

(1) Limits

Catastrophic Illness Leave may not be accrued for any purpose other than those set forth in this policy. An employee shall under no circumstances be entitled to accrue more than 60 days in an employee's Catastrophic Illness Bank. Any employee that has accrued more than 60 days in the employees' Catastrophic Illness Bank as of June 9, 2020 may continue to utilize those days however that employee shall not accrue additional Catastrophic Illness Leave until that employee has used enough Catastrophic Illness Leave to bring the total accumulated days in that employees' Catastrophic Illness bank below 60 days.

(2) Rehire.

If an employee separates from County service and is rehired any time after a period of 30 days, Catastrophic Illness Leave will be considered as for any new employee. If an employee is rehired within the 30 day period, they will not be required to meet the waiting period and they may, if approved by the elected official or department administrator, have their unused Catastrophic Illness balance reinstated.

9-2-b Health Care Provider's Statement

If an employee is absent for three (3) or more consecutive working days due to illness or injury or medical condition, a licensed health care provider's statement must be provided verifying that the employee is unable to work with estimated dates as to when the employee may return to work. Before returning to work from an absence, because of an illness or injury or medical condition exceeding three (3) working days, an employee will be required to provide a health care provider's certification that they may safely return to work. An elected official or department administrator may also require a health care provider's verification at any time from an employee whose frequent use of sick leave negatively affects their job performance and/or the operation of the department. The verification may be required as a condition to receiving paid Catastrophic Illness Leave benefits. For the purposes of this Section and this Policy and the term "medical condition" shall mean the bonding period after the birth and adoption of a child. An employee who is either the mother or father of a newly born or adopted child shall be entitled to use Catastrophic Illness Leave for a period of time not to exceed the time which would be available under FMLA so long as the employee has a sufficient number of days in his or her bank.

*This information obtained from health care provider's statements and other medical inquiries is considered confidential medical information and must be kept confidential and separate from other personnel records. In addition, its use must be job-related and consistent with business necessity. The County will not use the information obtained to unlawfully discriminate against any employee in any employment practice.*

#### Section 9-2-c Unused Catastrophic Illness Leave

Paid Catastrophic Illness Leave benefits are solely to provide income protection in the event of catastrophic illness or injury of the employee or immediate family member, and may not be used for any other absence except as set forth in this policy. Unused Catastrophic Illness Leave benefits will not be paid to the employee while they are employed or upon termination of employment or retirement except for those employees that were designated days in the "personnel Status Audit" in 2004 AND 2005 under the direction of County Commission who may be eligible for limited payment.

#### Section 9-2-d. Other Employment

An employee will be ineligible for any paid Catastrophic Illness benefits if the illness or injury is or would be considered compensable under an outside employer's workers' compensation coverage. An employee who is unable to report to work with the County will be denied the use of PTO and/or Catastrophic Illness benefits if they perform work for an outside employer during the same workday. An employee accepting county-paid Catastrophic Illness Benefits while performing work duties for another employer during the same workday may be subject to disciplinary action up to and including termination.

#### Section 9-2-e. Catastrophic Illness Leave and Other Leave Time

##### (a) Non-paid Leave

Employees will not accrue Catastrophic Illness Leave credit during a month in which they experience two (2) or more days of non-paid leave time unless such additional non-paid leave time was recommended by their elected official or department administrator and was approved by the County Commission unless the employee was on Military Leave, Jury Duty or on leave covered as a work related injury.

##### (b) Holidays

If a holiday falls during a said Catastrophic Illness Leave, employees eligible for such holiday will be paid holiday pay and not charged for paid Catastrophic Illness Leave.

##### (c) PTO

Illness or injury occurring while an employee is on PTO will not be charged to Catastrophic Illness Leave unless a physician's verification of the illness or injury is provided to the employee's elected official or department administrator. If verification is not provided, the PTO will remain as PTO.

##### (d) Family and Medical Leave Act (FMLA)

Once Catastrophic Illness Time commences during an FMLA qualified leave, such leave runs concurrent with FMLA leave.

#### Section 9-3 Special Leave

Special Leave is a benefit provided by the County to offset the impact of having to be off work for reasons beyond the control of the employee and which are not related to sickness or injury.

##### a. Bereavement Leave

##### (1) Immediate Family



Full-time employees and eligible part-time (with benefits and with limited benefits) employees may take up to three (3) days paid of bereavement leave per event in the event of death in the immediate family. Verification of the leave is required.

(2) Other Family

Where there is a death in the family of the employee, other than the “immediate family” as defined above, an employee may, upon request, be granted one day of funeral leave with regular compensation, generally the day of the funeral. “Other family” is defined as the employee’s niece, nephew, aunt, uncle or first cousin, grandchild, grandparent, father or mother-in-law, or the employee’s spouse’s grandparents. Verification of the leave is required.

(3) Pallbearer and Other Requests

Employees requested to be pallbearers may be excused with regular compensation, but not to exceed one day. Verification of the leave is required.

(4) PTO and Catastrophic Illness Leave

a. Bereavement Leave. Leave granted as bereavement leave will not be charged as PTO or Catastrophic Illness Leave. An employee may use available accrued PTO or compensatory time for additional time off as necessary. If bereavement leave coincides with a recognized holiday no additional days will be granted.

b. Jury Duty.

The County encourages employees to fulfill their civic responsibilities by serving jury duty when required. The following provisions will apply when an employee is summoned to jury duty or to appear in court as a witness.

- (1) Full-time and eligible part-time (with benefits and with limited benefits) employees will receive jury duty pay of their regular rate of pay.
- (2) Part-time employees without benefits, introductory, and temporary employees will be given time off to serve on jury and witness duty without pay.
- (3) Employees must show their jury duty summons or subpoena to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. There is no time limit for jury/witness duty, however, employees are expected to report for work whenever the court schedule permits.
- (4) Employees who appear before a judicial, legislative or administrative body in compliance with an authorized subpoena or summons for a cause of action arising from the employee’s county position may record such time as hours worked on time sheets.
- (5) Subpoena Leave – Employees testifying pursuant to subpoena on behalf of the County shall receive their regular rate of pay.

c. Military leave

A military leave of absence will be granted to all full-time and part-time employees who are members of the National Guard or of any reserve component of the armed forces of the U.S. to attend scheduled drills or training or if called to active duty with the U.S. armed services in accordance with applicable federal law.

d. Educational Leave

Leaves of absence may be granted, at the discretion of the department's elected official to full-time and part-time employees for educational development in accordance with the provision of 9-1-1(d) for academic work toward a college or advanced degree. Requests for such leave will be filed in writing to the elected official. The request must include: (1) the name of the institution or program to be attended; (2) the dates of attendance; (3) the benefits to the employee; and (4) the expected value of such training to the county. An unpaid leave of absence may be granted in accordance with this Chapter.

