

**TANEY COUNTY, MISSOURI**  
**PERSONNEL POLICY MANUAL**

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**Personnel Policy Manual  
August 19, 2021**

**Taney County Elected Officials**

Mike Scofield  
Sheila Wyatt  
Brandon Williams  
Susan Chapman  
David Clark  
Amy Strahan  
Mona Cope  
Tony Mullen  
Donna Neeley  
Melanie Smith  
William Duston  
Joanna Jasper  
Jody Stahl  
Brad Daniels

Presiding Commissioner  
Eastern Commissioner  
Western Commissioner  
Assessor  
Auditor  
Circuit Clerk  
Collector of Revenue  
Coroner  
County Clerk  
Treasurer  
Prosecuting Attorney  
Public Administrator  
Recorder  
Sheriff

**Department Administrators**

Airport Manager  
Building & Grounds Administrative Supervisor  
Building & Grounds Personnel Supervisor  
Emergency Management  
Information Systems Administrator  
Chief Juvenile Officer  
Planning & Zoning Administrator  
Purchasing Director  
County Highway Administrator  
911 Administrator

Mike Mulnik  
Renee Brusca  
Scott Terpening  
Chris Berndt  
Marc Rys  
Bart Owen  
Scott Starrett  
Nikki Lawrence  
Devin Huff  
Tammy Hagler

*(Contents of this Personnel Policy Manual revised and adopted February 10, 2014. All Revisions listed under Topic M.)*

## **History of Taney County**

Taney County was organized on January 4, 1837. The name "Taney County" originated from Roger B. Taney, Chief Justice of the United States Supreme Court. Forsyth, Missouri was named as the "County Seat".

In the beginning, court met in private homes while a Courthouse site was being selected in Forsyth, MO. Before a permanent structure could be built in that community, Commissioners were appointed by the State Legislature. The Commissioners decided to relocate the County Seat to a site near Bull Creek.

Around 1855, the community constructed a three-story Courthouse, which was considered a rare structure for that period. The Courthouse was destroyed on July 22, 1861, during a Civil War Battle.

The Courthouse was rebuilt, but once again destroyed. This time it was destroyed by fire, on December 19, 1885.

The Courthouse was rebuilt a third time in 1891. When Bull Shoals Lake inundated the area in 1951, the Courthouse was flooded. The County sold it to the School of the Ozarks (now College of the Ozarks).

The building was moved in 1952 to permit the building of Bull Shoals Lake.

The fourth and present Courthouse was occupied on August 1, 1952. In 1989 an addition was started and then completed in 1991.

On January 1, 2001, Taney County became the first County in the State of Missouri to move from a "Third Class County" to a "First Class County".

The next building project was to build a new Judicial Facility next to the Courthouse. Groundbreaking was on June 15, 2006. Elected Officials and employees moved into the Judicial Facility in September, 2008.

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## **TOPIC A – GENERAL RULES: (SECTION 1)**

### **SECTION 1. GENERAL PROVISIONS**

#### **Section 1-1. Purpose of Rules.**

Taney County is committed to excellence in county government and responsibility to all county citizens without regard to politics or prejudice. The citizens of our County employ all county officeholders, administrators and workers. As Employees of the citizens, we are expected to return the confidence they have placed in us with fair, efficient government, and courteous, dedicated and efficient service.

It is the purpose of these rules to set forth the principles and procedures which will be followed by the County Commission in the administration of the County's personnel program. They are intended to establish an efficient, equitable and functional system of Personnel administration which governs the appointment, promotion, transfer, layoff, dismissal, discipline, and other related conditions of employment. They are not intended to be a contract between the County and its Employees and do not create contractual rights for Employees.

All Departmental rules are under the County Commission and Office rules are under each Elected Official's Office.

Because the Fair Labor Standards Act (FLSA) provides some variance for emergency service personnel, policies related to Employees in the Sheriff's Office, and certain other emergency service functions of the County are addressed separately.

Employees are responsible for knowing these rules and performing their obligations as an Employee.

The County reserves the right to change the Personnel Policy Manual at any time.

#### **Section 1-2. Positions Covered by the Rules.**

These rules shall apply to all positions in all departments of the County and to such other positions as may be provided herein subject to applicable Missouri law, except that provisions of a work agreement under the Missouri Meet and Confer Law, when in conflict with or supplemental to these rules, may provide the applicable rules for Employees covered by the work agreement.

#### **Section 1-3. Administration of the Rules.**

The County Commission shall be charged with the overall responsibility for the administration of these policies and rules.

#### **Section 1-4. Departmental Regulations.**

These rules shall 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. Departmental rules and regulations shall not conflict with provisions of these rules. When applicable, departmental rules shall be approved by the County Commission and shall be published and a copy furnished to each Employee to whom they apply. Such rules and regulations, when approved, published, and distributed as herein provided, shall have the force and effect of rules of that department, and disciplinary action may be based upon breach of any such rules and regulations.

#### **Section 1-5. Open Communications.**

In order to foster an open and direct work environment, and to encourage positive work attitudes, Employees are encouraged to deal openly and directly with one another. Employees are strongly encouraged to voice concerns to their Elected Officials and/or Department Heads in order to resolve these concerns before serious problems develop. If a situation persists that you believe is detrimental to you, your co-workers or the County, you should discuss it with your Supervisor, Department Heads, Elected Official, or Human Resources in order to work out a solution to the situation.

#### **Section 1-6. Political Activity.**

County Employees shall not be coerced to take part in political campaigns, or coerced to solicit votes, funds or support for the appointment or election of any candidate or coerced for passage of any issue placed before the voters.

No Elected Official, Department Head or Supervisor shall make, enforce, or attempt to enforce any order, rule, or regulation, or adopt any other device or method to prevent an Employee from engaging in political activities, accepting candidacy for nomination to, or the holding of political office, holding a position as a member of a political committee, soliciting or receiving funds for political purpose, acting as chairman or participating in a political convention, assuming the conduct of any political campaign, signing or subscribing the Employee's name to any initiative, referendum or recall petition, or any other petition circulated pursuant to law. In compliance with State and federal Law, during the dates and times of "Absentee Voting", there is to be no means of political campaigning, i.e. political t-shirts, caps, etc. within 25 feet of the Courthouse. (Revised 9/29/2014)

#### **Section 1-7. County Property.**

Employees are expected to provide good care for any County equipment that they use. They are also required to use County supplies prudently and economically. In certain

cases of obvious misuse, you may be asked to share in the replacement cost of any items you damage. The County reserves the right to examine the contents of any

package being taken from the premises. Unauthorized removal of County property from the premises or its conversion to personal use will be considered cause for suspension and/or dismissal. Equipment owned by Taney County is not to be used for non County related reasons without prior approval from the County Commission, Elected Official or Department Head.

#### **Section 1-8. County's Retained Rights.**

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

#### **Section 1-9. Whistleblower Policy.**

A whistleblower as defined by this policy is an Employee of Taney County who reports an activity that he/she considers to be illegal or dishonest to one or more of the parties specified in this Policy. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate County Officials are charged with these responsibilities.

Examples of illegal or dishonest activities are violations of federal, state or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting.

If an Employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the Employee is to contact his/her Elected Official, Department Head, immediate Supervisor or the Human Resources Director. The Employee must exercise sound judgment to avoid baseless allegations. An Employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

Whistleblower protections are provided in two important areas – confidentiality and against retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation to comply with the law and to provide accused individuals their legal rights of defense. The County will not retaliate against a whistleblower. This includes, but is



not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes he/she is being retaliated against must

contact the Human Resources Director immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

All reports of illegal and dishonest activities will be promptly submitted to the Human Resources Director, any Elected Official, or the Commission, who is responsible for investigating and coordinating corrective action. Employees with any questions regarding this policy should contact the Director of Human Resources.

**Section 1-10. Excessive Force of Law Enforcement:**

In agreement with, and in following the Excessive Force Resolution that was adopted on June 17, 2002, Taney County is adopting said Resolution as a Policy, effective January 5, 2015.

(Please see attached copy of the Excessive Force Resolution listed as Section 1-10 Attachment, page 4-1).

**Section 1-11. Amendment of Rules.**

Amendment of these rules and regulations shall be approved by a majority vote of the County Commission. Copies of such amendments shall be distributed to all Elected Officials and Department Heads, as well as to all Employees



County of **TANEY** State of *Missouri*

TANEY COUNTY COURTHOUSE  
P. O. BOX 1086 • FORTSMITH, MO 65653  
(417) 546-7244

OFFICE OF  
JUDICIALIZING  
PRESIDING COMMISSIONER  
RON HENSEN  
WESTERN DIST. COMMISSIONER  
DON SWAN  
EASTERN DIST. COMMISSIONER  
TRESSA LUTTRELL  
ADMINISTRATIVE ASSISTANT

Resolution No. 023-617

**EXCESSIVE FORCE RESOLUTION**

A resolution establishing rules and regulations regarding the use of excessive force during nonviolent civil rights demonstrations, including physically barring entrance to a facility or location which is the subject of such demonstration, and providing penalties for violations thereof. In the County of Taney, State of Missouri as follows:

**Article I**

**Section 1:** The County hereby adopts and will enforce this policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individual engaged in nonviolent civil right demonstrations. The County also prohibits the physical barring of any entrance or exit to such a facility and will enforce all applicable state laws regarding same.

**Article II**

**Section 1:** Any person found to be violating any provision of this resolution shall be served by the County with written notice stating the nature of the violation.

**Section 2:** Any person guilty of this violation shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding one hundred (100) dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

**Section 3:** Any person violating any of the provisions of this resolution shall become liable to the County for any expense, loss, or damage occasioned the County by reason of such violation.

**Article III**

Passed and adopted by the County Court of the County of Taney, State of Missouri on the 17<sup>th</sup> day of June, 2002.

Attest:

  
County Clerk

  
Presiding Commissioner

## **TOPIC B – HIRING OF EMPLOYEES: (SECTION 2)**

### **SECTION 2. APPLICATIONS AND APPLICANTS**

#### **Section 2-1. Recruitment.**

Notice of employment opportunities in the County service may be published when at all possible by posting announcements on the Human Resources Department's website, official bulletin boards, and in such other places as the County Commission, Elected Officials, or Department Heads deem advisable including, as appropriate, a newspaper in general circulation in the area or region or with Missouri Career Source when at all possible.

The announcements shall specify the Position available; the hiring Office or Department; the nature of the work to be performed; the minimum qualifications required for the performance of the work; the time, place, and manner of making application; the closing date for receiving applications; and other pertinent information.

#### **Section 2-2. Application Form.**

All applications shall be made on forms prescribed by Taney County and shall be filed on, or prior to the closing date specified in the announcement. Applications may require information concerning education, employment experience, references, and other work related information pertinent to the position. All applications shall be signed and the truth of the statements contained therein certified by signature. The hiring Elected Official or Department Head or Human Resources may require such proof of education, experience, and other claims as may be appropriate. Human Resources will share all applications received with the hiring Elected Official or Department Head.

#### **Section 2-3. Reference Checking.**

To ensure that applicants for employment meet the requirements and qualifications for an open position, reference checking may be conducted in regards to previous employment, education, and personal references before any offer of employment is extended to an applicant. Results of the applicant's reference checking from previous or current employers shall be conducted by the Elected Official, and/or Human Resources and shared with the County's hiring Supervisor for the position in question if assigned.

Outside employment verifications shall be conducted by Human Resources. Responses from Taney County will confirm only dates of employment and position(s) held. In some cases wage rates may be shared, with the former Employee's permission. The County will not provide any subjective information of any kind unless an act of gross misconduct was committed by the Employee.

## **Section 2-4. Pre-Employment Record Checks and Testing.**

Record checks such as criminal and driving records may be conducted upon an offer of employment being extended. Criminal history checks will be performed for positions in the Sheriff's Office, Prosecutor's Office, Building and Grounds, Juvenile Services and other security sensitive positions. Criminal history checks may also be performed for all other positions. Employees and applicants may have their applications rejected or be subject to dismissal if a criminal background check reveals a 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. In addition, pre-employment drug testing is required upon an offer of employment. Employment date of hire is contingent upon successfully completing the pre-employment drug test and confirmed as negative before the first day of employment. (See Substance Abuse Policy).

## **Section 2-5. Disqualification.**

The County Commission, Elected Official, Department Head or Human Resources may refuse to examine an applicant, or, after examination, may disqualify such applicant, remove a name from an eligible list, or refuse to interview an applicant, or may take steps to remove such person already appointed if the applicant or Employee:

- (a) Does not meet the preliminary requirements established for the pertinent class;
- (b) Has a physical or mental disability such that the person is unable to perform the essential functions of the job;
- (c) Tests "positive" on drug tests, is a current user of narcotics or the habitual use of intoxicating liquors in excess;
- (d) Has made a false statement on an application;
- (e) Has used or attempted to use political pressure or bribery to secure an advantage in the examination;
- (f) Has directly, or indirectly, obtained information regarding the examination to which, as an applicant, the applicant was not entitled;
- (g) Has failed to submit the application correctly or within the prescribed time limits;
- (h) Has previously been dismissed from a position in the County service or has resigned while charges for dismissal were pending;
- (i) Has otherwise willfully violated the provisions of these rules;
- (j) Has established an unsatisfactory employment or personnel record as evidenced by a reference check of such a nature as to demonstrate unsuitability for employment;
- (k) Has taken a drug test for another employee or allowed another employee to take a drug test for them;
- (l) Has a criminal history that may expose the public to a risk of harm or loss.

Applications, whether accepted or rejected, shall not be returned and shall remain on file for a period of three (3) years unless hired. Once hired, the application will be transferred to the Employee's Personnel File.

**Section 2-6. Disqualification by Reason of Police Record.**

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

## **TOPIC C – EMPLOYMENT: (SECTIONS 3,4,5)**

### **SECTION 3. GENERAL EMPLOYMENT POLICIES**

#### **Section 3-1. Equal Employment Opportunity.**

Taney County is an Equal Employment Opportunity Employer (EEOE). It is the intent of Taney County that all personnel activities be conducted in a manner that will assure equal employment opportunity for all persons, without regard to political affiliation, race, color, religion, national origin, sex, sexual orientation, age, disability, status as a Vietnam-era veteran, or any other characteristic protected by law in accordance with all applicable federal and state laws. This policy shall include all personnel practices related to the employment process, promotions, demotion, transfer, layoff, termination, compensation, benefits, training, and general treatment of Employees.

#### **Section 3-2. Labor Law Posters.**

Taney County is committed to the Fair Labor Standards Act (FLSA). Therefore, you will find current Federal and State Labor Law Posters throughout the Court House, Judicial Building, Planning and Zoning Office, Road and Bridge Offices, University Extension Office and Airport. Taney County participates in the program "Poster Guard". This means that Taney County is provided with new Labor Law Posters any time there is the slightest change in any Labor Law. Please consult the areas where the Labor Law Posters are posted on a regular basis for information or updates.

#### **Section 3-3. Employment "At Will".**

Any employment relationship with Taney County is of an "at will" nature, which means that either Taney County or the Employee may, at any time, terminate the employment relationship with or without cause. Written or oral statements made to the Employee are not to be interpreted in any way that alters the "at will" relationship.

Policies or statements in Taney County's Personnel Policy Manual are guidelines only, and do not create an employment contract. Neither does this manual express or imply, nor can it be intended as a guarantee of continued employment. The policies are not to be construed as constituting contractual obligations or employment between Taney County and any of its Elected Officials or Department Heads.

#### **Section 3-4. Immigration Law Compliance.**

Taney County employs only United States Citizens and aliens authorized to work in the U.S. and will 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 Verification Form, (I-9), and present documentation establishing identity and employment eligibility to Human Resources on their first day of employment. If the required documentation is not presented by the third day of employment, the Employee will be terminated until they are able to present proper documentation. A list of documents that may be used will be presented to the Employee at New Hire Orientation. In addition, Employees are to be aware that Taney County participates in a process called "E-Verify". E-Verify is a program where the employer provides the Social Security Administration and, if necessary, the Department of Homeland Security, with information from each new Employee's Form I-9 to confirm work authorization. Former Employees who are re-hired must also fill out an I-9 upon re-hire.

### **Section 3-5. Qualification for Employment.**

It is the policy of Taney County to hire individuals who are qualified for employment as determined by our standards of physical fitness, education, training, experience and personal qualifications. Employees must have earned a High School Diploma or GED, and be at least eighteen (18) years of age. In certain positions the minimum age is twenty-one (21), i.e. The Sheriff's Office. All decisions regarding the recruitment, selection and placement of Employees are made solely on the basis of job-related criteria. Every effort is made to place new Employees in positions where they will be able to achieve both personal satisfaction and growth.

### **Section 3-6. Hiring.**

Elected Officials are the hiring authorities for their offices, unless provided otherwise by Missouri Law. However, no Employee will be placed on the payroll until the Elected Official or representative has properly signed all employment forms administered by Human Resources, pre-employment forms have been completed, including pre-employment Drug Screening signed by the Employee, submitted to Human Resources, with appropriate employment forms and submitted to the Auditor's Office.

### **Section 3-7. Employment of Relatives.**

Taney County 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) No person shall be appointed, promoted, transferred or otherwise employed when, as a result, he or she would supervise, have assignment with, or receive supervision from a relative, or significant other. In other words, 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) 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.
- c) For purpose of this policy, "family member or relative" is (*a spouse, child, parent, sibling, grandparent, grandchild, aunt, uncle, first cousin, or corresponding in-law or "step" relation, any relative within the fourth degree, by consanguinity or affinity,*) and individuals that are not legally related, but live with another employee. This policy applies to all categories of employment, including Full-time, Part-time and temporary classifications.
- d) Employees and their close friends or significant others may also be assigned to positions that create a coworker or supervisor-subordinate relationship. Elected Officials and Department Heads will, in their discretion, exercise sound judgment with respect to the placement of these Employees in these situations in order to avoid the creation of a conflict or the appearance of a conflict of interest, avoid favoritism or the appearance of favoritism, and decrease the likelihood of conflict or sexual harassment in the workplace.

### **Section 3-8. Outside Employment.**

All Taney County Employees are expected to give their position with the County first priority. Therefore it is required that Employees notify their Elected Official, Department Head or Supervisor about their second job, to ensure that it will not interfere with their County position or be viewed as a conflict of interest. Below are guidelines for Employees that do currently have or will seek to have outside employment from the County.

- A Taney County Employee is not allowed to have outside employment (a second job) if it interferes with the performance of the official duties of the County.
- A Taney County Employee should never expect a co-worker to cover for them if they are unable to adequately perform their duties for the County due to an outside job.
- If a Taney County Employee holds an outside job, they will be held to their regular scheduling demands and performance standards as other Employees.
- As determined by the Commission, it is strictly prohibited for a Taney County Employee to hold any outside employment that constitutes a conflict of interest.
- A Taney County Employee that holds an outside position may not perform work for that job while on County time.



### **Section 3-9. Dual Employment.**

No regular Full Time Employee holding a position in the County service shall be eligible for employment in any additional position in the County service. (An exception would be hiring a Full Time Employee as an Election Judge. This would need to be agreed upon by the County Clerk, the Employee, and the Employee's immediate Supervisor.)