## **Chapter 10**

# **FAMILY AND MEDICAL LEAVE ACT**

- **Purpose**
- **Responsibility**
- **Policy Statement**
- **Eligibility Requirements**
- **Determination of a 12-Month Period**
- **Coordination of Paid Leave**
- **Leave Provisions for Spouses Both Working for Franklin County**
- **Advance Notice**
- **Medical Certification**
- **Leave Taken Intermittently or a reduced Leave Schedule**
- **Job Benefits and Protection**
- **Reinstatement**

## Section 10-1 Purpose

In accordance with FMLA, Franklin County provides unpaid family/medical leaves of absences to eligible employees who are temporarily unable to work due to one of the following reasons:

- (a) For the birth of a child and to care for such child, or placement of a child for adoption or foster care;
- (b) For the care of the employee's spouse, child, or parent who has a "serious previous health condition" as defined by FMLA; or
- (c) For the employee's own "serious health condition" which prevents the employee from performing their own job as defined by FMLA.
- (d) Military Family Leave/Military Caregiver Leave/Exigency Leave
  - (1) New Qualifying Reason for Leave. Eligible employees are entitled up to 12 weeks of leave because of "any qualifying exigency" arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation. By the terms of the statute, this provision requires the Secretary of Labor to issue regulations defining "any qualifying exigency". In the interim, employees are encouraged to provide this type of leave to qualifying employees.
  - (2) An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. This provision became effective immediately upon enactment (January 28, 2008). This military caregiver leave is available during a "single 12-month period" during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

To qualify for FMLA leave, the employee must meet the requirements of the FMLA and accompanying regulations. Any FMLA leave granted will count against an employee's annual FMLA leave entitlement.

## Section 10-2 Responsibility

It is the responsibility of the employee to make requests for family and medical leave with their employer, Franklin County, through their elected official or department administrator. All requests for FMLA leave will be coordinated with the Human Resources Department.

## Section 10-3 Policy Statement

It is the policy of Franklin County to adhere to the requirement of the Family and Medical Leave Act of 1993 (FMLA) and create a friendly environment between the employee and the County.

## Section 10-4 Eligibility Requirements

Employees are eligible for unpaid family/medical leave benefits if they meet all requirements of provisions of the Family Leave medical Act.

## Section 10-5 Determination of 12-Month Period

Eligible employees may request up to 12 weeks of unpaid family/medical leave within a rolling 12-month period.

#### Section 10-6 Coordination of Paid Leave

Employees will be charged all available paid leave and benefits time, to run concurrent with approved FMLA leave.

#### Section 10-7 Leave Provisions for Spouses Both Working for Franklin County

In any case in which spouses entitled to leave under FMLA are both employed by Franklin County and leave is taken for the birth and care of a healthy child or for placement with the employee for adoption or foster care, or to care for a sick parent, the maximum combined leave for both spouses is 12 weeks during a 12 month period. If leave is taken to care for an ill child or spouse, each spouse is entitled to 12 total weeks of leave during a 12 month period.

#### Section 10-8 Advance Notice

As soon as practical after an eligible employee becomes aware of the need for a FMLA leave of absence, they must request and submit a "Request for Family and Medical Leave of Absence" to their supervisor.

Employees ordinarily must provide 30 days advance notice when the leave is foreseeable. When an employee is requesting leave for their own planned medical treatment or for planned medical treatment of a family member, under FMLA, the employee must make a reasonable effort to schedule such leave so as not to unduly disrupt the operation of their department. This is best achieved by advance consultation with the employee's supervisor.

#### Section 10-9 Medical Certification

Failure to provide the required medical certification from a health care provider, as defined by FMLA, as set forth herein may result in denial of the requested FMLA leave.

##### (a) Employee Medical Leave

Employees requesting medical leave for themselves will be required to provide a medical certification form verifying the seriousness of the health condition, unless it is inpatient medical care, in which a medical certification will be required in every instance. Any major changes in medical status must be promptly reported to their elected official or department supervisor. Recertification may be requested every 30 days.

##### (b) Family Medical Leave

Employees requesting family leave related to caring for a child, spouse, or parent with a "serious health condition", will be required to provide a medical certification verifying the illness, its beginning and expected ending dates, and the need of the employee to provide care. Such medical certification will be provided with the employee's request for leave, except for an unforeseen event, when the certification must then be provided within three business days.

##### (c) Second Opinion

If the submitted medical certification is not sufficient, the elected official or department supervisor may require a second opinion at the county's expense. If the first and second opinions do not agree, the county and the employee will coordinate the selection for a third opinion at the county's expense. The third opinion will be final and binding. The requirement for additional opinions shall apply to employees as well as family members who are the basis for requesting leave.

#### Section 10-10 Leave Taken Intermittently or on a Reduced Leave Schedule

Employees may request intermittent leave, or leave on a reduced leave schedule, under FMLA when this type of leave is medically necessary for the employee or the employee's family.

If an available alternative position for which the employee is qualified accommodates the recurring periods of leave better than the regular employment position of the employee, an elected official or department supervisor may require an employee to transfer temporarily to the alternative position provided there is equivalent pay and benefits. If an exempt employee takes unpaid leave for partial or full days, their exempt status under the Fair Labor Standard Act will not be impacted.

#### Section 10-11 Job Benefits and Protection

County-provided health insurance contributions shall continue during an employee's approved FMLA period. If the employee is unable to return to work following the expiration of the FMLA leave, and the employee has exhausted all available paid leave, the employee will be afforded the opportunity to elect COBRA coverage at the employee's expense.