#### **Procedures for Hiring a County Employee as an Election Judge:**

The Taney County Clerk is responsible for the hiring of all Election Judges, including the hiring of other Taney County Employees, to serve as an Election Judge. If the Election Day affects the pay of a County Employee, or affects the Employee taking off work from their regular County job to serve as an Election Judge, the County Employee must have the approval of their Elected Official or Department Head.

The Taney County Clerk has a complete set of guidelines that a County Employee is required to follow, including pay rates, taxes, eligibility for overtime, and vacation. A set of guidelines will be provided to the County Auditor, County Treasurer, Human Resources, and any Elected Official or Department Head.

Taney County Employees who accept the position of an Election Judge are required to sign an acknowledgement stating they understand the guidelines presented to them.

### **Section 3-10. Employee Orientation and Acknowledgment.**

No Employee shall receive a paycheck until they have completed orientation and the required forms and paperwork at the Human Resources Department. All Employees will receive a copy of the Personnel Policy Manual at the time of New Hire Orientation. Employees are responsible for understanding and complying with all policies and procedures. As an Employee, you are to sign an acknowledgment form stating that you have received and understand this manual. This form will be retained in your personnel file in Human Resources. Questions concerning the Personnel Policy Manual should be directed to Human Resources, your Elected Official, or Department Head.

### **Section 3-11. Position Transfer.**

A position may be filled by transferring an Employee from one Office or Department to another. Inter-departmental transfers must be approved by the requisitioning department and Employee concerned. The relinquishing department may delay the transfer for up to a period of one month, if it should cause a production hardship on the relinquishing department.

### **Section 3-12. Promotion / Demotion.**

A position may be filled by selection from qualified Employees in another class having a

lower or higher maximum salary range. Upon notification of a promotion or a demotion, the relinquishing department may delay the promotion / demotion for up to a period of one month, if it should cause a production hardship on the relinquishing department.

### **Section 3-13. Positions.**

**Full Time Position:** A Full Time Employee is typically one that works 40 hours per workweek at 2080 hours annually, in each budget year. However, effective 01/01/2014, a Full Time Employee working a 30 hour workweek at 1580 hours annually is considered a Full Time Employee as well.

**Part Time Position:** Part Time Employees are budgeted for less than 1560 hours per year. (Revised 09/29/2014)

### **Section 3-14. Eligible for Benefits.**

Upon approval by the County Commission, a position may be eligible for benefits if it is budgeted for a minimum of 1,000 work hours per year. Accrual rates for sick, vacation, and Holiday pay are prorated, based upon the budgeted hours for the position.

### **Section 3-15. Temporary Positions.**

Temporary Employees are those who are hired as interim replacements to temporarily supplement the work force or to assist in completion of a specific project. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary Employees retain that status unless and until notified of a change by their Administrative Authority. Temporary Employees receive legally mandated benefits, such as Workers' Compensation Insurance and Social Security, but they are ineligible for the other County benefits.

### **Section 3-16. Job Descriptions.**

The Human Resources Department will strive to keep on file updated job descriptions which will include:

1. Description of work, including the essential functions for the position.
2. Qualifications necessary for the position, such as experience and education requirements.
3. Skills and abilities needed for the position.
4. Physical requirements of the position.
5. Miscellaneous requirements for the position.

## **Section 4. INTRODUCTORY & QUALIFYING PERIODS**

### **Section 4-1. Purpose.**

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

### **Section 4-2. Duration.**

All original appointments and re-employments to Full Time and Part Time positions shall be tentative and subject to an introductory period unless waived by the Commission or Elected Official. For entry-level personnel in the law department, this period shall be for at least one (1) year from the date of employment. All other appointments shall be subject to an introductory period of at least three (3) months and up to six (6) months, to be determined by the Commission, Elected Official or Department Head.

### **Section 4-3. Evaluation and Counseling.**

Elected Officials, Department Heads and Supervisors shall observe the Employee's work performance and shall counsel an introductory Employee whose work performance is marginal or inadequate. Any Employee whose work performance is marginal or inadequate must be notified in writing of the steps that must be taken to achieve an acceptable level of work performance.

### **Section 4-4. Extension of introductory Period.**

With the approval of the County Commission, Elected Official, or Department Head, the original introductory period may be extended to a maximum of fifty (50) percent of the original length of time if circumstances warrant an extension.

### **Section 4-5. Termination During Introductory Period.**

The Elected Official or Department Head shall fill out the appropriate personnel action forms when a decision on termination has been made during the introductory period. Forms should be turned in to Human Resources. A member of Human Resources should accompany the Elected Official or Department Head during the Termination process.

**Section 4-6. Completion of Introductory Period.**

The Elected Official or Department Head shall notify Human Resources when it is determined that the Employee will continue in the position. The Elected Official or Department Head will also notify the Employee when the introduction period is complete.

**Section 4-7. Qualifying Period for Promoted and Transferred Employees.**

The qualifying period for promoted Employees and Employees transferred to a different position shall be the period of time following transfer or promotion from one classification to another within County service. This time can be for a period of at least three (3) months but no more than six (6) months. This period shall be regarded as an integral part of the examination process and shall be utilized for closely observing the Employee's work, for securing the most effective adjustment of a transferred or promoted Employee to the position, and for replacing any Employee whose performance does not meet the required standards. An Employee serving a qualifying period shall have grievance privileges except in matters relating to their status in the position in which they are serving the qualifying period.

**Section 4-8. Demotion during Qualifying Period.**

An Employee serving a qualifying period, who continues to exhibit inadequate performance can be demoted to a position in the class held prior to the promotional appointment, provided a vacancy exists. The Elected Official or Department Head shall notify Human Resources of the decision to demote the Employee. If there is no vacancy, the Employee may be terminated.

## **SECTION 5. SEPARATION FROM EMPLOYMENT**

### **Section 5-1. Separation.**

Separation of employment is an inevitable part of personnel activity within any organization. Because Missouri is an “at will” State, an Employee may terminate their employment or an Employee may be terminated “at will”, with or without cause.

### **Section 5-2. Resignations.**

Any Employee in good standing may resign from the service of the County by presenting a “Letter of Resignation” in writing. Employees holding positions which are covered by the Fair Labor Standards Act are asked to present such notice of resignation not less than two (2) weeks prior to the effective date of resignation. Employees holding positions which are exempt from coverage under the Fair Labor Standards Act are asked to present notice of resignation no less than four (4) weeks prior to the effective date. Such resignation may be withdrawn by the Employee at any time prior to the effective date, with the approval of the County Commission or Elected Official and Department Head. (Taney County realizes that there may be situations when an Employee cannot give the appropriate two (2) weeks’ notice, or four (4) weeks’ notice in the case of an Exempt Employee. In that case, the Employee should give notice as soon as possible.)

### **Section 5-3. Terminations.**

In any case of a proposed personnel action which involves dismissal, a meeting will be held by the Elected Official or Department Head with the Director of Human Resources as soon as possible, following their knowledge of the pending termination. Information shall be presented to Human Resources as to the reason(s) regarding termination of the Employee to be kept in the Employee’s personnel file.

### **Section 5-4. Reduction in Work Force / Layoffs.**

An Elected Official or Department Head may separate from employment, any Employee, without prejudice because of lack of funds or curtailment of work, after giving proper notice to the Employee. Eligible Taney County Employees, whose employment is being terminated as the result of a reduction in work force due to budget constraints, may be offered a Settlement and Release Agreement. An eligible Employee is any Full Time Employee of Taney County with at least one year of completed service at time of termination. Conditions of the Settlement and Release Agreement will be decided upon by the County Commission at the time of the Layoff.

### **Section 5-5. Return of County Property.**

Separating Employees are required to return all Taney County property, materials,

equipment, keys, identification cards (including commissions for law enforcement personnel), and all other written information issued to them or in their possession or control prior to separation of employment.

The County may withhold from the Employee's final paycheck the cost of any items that are not returned, or are returned damaged, as allowed by law.

Benefits otherwise due to the Employee may also be withheld.

The County may take legal action to recover its property, including filing civil lawsuits, and may turn the case over to the Prosecuting Attorney for possible criminal charges.

#### **Section 5-6. Final Paychecks.**

Final paychecks are due and payable upon termination for all Employees who are discharged. In some circumstances, there may be an emergency in which the County would need to terminate the employee immediately and would need to require that the Employee leave the County premises immediately. During this type of emergency, the final paycheck will be issued to the Employee at a later time, but as quickly as possible. In addition, the final paycheck can be held until all County property is returned.

Final paychecks are due and payable on the payday following the end of the pay period in which an Employee resigns or retires for those who voluntarily terminate their employment.

All qualified accrued time will be paid unless specified otherwise. The Elected Official or Department Head or Human Resources Director will release final paychecks.

#### **Section 5-7. Employment References after Separation of Employment.**

Employment References should be conducted through Human Resources. The County will only provide confirmation of previous employment; date of hire; and position occupied. Employees who seek additional reference information shall submit an appropriate liability release form before other information listed will be released to prospective employers about a former Employee. (Release of certain information is, however, mandated by state law for certain employment transactions. In such cases, the County will comply with state law and forward the information to the requesting agency.) Section 5-8 provides a request for release of employment records.

**Section 5-8. REQUEST FOR RELEASE OF EMPLOYMENT RECORDS.**

I, \_\_\_\_\_, (former Employee's name), the undersigned person, do authorize Taney County to release the following information:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

(Use a separate piece of paper for additional information to be released)

To: \_\_\_\_\_,  
(Name of Company, Corporation, Prospective Employer, etc.)

I hereby release information related to work performed for Taney County.

By this release, I waive all liability that may accrue against Taney County for information provided under this request and acknowledge that the information will be utilized in my new employment circumstances.

A copy of this Request for Release of Employment Records can serve as an original when supplied.

\_\_\_\_\_  
(Signature of former Employee)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Social Security Number

The above signed person appeared before me this \_\_\_\_\_ day of \_\_\_\_\_, and attested that this form was read and understood and that the execution of the same was of his/her free will.

\_\_\_\_\_ Notary Public

## **TOPIC D – EMPLOYEE RESPONSIBILITIES: (SECTIONS 6,7,8,9,10,11,12,13,14)**

### **SECTION 6. HUMAN RESOURCES**

#### **Section 6-1. Important Information Needed by Human Resources.**

The overall goal of Human Resources is to assist in building and deploying an effective, diverse and highly functioning workforce. This goal is accomplished through policy development, implementation, evaluation and overseeing. Therefore, notification is important in maintaining a well structured environment.

#### **Section 6-2. Important Information Required.**

The following is information that all Elected officials, Department Heads and/or Supervisors should share with Human Resources as soon as the superior is made aware:

1. Any Employee within your supervision that incurs an injury or illness while working;
2. Any Employee within your supervision that incurs an injury or illness away from work, requiring that employee to be off work for a period of at least 3 days, or the Employee was hospitalized;
3. Any FMLA situation (an Employee's overnight stay in the hospital – or – off work for more than 3 consecutive days.);
4. Any Employee that is a one day no call, no show;
5. Whenever a position becomes open;
6. Any new hire is to be reported to H.R. immediately, in order for a drug test to be arranged, a Confirmation letter to be mailed, and plans for orientation made;
7. Any transfer of position for an Employee;
8. Any pay change that an Employee is to receive;
9. Any disciplinary action to be administered;
10. Any terminating Employee, both voluntary and involuntary. An exit interview will be set up for a voluntary termination. A termination interview with information given to the Employee will be set up for an involuntary termination.

#### **Section 6-3. Employee Requirements: (to share with HR)**

1. Any bereavement leave or funeral leave that is needed;
2. Any marriage, divorce or birth;



3. Any Employee address or phone number change;
4. Any jury duty time to be served.
5. In accordance with FMLA, any time an Employee has to be out for more than 3 consecutive days for a serious illness, or spends the night in the hospital. (There are other reasons for FMLA, please check the FMLA policy).

#### **Section 6-4. Employee Performance Evaluations.**

##### **Responsibilities.**

Human Resources shall develop and maintain an Employee evaluation system for the purposes of evaluating individual work performance, identifying training needs and Employee development opportunities, and for improving the efficiency and productivity of the County workforce.

Human Resources shall develop and maintain formal procedures to:  
Make such studies and recommend such modifications or revisions as may be necessary to improve the system or process.

Each Elected Official, Department Head or Supervisor who reviews or conducts an evaluation shall be responsible for its quality, consistency, equity, and timeliness.

No public disclosure of an Employee's performance evaluation record shall be made without the permission of the Employee and the County Commission. Such record shall be made available upon request to the Employee; or to an appointing authority when needed in connection with a potential action for promotion, transfer, demotion, or dismissal of the Employee; or other appropriate officer when needed in connection with an adverse action, grievance, or other relevant matter requiring such information; and to official investigatory agencies after a determination by the County Commission that such disclosure is in the public interest.

##### **Three Month Progress Report:**

Upon hire, an introductory period of 90 days (respectively 3 months) is in effect for all new Employees. During this time, as the Employee is trained for the job, their Elected Official/Department Head can determine how well the Employee is performing the job. If at any time during this introductory period the Elected Official/Department Head determines that the Employee is unsuitable for the job they were hired for, their employment may be terminated. The Employee could be transferred to another position or department should the Elected Official or Department Head believe that the County, and the Employee being trained for the job, would benefit from the transfer. (Completion of the introductory period does not guarantee continued employment.)

A new Employee's employment is to be discussed with them after 90 days (3 Months). A "Three Month Progress Report" should be filled out at this time and shared with the Employee.

In order to continue in their current position and as an Employee of Taney County, the Employee must be marked as "YES" in the following category:

- a) Employee's performance is on target for 90 day report.

In the event that the Employee is marked as "YES" in the next category:

- b) Employee's performance is sub-standard:

As recommended by the Elected Official, Department Head or Supervisor, It shall be noted that the Employee is in need of improvement and that their introductory period is to be extended for 30 days, 60 days or 90 days, at which time their performance will be re-evaluated.

If the Employee receives a marking of "YES" in the category:

- c) Employment is to be terminated;

Steps will be taken accordingly to terminate the Employee.

### **Annual Performance Evaluation:**

An Annual Performance Evaluation should be used as a tool of communication between the Supervisor and the Employee regarding the Employee's performance and the goals for future performance of and for that Employee. Full Time and Part Time Employees should be evaluated at least annually. Annual Performance Evaluations should be completed by November 15<sup>th</sup> of the current calendar year. An evaluation of "Good", "Very Good", or "Superior" is required to qualify Employees for a pay raise, when it is determined that County raises will be given. All pay increases are at the discretion of the County Commission.

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Steps will be taken accordingly to terminate the Employee.

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## SECTION 7. CODE OF ETHICS / EMPLOYEE CONDUCT

### Section 7-1. Code of Ethics.

**Code of Ethics Policy:** Taney County maintains certain policies to guide its Employees with respect to standards of conduct expected in areas where improper activities could damage the County's reputation and otherwise result in serious adverse consequences to the County and to Employees involved. The purpose of this Policy is to affirm, in a comprehensive statement, required standards of conduct and practices with respect to certain type of payments and political contributions.

An Employee's actions under this Policy are significant indications of the individual's judgment and competence. Accordingly, those actions constitute an important element in the evaluation of the employee for position assignments and promotion. Correspondingly, insensitivity to or disregard of the principles of this Policy will be grounds for appropriate disciplinary action.

**Anti Fraud:** *Fraud is defined as a "deception deliberately practiced to secure unfair or unlawful gain".* This policy is established to prevent, detect and deter fraud. This policy applies to any fraud, or suspected fraud, involving Elected Officials or Employees as well as consultants, vendors, contractors, outside agencies doing business with Employees of the County, and/or any other parties with a business relationship with Taney County Government.

Fraud is an intentional act that results in the misappropriation of assets or the misstatement of financial reporting. Management is responsible for the prevention and detection of fraud, misappropriations, and other inappropriate conduct. Elected Officials and Department Heads shall be familiar with the types of improprieties that might occur within their area of responsibility, and be alert for any indication of irregularity. To report fraudulent activities, follow procedures outlined in the "Reporting Procedures" section of this policy.

**Actions Constituting Fraud:** Some examples are (but not limited to) the following:

- Misuse or embezzlement of funds;
- Forgery or alteration of a check, bank draft, or any other financial document;
- Alteration or falsification of any document or account;
- Misappropriation of funds, supplies, or other assets;
- Impropriety in the handling or reporting of money or financial transactions;
- Accepting or agreeing to accept or seeking anything of material value from contractors, vendors or persons providing services/materials to the County in

exchange for an official action or inaction on a matter which the County Official or Employee is empowered to act. Destruction, removal, or inappropriate use of records, furniture, fixtures, and equipment; and/or

- Any potentially criminal conduct.

**Political Contributions:** Taney County will not make any contribution to any political party or to any candidate for political office in support of such candidacy.

**Reporting Procedures:** Any violation of this policy or of fraud that is detected or suspected shall be reported immediately to the County Commission, Taney County Sheriff, Taney County Prosecutor and/or the Attorney General. Any investigation into reported activities will respect the confidentiality of the complainant to the extent possible.

**Violations of the Policy:**

- A. Violations of the Policy are grounds for termination or other disciplinary action, adapted to the circumstances of the particular violation and having as a primary objective furtherance of the County's interest in preventing violations and making clear that violations are neither tolerated nor condoned.
- B. Disciplinary action will be taken, not only against individuals who authorize or participate directly in a violation of the Policy, but also against:
  1. Any Employee who may have deliberately failed to report a violation of the Policy;
  2. Any Employee who may have deliberately withheld relevant and material information concerning a violation of this Policy and
  3. The violator's Department Heads or Supervisors to the extent that the circumstances of the violation reflect inadequate leadership and lack of diligence.

**Compliance:** The County Commission, Elected Officials, Department Heads, and Immediate Supervisors are expected to develop in Employees a sense of commitment to comply with this policy.

**Section 7-2. Employee Conduct.**

The Employees of Taney County represent the County and are especially susceptible to public criticism. Therefore, it is necessary for all Employees to conduct themselves in the best possible manner. County Employees are expected to exercise the highest degree of honesty and discretion in performing their jobs. Employees are expected to be good stewards of County money by working diligently and efficiently.

To ensure orderly operations and provide the best possible work environment, Employees are expected to follow rules of conduct that will protect the interests and safety of other Employees and of the County.

All Full Time Employees, Part Time active Employees, and Temporary Employees are covered under this policy.

It is not possible to list all forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct. The list is not intended to be exhaustive:

- Theft or inappropriate removal or possession of County property.
- Working under the influence of alcohol or illegal drugs. (Note Substance Abuse Policy for exception for County Deputies.)
- Possession, distribution, sale, transfer or use of alcohol or illegal drugs in the workplace, while on duty or while operating employer-owned vehicles or equipment.
- Fighting or threatening violence in the workplace.
- Sexual or other unlawful or unwelcome harassment.
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace.
- Unauthorized use of telephones, mail system or other employer-owned equipment.
- Unauthorized disclosure of business "secrets" or confidential information.

(Information regarding the examples listed above can be viewed in depth in the individual policies for each example.)

Activities that hinder the effective performance of County Government, including unsatisfactory work performance, conduct or behavior, will be considered cause for disciplinary action.

### **Section 7-3. Customer Service.**

A friendly and courteous attitude by County Employees toward the public and co-workers is required at all times. Similarly, Employees are expected to deliver prompt, thorough, and efficient service to consumers, to the best of their ability. All Employees are required to maintain a neat and clean personal appearance. Included in this section are Dress Code Regulations for the County. However, each Employee shall be subject to specific departmental rules and regulations concerning proper clothing, personal hygiene, and grooming.

### **Section 7-4. Parking Recommendations.**

In consideration to the public and the limited parking spaces available while visiting the County Facilities, as well as those patronizing the Forsyth businesses near to County

facilities, Taney County would like to recommend that all County Employees assist with this situation by parking in the County Parking Lots during working hours, Monday through Friday.

#### **Section 7-5. Press.**

No County Employee should give statements to the press concerning any County business, unless otherwise granted permission by the County Commission or their Elected Official.

#### **Section 7-6. Solicitations and Distribution.**

Commercial or charitable solicitation by one Employee of another is prohibited, while either Employee is on work time unless approved by the Elected Official or Department Head, and then only when such solicitation does not interfere with normal work functions. Certain benefit fund raisers that aid a fellow Employee are permissible.



## **SECTION 8. PERSONAL APPEARANCE / DRESS CODE**

### **Section 8-1. General Policy.**

It is the policy of Taney County to represent itself in a professional manner. Dress, grooming and personal cleanliness standards contribute to the morale of all Employees and affect the business image Taney County presents to the community, their visitors and vendors. Employee dress at all times must be consistent with acceptable decorum. This policy in no way infringes upon individuality or religious practices of our Employees. Personal appearance of our Employees does reflect and influence the overall County image.

During business hours, Employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Modest and conservative attire should be worn at all times to create a professional and respectful appearance.

### **Section 8-2. General Guidelines.**

Under no circumstances may Employees wear halter tops, strapless tops without a cover or jacket, a top with uncovered spaghetti straps, tank tops (shells excluded), cropped tops, tee shirts with offensive wording or offensive pictures on them, clothing that shows undergarments, sheer clothing worn by itself, shirts revealing midriff, low cut tops or beach attire, any types of men or ladies' shorts. Employees must remember that common sense is the key. If in doubt, don't wear it. Employees not following the Personal Appearance and Dress Code Policy will be asked to leave the premises without pay, to return home, change clothes, and then return to work.

It is the responsibility of all Elected Officials, Department Heads, Supervisors, etc. to enforce the Dress Code Policy. Additional dress criteria may be administered and may be approved by the Elected Official.

The Commission reserves the right to change or amend this policy at any time, for any reason. Please refer any questions regarding this policy to the Human Resources Department.

### **Section 8-3. Office Attire.**

Office attire is business casual which includes, but is not limited to, suit pants, docker type long pants, dress pants. Ladies may wear capris, leggings, colored jeans, skirts, dresses and blouses (blouses can be sleeveless as long as undergarments do not show), appropriate tee shirts, skirts, dresses, and tops that are over leggings, and etc.

(Skirts, dresses, and tops that are over leggings are not to be higher than 4" from the top of the knee.) Men may wear suit jackets, business shirts, ties, polo type shirts, Henley type shirts, and appropriate tee shirts. Shoe wear may include dressy sandals or dressy flip flops, men and ladies dress shoes, docker shoes, boots and socks.

#### **Section 8-4. Casual Dress.**

Jeans are considered an appropriate dress style, but it is to be noted that each Office or Department may have individual rules as to when Employees in that Office or Department may wear jeans. Please communicate with the Elected Official or Department Head in your Office or Department as to when you are eligible to wear jeans. You must follow the Casual Dress rules of your Office or Department. Casual Dress includes jeans and a casual sport shirt, sweater, blouse, sweatshirt or appropriate tee shirt only with appropriate writing, and tennis shoes. Remember that even when casually dressed, we are still in a place of business and must conduct ourselves in a professional manner.

#### **Section 8-5. County Uniforms.**

It is the policy of Taney County to promote a safe and healthy work environment for its Employees.

For certain positions in certain departments, uniforms are to be worn while at work. These departments include the Road and Bridge Department, Assessor's Office, Information System's Department, Building and Grounds Department, and the Sheriff's Office.

For those Employees who are provided uniforms by the County, the uniform will be worn during the hours of employment that are designated by the County Commission, Elected Officials and Department Heads. This includes required safety equipment, which is to be worn at all times while working. Taney County provides original uniforms for new Employees. The selected Uniform Company will replace a uniform annually or when it becomes worn. Any additional cost due to destruction or sizing changes is the responsibility of the Employee.

Employees in the Road and Bridge Department and the Sheriff's Office are required to wear designated uniform clothing at all times during work hours. The uniform is not to be worn when the Employee is not at work as the uniform is not for the personal use of the Employee. The only exceptions are travel to and from work, or with the approval of the employee's Elected Official, or if approved by the Elected Official to work as an

enforcement of security while working under the authority of other business, in which case they would be paid by that business.

**Road and Bridge:** Employees in the Road and Bridge Department are required to wear uniform shirts provided by the County or tee shirts provided by the County. A total of five (5) shirts or tee shirts are provided for each Employee. If tee shirts are selected over a uniform shirt by Employees, the tee shirt must be a safety color that allows the Employee to work on the roads without wearing an extra safety vest. Remembering that our Employees represent Taney County while working, uniform shirts or t-shirts are not to be altered in any way, i.e. sleeves cut out or sides cut or shortened in length. Pants should be uniform pants, bib overalls, or jeans that are provided by the County. As a safety measure, shorts of any kind are not permitted.

All uniforms are to be ordered through the Road and Bridge Department. Employees in the Road and Bridge Department must wear safety boots or safety shoes. No other type of shoe may be worn, i.e. tennis shoes, loafers, or sandals. Employees are responsible for purchasing their personal safety boots or shoes.

Office Employees in the Road and Bridge are required to follow the guidelines for the Office Attire and Casual Dress as described in Section 8-3 and Section 8-4.

**Building and Grounds:** Building Technicians in the Building and Grounds Department are not required to wear an actual uniform, but if the Employee chooses to, uniform shirts and pants are provided by Taney County for Building Technicians. Eleven (11) shirts and eleven (11) pants and two (2) jackets are provided. Building Technicians who choose not to wear an actual uniform must wear a button-down shirt and pants. Custodial Employees may follow the Casual Dress policy as described in Section 8-4.

Boots or shoes are required. Building and Grounds Employees may not wear loafers, or sandals. Employees are responsible for purchasing safety boots or shoes.

In the event an Employee transfers to another department requiring a uniform, the Employee will be treated as a new hire, receiving required uniforms.

Failure to comply with the Uniform Policy, by those required to wear uniforms, will result in disciplinary action, up to and including termination.

Please direct all questions regarding this policy to the Human Resources Department.

**Assessor's Office:** Certain Employee's in the Assessor's Office are required to wear a uniform.

**Information System's Department:** Certain Employee's in the Information System's Office are required to wear a uniform.

**Sheriff's Office:** Employees in the Sheriff's Office are required to comply with the Uniform Policy in the Sheriff's Office Personnel Policy Manual.

## **SECTION 9. WORK SCHEDULES, ATTENDANCE AND INCLEMENT WEATHER**

### **Section 9-1. Regular Working Hours; Exceptions.**

Elected Officials and Department Administrators will determine the work schedule for Employees in their Offices / Departments.

Regular working hours for all Full Time Employees are typically forty (40) hours in any five (5) consecutive eight (8) hour days. However, an Employee working at least thirty (30) hours in any five (5) consecutive days is also considered a Full Time Employee. Changes to the standard work schedule must be approved in advance by the County Commissioners, Elected Official and/or Department Head. 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. In order for an Employee to make adjustments, reasonable notice of changes in work schedules should be given to Employees.

Normal Courthouse hours are Monday through Friday, 8:00 a.m. to 5:00 p.m. (with an unpaid lunch break of one (1) hour.) Employees are to report all hours worked.

### **Section 9-2. Recording Work Hours.**

Employees are responsible for accurately recording their time worked. Federal and State laws require Taney County to keep accurate time records for every Employee in order to calculate Employee's pay and benefits. Time worked is all the time you actually spend on the job performing assigned duties. Employees receive an additional one (1) hour unpaid lunch per day. Employees are also responsible for signing their time sheet certifying the accuracy of all time recorded. After review and approval, your Elected Official or Department Head must sign 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 (excluding any Elected Official.)

### **Section 9-3. Attendance and Punctuality.**

Regular and punctual attendance at work shall be required of all Employees. Employees are expected to report for work on time and to work to the end of the work period. Because it is a burden to your co-workers and to the County when you are not at work, you will be required to work the hours normally scheduled for your position. Employees who fail to observe attendance requirements and procedures for recording and reporting of attendance shall be subject to disciplinary action.

When an Employee cannot be at work by the start of their shift, they must notify their immediate supervisor at least thirty (30) minutes before the start of their shift. Special circumstances will be evaluated on a case by case basis. All Elected Officials and Department Heads (or Supervisors) are required to make sure that all of their Employees have a working phone number where they can get in touch with their Supervisor if they cannot come in to work. Human Resources should be notified in the case the Employee's Supervisor, Department Head or Elected Official is not available.

When calling your Supervisor, Department Head or Elected Official, the following information must be given:

- Employee's name;
- The reason for absence or late start;
- When the Employee can be expected at work; and
- The phone number(s) where the Employee can be contacted.

Excessive absenteeism, lateness or leaving early could affect an Employee's pay increase and/or employment status.

#### **Section 9-4. No-Call / No-Show.**

A one (1) day no-call no-show will be considered a voluntary termination by the Employee, which means the employment relationship will end when the Employee fails to call in to report to work at least thirty (30) minutes prior to the start of the Employee's shift on that day. (Only when there are extenuating circumstances would an exception be allowed.) If this happens, Human Resources should be notified immediately.

#### **Section 9-5. Absence Due to Illness.**

In order to maintain safety in the work-place for the employee, any employee that is hospitalized must provide a doctor's release upon returning to work. The release must be given to their Supervisor prior to the start of their shift and then a copy to Human Resources for their personnel file. Employees returning to work without a doctor's release will be sent home until they can provide a work release. Human Resources will provide the Employee with Family and Medical Leave Forms (FMLA) if there is an over-night stay in the hospital or if the Employee is absent from work for more than three (3) days.

#### **Section 9-6. Attendance and Leaves of Absence.**

Any Employee on a leave of absence, either personal or work related, must contact their Supervisor at least once a week. An Employee on a Federal Medical Leave (FMLA) or a Medical Leave must contact a member of Human Resources once a week.

### **Section 9-7. Attendance and Break Periods.**

Break periods are not required by law and are part of your paid workday, therefore, Elected Officials may schedule breaks for their individual Offices. Any Employee that is required to work through a break period that is scheduled by the Elected Official is not entitled to overtime compensation. Employees should not report additions to your eight-hour day on your time sheet should you have to work through a break period. The lunch break is an unpaid break. Employees required to work through the lunch hour will receive pay for that time worked.

### **Section 9-8. Inclement Weather and Attendance.**

In case of inclement weather or emergencies, it is the responsibility of the Employee to determine the safety conditions of the roads and whether they choose to report to work or need to leave early. It is the responsibility of the Supervisor to approve said time off when road conditions are considered dangerous. If the Employee and the Supervisor feel the weather is such that the Employee must not report for work, or that they need to leave early, the Employee may use Personal, Comp., or Vacation time to make up for the work time missed.

### **Section 9-9. Closing of the Courthouse.**

On rare occasions it may become necessary for the Commission to make the decision to close the Courthouse for inclement weather. The County Commission, Elected Officials, or authorized Department Heads shall be the only person(s) authorized to release Employees earlier than the normal closings of business, or delay the normal time to report for work because of inclement weather. In addition, only the County Commission is authorized to close the Courthouse for inclement weather or any other reason. Any County Employee that is scheduled to work when the Courthouse is closed will receive regular compensation for that day. Any Employee that is not scheduled to work when the Courthouse is closed will not be paid. The work day is considered eight (8) hours; therefore Employees will be paid for eight (8) hours when the courthouse is closed. Part-Time Employees will be paid at a pro-rated rate. (Revised 03/16/2015)

Employees will be notified no later than 6:00 a.m. of the affected day that the Courthouse will be closed by use of the following media:

1. Commission Office will contact all Elected Officials and Department Heads through an email or text message stating the closing of the Courthouse. Elected Officials and Department Heads are then responsible for contacting the Employees in their Office or Department.

2. Commission Office will contact Radio Station KRZK/KOMC 106.3 FM and 100.1 FM, KLFC 88.1 FM, list the closing on Taney County's website, and send an email to all County Employees.

**On Call:** When a decision has been made to close the Courthouse, all Employees are to remain "On-Call" for up to two (2) hours after their normal start time. This would be effective in the event that the reason for closing the Courthouse no longer exists and the Employee should come in to work.

#### **Section 9-10. Administrative Offices.**

In the event that the Courthouse must close, Employees in the Administrative Offices that are scheduled to work will be paid for eight (8) hours, according to Section 9-9. Employees that are not scheduled to work will not be paid.

#### **Section 9-11. Building and Grounds Department.**

In the event that the Courthouse must close, Employees in the Building and Grounds Department that are scheduled to work will be paid for eight (8) hours, according to Section 9-9. Employees that are not scheduled to work will not be paid. However, there may be occasions where an Employee of the Building and Grounds Department could be called in to work in order to take care of a safety condition or situation. In that case, the Building and Grounds Supervisor will be contacted. Building and Grounds Department Employees will be paid regular time for eight (8) hours for the day closed when they are called in to work. If hours worked exceed the eight (8) hours, Employees will be paid accordingly.

#### **Section 9-12. Sheriff's Office and Road and Bridge Department.**

Because of the operating requirements of Sheriff's Office, all Sheriff's Office Employees are required to work their regular schedule, and, if necessary, overtime during inclement weather.

Because of the operating requirements of the Road and Bridge Department, all Road and Bridge Department Employees are required to work their regular schedule, and if necessary, overtime during inclement weather. The Road and Bridge Employees will be paid regular time for eight (8) hours for the day closed when they are called in to work. If hours worked exceed the eight (8) hours, Employees will be paid accordingly.

**(Revised 3/6/15)**



## **SECTION 10. AMERICANS WITH DISABILITIES ACT (ADA)**

### **Section 10-1. ADA Policy.**

It is the policy of Taney County to comply with all of the relevant and applicable provisions of the Americans with Disabilities Act (ADA). Taney County will not discriminate against any qualified Employee or job applicant with respect to any terms, privileges or conditions of employment because of a person's physical or mental disability. Taney County will make reasonable accommodations whenever necessary for all Employees or applicants with disabilities, provided that the individual is otherwise qualified to safely perform the duties and assignments connected with the job and provided that any accommodations made do not require significant difficulty or expense. Taney County will comply with federal and state regulations regarding Service Dogs.

Assistance shall be available to applicants with disabilities who may require personal assistance to participate in the selection process. Such assistance shall include but not be limited to providing readers for the vision-impaired and written materials for the hearing-impaired. In determining whether an applicant or Employee with a disability shall be accommodated, the following shall apply; the applicant or Employee must make a documented request for reasonable accommodation; the Elected Official, Department Head and Supervisor, if applicable, shall consult with the disabled individual regarding an appropriate accommodation: If the accommodation does not impose an undue hardship, the accommodation shall be implemented. Assessing the reasonableness of the possible accommodations shall include the following factors:

- a) How well it accommodates the needs of the individual with a disability;
- b) How reliable it is;
- c) Whether it can be made available in a timely manner; and
- d) Whether it imposes an undue hardship defined as an action requiring significant difficulty or expense.

An individual with a disability is a person who:

- a) Has a physical or mental impairment that substantially limits one or more major life activities;
- b) Has a record of such an impairment; or
- c) Is regarded as having such an impairment.

A qualified Employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question. Reasonable accommodation may include, but is not limited to:

- a) Making existing facilities used by Employees readily accessible to and usable by persons with disabilities.
- b) Job restructuring, modifying work schedules, reassignment to a vacant position;
- c) Acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, and providing qualified readers or interpreters.

All Employees are to inform their Supervisor if a reasonable accommodation on account of a disability is required. If an Employee believes that he/she is not properly assisted by his/her Supervisor, the Employee needs to contact the next management representative in his/her department or the Human Resources Department.

Retaliation against a person making a request for accommodations under the Americans with Disabilities Act will not be tolerated and will subject the retaliator to disciplinary action up to and including dismissal.

Taney County Commission reserves the right to change or amend this policy at any time, for any reason. Please refer any questions regarding this policy to the Human Resources Department.

The County Commission shall make the final decision as to whether the accommodation is reasonable and does not present an undue hardship. Employees and applicants with disabilities shall be afforded a procedure that provides for prompt and equitable solutions to complaints. Employees shall utilize the grievance procedure of this manual. Applicants shall use the procedure found under the special policy of the County relating to disabilities and the accessibility of services.

## **SECTION 11. ANTI-HARASSMENT.**

### **Section 11-1. General Policy.**

Taney County is committed to maintaining a work environment that is free of discrimination and harassment. In furtherance of this policy, Taney County will not tolerate discrimination or harassment of Taney County Employees by anyone, anywhere, including any Supervisor, Co-worker, Vendor, Client, Customer of Taney County, or any third-party using Taney County facilities.

Employees are entitled to a work environment that is free from discrimination, including sexual or other harassment. Discrimination or harassment undermines the integrity of the employment relationship and causes a loss of productivity. Discrimination and/or harassment consists of unwelcome conduct at any location; whether verbal, physical, visual, and based upon any factor, including a person's protected status, such as sex, color, race, ancestry, religion, national origin, age, physical handicap, medical condition, disability, marital status, sexual orientation, veteran status, citizenship status, or any other legally protected characteristic. Taney County will not tolerate discriminatory or harassing conduct anywhere that affects an Employee's job or his/her tangible job benefits that interferes unreasonably with an individual's work performance, or that creates or could create an intimidating, hostile or offensive working environment.

### **Section 11-2. Sexual Harassment.**

Sexual harassment deserves special mention. Sexual Harassment in any form will not be tolerated by Taney County. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex, constitutes sexual harassment when:

- (1) Submission to the conduct is an explicit or implicit term or condition of employment.
- (2) Submission to or rejection of the conduct is used as the basis for an employment decision.
- (3) The conduct has the effect of interfering in any way with an individual's work performance or creating an intimidating, hostile, or offensive working environment. This conduct consists of persistently engaging in sexually explicit behavior or advances, or any other offensive behavior aimed at, or in the presence of, any Employee.

Sexual harassment may include explicit sexual propositions, slurs or insults, sexual innuendos, suggestive comments, sexually oriented "kidding" or "teasing", "sexual

jokes” including jokes about gender-specific traits or physical anatomy, ethnic or racial jokes, foul or obscene language or gestures, display of foul or obscene printed or visual material, sexual gestures, blocking, staring or leering, and physical contact such as patting, pinching, sexual touching, unwanted kissing or hugs, or brushing against another’s body, punching, tickling, poking or prodding.