Section 10-12 Reinstatement. Upon return to work from approved FMLA leave, the employee will be reinstated to his/her position, provided the position has not been eliminated during the leave.

## **Chapter 11**

# **EMPLOYEE CONDUCT AND GENERAL WORK RULES**

- **Employee Conduct**
- **Termination for Cause**
- **Personal Appearance**
- **Use of Telephone and Mail Systems**
- **Acceptable Use of Computer and Business Equipment**
- **Solicitation**
  - **Campaign and Speech Activity**
- **Smoking**
- **Safety**
- **Drug Free Workplace Act**
- **Workplace Violence**

## Section 11-1 Employee Conduct

Franklin County employees represent the County and are especially susceptible to public criticism. Therefore, it is necessary for all employees to conduct themselves with professionalism and integrity at all times.

Because County employees are working for the citizens of Franklin County, the time spent on the job should be used to the fullest extent in order to maximize efficiency. A friendly and courteous attitude by County employees is also expected toward the public and co-workers at all times. In addition, employees are expected to deliver prompt, thorough, and efficient service to the public to the best of their ability.

Disciplinary action may be in the form of verbal and/or written reprimand, probation, temporary or indefinite suspension, demotion, reduction in benefits or compensation, transfer or dismissal.

## Section 11-2 Termination for Cause

Conduct which may result in termination for cause includes, but is not limited to, the following:

- Theft or inappropriate removal or possession of property.
- Falsification of personnel and other records, including, but not limited to, employment forms and time records.
- Working under the influence of alcohol or illegal drugs.
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace while on duty, or while operating county-owned vehicles or equipment.
- Fighting or threatening violence in the workplace.
- Conviction of or pleading guilty to a felony or a misdemeanor involving moral turpitude or assault (sexual or otherwise) on another person.
- Advocating the overthrow of the government of the United States by means of force or violence.
- Boisterous or disruptive activity in the workplace or while on duty outside the workplace or while operating county vehicles or equipment.
- Inducing or attempting to induce an employee of the county or accepting inducement to commit an unlawful act in violation of a department regulation or order.
- Insubordination or other disrespectful conduct.
- Violation of safety or health rules.
- Sexual or other unlawful or unwelcome harassment.
- Unauthorized possession of dangerous or other unauthorized materials, such as explosives or firearms, in the workplace.
- Unauthorized absence from a secure duty work station during the workday.
- Unauthorized engagement in outside activities on county time.
- Unauthorized use of telephone, mail system, or other county-owned equipment, property, or services.
- Unauthorized use of position or authority for personal gain.
- Willfully allowing access to secure areas within county buildings to individuals lacking property authorization or right of access.
- Unauthorized release or disclosure of confidential documents, records, or information.
- Failure to report accidents in accordance with this policy.

## Section 11-3 Personal Appearance

Dress, grooming and personal cleanliness standards contribute to the morale of the employees and affect the business image the Franklin County employees present to customers and visitors. During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Each department will establish its own internal guidelines and procedures with regard to personal appearance and dress in accordance with the duties to be performed by the respective offices.



#### Section 11-4 Use of Telephone and Mail Systems

Office and County owned cellular telephones are for Franklin County business. Employees should practice discretion in using County telephones for personal use. Personal calls, if allowed on office and cellular phones, should be infrequent and brief. Employees will be required to reimburse the Treasurer for any long-distance, toll call charges or cellular charges resulting from their personal use of the telephone. To assure effective telephone communications, employees should always use the approved greeting and speak in a courteous and professional manner. The employee should confirm information received from the caller, and hang up only after the caller has done so.

The mail system is reserved for business purposes only. Employees should refrain from sending or receiving personal mail at the workplace.

#### Section 11-5 Acceptable Use of Computer and Electronic Equipment

County provides networks available to access the Internet, public web pages and communicate using e-mail, text message and instant message services. Hardware is in place for users to access job-related resources from anywhere in the world for the purpose of assisting them in the performance of their job-related duties and ultimately to provide services incumbent to the citizens of the County.

The County recognizes that although these electronic services and equipment afford access to legitimate sources of information for job-related purposes, they also enable access to materials which may be illegal, obscene or indecent. The use of elements of the County's electronic network and devices shall be consistent with the County's mission to serve its residents.

The "System" shall include all computer hardware and software owned or operated by the County, County's electronic mail, the County web site, and the County's on-line services. "Use" of the System shall include use of or obtaining access to the System from any computer terminal or electronic device whether owned or operated by the County.

"Use" of the County's technology system shall include use of or obtaining access to the system from any computer terminal or device whether or not owned or operated by the County.

Employee use of technology, Internet, web publications and e-mail will be governed by the policies found in this document, related County ordinances, employment policies and applicable collective bargaining agreements. Violation of the acceptable use guidelines shall be subject to consequences including but not limited to discipline, loss of System use privileges, and referral to law enforcement authorities or other legal action in appropriate cases.

Employees have no expectation of privacy in their use of the System. The County has the right to access, review, copy, delete, or disclose, as allowed by law, any message sent, received, or stored on its electronic mail system. The County has the right to and does monitor use of the System by employees, including employees' access to the Internet, as part of System maintenance to determine whether the use is consistent with federal and state laws and County policies and guidelines. All users should be aware that their personal computer files or system may be subject to public disclosure under the Missouri Sunshine Law.

Access to the System is provided to employees primarily for work-related purposes. Incidental personal use should be minimized.

Use of the technology, Internet, web publications and e-mails constitutes consent to abide by the policies contained in the document.

Use and access to the County's technology and related peripherals and software are not to be used for personal, commercial, and political gain.

This policy outlines expectations for appropriate use of the County's System and in conjunction with the corresponding standards, guidelines and procedures is established to achieve the following:

- Establish appropriate and acceptable practices regarding the use of information resources;
- Ensure compliance with applicable rules and regulations regarding the management of information resources; and
- Educate employees who use County electronic resources and equipment about their responsibilities associated with computer information and resource use.

Employees will treat all equipment with care and report any abuse or misuse as soon as they become aware of it to the Information Technology Department. Further, employees will report any malfunction or problem as soon as they become aware of it to the Information Technology Department.

In effort to mitigate security breaches, resolve fault and/or performance issues or respond to a request by official County leadership, authorized Information Technology Department employees may access all such files, except files protected from disclosure by state or federal law, at any time without knowledge of the information services user.

#### Acceptable Use Requirements

1. Employees will not vandalize or otherwise intentionally damage any County technology hardware or software. If they do, they will be responsible to pay all repair and/or replacement costs. Vandalism is defined as any malicious attempt to harm or destroy data of another person, computer software, the network, computer hardware, computer wiring, or computer configuration.
2. All rules in the Employee Handbook apply to information services and this AUP.
3. Employees will not damage, destroy or copy another person's data.
4. Employees will not tamper with or attempt to gain access to computer data or equipment to which they have no security authorization.
5. Any device connected to the County's system and or information resources are subject to scanning and may require approval prior to access being provided.
6. Users are prohibited from downloading or using software, including shareware or freeware not hosted and/or provided by information services without specific approval by their director and information services.
7. Users are required to report any weaknesses in the County's computer security to the information services staff. Weaknesses in computer security include, but are not limited to, unusual behavior or a system, unexpected software on system, pop-up windows or messages that are out of character, or any anomaly which may result in unintentional disclosures of information or exposure to security threats.
8. Users are prohibited from attempting to access any data, documents, email correspondence, and programs contained on County information systems for which they do not have authorization, that are knowingly malicious and knowingly not meant for them.
9. Users are prohibited from divulging information about County information systems that might compromise its security, stability and privacy to anyone without authorization from appropriate information services leadership.
10. Users must not share their account(s), passwords, Personal Identification Numbers (PIN), Security Tokens (i.e. Smartcard), or similar information or devices used for identification and authorization purposes.

11. Users must not make unauthorized copies of protected or copyrighted County owned software (i.e. Office, Windows, Security/Virus protection, etc.).
12. Users are prohibited from engaging in activity that may degrade the performance of information services; deprive an authorized user access to County resources; obtain extra resources beyond those allocated, or circumvent the county information security measures.
13. Users are prohibited from downloading, installing, or running programs that reveal or exploit weaknesses in the security of County information resources.
14. County information resources must not be used for personal benefit, political activity, unsolicited advertising, unauthorized fund raising, or for the solicitation of performance of any activity that is prohibited by any local, state or federal law.
15. Access to the Internet from County information resources, regardless of connection location (i.e. Home, remote, etc.) must adhere to all acceptable use policies and procedures.
16. Employees must not allow family members or other non-employees to access non-public accessible County information systems.
17. Employees identified as a security risk may be denied access to the System.

Prohibited Uses. The uses of the System listed below are prohibited and may result in discipline or other consequences as provided in this policy, applicable Collective Bargaining Agreements, and the County's Employee Handbook. The System shall not be used to:

1. Engage in activities which are not related to County duties or which are contrary to the instructions from the employee's supervisor as to the system's use.
2. Access, retrieve, or view obscene, hateful, profane, or indecent materials. "Indecent materials" are those materials which, in context, depict or describe sexual activities or organs in terms patently offensive, as measured by contemporary community standards. "Obscene materials" are those material which, taken as a whole, appeal to the prurient interest in sex, which portray sexual conduct in a patently offensive way in which, taken as a whole, do not have any serious literary, artistic, political, or scientific value.
3. Access, retrieve, view or disseminate any material in violation of any federal or state laws or regulation or County policy or rules. This includes, but is not limited to, improper use of copyrighted material; improper use of the system to commit fraud or with the intend to commit fraud; improper use of passwords or access codes; or disclosing the full name, home address, or phone number of any student, County employee, or System user.
4. Transfer any software to or from the System without authorization from the System Administrator.
5. Engage in for profit or non-school sponsored commercial activities, including advertising or sales.
6. Harass, threaten, intimidate, or demean an individual or group of individuals because of race, color, religion, sex, national origin, sexual orientation and/or gender identity,.
7. Disrupt or interfere with the System.
8. Gain unauthorized access to or vandalize the data or files of another user.
9. Gain unauthorized access to or vandalize the System or the technology system of any other individual or organization.

10. Forge or improperly alter electronic mail messages, use an account owned by another user, or disclose the user's individual password or that of another user.
11. Invade the privacy of any individual, including violating federal or state laws regarding limitations on the disclosure of student records.
12. Download, copy, print or otherwise store or possess any data which violates federal or state copyright laws or these Guidelines.
13. Send nuisance electronic mail or other online messages such as chain letters, pyramid schemes, or obscene, harassing or other unwelcome messages.
14. Send mass electronic mail to multiple users without prior authorization by the County Commission.
15. Conceal or misrepresent the user's identity while using the System.
16. Post material on the County web site without the authorization of the Information Technology Department.
17. Attempt to gain unauthorized access to the System or use the system to access any other computer system. This includes attempting to log in through another person's account or access another person's files. These actions are illegal, even if only for the purpose of "browsing".
18. Make deliberate attempts to disrupt computer performance or destroy data by any means including spreading computer viruses. These actions are illegal.
19. Use the System to engage in any other illegal acts, such as arranging for a drug sale or the purchase of alcohol, engaging in criminal gang activity, threatening the safety of another person, etc.
20. Use data created outside the System and brought in on a removable storage device without permission from the Information Technology Department and scanning the data for viruses.
21. Use obscene, profane, lewd, vulgar rude, inflammatory, threatening, or disrespectful language.
22. Engage in person attacks, including prejudicial or discriminatory attacks, or knowingly or recklessly post false or defamatory information about a person or organization.
23. Harass another person
24. Post personal contact information about themselves or other people. Personal contact information includes home address and telephone number and personal email address. Employees will not post private information about another person.
25. Utilize social networking sites and instant messaging to communicate with other employees.
26. Repost a message that was sent to them privately without permission of the person who sent the message.
27. Plagiarize another person's work.
28. Infringe on another person's rights of copyright. Copyright infringement occurs when an individual inappropriately reproduces a work that is protected by a copyright. If a work contains language that specifies acceptable use of that work, the user should follow the expressed requirements. If the user is unsure whether or not they can use a work, they should request written permission from the copyright owner.