**Spouses:** In the case where two Taney County Employees are married, both should remember that they are considered Employees and should always conduct themselves in a professional manner without engaging in any of the gestures listed in the previous paragraph.

### **Section 11-3. Violation of Policy.**

An Employee’s conduct will be considered unwelcome and in violation of this policy when the Employee knows, or should have known, that the person to whom the conduct is directed or any other persons subjected to the conduct would find the conduct unwelcome or offensive.

### **Section 11-4. Employee Responsibility and/or Complaint.**

All Taney County Employees are responsible to help assure that discrimination and harassment are avoided. If an Employee thinks that he or she has experienced or witnessed discrimination or harassment, the Employee must immediately notify their supervisor or Human Resources. If, for some reason the Employee is not comfortable reporting the discrimination or harassment to their supervisor or the Human Resources Department, he or she may notify any Elected Official. The Elected Official will then report the discrimination or harassment complaint to the Director of Human Resources. Employees should document evidence to support their claim, such as dates, times and places of incidents. If possible keep any voice mail message, note or drawing, etc. Present all evidence to your Supervisor and/or Human Resources. Employees should keep a copy of any evidence that is given to their Supervisor or to Human Resources.

### **Section 11-5. Investigation.**

Taney County will investigate all such discrimination or harassment complaints thoroughly, promptly, and in an impartial manner. To the fullest extent practicable, Taney County will keep complaints and the terms of their resolution confidential; however, the investigation of any complaint may itself result in the disclosure of an Employee’s involvement in a complaint. Taney County forbids retaliation against anyone for reporting discrimination or harassment, assisting in making a discrimination or harassment complaint, or cooperating in a discrimination or harassment investigation.

False Reports of discrimination or harassment, or providing false evidence to investigators, will result in disciplinary action, up to and including termination of employment.

#### **Section 11-6. Consequences.**

If an investigation confirms that discrimination or harassment has occurred, Taney County will take immediate and appropriate corrective action of discrimination and harassment (with special emphasis on sexual harassment), including disciplinary action up to and including immediate termination of employment. In addition, all evidence may be turned over to the Prosecuting Attorney.

Any questions should be directed to the Human Resources Department. The Taney County Commission reserves the right to change or amend this policy at any time for any reason.

## **SECTION 12. PROGRESSIVE DISCIPLINE POLICY**

### **Section 12-1. General Policy.**

It is the policy of Taney County that all Employees represent the County in a professional manner. With this in mind, every Employee is expected to observe basic standards of behavior. This is necessary to the orderly conduct of our business and will allow us to operate in the best way possible. The standards of behavior the County has a right to expect have been carefully considered. Violations of these standards may result in progressive disciplinary action or immediate discharge.

When discipline is necessary, the Supervisor's goal is not necessarily to punish, but to emphasize the importance of compliance with the rules and restore order in the Office or Department, while acting on the basis of facts and treating all Employees fairly and impartially.

Failure of an Employee to follow any County employment policies, rules, regulations or guidelines may result in progressive discipline of the Employee, up to and including termination of employment.

### **Section 12-2. Formal Warnings Progression.**

1. **Verbal Warning** – The Supervisor will meet with the Employee to notify him/her that the performance or behavior must be improved. Ways for the Employee to improve performance or behavior will be discussed. Notes of this meeting are to be placed in the Employee's personnel file in Human Resources. The Supervisor may keep a copy.
2. **Written Warning** – The Supervisor will inform Human Resources of the need to write a written warning in which to be presented to the Employee. Based on the information provided by the Supervisor, the Director of Human Resources will be available to assist the Elected Official or Department Head in filling out a Written Warning. The Employee will then meet with their Elected Official, Department Head or Supervisor, accompanied by a member of Human Resources or another witness in the position of Supervisor or above while receiving a Written Warning that states termination may occur unless the performance or behavior improves immediately. Ways for the Employee to improve his/her performance or behavior will be discussed. A follow-up date will be set for the Supervisor to meet with the Employee and the Director of Human Resources to evaluate the Employee's improvement.

A copy of the Written Warning will be placed in the Employee's personnel file in Human Resources. In addition the Supervisor may request that the Employee be suspended for a determined period of time, with or without pay, at the time of the Written Warning.

3. **Discharge** – This is the final action and is taken when the previous steps have been ineffective or when a serious infraction of the rules or policies has been committed. This meeting is witnessed by the Human Resources Director or another witness in the position of Supervisor or above.

### **Section 12-3. Immediate Discharge of an Employee.**

**There are certain instances where performance and/or behavior are of such a serious nature, that immediate discharge, without prior warning or consultation, may be justified. Not all of the warnings need to be exhausted prior to discharge.**

By listing the various methods of discipline above, Taney County expressly reserves, and does not waive the right to discharge any Employee for any reason if it deems necessary.

The Commission reserves the right to change or amend this policy at any time for any reason.

## **SECTION 13. SUBSTANCE ABUSE POLICY**

### **Section 13-1. Purpose of Substance Abuse Policy.**

It is the policy of Taney County to provide a safe environment for our Employees. Taney County recognizes that the use of drugs and alcohol in today's society poses a very serious problem in the work place. Not only can the use and/or abuse of these substances jeopardize the health, safety and well-being of the individual user and all of our Employees, but it can also endanger the safety of the general public, cause accidents and injuries adversely affect productivity and morale and contribute to excessive absenteeism and tardiness. Since our Employees are our most valuable resource, and the safety and well being of our Employees and the general public are of major concern to us, we have developed a substance abuse policy to help with this very difficult problem.

Taney County's Substance Abuse Policy, which includes provisions calling for the use of drug and alcohol testing under certain circumstances, has been developed to keep our workplace free from drug and alcohol-influenced Employees in a manner which respects and recognizes the dignity and privacy of all our Employees. Use of illegal drugs and consuming alcoholic beverages is strictly prohibited in the work place, which will be outlined in this policy. Taney County wants all of our Employees to know that information is available to an Employee who may have a problem with chemical dependency or alcoholism.

For the purpose of this policy, drugs are defined as any controlled substance which is illegal to possess, manufacture, distribute, sell, or conspire to distribute or sell by state or federal law, and prescription drugs which are not taken in conformity with the prescription or which may impair the Employee's judgment, faculties or abilities, if the County has not received written notice of this possible effect. Alcohol is defined as, but not limited to, liquor, beer, wine, malt liquor or any other intoxicants used for beverage purposes. Taney County reserves the right to test in its sole discretion, for any drug or alcohol use.

As a condition for employment with Taney County, all Employees must abide by the terms of this Policy. Violations of policy will result in disciplinary action up to and including termination.

The Benefits Coordinator and the Human Resources Director are the designated Alcohol and Drug Policy Administrators.

### **Section 13-2. General Policy.**

1. No Employee shall report for work while impaired by any drug or alcohol.
2. No Employee shall manufacture any drug, or possess any quantity of drugs or



alcohol, lawful or unlawful, at any worksite. Furthermore, no Employee shall sell or transfer, or attempt to sell or transfer, to any other person, any drug or alcohol at any worksite. The term "worksite" means any motor vehicle, office, building or other property owned by the County or any other location at which the Employee is to perform work including off-site County functions.

3. Use of any illegal drug is prohibited by all Employees while on County property, on duty or conducting County business, or while operating a vehicle or equipment owned or leased by the County. Use of alcohol or being under the influence of alcohol is prohibited by all Employees while on company property or while operating a vehicle or equipment owned or leased by the County.
4. An Employee may use, in the manner prescribed, a drug prescribed or administered by a physician, if the physician has advised the Employee that the drug will not affect the Employee's ability to safely perform his/her duties. If using the prescription will result in the Employee's inability to safely perform his/her duties, or result in a direct threat to others, then the Employee must immediately notify their Supervisor. Taney County will do whatever possible to accommodate an Employee in this situation, which includes having the Employee perform other duties. In some instances, the Employee may be asked to stay at home while taking the prescription.
5. All drug or alcohol testing will be conducted either by the contracted company or by Cox Health Occupational Medicine, depending on the type of testing needed; i.e. Pre-Employment, Random, Reasonable Suspicion, Workers' Compensation. (In certain circumstances, testing may be conducted at Cox Health's Emergency Room when the Occupational Medicine Clinic is closed). *Revised 9/13/2021*
6. All drug testing will be a 10-panel test and sent for Laboratory Testing.
7. Drug and Alcohol testing will be conducted for all work-related injuries, accidents or illnesses. If an accident is caused involving a vehicle, the Employee(s) involved must submit to a drug and alcohol test even if there is no injury or there is little or no damage to the vehicle. The key word for Workers' Compensation is "accident".

**SHERIFF'S OFFICE EXCLUSION OF PROVISION:** Sheriff's Office Employees, in the performance of their duties with the Sheriff's Office of Taney County, are excused from the provision of possession or drinking of any alcoholic beverage while on undercover duty for the County; or of possession, use, distribution, purchase, sale or offering for sale of narcotics or any controlled or illegal substance, on any property, including County property, the parking lot and county vehicles, at any time, including breaks or lunch while on undercover duty for the County. Notification from the Sheriff must be filed with Human Resources prior to testing.

### **Section 13-3. Testing Circumstances.**

- 1. Post Offer Testing (Drugs only):** All new Employees, including re-hires, will be given a position contingent upon the passing of a drug test. Any person who receives a positive drug test result, which is not medically justified by a licensed doctor, will have the offer of employment retracted. Post Offer Testing includes both Non-DOT testing for new hires and DOT testing for new- hires.
- 2. Random Testing: (Drugs and Alcohol).** Employees that serve in a Safety Sensitive Position; a DOT Employee; and Employees required to have a CDL License in order to drive a vehicle for work are subject to Random Testing. In addition, Employees that regularly drive a vehicle for work are subject to Random Testing. (Regularly drive a vehicle for work is the key here. Employees that only drive on occasion i.e. to a meeting, seminar, etc. are not considered Safety Sensitive.) These Employees will be subject to random testing from time to time without notice. Employees chosen for Random Testing are a result of a computer-based selection by Employee Screening. No person may control the selection for Random Testing, therefore, some Employees may be chosen more often than others.

**All employees who are subject to random testing must notify their supervisor before the end of the business day following the day the employee receives a citation, or arrested, for any moving violation, DWI, DUI, or drug-related offense. Failure to provide notification of citations or arrests may result in disciplinary action, up to an including termination.** (Revised 09/24/2018)

- 3. Post Accident Testing (Drugs and Alcohol).** With the exception of basic first aid treatment or when an Employee causes an accident by hitting an animal with a County vehicle, any Employee that is injured while working in any capacity for Taney County or any Employee who causes an injury to another person or damage to any County Property, or becomes involved in a vehicle accident will be required to undergo a drug and alcohol test. A drug and alcohol test must be completed whether or not there is damage to the vehicle or other County Property as a result of the accident. This includes all medical treatments by a licensed physician and lost time injuries/illnesses. Testing for Post Accidents will be either Non-DOT or DOT. The County may also utilize drug and/or alcohol test results obtained from law enforcement officials from a vehicle accident. All Employees are prohibited from consuming alcohol after an accident until he/she has been tested. After

giving a valid sample, a determination will be made by the Supervisor and a representative of the Human Resources Department as to whether the Employee may return to work. Part of this decision will be based upon the doctor releasing the Employee to work, and what type of duties the Employee will be able to safely perform. He/she may be reassigned to a non-safety sensitive position until the results of the drug and alcohol tests are known. If

it is determined that the Employee cannot return to work to a non-safety sensitive position and there are no other duties the Employee can perform, but the doctor approves that the Employee can go back to work during that time, the County has elected to pay back pay for that time, if:

- 1) The result of the test is negative, and
- 2) It is determined by the County that the Employee's conduct is completely discounted as a contributing factor to the accident.

4. **Reasonable Suspicion (Drugs and/or Alcohol):** An Employee will be tested for drugs and/or alcohol when the Employee's actions, appearance, speech, odor or conduct suggest to Taney County that the Employee has engaged in the use of drugs and/or alcohol while on County property, on duty, or conducting County business or while operating a vehicle or equipment owned or leased by Taney County, or came to work while still under the influence. Reasonable suspicion will also be considered to exist in the case of the discovery of drugs or controlled substances in an Employee's possession near the Employee's work place, or unexplained or frequent absenteeism. Non-DOT Testing and DOT Testing will be performed for Reasonable Suspicion.

#### **Section 13-4. Refusal to Submit to a Drug or Alcohol Test.**

Refusal to submit to a drug and/or alcohol test as discussed in this policy will result in termination of employment. (This "refusal to submit to testing" excludes Employees on undercover duty for the Sheriff's Office as noted under the Sheriff's Office Exclusion of Provision as well as the exception under Testing Circumstances #3 Post Accident Testing regarding "hitting an animal".)

**NOTE:** A "refusal to submit" means that an Employee:

1. Fails to provide adequate breath for alcohol testing, without a valid medical explanation;
2. Fails to provide an adequate urine sample for drug testing, without a genuine inability to provide a specimen (as determined by a medical evaluation);
3. Engages in conduct that clearly obstructs the test process; or

4. Simply refuses to be tested which will be considered direct insubordination.

#### **Section 13-5. Positive Test Results and Consequences.**

If a positive drug and/or alcohol test is confirmed, the following action will be taken:

1. A positive test will result in disciplinary action up to and including termination.
2. If the situation is combined with Workers' Compensation, these benefits will be reduced or denied in accordance with applicable Missouri statutes. The Employee will face disciplinary action up to and including termination.

**Drugs:** If an Employee tests positive for drugs, the County may institute any or all of the following alternatives as a matter of continued employment:

- Suspension or probation;
- Require the Employee to enroll in a rehabilitation program at the Employee's cost;
- Be evaluated by a Substance Abuse Professional at the Employee's cost;
- Successfully complete any recommended treatment by the Substance Abuse Professional at the Employee's cost;
- Pass a return-to-duty test at the Employee's cost; or
- Termination.

**Alcohol:** If an Employee tests above .04 for alcohol, the County may require the Employee to undergo any or all of the following alternatives as a matter of continued employment:

- Suspension or probation;
- Require the Employee to enroll in a rehabilitation program at the Employee's cost;
- Be evaluated by a Substance Abuse Professional at the Employee's cost;
- Successfully complete any recommended treatment by the Substance Abuse Professional at the Employee's cost;
- Pass a return-to-duty test at the Employee's cost; or
- Termination.

#### **Section 13-6. Off Site Violations and Convictions/Guilty Pleas.**

Disciplinary action may be administered to those Employees who violate this County policy and/or are convicted of, or plead guilty to criminal drug statute violations. Employees who are arrested or out on bail on their own recognizance pending trial, or who are convicted for drug-related offenses, raise a question as to compliance with

County Policy. In determining what action to take, the County will consider the nature of the charge, the circumstances of the offense, the Employee's record with the County, current job assignment, and the impact the arrest or conviction may have on Customers, Employees, the Public or the County's general reputation.

#### **Section 13-7. Education and Rehabilitation:**

Rehabilitation will be available to any Employee who voluntarily admits to having a drug or alcohol problem, and requests assistance prior to the County identifying a drug or alcohol problem on the job. The County will not bear any of the treatment expense. The Employee will be placed on a medical leave of absence for the time allotted for rehabilitation. FMLA will be administered if eligible. Upon successful completion of a Rehabilitation Program, the Employee may be eligible for job reinstatement.

#### **Section 13-8. Confidentiality.**

The Testing Laboratory and the Human Resources Department will maintain all records developed or acquired pursuant to this policy under strict confidentiality. The records will be:

- Maintained separately from other personnel records;
- Kept in a secured location.

Materials shall not be released to others without the written consent of the affected Employee. Exceptions to this policy will be:

- As required by federal law or regulations;
- As necessary with regard to a rehabilitation contract;
- In litigation, quasi-judicial and administrative proceedings related to positive test results;
- Matters initiated by the Employee; and
- By court order.

#### **Section 13-9. Policy Acknowledgment.**

All Employees shall be required to confirm receipt of this policy and any revisions by signing and dating a Policy Acknowledgement.

#### **Section 13-10. Road and Bridge Employees.**

The United States Department of Transportation has established drug-testing rules for persons employed in positions requiring them to have and maintain a commercial driving license. Parts of this policy differ for these Employees.

***If you have a commercial driver's license, you must notify your supervisor within 30 days of a conviction for a traffic violation, (except parking), regardless of what type of vehicle you were driving at the time of the violation. This requirement applies even if you were driving your personal vehicle.***

***In addition, for those employees with a commercial driver's license, you must notify your supervisor within two (2) business days if your license is suspended, revoked, or canceled, or if you are disqualified from driving. (Revised 2018-09-24)***

## **SECTION 14. WORKPLACE VIOLENCE**

### **Section 14-1. General Policy.**

It is the policy of Taney County to promote a safe environment for its Employees. Violence, threats of violence, harassment, threatening behavior, or acts of violence against Employees, Visitors, Guests, or other individuals by anyone on Taney County property or while an Employee is on County business anywhere, will not be tolerated. Such behavior can include oral or written statements, gestures, intimidation, domestic violence or property damage or expressions that communicate a direct or indirect threat of physical and/or emotional harm and etc. Violations of this policy will be investigated and dealt with in an appropriate manner.

Any person who engages in violent acts on Taney County property shall be removed from the premises by the proper authorities as quickly as safety permits and shall remain off Taney County premises pending the outcome of an investigation. The response may include, but is not limited to, suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and/or criminal prosecution of the person or persons involved.

All acts of Workplace Violence shall be reported to the Sheriff's Office for investigation.

### **Section 14-2. Employee Responsibility.**

All Taney County personnel are responsible for notifying their immediate Supervisor, Department Head, Elected Official, or a member of Human Resources of any threats which they have witnessed, received, or has been told that another person has witnessed or received. Even without an actual threat, personnel should also report any behavior they have witnessed which they reasonably regard as threatening or violent, and is connected to County employment. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior. Employees failing to report such an incident will be subject to disciplinary action up to and including termination. All reports of incidents will be treated with confidentiality to the fullest extent possible of any information requested in recognition and respect of the privacy of the reporting Employee(s) and will only be released on a "need to know basis".

### **Section 14-3. Reporting of Workplace Violence.**

In all situations, if violence appears to be imminent, Employees should take the precautions necessary to assure their own safety and the safety of others. Threats or assaults that require immediate attention by the police or Sheriff should be reported by dialing 911.

#### **Section 14-4. Protective / Restraining Order.**

All Employees who apply for or obtain a protective or restraining order which lists County locations as being protected areas must provide a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent to their immediate Elected Official, Department Head, Supervisor and to Human Resources.

The cooperation of each Taney County Employee is needed to effectively implement this policy and to maintain a safe working environment.



## **TOPIC E – INFORMATION SYSTEMS: (SECTIONS 15,16)**

### **SECTION 15. INFORMATION SYSTEMS**

#### **Section 15-1. Computer, Email and Internet Use.**

Taney County recognizes that the use of the computer, e-mail and the internet is of utmost importance for expedient communications, both internally and externally. The County views the legitimate use of e-mail and the internet system as potentially enhancing a large number of its functions and services being provided to the public. This policy is to insure the responsible and acceptable use of these resources. This policy applies to all Employees, Contractors, Volunteers and other individuals who are provided access to these systems.