29. Post chain letters or engage in “spamming”. Spamming is sending an annoying or unnecessary message to a large number of people.
30. Engage in for-profit or non-school sponsored commercial activities, including advertising or sales.

#### Incidental Use

While the County understands that, occasionally, employees may need to use a County system for personal use, the County considers all information systems to be for business use only. For that reason, all activity conducted on County information resources is considered property of the County and is subject of monitoring, searching and destruction without knowledge of the user.

1. Incidental use must not interfere with the normal performance of an employee’s work duties.
2. Incidental personal use of the System, including but not limited to, electronic mail, Internet access, fax machines, printers, and copiers, is restricted to approved users only and does not include family member or others not affiliated with the County.
3. Incidental use must not result in direct costs to the County, cause legal action against, or cause embarrassment to the County.
4. Non-business related email messages, voice messages, files and documents within County Computer resources are not private, are subject to the Missouri sunshine Law and storage of such messages on County information resources must be nominal and are not subject to County archival process. These files might be deleted by information services staff without notification of owner.
5. Information services staff is not expected to support or maintain any personal email messages, voice messages, files or documents.

The Information Technology Department, in collaboration with the County Commission, Director of HR and County Counselor, will resolve incidental use questions and issues using these guidelines.

#### Section 11-6 Solicitation

In an effort to assure a productive and harmonious work environment, persons not employed by Franklin County may not solicit in the workplace at any time for any purpose, unless approved by the department’s elected official or department supervisor and the County Commission. In addition, employees may not solicit financial contributions, or solicit for any other cause during working time. Working time does not include lunch periods, work breaks, or any other periods in which employees are not on duty. Employees who are not on working time may not solicit employees who are on working time for any cause or distribute literature of any kind to them.

#### Section 11-6-a Campaign Speech and Activity

1. No County employee shall solicit any contribution for the campaign fund of any candidates for a County office or take part in the political campaign fund of any candidate for a County office. All employees may exercise their rights as a private citizen to express opinions and if a registered voter in the County, sign a nominating petition for any County candidate and vote in any County election. Political affiliation, participation or contribution shall not be considered in making any County employment decision. No County officer, employee or member of a board or commission shall use official authority or official influence for the purpose of interfering with or affecting the result of any election to or nomination for a County office. No County officer, employee or member of a board or commission shall directly or indirectly coerce, attempt to coerce, command, advise, or solicit a County employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political or electoral purposes.

2. No employee of the County while on duty or while in uniform that identifies the individual as an employee of the County shall:
  - a. Canvas on behalf of any candidate, political party or political issue;
  - b. Display a political picture, sticker, badge or button;
  - c. Attend a political rally, fund-raising function or other political gathering;
  - d. Circulate or sign a political petition; or
  - e. Service as an election judge or clerk.
  - f. No employee shall place or allow to remain upon a County vehicles used by the employee in the course of employment any political picture, sticker, badge or button.
  - g. Nothing in this section shall be construed to restrict an employee's freedom to express an opinion or exercise the right to vote.
  - h. No employee of the County shall use County equipment, vehicles, personnel, facilities, or resources to promote or help promote any civic, social, business, personal or political candidate, or for any non-County purpose without the express written consent of the County Commission.

#### Section 11-7 Smoking

Pursuant to the Missouri Clean Indoor Air law, all County facilities and vehicles are smoke-free. This includes the use of any nicotine-containing device or product.

#### Section 11-8 Safety

Information is provided to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, or other written communications. If an employee is in doubt about the proper procedures to follow on the job, they should consult their supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action up to and including termination of employment.

Each employee is expected to obey safety rules and to exercise caution in all work activities. The responsibilities of all employees in this regard include:

- (a) Exercising maximum care and good judgment at all times to prevent accident and injuries;
- (b) Reporting to supervisors and seeking first aid for all injuries, regardless of how significant the injury may appear;
- (c) Reporting unsafe conditions, equipment or practices to supervisory personnel;
- (d) Using safety equipment provided by the county at all times.
- (e) Observing conscientiously all safety rules and regulations at all times; and;
- (f) Notifying their supervisors, before the beginning of the workday, of any medication they are taking that may cause drowsiness or other side effects that could lead to injury to them and their coworkers.

## Section 11-9 Drug Free Workplace Act

The County is dedicated to providing safe and efficient service to the citizens of the county. Therefore, it is the policy of the County to create a drug-free workplace in keeping with the spirit and intent of the Drug-Free Workplace Act of 1988. The provisions of this policy will apply to all county employees and to all applicants for county positions. While state law allows for the legal use of medical cannabis, the terms of this policy continue to apply to employees' use and influence of same during working hours.

To safeguard the property of Franklin County and its employees and to help prevent the possession, sale, and use of illegal drugs on county's premises, the county reserves the right to question employees and all other persons entering and leaving premises, and to inspect any packages, parcels, purses, handbags, briefcases, lunch boxes, or any other possessions or articles carried to and from county-owned property.

Franklin County reserves the right to search any employee's office, desk, files, locker, or any other area, as well as the articles found within them, at any time by an officeholder, department administrator or representative at any time, with or without notice, when the County has reason to believe an employee is violating any policy regarding contraband, controlled substances or other rules. Entry on the County premises constitutes consent to searches and inspections. Refusal to consent to a search or inspection when requested by an authorized county representative constitutes insubordination and a violation of county policy subject to disciplinary action up to and including termination.

### (a) Statement of Policy

While on county premises and while conducting business-related activities off the county premises, the unlawful manufacture, distribution, dispensation, possession, sale, or use of a controlled substance or alcohol is strictly prohibited. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace. The use of medicinal cannabis on County property or during work hours is prohibited.

### (b) Consequences of Violation of the Policy

Violations of this policy will lead to severe disciplinary action, up to and including immediate termination of employment and or required participation in a substance abuse rehabilitation or treatment program at the employee's expense. Such violations may also have legal consequences.

### (c) Notification of Employees

In accordance with the provisions of the Drug-Free Workplace Act, every employee who is engaged in the performance of any work connected with a federal grant will be given a copy of this policy and will, as a condition of employment:

- 1) Abide by the terms of the substance Abuse Policy;
- 2) Notify Franklin County of a criminal conviction of controlled substance-related violation in the workplace, including pleas of nolo contendere (i.e. no contest), within five days of such conviction or plea. Franklin County will notify the federal agency through which a grant is administered within 10 days after receiving notice from an employee or otherwise receiving actual notice of such conviction.

### (d) Drug-free "Awareness Program

Employees will periodically receive information to educate employees about the dangers and effects of substance abuse; the county's policy of maintaining a drug-free workplace; the penalties that may be imposed upon

employees for drug abuse violations occurring in the workplace; and rehabilitation resources available to employees.

(e) Health Insurance Benefits for Chemical Dependency

Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take available sick and/or unpaid leave to participate in a rehabilitation or treatment program. The county's health insurance program provides benefits for treatment of chemical dependency, including alcoholism, as part of the overall medical benefits program for eligible full-time employees (For further information, refer to the Medical Benefits Booklet).

(f) Alcohol and Controlled Substance Testing

Employees whose jobs are classified as safety-sensitive are subject to alcohol and controlled substance testing. Employees in these positions will be provided a copy of the applicable alcohol and controlled substance testing policy and will be required to sign an acknowledgment of receipt of the policy.

(1) DOT Drivers – Highway Department

Employees whose jobs are classified as safety-sensitive and/or require a Class A or B Commercial Driver's License (CDL) to operate commercial motor vehicles are subject to the "Alcohol and Controlled substance Testing Policy Applicable to Department of Transportation covered Positions".

(2) Non-DOT Authorized Drivers

Authorized drivers of county vehicles and/or employees, who are required to maintain a valid motor vehicle license as a requirement of their position, will be subject of the provisions of the "Alcohol and Controlled substance Testing Policy Applicable to Non-DOT Drivers".

I. PURPOSE

The purpose of this policy is to promote safety for all employees and citizens of the County by implementing a controlled substances and alcohol testing policy for authorized drivers of county-owned vehicles, employees who operate heavy equipment and employees who sustain an alleged work-related injury, including employees in the following offices:

Assessor

Auditor  
Collector of Revenue  
County Clerk-Voter Registration  
County Commission  
Health Department  
Prosecuting Attorney (including Child Support)  
Public Administrator  
Recorder of Deeds  
Sheriff  
Treasurer  
Highway (when not in conflict with contract)  
Human Resources  
Emergency Management Agency and 911 Dispatching  
Building Department  
Maintenance Department  
Planning and Zoning (including GIS)  
Purchasing  
Municipal Court

Any employee reporting a work-related injury



## II. Definitions.

Alcohol – refers to the intoxicating agent in beverage alcohol, ethyl alcohol, or other alcohols including methyl and isopropyl alcohol.

Alcohol Concentration – is the alcohol in volume of breath in terms of grams of alcohol in 210 liters of breath as indicated by an evidential breath test as described in this policy.

Alcohol Use – refers to the consumption of any beverage, mixture or preparation, including medication, which contains alcohol.

Breath Alcohol Technician or BAT – an individual who instructs and assists persons in the alcohol testing process and operates an EBT.

Cannabis – all parts of the plant genus Cannabis in any species or form thereof including, but not limited to, Cannabis sativa L., Cannabis indica, Cannabis Americana, Cannabis ruderalis, and Cannabis gigantean, whether growing; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, sale, derivative, mixture, or preparation of the plant; its seeds or resin. It does not include the mature stalks of the plant; fiber produced from the stalks; oil or cake made from the seeds of the plant; any other compound, manufacture, sale, derivative, mixture, or preparation of the mature stalks except the resin extracted therefrom; fiber, oil, or cake; or the sterilized seed of the plant which is incapable of germination.

Drug – includes controlled substances as defined above as well as any other illegal substance or dug.

Medical Review Officer – a licensed doctor of medicine or osteopathy with a knowledge of drug abuse disorders who is employed or used by the county to conduct drug testing in accordance with Federal law, responsible for receiving laboratory results generated by the county's drug testing program who has been medically trained to interpret and any other relevant biomedical information.

On Duty – includes all working hours, as well as meal periods and break periods, regardless of whether on premises.

Reasonable Suspicion – is the belief that an employee has violated the alcohol or controlled substances prohibitions, based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver.

Refusal to Submit – refers to refusal to submit to an alcohol or controlled substance test and means that an employee: (1) Fails to provide adequate breath for testing without a valid medical explanation after he/she has received notice of the requirement for breath testing; (2) Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he/she had received notice of the requirement for urine testing; (3) Engages in conduct that clearly obstructs the testing process.

Substance Abuse Professional or SAP – refers to a licensed physician, or a licensed or certified psychologist, social worker, employee assistance professional or addition counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.

Confirmation Test – (1) For alcohol, means a second test, following a screening test with a result of 0.02 or greater that provides quantitative results of alcohol concentration, (2) For controlled substances, this means a second analytical procedure to verify the presence of a specific drug. Gas Chromatography/mass spectrometry is the only authorized method for controlled substances, as defined in this policy.

### (g) Conduct Prohibited By This Policy

#### 1. Alcohol

- a. No employee shall report for duty or remain on duty while having an alcohol concentration of 0.04 or greater. No supervisor having actual knowledge that a driver has an alcohol concentration of 0.04 or greater shall allow an employee to perform driving functions.
- b. No employee shall perform driving functions within four hours after using alcohol. No supervisor having actual knowledge that a driver has used alcohol within four hours shall permit a driver to perform or continue to perform a driving function.
- c. No employee shall possess any quantity of alcohol while on duty or while performing a driving function. This includes any medicines, both prescription and over-the-counter, that contain alcohol, unless the packaging seal is unbroken. No supervisor having actual knowledge of the possession of alcohol may permit an employee to drive or continue to drive a motor vehicle or heavy equipment.
- d. No employee shall use alcohol while performing a driving function.
- e. When involved in an accident that requires a post-accident alcohol test, the employee shall not use alcohol within eight hours of the accident or prior to submitting to a post-accident test, whichever comes first.
- f. No employee shall refuse an alcohol test as required by this policy. An employee who refuses to submit to testing will subject to disciplinary action, up and including, termination of employment.