**Email.** E-mail may only be used for County related business messages between Taney County and all other business relationships such as Customers, Vendors, other Counties, etc. during the work time of an Employee.

E-mail is not to be used for personal correspondence during the work hours unless an emergency arises, or as directed and allowed by the Employee's Elected Official or Department Head, or during the Employee's noted lunch break. However, a personal email should not be sent County-wide in regards to yard sales, garage sales, a get together, fund-raisers, etc. (An exception would be fundraisers for fellow co-workers in need.)

Taney County Employees may not send any type of email from the County System for the use of political purposes, promotions, or in support of any candidate, any political party, any amendment, etc. We understand that Employees cannot control emails that are sent to them from outside the County regarding the topics in this paragraph. However, an Employee receiving any outside emails related to these topics should inform Information Systems and then delete the email.

It is suggested that current employees and new hires receive training by the Information System's Department on how to recognize SPAM.

**Internet.** Internet usage is to be limited to work related activities. By keeping internet usage down, it will help to avoid additional charges that would be attached.

Taney County recognizes that the Internet is a valuable business resource tool. However, to prevent problems that can cause e-mail and/or the network to be down for long periods of time, Internet downloads are not permitted on County computers. This includes music, videos, and pictures not related to the County, since these are the types

of files that are known for carrying viruses that can cripple our network, including e-mail. Taney County reserves the right to monitor e-mail and internet traffic on all County owned computers in order to track email and internet usage and to ensure certain types of files are not being downloaded or viewed on County computers.

All data and other electronic messages within this system are the property of the County. This includes all of the material and information created, transmitted or stored on this equipment.

There should be no expectation of privacy for any of the material or information. All users must realize that material or information that has been deleted can be retrieved and viewed by others. That also includes any e-mail that has been deleted.

An outlined list of usage for different computer programs for all Employees of Taney County is listed below:

**Internet Usage:**

1. Internet use is for work related purposes.
2. Internet use is subject to being monitored and reviewed to insure that policy standards are maintained.
3. Constant streaming media is not allowed unless needed for County business. Examples of constant streaming are: Internet Radio Stations, Video News, Weather Bug, etc.
4. No software or programs may be downloaded from the Internet.
5. Browsing of restricted content web sites is prohibited such as pornographic material. The County has blocked access to web sites which contain pornographic material. If the Employee finds a new site that has not yet been blocked, the Employee is required to report such sites to Information Systems immediately.
6. Violation of Copyright laws is strictly prohibited.

**Software:**

1. Do not install any software on your workstation. This includes installations from the Internet, floppy disk, CD, or other media types.
2. For security purposes, Napster or other peer to peer file sharing software is strictly prohibited. ICQ, AOL, Instant Messenger is to be used only for County related purposes. The Information Systems Department must approve all non-Windows screen savers.
3. All requests for additional software must be approved with the Information Systems Department.

**Hardware:**

1. Do not install any hardware without first consulting the Information Systems Department.
2. No personal computer accessories may be used on County owned computers, i.e. speakers, mice, keyboards, monitors, personal data assistants (Visor, Palm, Casio, Blackberry, etc.) without first consulting, and the approval of the Information Systems Department. If a special accessory is needed, or needs to be installed, please obtain approval through the Information Systems Department.

**Network:**

1. No home or Employee's personal computer or other device may be connected to the County's network without approval of the Information Systems Department.
2. No hacking or scanning for network vulnerabilities is permitted.

**E-mail:**

1. Do not forward virus alerts, chain letters or similar e-mails.
2. Never open e-mail attachments from sources you do not know.
3. Do not subscribe to newsletters or other mailing lists that are not work related.

**File Storage:**

1. Unapproved files include mp3's, video clips, or a large number of personal photos.
2. All important work related files and documents should be stored on the network where they can be backed up daily. Consult the Information Systems Department to set up storage space on an appropriate network drive for these types of files.
3. Keep your local drive file storage area clean of temporary or outdated files. If you need assistance in doing this, please check with the Information Systems Department.

**Section 15-2. Network and Information Systems Password.**

It is the policy of Taney County that all County passwords, personal passwords, alarm codes and door cipher codes be secure at all times. This policy is in place in order to maintain security where needed at all times.

### **Section 15-3. Phone and Mail System.**

It is the policy of Taney County for our Employees to conduct business in a professional manner. Therefore, the use of the County phone should be used primarily for business use. However, we know there are times when an emergency arises and an Employee needs to make a personal call. These calls should be approved by an Elected Official or Department Head. They should be infrequent and brief. Employees will be required to reimburse the Treasurer for any long-distance, toll call charges resulting from their personal use of the telephones. Non-emergency calls should be made on breaks or at lunchtime.

The mail system is reserved for County purposes only.

It is a violation of state law for offices to establish a policy that Employees may use the County postage meter or telephone system for personal business, and then put cash into an office pool to pay for such usage. No County money can be retained by any office – all reimbursements to the County must be made to the County Treasurer, and you must obtain a receipt for the reimbursement.

### **Section 15-4. Social Media.**

Because of the number of thriving online communities, social networking has become an important form of personal communication. Social media includes blogs, podcasts, message boards, news Web sites, content-sharing sites like YouTube, and social networking sites such as LinkedIn, Facebook, MySpace and Twitter, etc.

The fundamental rules of the road are simple: County policies and standards apply to both the physical and virtual communication world. This policy covers two areas of Employee online conduct:

1. Maintaining personal blogs/social networking sites and posting to existing blogs/social networking sites and posting to existing blogs, or
2. Blogging as an identified Employee supporting the County.

**Using Social Media as an Individual:** When using social media as an individual, you are still an Employee of the County. As a result, what you say, and how you say it, reflects on the County. Readers may connect your personal life to your professional life, so your use of social media should be consistent with your role as an Employee. Authors of personal blogs must use a disclaimer making it clear that the views expressed are theirs alone and don't necessarily reflect those of the County. The following disclaimer is recommended for use with all blogs created by Employees of the County: **"Everything posted on this blog; site or page is my opinion and does not**

**necessarily reflect the views of my employer.”**

**Blogging as an Identified Employee of the County:** There may be occasions when it's appropriate for you to blog or post social media content on behalf of the County. Before doing so, you must first receive authorization from the Department Head or Elected Official. That includes any effort you might make to defend or promote the County.

**Social Networking, Social Media and Interaction with the Blogosphere:** When authorized to interact with blogs in a professional capacity, Employees should uphold the principle of transparency. When posting professionally, you must identify yourself as a County Employee.

**Respectful and considerate postings:** Blogs and other social media are global communications. Search engines make much of this information easily accessible. Be thoughtful and professional with all that you post.

**Media inquiries/coverage:** Blog postings can generate media coverage or significant traffic on a site. Per County policy, refer all questions regarding the County to the Department Head or Elected Official.

**On your own time:** All time spent on personal blogs or other social media channels must not interfere with work commitments.

## **SECTION 16. ELECTRONIC RECORDS ADMINISTRATION**

### **Section 16-1. Purpose.**

The purpose of this policy is to inform County Employees and Department Heads of the requirements and responsibilities for managing, protecting and disposing of electronic records. It pertains to the legality, retention, safeguarding, backing up and future accessibility of electronic records.

Taney County recognizes that electronic records, including electronic messages may constitute a public record like other documents subject to disclosure under Section 610 of the Revised Statutes of Missouri, or other laws, or as a result of litigation.

In addition, electronic messages may constitute County public records to be subject to the Sunshine Law.

### **Section 16-2. Definition.**

Any information, minutes, files, accounts or other records which a governmental body is required to maintain, and which must be accessible to scrutiny by the public. This includes the files of most legal actions. A court will take "judicial notice" of a public record (including hearsay in the record) introduced as evidence.

### **Section 16-3. Scope.**

The electronic records retention policy set forth herein applies to all Employees of the County and applies to all electronic records that are made or received in the transaction of County business. Examples of electronic records include, but are not limited to: electronic messages created using email and other new or emerging communication technologies, word processing documents, spreadsheets and databases.

### **Section 16-4. Electronic Records Policy Statement.**

County departments are encouraged, when possible and appropriate, to use all available electronic technologies that increase efficiency, reduce expenses or improve the methods to process, handle, retrieve, transmit and retain County records and information.

### **Section 16-5. General Requirements.**

Maintenance and disposal of electronic records, as determined by their content, is the responsibility of the creator and/or receiver of the record and must be in

compliance with the County's approved records retention and disposition schedules. Failure to properly maintain electronic records may expose the County and individuals to legal risks.

The Elected Official or Department Head of an office is responsible for ensuring compliance with the County's records retention requirements. When an Employee leaves a department or the County, the Elected Official or Department Head is responsible for ensuring the separating Employee's records are properly transferred to a new individual.

#### **Section 16-6. Electronic Mail.**

Work-related email is a record, and must be treated as such. Email is meant to encompass all forms of electronic messaging such as instant messaging and all other current and emerging communication technologies. Each email that does not meet the definition of a record (e.g., personal email, or junk email, etc.) should be deleted immediately from the system.

The County's email servers are NOT intended for long-term records retention. Email messages and any associated attachment(s) may either be retained electronically on retrievable media or printed and filed with their electronic or paper equivalents. The printed copy of the email must contain the following header information:

- Who sent the message
- To whom the message was sent
- Date and time message was sent
- Subject

When email is used as a transport mechanism for other record types, such as word processing documents or spreadsheets, it is possible, based on content, for the retention and disposition periods of the email and the transport record(s) to differ. In this case, the longest retention period shall apply.

#### **Section 16-7. Safeguarding/Accessibility of Electronic Records.**

Departments must safeguard all electronic records to insure that individuals do not alter, erase or in any way change the content of the record for fraudulent purposes. In addition to safeguarding against deliberate tampering with records, departments must also guard against storage media deterioration and rapid technology changes that can leave electronic records inaccessible over a period of time because of hardware or software obsolescence.

To eliminate the possibility of creating a situation where information can no longer be retrieved, departments must make provision for future accessibility by:

migrating all electronic records, including email records, when there are major changes to the next generation of hardware or software; or migrating only current electronic records to new hardware or software, and converting records not migrated to "Human Readable Form".

All County electronic records that are considered vital records, archival records (example: general correspondence), or any other information requiring retention must be retained in such a manner to insure availability to the County for as long as needed in future years.

#### **Section 16-8. Electronic Records Backup.**

County Information Technology departments perform backups on a regular schedule of the email and electronic files stored on central servers for disaster recovery. **These backups are to be used for system restoration purposes only. The IT system administrators are not responsible for the management, retention and disposition of messages or records which may be included in such backups.**

To insure the County always has the necessary electronic records available to conduct County business, operations and other functions, County departments will backup all electronic records and databases not backed up by County IT departments at appropriate time periods and in an appropriate manner to insure that electronic records and databases are always protected from accidental or deliberate loss.

Different backup media (floppy diskettes, CDs, DVDs, reels, cassettes, optical disks, and disk paks) retain information for different periods of time before deterioration of the information may begin. The longer the backup media will be retained without replacement of information, the more stable the backup media needs to be.

#### **Section 16-9. Litigation Holds.**

When litigation against the County or its Employees is filed or threatened, the law imposes a duty upon the County to preserve all documents and records that pertain to the issue. As soon as County Counsel is made aware of pending or threatened litigation, a litigation hold directive will be issued to the applicable Employees. The litigation hold directive overrides any records retention schedule that may have otherwise called for the transfer, disposal, or destruction of the relevant document, until the hold has been lifted by County Counsel. Email and computer accounts of separated Employees that have been placed on a litigation hold by County Counsel will be maintained by the Information Technology department until the hold is released.



No Employee who has been notified by County Counsel of a litigation hold may alter or delete an electronic record that falls within the scope of the hold. Violation of the hold may subject the individual to disciplinary actions, up to and including dismissal, as well as personal liability for civil and/or criminal sanctions by the courts or law enforcement agencies.

**Note:** Electronic messages and their attachments are subject to discovery during litigation, governmental investigations, and audits, or if a FERPA request has been made. During litigation, electronic messages and their attachments are subject to discovery in the same way that paper, film, and other information is subject to discovery or access.

### **Section 16-10. Legality of Electronic Records.**

Missouri Statutes, Chapter 109, Section 109.120 specifically permits the use of electronic records for the retention of public records. Section 109.130 specifies, "Such reproductions of the original record shall be deemed to be an original record for all purposes provided that the reproduction is equal in resolution to microfilm produced under those standards set forth in Subsection 4 of Section 109.241 and shall be admissible in evidence in all courts or administrative agencies." Section 109.241 requires that microfilm images must be able to produce an accurate visible image on demand. Therefore, the same requirement applies to any form of electronic record.

Electronic messaging correspondence as a record is defined by Missouri State and Local Records law, RSMo. 109.200 to 109.310, and public records defined by the Missouri Sunshine Law, RSMo. 610. The Secretary of State's Office has published Guidelines for Managing E-mail Records and makes the following statement: "If an e-mail correspondence is determined to be a record, then it must be maintained within a recordkeeping system. Agencies are strongly encouraged to implement an e-mail policy that covers usage, content, public access, privacy, and records retention".

### **Section 16-11. Application of Policies.**

All policies applied generally at the County are expressly applicable to the electronic environment. Relevant institutional policies include, but are not limited to:

#### **REFERENCES INCLUDE BUT ARE NOT LIMITED TO:**

- \* Section 109 RSMo: Public and Business Records
- \* Section 51.120 RSMo: Clerk Duties
- \* Section 51.130 RSMo: Official Commission Reports
- \* Section 610 RSMo: Governmental Bodies and Records
- \* Section 610.028 RSMo: Missouri Sunshine Law
- \* Missouri Secretary of State's Office: Guidelines, Managing E-Mail Records

## TOPIC F – EMPLOYEE BENEFITS: (SECTIONS 17,18)

### SECTION 17. HEALTH AND LIFE INSURANCE

#### Section 17-1. Health and Life Insurance.

Full Time and regular Part Time Employees with benefits will be enrolled, without cost, in the Health Insurance (Medical and Dental) coverage program and the Employee Basic Life Insurance coverage program. (Employees must work a minimum of 30 hours per week in order to qualify for the 75/25 cost share health benefits plan.) Effective 01/01/2014 Employees are eligible for Medical and Dental and Employee Basic Life Insurance, as well as other Voluntary Coverages, on the first day of the calendar month following sixty (60) days from date of hire.

1. **Medical Insurance.** Medical Insurance coverage for spouse and dependents of Full Time Employees and Part Time Employees with benefits is optional to the Employee, at a determined cost to the Employee, as established by the County for each insurance plan year.

#### 1 A. Retiree Medical Insurance.

**If you are eligible for retiree benefits but not eligible for Medicare, Taney County offers eligible retirees medical benefits at the retiree's cost. Medical insurance coverage for the retiring employee, as well as qualified dependents covered under the plan on the retirement date, will be offered coverage at the same cost offered to full-time employees, plus a two (2) percent convenience fee. Eligible retiree benefits are available beginning at age 55 and can last up through Medicare eligibility. To be eligible, Retirees must be at least age 55 and have at least 8 years of service with Taney County.**

**When the covered retiree becomes eligible for Medicare, retiree coverage will no longer be available. Retiree covered dependents not yet eligible for Medicare will be offered the option of COBRA Continuation Coverage.**

**(Revised 03/02/2020)**

2. **Dental Insurance.** Dental Insurance coverage for spouse and dependents of Full Time Employees and Part Time Employees with benefits is optional to the Employee, at a determined cost to the Employee, as established by the County for each insurance plan year.
3. **Basic Life Insurance.** Basic Life Insurance is life insurance that the County provides for the Employee. This coverage may change with each insurance plan year.
4. **Optional Life Insurance.** Optional Life Insurance is currently offered for the Employee; Employee's Spouse; and Employee's Children. The Employee is required to pay the premiums for Optional Life Insurance. Information regarding

premiums for Optional Life Insurance will be in the Employee's insurance packet. This coverage may change with each insurance plan year.

5. **Short Term Disability.** Short Term Disability is currently offered to the Employee. The Employee is required to pay the premiums for Short Term Disability. Information regarding premiums for Short Term Disability will be in the Employee's insurance packet. This coverage may change with each insurance plan year.
6. **Long Term Disability.** The Employee is required to pay the premiums for Long Term Disability. Information regarding premiums for Long Term Disability will be in the Employee's insurance packet. This coverage may change with each insurance plan year.

## **Section 17-2. Retirement Plans.**

Full Time Employees and Part Time Employees working the required minimum number of hours or more per year will be enrolled as participating members of the appropriate local government retirement plans.

1. **LAGERS.** Full Time Employees and authorized Part Time Employees who are employed in positions normally requiring 1,000 hours of work per year will be enrolled in the LAGERS plan after six (6) months of employment. Whereas the Taney County Commission will continue to cover in LAGERS all Elected Officials that work over 1,000 hours per year, the Commission has voted to opt out of covering Part-Time Elected Officials who work less than 1,000 hours per year in LAGERS, pursuant to Missouri Statute 70,600 (10). An Employee will be vested in LAGERS after completing five (5) years of credited service. The County pays the entire cost of the LAGERS Plan.
2. **CERF (County Employees' Retirement Fund).** The County Employees' Retirement Fund was established by Senate Bill 579 effective August 28, 1994. On January 1, 1997, CERF began paying annuity payments to eligible retirees. Full Time Employees and authorized Part Time Employees who are employed in a position normally requiring 1,000 hours of work each year will be enrolled in the CERF plan upon employment.

The following Employees are not eligible for Cerf:

- a) Circuit Clerks or any Deputy Circuit Clerks who are members of MOSERS.,
- b) Court Employees who are hired, fired, or whose work and responsibilities are controlled by a Circuit Judge or Associate Circuit Judge,
- c) Election Employees – Directors and Employees of independent election boards,
- d) Juvenile Services Personnel,

- e) Extension Employees,
- f) Prosecuting Attorneys,
- g) Sheriff.

An Employee must complete eight (8) years of credited service before being vested in CERF. Four percent (4%) of gross wages will be withheld as self-funding for an Employees retirement plan for all Employees hired after January 1, 2003. All funds paid in will be returned to the Employee by CERF if they leave County employment before vesting per CERF Policy.

Employees hired after March 1, 2002 will have four percent (4%) withheld from their paycheck pursuant to the CERF legislative change. If the Employee is not employed for eight (8) years, the Employee will be entitled to a refund from CERF. If an Employee remains employed for eight (8) years, they will be

considered vested and payments to CERF will go toward their retirement benefit per CERF guidelines. For further information regarding CERF, Employees may contact the Plan Administrator, Boone County National Bank, at 1-800-357-8557.

### **Section 17-3. Cafeteria Plan.**

Employees who are enrolled in the Health Insurance plan may take advantage of reducing their taxable income through utilization of the cafeteria plan. Additional insurance, such as Dental, Cancer, and Life may be available and premium amounts for these and dependent health insurance are deducted from gross income prior to income tax deductions.

### **Section 17-4. Deferred Compensation.**

Full Time Employees may elect to participate in two separate deferred compensation programs offered by the County, including Nationwide and Cerf. The County does not participate monetarily in these programs. Interested Employees should contact The Benefits' Coordinator to schedule an appointment with a representative. You are under no obligation to participate in these plans and should immediately report any harassment to Human Resources by any salesperson involved with said programs.

### **Section 17-5. Flexible Spending Program.**

Employees who are enrolled in the Health Insurance plan may take advantage of reducing their taxable income through the FLEX Spending Program. This is done by the Employee setting aside a designated amount into the plan per calendar year for dependent child-care and for medical expenses and/or dental expenses. Amounts that are set aside by the Employee are deducted from their gross income prior to income tax deductions.

### **Section 17-6. Consolidated Omnibus Budget Reconciliation Act (COBRA).**

When specific qualifying events occur, Employees and their Dependents who lose their Health or Dental benefits may elect COBRA Continuation Coverage for up to 18 months. Certain qualifying events may extend the length of time from 18 months to up to 29 months, or up to a maximum of 36 months. Premium payments for COBRA are the responsibility of the individual(s) electing COBRA Continuation Coverage. The individual will pay 100% of the total premium plus 2% administrative fee for a total of 102% of the insurance. All Employees will receive an "Initial COBRA General Notice" at the time they become eligible for the County's Insurance Program. This notice explains their rights regarding COBRA, should a qualifying event occur. Individuals that lose coverage due to a qualifying event will receive information through the mail of their rights to continue coverage. This information is referred to as "Continuation of Coverage through COBRA". COBRA is not a County benefit but is administered by the Internal Revenue Service.

## **SECTION 18. HEALTH INSURANCE PORTABILITY ACCOUNTABILITY ACT (HIPAA)**

### **Section 18-1. Description of HIPAA.**

The Health Insurance Portability Accountability Act (HIPAA) is a federal law that covers different areas of insurance and privacy. HIPAA limits the release of Personal Health Information (PHI). Doctor's offices, Hospitals, etc. will have every patient fill out a HIPAA Privacy Act form. In following the guidelines of HIPAA, Taney County will comply with the guidelines to only share Personal Health Information that is absolutely necessary for administrative purposes for our Employee's insurance purposes.

In order to comply, the guidelines listed below will be followed:

1. Privacy Officer(s): The Privacy Officers are within the Human Resources Department; these are the current positions of Benefit's Coordinator and Director of Human Resources.
2. Medical information will not be given out to anyone without a signed release from the Employee. (Release forms are in the Human Resources Department.) This information does not include and is not limited to information for purposes of requesting and obtaining group insurance coverage, work restrictions and filing of FMLA (Family and Medical Leave Act), and Worker's Compensation claims.
3. Taney County management (Supervisors and above) and the Human Resources Department will not disclose medical information about an Employee or an Employee's family member without his/her signed consent.

### **Section 18-2. Employee Notification Notice of Privacy Practices.**

**What is "Medical Information"?** Medical information is information Taney County would receive from a variety of sources concerning your personal health. Likely sources are you and/or a physician; however, it could include nurses, dentists, insurers, and family members.

**How Medical Information may be Used or Disclosed:** The most common use of medical information is in the payment of health care claims. Therefore, personal health information may be shared with our insurer(s) and/or claims payers. Medical providers may request information from us to assist in treatment plans. Retirement Plan Administrators may need specific information at times. Taney County may occasionally request providers, such as life insurance companies, other insurers, and certain other providers to give us rates or quotes on a particular type of coverage. They may use consultants or actuaries to whom medical information would be disclosed.

**Three specific descriptions of how medical information might be used:**

1. Treatment – a physician or hospital might inquire and receive information about you in planning a course of action for your medical problem;
2. Payment – a third-party payer may use personal medical information related to your use of the health plan to determine whether you have met a deductible; and
3. Health-care operations – should the organization change insurers, a new set of data including your personal health information will be transmitted to the subsequent insurer.

**Section 18-3. Rights and Responsibilities of the County.**

Taney County will use Protected Health Information only in the management of health care or other benefit programs. If Taney County is required to, and/or permitted to, make any other disclosure, or use of Protected Health Information, we will notify Employee of such. If a state or federal law becomes effective or revised, and contains more stringent requirements, the County will follow the more stringent law.

## TOPIC G – PAYROLL: (SECTIONS 19,20,21,22,23)

### SECTION 19. PAYROLL AND COMPENSATION PLAN

#### Section 19-1. Payroll Procedures.

- (a) **Payday.** Employees of Taney County will be paid every other Friday. If said Friday falls on a holiday, payday will then be on the previous Thursday. (Elected Officials are paid on a monthly basis).
- (b) **Lost or Stolen Checks.** If your paycheck is lost or stolen, you must notify your Elected Official, Department Head or the Treasurer's Office immediately. Your pay check will be replaced as soon as possible, according to the procedures established by the Payroll Administrator. Each report of a lost or stolen paycheck will be investigated. Any fraudulent reports will be referred to the Prosecutor's Office for possible criminal prosecution.
- (c) **Direct Deposit.** Effective March 14, 2016, Taney County requires all newly hired employees to directly deposit payroll funds to a financial institution of choice, if the institution is a participant in the Federal Reserve. If you have questions regarding this policy, please contact your department head/elected official or Human Resources Department. In certain cases, the initial pay for a new employee may be provided by paycheck to allow for sufficient time to process direct deposit information with the participating banking institution. *(Revised 03/16/2016)*

#### Section 19-2. County Compensatory Time Policy.

Eligible Employees will earn compensatory time off in lieu of cash payment for all time worked in excess of 40 hours per week. Compensatory time may be earned at the rate of one and one-half times the number of overtime hours worked. This is dependent upon hours worked and time off taken during that work week.

No paid leave time (vacation, bereavement, jury/witness duty, compensatory time, sick leave, or holiday time) will be counted toward hours worked.

Any person hired by the county will be told prior to hiring that agreement to the requirements of this section (i.e., compensatory time in lieu of cash payment for overtime worked) is a condition of employment. The Compensatory Time Policy will be explained to new Employees who will be expected to sign a Compensatory Time Acknowledgement as a condition of employment. The Compensatory Time Acknowledgement is in Section 31-3. Disclaimer and Acknowledgement Statement. The Acknowledgement will include a section certifying that the Employee understands and agrees to the Compensatory Time Policy. The signed agreement will become part of the Employee's personnel file.



### **Section 19-3. County Compensatory Time Defined.**

Compensatory time (Comp time) is hours that you earn at the rate of one and one-half hours for each hour of overtime worked. Meaning that if you work two (2) hours overtime, you will be compensated by being allowed to take three (3) hours off with pay.

### **Section 19-4. Facts about Compensatory Time.**

Comp time that you take during your workweek cannot be counted toward "hours worked" for overtime purposes.

**Example:** You are scheduled to work for eight hours, five days per week. You have 16 hours of comp time earned, so you take off two days of your workweek. On the other three days, you work 10 hours per day, for a total of 30 hours. Your time sheet shows 46 hours for your week, but you are not entitled to overtime compensation because you only worked 30 hours of that week.

### **Section 19-5. Using Your Accumulated Compensatory Time.**

The Employee's Supervisor is responsible for ensuring that ample time is available for the Employee to use their earned accrued compensatory time.

If you need to use any or all of your compensatory time you must notify your Supervisor, and allow a reasonable time for your request to be granted. Your Supervisor may take the following circumstances into consideration when deciding whether, or how soon, your request can be granted:

1. The Office or Department's normal schedule of work;
2. The Office or Department's anticipated peak workload (based on past experience);
3. Emergency staffing and servicing requirements;
4. The availability of qualified substitute staff;
5. Whether your absence will unduly disrupt the operations of the Office or Department.

### **Section 19-6. County Overtime Work Policy.**

**Overtime Work Defined:** Overtime is each hour or fraction of an hour that you work in excess of forty (40) hours in any given workweek.

In the interest of conserving taxpayer money, Taney County discourages working overtime, except when absolutely necessary for the benefit of the county or the health or welfare of its citizens.

Each Office or Department is charged with developing policies and procedures to maximize productivity and reduce or avoid the need for overtime. All overtime must be approved in advance by the Elected Official or Department Head except in emergency situations, in which case the Elected Official or the Department Head must approve the overtime as soon as possible after notification of the emergency.

A determining factor in the approval of overtime work is whether the work could be accomplished through rescheduling of Employee work hours and allowance of time off in the same work period. These factors reduce the burden of overtime on Employees and avoid accrual of excessive compensatory time.

Employees who work unapproved overtime may be disciplined according to the County's Discipline Policy, including suspension or termination from employment.

#### **Section 19-7. Facts about Overtime.**

- Hours worked in excess of your daily maximum are not automatically counted as overtime.  
**Example:** You are scheduled to work for eight hours, five days per week. On three days of that week you actually work ten hours per day, for a total of 30 hours. On the other two days, you only work five hours per day for a total of 10 hours. You are not entitled to overtime just because you worked three 10 hour days, because you did not work in excess of 40 hours during your workweek.
- You are not entitled to overtime hours for working Saturdays, Sundays, or holidays, if those days are part of your workweek, and you do not work more than 40 hours during the workweek.
- You are not entitled to overtime hours if you work through your "break." Short breaks during the day are paid time, whether or not you actually rest during the break. Break time is counted as part of your workday.
- Lunch periods are not part of your regular workday, and you must count time you spend working during lunch as "hours worked" on your time sheet. However, Employees should not work through their lunch period in order to acquire overtime hours. Overtime hours are strictly for the times when it is necessary to work overtime in order to get a job completed. Taney County requires you to obtain permission from your Supervisor before you work any overtime, therefore, you must not work through lunch periods without prior approval.

### **Section 19-8. Workweek Defined.**

The Fair Labor Standards Act (FLSA) establishes overtime requirements for Employees who are covered by the Fair Labor Standards Act. The FLSA requires that employers

set a workweek, which will cover a fixed period of seven (7) consecutive days. The workweek used to calculate compensatory time for County Employees begins on Sunday at 12:01 a.m. and ends on the following Saturday at Midnight, unless otherwise specified in writing to Employees by the department's Elected Official or Department Head.

The pay period is two (2) work weeks for non-law enforcement Employees and fourteen (14) days for Law Enforcement Employees.

Employees that are excluded from the overtime provisions of the FLSA generally fall into three different categories. Those categories are:

1. Executive,
2. Certain Administrative positions, and,
3. Professional.

Employees that fit into the above categories, who are paid on a salary basis as defined by FLSA and considered Exempt, and do not record hours worked in excess of forty (40) hours in a workweek, will not record compensatory time or overtime. These excluded Employees are authorized by the County to adjust their regular workweek schedule to compensate for their varying work hours.

### **Section 19-9. Payment for Overtime.**

After an Employee accrues a maximum of 80 hours of comp time, they will be paid for all additional overtime worked. You may be paid at anytime for accrued comp time at the County Commission's discretion. Payment will be at your regular rate of pay at the time payment is made.

**Amendment #1 (See Revision # Signed on 06/22/2015**

#### **Addition to Section 19-9 – Payment for Overtime**

"You may be paid at anytime for accrued comp time" will be changed to:

***"You may be paid at for accrued comp time at the County Commission's discretion"***

### **Section 19-10. Payment at Separation of Employment.**

Upon termination of your employment with the County, you will be paid for your unused accrued comp time at the higher rate of:

- Your average rate of pay received during your last three (3) years employment with the County without a break in service, or
- Your final rate of pay.

**Section 19-11. Seminars and Training.**

Any and all seminars or workshops attended or training required of an Employee for performance of job duties or enhancement of performance of job duties shall be paid by the County. Time spent in obtaining the instruction and performing the requirements of the course shall be considered hours worked. All seminars, workshops, or training shall be approved in advance by the Elected Official or Department Head.

## **SECTION 20. PAID HOLIDAYS**

### **Section 20-1. Holiday Benefits.**

All Full Time will be paid for observed Holidays. Part Time Employees, Temporary and Contract Employees are not eligible for Holiday pay. Full Time Employees working forty (40) hours per week will be paid for eight (8) hours at their normal rate of pay for a Holiday. Full Time Employees working at least thirty (30) hours per week will be paid at a pro-rated rate. Part Time Employees receiving benefits will receive pro-rated pay based on their average hours worked per week divided by five (5) workdays. The Part Time Employee is required to work the required amount of hours in conjunction with the allotted number of hours for their Holiday pay. For example, an Employee that typically works thirty (30) hours per week will receive six (6) hours of Holiday pay; thus will have to work twenty-four (24) hours the week of the Holiday in order to maintain the thirty (30) hours.

### **Section 20-2. Working Ten (10) Hour Days.**

Because a Holiday is a provided benefit, in order that an Employee who works 10-hour days is to receive paid their full 40-hours for the week with a Holiday; Elected Officials and/or Department Heads (with direction from the Commissioners) may have their Employees work the following for the Holiday week:

1. Four eight (8) hour days for a Holiday week total of thirty-two (32) hours. They will then receive eight (8) hours pay for the designated Holiday for a total of forty (40) hours including eight (8) hours for the Holiday for that Holiday week, or;
2. Two eleven (11) hour days and one ten (10) hour day for a Holiday Week only for a total of thirty-two (32) hours. Employee's will then receive eight (8) hours pay for the designated Holiday for a total of forty (40) hours for that Holiday week.
3. Three (10) hour days for a Holiday Week; receive (8) hours Holiday pay for a total of thirty-eight (38) hours. The Employee will then be required to use two (2) hours of their vacation, comp time, or personal time. If the employee does not have time available for them to use, they would take the two (2) hours unpaid.

### **Section 20-3. Approved Paid Holidays.**

The Taney County Commission has approved the following national and state Holidays. All Full Time and Part Time Employees with benefits shall receive compensation for the following Holidays and the Taney County Courthouse will be closed on the following

## Holidays:

1. New Year's Day
2. Martin Luther King's Birthday (third Monday in January)
3. President's Day (third Monday in February)
4. Harry S. Truman's Birthday (May 8)
5. Memorial Day (last Monday in May)
6. Independence Day (July 4)
7. Labor Day (first Monday in September)
8. Columbus Day (second Monday in October)
9. Veteran's Day (November 11)
10. Thanksgiving Day (fourth Thursday in November)
11. Friday after Thanksgiving (fourth Friday in November)
12. Christmas Day (December 25)

This list is subject to change as modified by the County Commission.

### **Section 20-4. Defining Date of Holiday.**

All Holidays are to be taken on the dates listed in Section 3 with the following exceptions; when a Holiday falls on a Saturday, the preceding Friday shall be observed. When a Holiday falls on a Sunday, the following Monday shall be observed.

Sheriff's Office Schedule, see Section 23.5 (b).

### **Section 20-5. Holiday Pay.**

- (a) Non-exempt, Full Time or Part Time Employees required to work on a Holiday will receive Holiday pay plus Compensatory Time for the hours worked on the Holiday. Any hours actually worked on the Holiday will count for overtime in addition to the eight (8) hours granted for the Holiday. Paid time off for Holidays will not be counted as hours worked for purposes of determining overtime because the Employee did not physically work.

Example 1: The Holiday falls during your regularly scheduled workweek. You are required to work on the Holiday; however the next day you are ill and cannot come to work. You will be paid at the rate of double-time for the Holiday, but because you were not at work the next day and did not work a total of 40 hours, you are not eligible to receive overtime compensation.

Example 2: The Holiday falls during your regularly scheduled workweek. You worked three days at eight (8) hours each and one day at (10) ten hours, for a

total of 34 hours worked. You are off work for the Holiday, so you receive eight (8) hours of Holiday pay at your regular rate. Your total time for the week is forty-two (42) hours. However, because you did not actually work forty (40) hours, you are not eligible to receive overtime compensation.

(b) Law enforcement personnel assigned to twenty-four (24) hour service divisions, dispatch and patrol, and any personnel assigned to a service division which is regularly scheduled by the Department Head to work on all authorized Holidays, shall receive Holiday pay for authorized Holidays and shall work on Holidays as scheduled unless other available leave time has been authorized. Holiday pay shall be eight (8) hours.

(c) Only the County Commission shall be authorized to declare special Holidays or days off as an unusual need or circumstance may occur.

## **SECTION 21. PERSONAL DAYS**

### **Section 21-1. Personal Days Received.**

After one (1) year of employment (upon anniversary date), regular Full Time hourly and exempt Employees working forty (40) hours per week will receive three (3) paid Personal Days at eight (8) hours per day. Full Time Employees working at least thirty (30) hours per week will receive three (3) paid Personal Days at a pro-rated rate. These Personal Days are to be used by January 1<sup>st</sup> of the following year. On January 1<sup>st</sup> of the following one (1) full year of employment, a total of three (3) more personal days will be awarded, and they should be used prior to January 1<sup>st</sup> of the next year.

### **Section 21-2. Use and Payment of Personal Days.**

Employees are encouraged to use all Personal Days in the year granted. However, a maximum of two (2) personal days may be carried over from calendar year to calendar year with a maximum of five (5) within one (1) year. Employees cannot be paid out for any unused personal days if not taken or carried over.

### **Section 21-3. Unused Personal Days and Separation from Employment.**

Should an Employee separate from employment with Taney County, any Personal Days accrued will not be paid out and unused Personal Time shall be forfeited.



## **SECTION 22. SICK LEAVE**

### **Section 22-1. Amount of Sick Leave.**

Full Time Employees working forty (40) hours per week will earn eight (8) hours of sick leave per month up to a maximum of 60 calendar days (480 hours). Full Time Employees working at least thirty (30) hours per week will earn hours of sick leave at a pro-rated rate.

### **Section 22-2. Sick Leave Taken.**

Sick Leave with pay will be granted for absence from duty because of illness, non-compensable bodily injury or disease, exposure to a contagious disease, or to keep a doctor or dentist appointment for yourself or your immediate family. Immediate family is defined as a spouse, child, or step-child that resides in the Employee's household, or the Employee's parent or parent-in-law (even if not residing with the Employee) provided the Employee is the only one available to care for the individual involved.

Sick leave shall be granted for qualifying absences, but the total hours submitted (including worked hours, comp time, vacation time, personal time and sick time) on your timesheet should not exceed 40 hours for a work week.

Example: You are scheduled to work eight hours, five days per week. You worked eight hours for four days and were granted sick leave for eight hours, one day. Since you already have 40 hours reflected for the work week (32 worked, 8 sick leave), you cannot add previously accrued comp time to the time sheet for that week.

If your work hours, comp time, vacation time and personal time recorded for the work week equals 40 hours, then you will not be granted sick leave for any work hours missed. (Revised 6/22/2015)

Exceptions to this provision may be granted by the Elected Official, Department Head or Supervisor with the approval of the County Commission if the Employee does not have any accumulated Vacation Time or Comp Time.

### **Section 22-3. Notification.**

The Employee is responsible for notifying their Elected Official, Department Head or Supervisor when they are unable to report to work due to any of the reasons for Sick Leave stated in Section 22-2. When possible, the Employee should notify those listed above at least thirty (30) minutes prior to their regularly scheduled work time when they are unable to report to work due to illness or injury.