## 2. Controlled Substances

- a. No employee shall report for duty or remain on duty when using controlled substances, except when the use is pursuant to the instruction of a physician who has advised the driver that the substance does not adversely affect the user's ability to safely operate a motor vehicle. No supervisor having actual knowledge that an employee has used a controlled substance shall permit the driver to perform or continue to perform driving functions.
- b. No employee shall report for duty or remain on duty if the employee tests positive for controlled substances. No supervisor having actual knowledge that an employee has tested positive for controlled substance shall permit the driver to perform or continue to perform driving functions.
- c. No employee shall refuse a controlled substance test as required by this policy. An employee who refuses to submit to testing will be subject to disciplinary action up to and, including, termination of employment.

## 3. Controlled Substance and Alcohol Testing

Franklin County shall provide, for all positions covered by this policy, the following tests: (1) pre-employment; (2) random testing; (3) reasonable suspicion testing; (4) post-accident testing; (5) return-to-duty; and (6) follow-up testing.

### 1. PRE-EMPLOYMENT TESTING

#### a. Controlled Substance Testing

- (1) All employees who Franklin County intends to employ will be tested for controlled substances prior to performing driving functions for the county.

- (2) All prospective employees will be notified that a urine sample will be tested for controlled substance.
- (3) Franklin County will not allow a prospective employee to perform a driving function unless the results of the controlled substances test are negative, and verified by the MRO.
- (4) Any person who refuses to submit to a controlled substance test, or who tests positive for controlled substances will not be offered employment with the country.

## 2. Reasonable Suspicion Testing

### A. Alcohol Testing

- (1) If there is a reasonable suspicion to believe the employee has violated this policy, the employee shall undergo alcohol testing.
- (2) Conduct by employees constituting reasonable suspicion must be witnessed by a supervisor or another trained employee. The supervisor or a trained employee who has reasonable suspicion of violation of this policy by an employee shall report the matter to their officeholder or department administrator. Failure to do so shall subject the supervisor or the trained employee who has actual knowledge of the violation to disciplinary action. This observation must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior and speech or body odors of the employee.
- (3) Reasonable suspicion testing for alcohol is authorized only if the observation as described in (B) above, is made during, just before, or just after the employee has been, will be, or was performing an employment function. A reasonable suspicion test for alcohol must be conducted within two hours after the employee was notified. If the test is not conducted within two hours, a written record stating the reasons for the delay must be done. If the test is not done within eight hours following the notification, the county shall cease its attempts and state in the record the reason for not administering the test.
- (4) A written record shall be made documenting the employee's conduct with respect to reasonable suspicion and signed by the supervisor who observed the behavior within 24 hours of the observation or before the results of the alcohol test are released, whichever is earlier.

### B. Controlled Substances

1. If there is a reasonable suspicion to believe the employee has violated this policy, the employee shall undergo controlled substances testing.
2. Conduct by employees constituting reasonable suspicion must be witnessed by a supervisor or another trained employee. The supervisor or a trained employee who has reasonable suspicion of violation of this policy by an employee shall report the matter to the officeholder or department administrator. Failure to do so shall subject the trained employee who has actual knowledge of the violation to disciplinary action. This observation must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. Observation may also include the indications of chronic and withdrawal effects of controlled substances.

3. Reasonable suspicion testing for controlled substances is authorized only if the observation as described in (B) above, is made during, just before, or just after the employee has been, will be, or was performing a work-related function. A reasonable suspicion test for controlled substances must be conducted within two hours after the employee was notified. If the test is not conducted within two hours, a written record stating the reasons for the delay must be done. If the test is not done within eight hours following notification, the county shall cease its attempt to state in the record the reason for not administering the test.
4. A written test shall be made documenting the employee's conduct with respect to reasonable suspicion and signed by the supervisor who observed the behavior within 24 hours of the observation or before the results of the controlled substance are released, whichever is earlier.

#### C. Post-Accident Testing

Nothing in this policy shall be construed as to require the delay of necessary medical attention for injured person following an accident, or to prohibit a driver from obtaining necessary emergency medical care. Within two (2) hours of a work-related accident, the employee shall be tested for alcohol and controlled substances. If additional time is required in order to provide for medical care, approval must be obtained from the Director of Human resources.

#### D. Return-To-Duty and Follow-Up Testing

1. RETURN-TO-DUTY: Before an employee returns to duty after engaging in prohibited conduct regarding substance misuse, the employee will be required to take an alcohol and drug test. To return to duty, an employee must have a breath alcohol of under 0.02 and test negative for controlled substances.
2. FOLLOW-UP: any employee who has violated the substance-related prohibitions in this policy shall, after returning to duty, be subject to unannounced follow-up alcohol and drug testing. The number and frequency of the tests shall be determined by a substance abuse professional (SAP) and must consist of at least six tests in the first twelve months following the employee's return to duty.

#### E. Consequences of Alcohol Misuse and Drug Use

1. No employee who is found to have breath alcohol concentration of 0.02 or greater but less than 0.04 will perform or continue to perform driving functions for the county, nor shall the county permit the employee to perform or continue to perform driving functions until the start of the employee's next regularly scheduled duty period, but not less than 24 hours following administration of the test.
2. A first-time offender who tests positive for a controlled substance or has an alcohol concentration of 0.04 or greater will be suspended for at least 30 days without pay. The employee will not be eligible for sick leave or vacation during the suspension.
3. During the suspension, the employee will be referred to a substance abuse professional who can determine what action is needed to assist the driver in resolving their problem of alcohol misuse and drug use. The cost of rehabilitation will be the responsibility of the employee. However, a portion of the medical expenses may be covered by the county group medical insurance plan. An employee's refusal to seek treatment will result in immediate termination of employment.
4. At the end of the suspension and before returning to work, the employee will not perform driving functions unless the employee has:

- a) Been advised of the resources available for evaluating and treating alcohol and/or controlled substance abuse;
  - b) Been evaluated by a substance abuse professional to determine what rehabilitation, if any, is required by the employee and a determination that the employee has successfully complied with any required rehabilitation; and
  - c) Taken a return-to-duty test with either a negative test result for substance abuse or a result of less than 0.02 for alcohol concentration, as applicable. A return-to-duty test that is positive for a controlled substance or greater than 0.02 for alcohol, as applicable will result in termination of employment with the county.
5. An employee who tests positive for the first time and completes their period of suspension, rehabilitation, if required, and subsequent negative testing will be reinstated but will be required to undergo follow-up testing as outlined in Section E herein.
  6. If at any time a driver tests positive a second time, he or she will be terminated immediately from employment with the county.