The Employee must regularly keep their Elected Official, Department Head or Supervisor informed of the condition for the absence. The Employee may be required to submit for any absence, the treating physician's written notice of medical reason for the absence from work. Failure to comply with these provisions shall result in denial of Sick Leave.

**Section 22-4. Not Considered Sick Leave.**

1. Sick Leave shall not be granted in cases where regular retirement or disability retirement exists.
2. Any authorized absence due to injury or illness covered by Workers'

Compensation insurance shall not be charged against an Employee's accrued Sick Leave

**Section 22-5. Unused Sick Leave and Separation from Employment.**

At no time will an Employee be compensated for unused Sick Leave benefits, including separation from Employment.

## **SECTION 23. VACATION**

### **Section 23-1. Vacation Policies.**

Upon adoption of this Policy Manual, Taney County offered two (2) Vacation Plans; Plan A and Plan B.

Plan A was the first plan. Plan A was offered to all employees that were actively employed and eligible for Vacation (or were waiting for their Vacation time to become effective) the date of adoption of this Personnel Policy Manual. Plan A is outlined below.

Plan B is the newly adopted plan and all employees hired the day after adoption of the Personnel Policy Manual will be offered Plan B Vacation Plan only upon hire. In addition, any employee that was actively employed prior to adoption date may also choose Plan B instead of Plan A. Plan B is outlined below.

Employees that were eligible to choose Plan A or Plan B were required to fill out and sign an acknowledgement stating which Vacation Plan elected. Once the Employee elected a plan, signed and dated the acknowledgement form, the Employee cannot change plans. New Hires also are required to fill out an acknowledgement form showing eligibility for Plan B only.

#### **Plan A:**

During the Employee's first year of employment, he/she will acquire one (1) week, (forty (40) hours) of vacation. An Employee working at least thirty (30) hours per week will acquire Vacation time at a pro-rated rate. Employees will be eligible to use that week on their first anniversary date. Employees are required to take their eligible vacation after the first anniversary date and prior to their second anniversary date. Vacation time does not roll over into the next anniversary year if not used. There could be circumstances where a roll-over may be granted by the County Commission for a certain period of time. However, there are not to be any pay outs of Vacation time.

After the second anniversary date, the Employee will acquire additional vacation time. The amount will be prorated according to the date of hire. This time will be taken between the second anniversary date and the end of the calendar year.

After the end of the calendar year following the second anniversary date, the Employee will be entitled to two (2) weeks, (eighty (80) hours) of vacation. This amount will be repeated after the end of each subsequent calendar year until their fifth year.

Each Employee will acquire time towards their vacation at the rate of one half day per year at the beginning of the next January 1<sup>st</sup> following their fifth full year of employment.

Example:

- Employee is hired on October 1, 2012.
- Employee is eligible for one (1) week (40 hours) of vacation on October 1, 2013.
- Employee is eligible for additional prorated vacation according to their day of hire, after October 1, 2014 through end of calendar year, 2014.
- Employee is eligible for two (2) weeks (80 hours) of vacation on January 1, 2015.
- Employee's 5<sup>th</sup> year would be October of 2017.
- Employee would receive an additional half-day (1/2 day, 4 hours) of vacation on January 1, 2018 (total of two weeks and 1/2 day.) (84 hours).
- Employee would receive another half-day (1/2 day, 4 hours) of vacation on January, 2019 (total of 2 weeks and 1 day). (88 hours).

Employees would continue to acquire one-half (1/2 day, 4 hours) per year up to a maximum of four (4) weeks, (one hundred sixty (160) hours) of vacation. Part Time Employees eligible for benefits will accumulate vacation benefits based on the number of hours worked per week divided by five (5).

New Employees hired on or after the adoption date of this Personnel Policy Manual, are not eligible to choose Vacation Plan A.

#### **Plan B:**

During the Employee's first year of employment, he/she will acquire one (1) week forty (40) hours of vacation. An Employee working at least thirty (30) hours per week will acquire Vacation time at a pro-rated rate. Employees will be eligible to use that week on their first anniversary date. Employees are required to take their eligible vacation after the first anniversary date and prior to their second anniversary date. Vacation time does not roll over into the next anniversary year if not used. There could be circumstances where a roll-over may be granted by the County Commission for a certain period of time. However, there are not to be any pay outs of Vacation Leave.

After the second anniversary date, the Employee will acquire additional vacation time. The amount will be prorated according to the date of hire. This time will be taken between the second anniversary date and the end of the calendar year.

After the end of the calendar year following the second anniversary date, the Employee will be entitled to two (2) weeks (eighty (80) hours) of vacation.

After the end of the calendar year following the fifth year, the Employee will be entitled to twelve and one-half (12 ½) days, (one-hundred (100) hours).

Effective January first of the Employee's tenth year, the Employee will be entitled to three (3) weeks, (one-hundred and twenty (120) hours). This is the maximum number of hours that an employee can receive on Plan B. (Revised 03/16/2015)

#### **Section 23-2. Vacation Payment upon Separation.**

Any Employee with vacation benefits leaving the County service due to resignation, death or termination shall be compensated for unused vacation to the date of termination.

#### **Section 23-3. Vacation Periods with Holidays.**

Any official holiday as set forth in these rules which may occur during an Employee's scheduled vacation period shall not be counted as a day of vacation. If any official holiday occurs during a period of scheduled vacation, Employees will receive the appropriate holiday pay.

#### **Section 23-4. Vacation for Law Enforcement Department.**

Personnel in the Law Enforcement Department shall be eligible to use acquired vacation leave after the completion of their one (1) year introductory periods.

#### **Section 23-5. Vacation and Medical Leave for FMLA or other Medical Leaves.**

Vacation Time may be used while on Medical Leave for FMLA and other Medical Leaves.

#### **Section 23-6. Vacation Schedules.**

Elected Officials or Department Heads will schedule Vacation Leave for Employees. Such leave schedule shall take into consideration the Employee's desires. However, if the time desired would leave that Office or Department in a production bind, the Elected Official or Department Head will ask that the Employee choose other dates. Vacation shall, under normal circumstances, be taken in as little as fifteen (15) minute increments. Out of respect for the Employee's department, each Employee is asked to schedule their Vacation Leave as far in advance as possible.

**Vacation Plan Election:**

Employee Name: \_\_\_\_\_

Employee's Hire Date: \_\_\_\_\_

Due to the Hire Date, Employee is eligible for: (circle one option)

Plan A or Plan B

Plan B Only

(Please see Plan A or Plan B in the policy for employee eligibility)

**Acknowledgement:**

\_\_\_\_\_ I understand that I am eligible to elect either Plan A or Plan B Vacation Plan.

\_\_\_\_\_ I understand that I am eligible for Plan B Vacation Plan only.

\_\_\_\_\_ I understand that once I elect a Plan, that I will not be able to change Plans.

**Election:**

I am electing Plan A \_\_\_\_\_ (please check)

I am electing Plan B \_\_\_\_\_ (please check)

Employee Signature: \_\_\_\_\_

Date of Election and Signature: \_\_\_\_\_

Witness Signature: \_\_\_\_\_

Date of Witness Signature: \_\_\_\_\_

## **TOPIC H – EXPENSES (SECTIONS 24,25)**

### **SECTION 24. COUNTY PURCHASING**

#### **Section 24-1. Purchasing Mission Statement.**

The Taney County Purchasing Department, guided by the highest standards of professional purchasing practice, seeks to secure needed products and services for using agencies at the lowest ultimate cost consistent with the quality, quantity and delivery required.

Its staff is dedicated to providing the latest procurement techniques in a continuing effort to achieve the best value for the public funds entrusted to our care. Finally, we strive to represent the County to the business community in the best possible light, to promote competition to the fullest practicable extent and to administer its programs openly, uniformly and fairly. The complete Purchasing Manual for Taney County can be viewed on the Taney County Website or by contacting the Director of Purchasing.

#### **Section 24-2. County Purchasing Card.**

The Taney County Purchasing Card Program allows the cardholder to purchase approved commodities and services directly from our vendors. Any employee that is issued a County Purchasing Card is obligated to follow the County Purchasing Card Policy in its entirety. A copy of the Purchasing Card Policy can be obtained through the County Commission Office.

## **SECTION 25. TRAVEL EXPENSES**

### **Section 25-1. Expenses.**

All expenses incurred by an Elected Official, Department Head, or Employee for carrying out official duties, attending training courses, and professional conferences will be reimbursed by the County.

Taney County Employees who incur any business travel expenses must submit a request for reimbursement along with the original itemized receipt, within that same calendar year.

### **Section 25-2. Rules.**

1. All expenses reported must represent reasonable and customary charges incurred for the benefit of County business. Personal entertainment and personal articles are not reimbursable and shall not be reported.
2. All expenses must be clearly, correctly and completely explained. All expenses reported must be for the benefit of the County. General terms such as "incidentals or miscellaneous" in explanation of expenses may not be used.
3. A substitution of a reimbursable item or expense not actually incurred for County expense is prohibited.
4. Include server's tips in the cost of meals, tips for taxi drivers with taxi fares, tips for bellmen with hotel charges. All tips must be documented on expense reports.
5. The company credit card is for business expenses only. Personal charges of any kind on the company credit card are not allowed for any reason.

### **Section 25-3. Reimbursement.**

Employees with approved travel expenses must submit a request for reimbursement to the Accounts Payable department within the same calendar year. Original receipts must be attached for all expenses submitted for payment. Each printed receipt must itemize the expense in full detail and, if unusual, should note the reason for the expense. Hand written receipts are prohibited and will not be reimbursed. An exception would be a request for reimbursement for charges on a County credit card. These requests must be presented in the same month that the credit card statement is to be paid by Accounts Payable.

### **Section 25-4. Reimbursable Expenses.**

You are expected to keep travel expenses to a minimum, and limit expenditures to a reasonable amount. The following expenses for approved travel will be reimbursed,



provided that you can document them with a receipt or other appropriate documentation:

- Direct travel including air, bus, taxi, and train fares;
- Direct travel by personal vehicle at the established rate per mile. All mileage must be logged at time of departure for said trip and logged upon return. Specific documentation must be recorded on the reimbursement form stating the destination of trip and the mileage to and from. This documented mileage is to be turned in to the Accounts Payable Clerk within the same calendar year of return of trip. Reimbursements will be made for the noted mileage logged only. In addition, if side trips are made, the mileage for the beginning of, and ending of the side trip must be noted and deducted from total amount to be reimbursed;
- Overnight lodging when travel extends beyond one-hundred twenty-five (125) miles from the County. This provision does not apply when the purpose of the travel lasts more than one day, AND the Supervisor approves the overnight stay.
- Meals and tips: anything over the allowed amount must be approved by the Employee's Elected Official or Department Head;
  - a) Breakfast: \$15.00 plus tips allowed
  - b) Lunch: \$20.00 plus tips allowed
  - c) Dinner: \$30.00 plus tips allowed
- Other reasonable and related expenses. (Must be approved through Commission).

#### **Section 25-5. Personal Travel.**

A family member or friend may accompany Employee(s) on official County travel (conferences/transport only, not every day on the job travel) when the presence of a companion will not interfere with the successful completion of business objectives or increase the expense to the County.

#### **Section 25-6. Non-Reimbursable Expenses.**

- Cost incurred by a spouse or other relative or friend accompanying an Employee;
- Personal expenditures such as personal phone calls, movie rentals, valet service, laundry and cleaning, intoxicating beverages, entertainment, or side trips.

**Section 25-7. Travel Advance.**

Employees without a company credit card may qualify for a cash travel advance to pay for estimated mileage and meals by submitting a request to the Accounts Payable department. Your Supervisor must approve the request. If County business requires you to stay overnight, you should make reservations in advance of the trip. Detailed itemized receipts must be obtained. All unused advanced funds must be returned to Accounting within five (5) working days after return date of the trip.

**Section 25-8. Airfare.**

All Airfare will be scheduled through the Elected Official's Office. When traveling, please provide in writing, or email, all travel details of the following information:

1. Travel Dates
2. Preferred travel time
3. Destination

**Section 25-9. Tax Exempt Letter.**

As a governmental body, Taney County is exempt from paying most sales tax. When you travel, please take a copy of our "tax exemption letter" with you to present to hotels and motels. If you make advance reservations, a copy may have already been sent, but having a copy with you is a good idea. A copy of the tax exemption letter may be obtained from the Auditor's Office. Misuse of a tax exemption letter is a violation of law, and may subject you to personal prosecution.

**Section 25-10. Expense Procedure.**

Within five (5) working days of receipt of your expense report, the Accounts Payable Clerk will review for adherence to company policy. If the County owes the Employee a reimbursement of business related expenses, a check will be provided in a timely manner. If the Employee owes the County reimbursement for personal expenses, the reimbursement must be made within ten (10) working days of submission of the expense report.

## TOPIC I – LEAVES OF ABSENCE: (SECTION 26)

### SECTION 26. LEAVES OF ABSENCE

#### Section 26-1. Approval Authority.

An Elected Official or Department Head may approve requests for leaves of absence as defined hereinafter in accordance with procedures established by the County Commission.

#### Section 26-2. Bereavement Leave.

In the event of death of an immediate family member of an Employee or an immediate family member of an Employee's spouse, said Employee may have a specified amount of time off as described in this policy. This leave is to be used to handle family affairs and attend the funeral.

**Immediate family** of an Employee or an Employee's spouse is defined as:

- Spouse,
- Children,
- Parents,
- Grandparents and Great Grandparents,
- Grandchildren and Great Grandchildren,
- Siblings and Brother-in-law or Sister-in-law,
- Son-in-law or Daughter-in-law,
- Corresponding Step Relationships, or
- Other relatives residing in the Employee's household.

The allotted time of up to five (5) paid eight-hour days (a total of 40 hours) will be granted to a Full Time Employee who works forty (40) hours per week in the event of death of a parent, spouse, a child, or a step-child. **(Revised 3/14/2016)**

The allotted time of up to three (3) paid eight-hour days (a total of 24 hours) will be granted to a Full Time Employee who works forty (40) hours per week for the immediate family members or the spouse's family members listed above.

**Other Family:** When there is a death in the family other than the "immediate family" (as described above), a Full Time Employee who works forty (40) hours per week is eligible to take one (1) paid eight-hour day of bereavement leave. "Other Family" is defined as the Employee's (or the spouse's) niece, nephew, aunt, uncle, great aunt, great uncle or first cousin.

(Employees working at least thirty (30) hours per week receive a pro-rated leave).  
**(Revised 09/24/2014)**

**Ten-Hour Days:** If you are in an Office or Department that works four ten (10) hour days per week, you may use a total of twenty-four (24) hours for funeral leave for the immediate family members; i.e. if you are gone one (1) day you may use ten (10) hours total; gone two (2) days, twenty (20) hours total, then you would have four (4) hours left for another day and would have to supplement that day with Vacation, Comp Time, or Personal days, or take the remaining hours of the third day unpaid.

**Other Requests:** If you want to attend a funeral for someone other than a family member or spouse's family member as defined previously you must use Vacation or Personal Days or Comp Time, and you must obtain approval from your Elected Official, Department Head, or immediate Supervisor.

**Additional Time:** If you need time extensions beyond days granted, you should direct your request to your Elected Official or Department Head. They will evaluate each request on an individual basis, balancing staffing requirements with consideration for your relationship to the deceased and the location of the funeral.

**Mandated Closing of Courthouse or Individual Offices:** On occasion the Commission may make the decision to close the entire Courthouse, (for reasons other than inclement weather) or to designate that individual Elected Officials may make the decision to close their specific Office in order for County Employees to attend a funeral such as that of an Employee or former Employees. In the event that the Courthouse or an individual Office closes; affected Employees will receive pay for the amount of hours it would take to drive to the funeral, attend the funeral, and then return to work (should the funeral takes place at a time that would allow the Employee to return to work).

*(Revised 09/24/2014)*

### **Section 26-3. Family and Medical Leave Act.**

The purpose of Taney County's Family and Medical Leave Policy is to provide our Employees with the leave required by Federal Law. The Family and Medical Leave Act (FMLA) provide eligible Employees the opportunity to take unpaid, job-protected leave for certain specified reasons (a Qualifying Event). The maximum combined amount of leave that may be taken in a 12-month period for all reasons combined is 12 weeks, with one exception; for leave to care for a Covered Service Member, which can be extended to up to 26 weeks.

The U.S. Department of Labor's Employment Standards Administration, Wage and Hour Division, administers and enforces the Family and Medical Leave Act (FMLA).

**Employee Eligibility:** To be eligible for FMLA leave, the following qualifications must be met. You must:

1. Have worked at least 12 months for the County. The 12 months need not be consecutive.
2. Have worked at least 1,250 hours for the County over the preceding 12 months (the 1250 hours is a special hour of service eligibility requirements that apply only to Airline Flight Crew Members); and
3. If at least 50 Employees are employed by the employer within a 75 mile radius.

**Conditions Triggering Leave:** FMLA leave may be taken for the following reasons:

1. Birth of a son or daughter, and to care for a healthy newly born child (up to 12 weeks leave);
2. Placement of a healthy child with the Employee for adoption or foster care (up to 12 weeks leave);
3. To care for an immediate family member (Employee's spouse, son, daughter, or parent with a serious health condition (up to 12 weeks leave) ;
4. Because of the Employee's own serious health condition that makes the Employee unable to perform the Employee's job (up to 12 weeks leave);
5. To care for a Covered Service Member during a 12-month period (up to 26 weeks)  
A Covered Service Member is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness (up to 26 weeks leave);
6. To handle certain qualifying exigencies, i.e. attending military events, arranging for alternative childcare, addressing certain financial and legal arrangements, (see FMLA Poster for complete listing) arising out of the fact that the Employee's spouse, son, daughter, or parent is on covered active duty status or call to covered active duty in the armed forces (e.g., National Guard or Reserves) (up to 12 weeks leave).

**Employee Responsibilities Notice and Medical Certification:** When seeking FMLA Leave, Employees are required to provide the following.

1. Employees are to provide sufficient information for the County to determine if the requested leave may qualify for FMLA protection and the anticipated timing and

duration of the leave. Sufficient information may include that you are unable to perform job functions; a family member is unable to perform daily activities, the need for

hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. You must also inform the County if the requested leave is for a reason for which FMLA leave was previously taken or certified.

If the need for leave is foreseeable, this information must be provided 30 days in advance of the anticipated beginning date of the leave. If the need for leave is not foreseeable, this information must be provided as soon as is practicable and in compliance with the County's normal call-in procedures, absent of unusual circumstances.

Notice must be presented to the Employee's immediate Supervisor and to Human Resources. When a Supervisor is advised of their Employee's need for FMLA, that Supervisor is obligated to inform Human Resources before the end of that workday. Failure by the Supervisor to provide appropriate notice to Human Resources could result in disciplinary action up to and including termination.

2. Employees are required to provide appropriate forms and Medical Certification supporting the need for leave due to a serious health condition affecting them or an immediate family member within fifteen (15) calendar days of the Company's request to provide the certification (additional time may be permitted in some circumstances). If you fail to do so, we may decline and withdraw any Designation of FMLA leave or deny the leave, in which case your leave of absence would be treated in accordance with our standard leave of absence and attendance policies, subjecting you to fall under a non-protected job status. Second or third medical opinions and periodic re-certifications may be required.