#### Section 11-10 Workplace Violence

Due to the increased violence in society, which has also filtered into many workplaces throughout the United States, it is the policy of Franklin County to expressly prohibit any acts or threats of violence by any county employee or former employee against any other employee, visitor, or customer on county property or elsewhere at any time. Workplace violence includes, but is not limited to, physical assaults, verbal assaults, harassment, threats, abusive language, carrying concealed weapons, stalking, or intimidation.

- (a) Any employee who engages in workplace violence or in violence/harassment off-the-job that is work related will be subject to severe disciplinary action, up to and including immediate termination.
- (b) The county will take appropriate action when dealing with employees, former employees, or visitors to county facilities who engage in violent behavior. Such action may include notifying the sheriff, police or other law enforcement personnel and prosecuting violators of this policy to the maximum extent of the law.
- (c) With the exception of law enforcement personnel authorized to possess firearms by the Sheriff, the county prohibits employees, former employees, and visitors from bringing unauthorized firearms or other weapons onto county premises. The carrying of weapons of any kind, except by law enforcement personnel, in county owned vehicles is prohibited.
- (d) Any employee who is the victim of violence or observes such activity is responsible to reporting it to their elected official or department administrator. Employee reports made pursuant to this policy will be held in confidence to the maximum extent possible.

## Chapter 12

# SEPARATION OF EMPLOYMENT

- Employment at Will
- Retirement
- Reduction in Workforce/Layoff
- Payment upon Employment Separation
- Return of County Property

#### Section 12-1 Employment at Will

Since employment with Franklin County is based on mutual consent, both the employee and the county have the right to terminate at will, with or without cause, at any time. An employee who chooses to resign should give their supervisor written notice stating the reason for leaving as far in advance as possible. The county requests the professional courtesy of a two-week notice.

#### Section 12-2 Retirement

An employee who chooses to retire should give their supervisor written notice as far in advance as possible and contact the Human Resources Department to file their application for retirement at least 30 days, but no more than 90 days from the date it is to be effective. All LAGERS and CERF retirements are effective on the first day of the month.

#### Section 12-3 Reduction in Workforce/Layoff

An elected official or department supervisor may separate an employee for non-disciplinary reasons because of lack of funds, lack of work or the elimination of a department or position after giving proper notice. An elected official or department administrator may appoint an employee who is to be laid off to any existing vacancy in a lower job classification for which the employee is qualified. Employee's qualifications, abilities, and demonstrated individual performance will be considered when determining who will be laid off. The county will provide at least two weeks' notice or equivalent compensation to persons being laid off.

#### Section 12-4 Payment upon Employment Separation

Upon separation of employment due to resignation or death, employees who are not in an introductory status will be paid for unused PTO time that has been earned and accrued up to a maximum of eighty (80) hours. In the event of separation due to death of the employee, compensation will be paid to the employee's beneficiary. In no event shall an employee be paid for unused PTO whose employment is involuntarily terminated. In order to be eligible to be paid for unused PTO an employee's last day worked will be the date for retirement purposes. All employee benefits including, but not limited to, health, dental, vision, and contributions to a retirement plan shall terminate as of the last day of the month at which the employee was physically at work and working a full day in order for the employee to be paid for unused PTO.

#### Section 12-5 Return of County Property

All separating employees are required to return all Franklin County property, materials, equipment, keys, identification cards including commissions for law enforcement personnel, or other written information issued to them or in their possession or control prior to the separation of employment. The county may withhold from the employee's final paycheck the cost of any items that are not returned for or for damaged county property provided that the employee receives at least the current "minimum wage" as required by federal and state wage and hour laws. Benefits otherwise due to the employees may also be withheld. In addition, the county may take legal actions to recover its property.

## **Chapter 13**

# **WORKER'S COMPENSATION**



Franklin County hereby recognizes and adopts all provisions Missouri Worker's Compensation law.

All employees who suffer what is believed to be work related injury or illness must report such injury or illness as soon as possible after the injury occurs or the onset of the illness. Employees who fail to notify County Representatives (supervisor, department head or elected official) within two (2) days of the injury or illness may jeopardize their ability to receive compensation and any other benefits under Missouri Worker's Compensation law. An employee reporting an injury may be required to submit to drug and alcohol testing.

Franklin County provides a comprehensive workers' compensation insurance program as required by Missouri law. If a county employee sustains an injury or illness in the course of their employment with Franklin County, the following policy and procedure will apply.

(a) Reporting Requirements

All work-related injuries must be reported to the employee's supervisor as soon as possible. State law requires that a Report of Injury form be filed with the insurance carrier within three days of the accident. To report a work-related injury the following reports must be filed with the Human Resources Department no later than the next working day following the incident.

- (1) Division of Workers' Compensation Report of Injury. The supervisor of the injured employee must complete a Report of Injury and notify Human Resources immediately. Employee's Statement of Injury. The injured employee must complete this form on the date the injury occurs unless their injuries are so severe that they are unable to. Witness Statement any witness to the accident must complete a Witness Statement.

(b) Selection of Health Care Provider

According to Missouri Workers' Compensation Law, Section 287.140 RSMo., the County Commission has the right to designate the health care provider for work-related injuries or illness. The County Commission shall from time to time designate the physician who shall serve as the Workers' Compensation physician for the County.

If an employee requires emergency medical attention due to the severity of an injury, the emergency room at the nearest hospital should be used. The employee should inform the emergency room physician as to the name of the County's Worker's Compensation physician.

Employees who do not wish to be treated by the physician designated by the County will be required to seek treatment at their own expense in accordance with Section 287.

(c) Coordination with Other Benefits

All work related injuries or illnesses which meet the FMLA definition of a "serious health condition" and which result in the employee being absent from work shall automatically trigger utilization of time off under FMLA (See 10-1 and following).