3. Periodic reports as deemed appropriate during the leave regarding your status and intent to return to work.

4. A signed HIPAA Release Certificate may be required.

5. Medical certification of fitness for duty before returning to work if the leave was due to your serious health condition. The County will require this certification to address whether you can perform the essential functions of your position.

Failure to comply with the foregoing requirements may result in delay or denial of leave.

**Employer Responsibilities:** Once Human Resources is advised of a potential FMLA situation for an Employee, Human Resources is required to mail all information and

forms to that Employee no later than three (3) days after being notified. To the extent required by law, the County will inform Employees whether they are eligible under the

Family Medical Leave Act (FMLA) by mailing a Designation Notice to the Employee. Should an Employee be eligible for FMLA leave, the County will provide them with a notice that specifies any additional information required as well as the Employee's rights and responsibilities. If Employees are not eligible, the County will provide a reason for the ineligibility. The County will also inform Employees if leave will be designated as FMLA-protected and, to the extent possible, note the amount of leave counted against the Employee's leave entitlement. If the County determines that the leave is not FMLA protected, the County will notify the Employee.

**Job Restoration:** Upon returning from FMLA leave, eligible Employees will be restored to their original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions.

**Definitions of Serious Health Condition and Health Care Provider:** A "Serious Health Condition" is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the function of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement includes incapacity of more than three (3) consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also includes:

1. An overnight stay in the hospital;
2. Two visits to a health care provider;
3. One visit to a health care provider and a continuing regimen of care;
4. An incapacity caused by pregnancy or prenatal visits;
5. A chronic condition, or permanent or long-term conditions; or
6. Absences due to multiple treatments or restorative surgery or for a condition which would likely result in a period of incapacity of more than three (3) days if not treated (e.g. Chemotherapy or Radiation for treatments of cancer).

**Health Care Provider:** Doctors of Medicine or Doctors of Osteopathy who are authorized to practice medicine or surgery by the state in which the doctors practice; or

1. Podiatrists, Dentists, Clinical Psychologists, Optometrists and Chiropractors (limited to manual manipulation of the spine to correct a subluxation as demonstrated by X-

ray to exist) authorized to practice, and performing within the scope of their practice, under state law; or

2. Nurse Practitioners, Nurse Midwives and Clinical Social Workers authorized to practice, and performing within the scope of their practice, as defined under state law; or
3. Christian Science practitioners listed with the First Church of Christ, Scientists in Boston, Massachusetts; or
4. Any health care provider recognized by the employer or the employer's group health plan benefits manager.

### **Information Regarding and Administering FMLA:**

**Identifying the Twelve Month Period:** Taney County's 12-month period is from January 30<sup>th</sup> of one year to the next January 29<sup>th</sup>. The one exception is for leave to care for a covered Service Member. The County calculates the 12-month period beginning on the first day the eligible Employee takes FMLA leave to care for a covered service member and ends 12 months after that date.

FMLA leave for the birth or placement of a child for adoption or foster care must be concluded within 12 months of the birth or placement.

**Using Leave:** FMLA will begin at the time the Employee is in need of taking time off from work and is eligible for FMLA. As prescribed by the Employee's physician, eligible Employees may take FMLA leave in a single block of time, intermittently (in separate blocks of time), or by reducing the normal work schedule when medically necessary for the serious health condition of the Employee or immediate family member, or in the case of a Covered Service Member, his/her injury or illness. Eligible Employees may also take intermittent or reduced-scheduled leave for military qualifying exigencies. Intermittent leave is not permitted for the birth of a child, to care for a healthy newly-born child or for placement of a child for adoption or foster care. Employees who require intermittent or reduced-schedule leave must try to schedule their leave so that it will not unduly disrupt the County's operations. In addition, while you are on an intermittent or reduced schedule leave, the County may temporarily transfer you to an available alternative position which better accommodates your recurring leave and which has equivalent pay and benefits. Each Elected Official and/or Department Head will determine if it is in the best interest of the Employee or the Office/Department for the Employee to return to work in a light-duty status. It may be determined that the Employee should remain on FMLA until they can return to full-duty.



**Use of Accrued Paid Leave:** Depending on the purpose of your leave request, you may choose (or the County may require you) to use accrued paid leave (such as Vacation, Personal Time, Comp Time or Sick Time), concurrently with some or all of your FMLA leave. In order to use paid leave with FMLA leave, an eligible Employee

must comply with the County's normal procedures for the applicable paid leave (e.g., call-in procedures, advance notice, etc.). (Typically the County will not require the Employee to use their Vacation, Personal Time, Comp Time or Sick Leave, but the Employee definitely may do so if it is their desire.)

**Maintenance of Health Benefits:** A covered employer is required to maintain group health insurance coverage for an Employee on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the Employee had continued to work. Taney County's Auditor's Department will explain to the Employee the procedure in which the Employee is to pay their insurance premiums during this time. If you elect not to return to work at the end of the time allotted to you by your health care provider for FMLA, you could be required to reimburse the County for the cost of the premiums paid by the County for any health benefits and/or flex premiums.

**Failure to Return after FMLA Leave:** Any Employee who fails to return to work as scheduled after FMLA leave or exceeds the 12 week FMLA entitlement (or in the case of a military caregiver leave, the 26 week FMLA entitlement), will be subject to the County's standard leave of absence and attendance policies. This may result in termination if you have no other County provided leave available to you or your immediate Supervisor finds it a hardship for their department to allow additional time off. Likewise, following the conclusion of your FMLA leave, the County's obligation to maintain your group health plan benefits ends (subject to any applicable COBRA rights).

**Other Employment:** Employees may not hold any other employment during all leaves of absence, including FMLA leave. Holding other employment may result in disciplinary action, up to and including termination of employment.

**Fraud:** Providing false or misleading information or omitting material information in connection with an FMLA leave will result in discipline action, up to and including immediate termination of employment.

**Employers' Compliance with FMLA and Employee's Enforcement Rights:** FMLA makes it unlawful for any Employer to interfere with, restrain, or deny the exercise of any right provided under FMLA, or discharge or discriminate against any person for

opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

While the County encourages Employees to bring any concerns or complaints about compliance with FMLA regulations to their Supervisor, FMLA regulations require employers to advise Employees that they may file a complaint with the U.S. Department of Labor or bring a private lawsuit against an employer. Further, FMLA does not affect

any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

**Key Employees:** Under specified and limited circumstances where restoration to employment will cause substantial and grievous economic injury to its operations, an employer may refuse to reinstate certain highly-paid “key” Employees after using FMLA leave during which health coverage was maintained. In order to do so, the employer must:

1. Notify the Employee of his/her status as a “key” Employee in response to the Employee’s notice of intent to take FMLA leave;
2. Notify the Employee as soon as the Employer decides it will deny job restoration, and explain the reasons for this decision;
3. Offer the Employee a reasonable opportunity to return to work from FMLA leave after giving this notice; and
4. Make a final determination as to whether reinstatement will be denied at the end of the leave period if the Employee then requests restoration.

A “key” Employee is a salaried “eligible” Employee who is among the highest paid ten percent (10%) of Employees within seventy-five (75) miles of the work site.

**Spouses Employed by the same Employer:** Spouses employed by the same employer are jointly entitled to a combined total of 12 workweeks of Family Medical Leave for the birth and care of a healthy newborn child, for placement of a child for adoption or foster care, and to care for a family member (spouse, child, or parent) who has a serious health condition. Leave for birth and care, or placement for adoption or foster care must conclude within 12 months of the birth or placement. Time for doctor’s appointments, including ultrasounds, can be included as FMLA in the 12 month period.

**FMLA Leave is Unpaid:** Family Medical Leave is an unpaid leave; however you may be eligible for Short Term Disability, if the County’s insurance plan has Short Term Disability and you elected this benefit, and/or Workers’ Compensation Benefits. If you request leave under the FMLA, any unused Vacation, Personal Days, Comp Time,

and/or Sick Time may be used as compensation for this unpaid leave during your time off work.

**When an Employee Doesn't Qualify for FMLA:** If you are unable to perform your job due to sickness, injury, pregnancy or other disability, and you do not meet the requirements to be eligible for FMLA, you may be granted up to a six (6) week Medical Leave of Absence with Commission, Elected Official or Department Head approval

(eight (8) weeks if leave is due to a Caesarean birth). An extension of no more than four (4) weeks may be granted, if necessary, and the need is confirmed in writing by your physician and is agreed upon by your immediate Supervisor. The medical leave could also be granted to any Taney County Employee that works at a worksite that does not employ at least fifty (50) Employees within a seventy-five (75) mile radius.

**Limited Nature of this Policy:** This policy should not be construed to confer any express or implied contractual relationship or rights to any Employee not expressly provided for by FMLA. The County reserves the right to modify this or any other policy as necessary, in its sole discretion to the extent permitted by law. State or local leave laws may also apply.

**Military Related FMLA Leave:** As previously mentioned FMLA leave may also be available to eligible Employees in connection with certain service-related medical and non-medical needs of family members. There are two forms of such leave. The first is "Military Caregiver Leave", and the second is "Qualifying Exigency Leave". Each is detailed below.

**Military Caregiver Leave:** Unpaid Military Caregiver Leave is designed to allow eligible Employees to care for certain family members who have sustained serious injuries or illnesses in the line of duty while on active duty. The family member must be a covered Service Member, which means:

- a) A current member of the Armed Forces, National Guard or Reserves; Is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status; or is otherwise on the temporary disability retired list;
- b) For a serious injury or illness that may render him or her medically unfit to perform the duties of the member's office, grade, rank or rating.

Military Caregiver Leave is not available to care for former members of the Armed Forces or the National Guard or Reserves or for Service Members on the permanent disability retired list.

To be eligible for Military Caregiver Leave, the Employee must be a spouse, son, daughter, parent or next of kin of the covered Service Member. Next of kin means the nearest blood relative of the Service Member, other than the Service Member's spouse, parent, son, or daughter, in the following order of priority:

1. Blood Relatives who have been granted legal custody of the Service Member by court decree or statutory provisions;
2. Brothers and Sisters;
3. Grandparents;
4. Aunts and Uncles; and
5. First Cousins.

The above mentioned are to be the Next of kin unless the Service Member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of Military Caregiver Leave. The Employee must also meet all other eligibility standards as set forth within the FMLA Leave Policy.

An eligible Employee may take up to 26 workweeks of Military Caregiver Leave to care for a covered Service Member in a "single 12 month period. The single 12 month period begins on the first day leave is taken to care for a covered Service Member and ends 12 months thereafter, regardless of the method used to determine leave availability for other FMLA qualifying reasons. If an Employee does not exhaust his or her 26 workweeks of Military Caregiver Leave during this single 12 month period, the remaining weeks of leave are forfeited.

Military Caregiver Leave applies on a per-injury basis for each Service Member. Consequently, an eligible Employee may take separate periods of caregiver leave for each and every covered Service Member, and/or for each and every serious injury or illness of the same covered Service Member. A total of no more than 26 workweeks of Military Caregiver Leave may be taken within any single 12 month period.

Within the single 12 month period described above, an eligible Employee may take a combined total of 26 weeks of FMLA leave including up to 12 weeks of leave for any other FMLA-qualifying reason (i.e., birth or adoption of a child, serious health condition of the Employee or close family member, or a qualifying exigency). For example, during the single 12 month period, an eligible Employee may take up to 14 weeks of FMLA leave to care for a covered Service Member when combined with up to 12 weeks of FMLA leave to care for a newborn child.

An Employee seeking Military Caregiver Leave may be required to provide appropriate certification from the Employee and/or covered Service Member and completed by an authorized health care provider within 15 days. Military Caregiver Leave is subject to

the other provisions in our FMLA Leave Policy (requirements regarding Employee eligibility, appropriate notice of the need for leave, use of accrued paid leave, etc.). Military Caregiver Leave will be governed by, and handled in accordance with, the FMLA and applicable regulations, and nothing within this policy should be construed to be inconsistent with those regulations.

**QUALIFYING EXIGENCY LEAVE:** Effective January 16, 2009, eligible Employees may take unpaid Qualifying Exigency Leave to tend to certain exigencies arising out of the duty under a call or order to active duty of a “covered military member” (i.e. the

Employee’s spouse, son, daughter, parent). Up to 12 weeks of Qualifying Exigency Leave is available in any 12 month period, as measured by the same method that governs measurement of other forms of FMLA leave within the FMLA policy (with the exception of Military Caregiver Leave). Although Qualifying Exigency Leave may be combined with leave for other FMLA qualifying reasons, under no circumstances may the combined total exceed 12 weeks in a 12 month period (with the exception of Military Caregiver Leave). The Employee must meet all other eligibility standards as set forth within the FMLA policy.

Persons who can be ordered to active duty include retired members of the Regular Armed Forces, certain members of the retired Reserve, and various other Reserve members including the Ready Reserve, the Selected Reserve, the Individual Ready Reserve, the National Guard, State Military, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard, Air Force Reserve, and Coast Guard Reserve.

Although Qualifying Exigency Leave is available to an eligible Employee whose close family member is called up from status as a *retired* member of the Regular Armed Forces, it is not available for a close family member on active duty or on call to active duty as a member of the Regular Armed Forces. Also, a call to active duty refers to a *federal* call to active duty, and *state* calls to active duty are not covered unless under order of the President of the United States pursuant to certain laws.

**QUALIFYING EXIGENCY LEAVE IS AVAILABLE UNDER THE FOLLOWING CIRCUMSTANCES:**

1. **Short-notice deployment.** To address any issue that arises out of short notice (within seven days or less) of an impending call or order to active duty.
2. **Military events and related activities.** To attend any official military ceremony, program, or event related to active duty or a call to active duty status or to attend certain family support or assistance programs and informational briefings.
3. **Childcare and school activities.** To arrange for alternative childcare; to provide childcare on an urgent, immediate need basis; to enroll in or transfer to a new

## EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

### Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- for incapacity due to pregnancy, prenatal medical care or child birth;
- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son, daughter or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

### Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintroduction briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness\*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.\*

\*The FMLA definitions of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".

### Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

### Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months\*, and if at least 50 employees are employed by the employer within 75 miles.

\*Special hours of service eligibility requirements apply to airline flight crew employees.

### Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and

a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

### Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

### Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

### Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

### Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

### Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

### Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, nor supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulation 29 C.F.R. § 825.300(e) may require additional disclosures.



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school or daycare facility; or to attend meetings with staff at a school or daycare facility.

4. **Financial and legal arrangements.** To make or update various financial or legal arrangements; or to act as the covered military member's representative before a Federal, State or local agency in connection with service benefits.
5. **Counseling.** To attend counseling (by someone other than a health care provider) for the Employee, the covered military member, or for a child or dependent when necessary as a result of duty under a call or order to active duty.
6. **Temporary rest and recuperation.** To spend time with a covered military member who is on short-term, temporary rest and recuperation, leave during the period of deployment. Eligible Employees may take up to five (5) days of leave for each instance of rest and recuperation.
7. **Post-deployment activities.** To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of up to 90 days following termination of the covered military member's active duty status. This also encompasses leave to address issues that arise from the death of a covered military member while on active duty status.
8. **Mutually agreed leave.** Other events that arise from the close family member's duty under a call or order to active duty, provided that the County and the Employee agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave.

An Employee seeking Qualifying Exigency Leave may be required to submit appropriate supporting documentation in the form of a copy of the covered military member's active duty orders or other military documentation indicating the appropriate military status and the dates of active duty status, along with a statement setting forth the nature and details of the specific exigency, the amount of leave needed and the Employee's relationship to the military member, within 15 days. Qualifying Exigency Leave will be governed by, and handled in accordance with; the FMLA and applicable regulations and nothing within this policy should be construed to be inconsistent with those regulations.

#### **Section 26-4. Medical Leave of Absence.**

If an Employee is unable to perform the duties of their job due to illness, surgery, hospital stay, injury, pregnancy or other disability, and they are not eligible or do not meet the requirements for FMLA, the Employee may be granted up to a six (6) week medical leave of absence if the need for the medical leave is confirmed in writing by a physician, and the medical leave is granted through approval of the Elected Official or Department Head. An extension of two weeks may be granted for maternity, if the delivery was by Cesarean for a total of eight (8) weeks.

The maximum extension for any medical leave would be an additional four (4) weeks to the initial six (6) weeks and the need must be confirmed in writing by a physician.

The Medical Leave of Absence is an unpaid leave; however, the Employee may use their accrued Sick Time, Vacation, Personal Time, or Comp Time. The Employee must report in once per week to their Elected Official or Department Head and to Human Resources regarding their progress and return to work date. The Employee is required to present a fitness-for-duty notice from their doctor upon returning to work, stating the date they may return. Should the Employee not return to work, their employment would be terminated.

#### **Section 26-5. Maternity / Pregnancy Leave.**

Maternity shall be treated as any other non-duty temporary disability covered under the rules pertaining to Sick Leave and Family and Medical Leave. If at any time during pregnancy an Employee is aware that her and/or her unborn child's health is endangered by her job, she shall immediately make this fact known in writing to her Elected Official or Department Head. At such times as deemed necessary by the Elected Official or Department Head, pregnant Employees shall submit to their Elected Official or Department Head a doctor's statement indicating the Employee's physical ability to perform her job. Employees returning to work after childbirth shall submit to their Elected Official or Department Head a doctor's statement indicating the Employee's physical ability to return to the job. The duration of maternity leave shall be



determined by reference to the Family and Medical Leave provisions. If the Employee is not yet eligible for coverage under the Family and Medical Leave Act, the Medical Leave of Absence Policy will provide necessary leave for the Employee needing Maternity leave. This is an unpaid leave; however, the Employee may use their accrued Sick Time, Vacation, Comp Time or Personal Days.

#### **Section 26-6. Jury / Witness Duty.**

Full Time and Part Time Employees with benefits who are subpoenaed as a witness in a civil or criminal case or selected to serve on a jury shall be granted paid leave during their absence. There is no time limit for jury or witness duty; however, Employees are

expected to report for work whenever the court schedule permits. When an Employee receives notice that they are to serve on a jury or are subpoenaed as a witness, the Employee must provide notice to your Elected Official or Department Head as soon as possible. The Employee must also provide a copy of the notice to Human Resources.

**Compensation.** If the Employee chooses to receive their regular compensation while on jury or witness duty, all payments provided by a court for jury service or witness service shall be turned over to the Employee's Elected Official or Department Head and transmitted to the County Treasurer for deposit as miscellaneous revenue. The Employee will then receive their regular compensation while on jury or witness duty.

In order to receive pay for jury or witness duty, you must provide proof of such duty to your Elected Official or Department Head and to Human Resources

If the Employee chooses to retain the amount compensated to them by the courts, the Employee will not receive pay for time served and should mark "zero" hours for the days jury or witness duty was conducted.

**Excused from Jury / Witness Duty.** Essential personnel such as Law Enforcement Employees or Department Heads may be required to request to be excused from jury duty by the court. The Employee's Elected Official or Department Head may request that the Employee be excused from jury duty if the Employee's absence would create serious operational difficulties. However, a request to be excused is not binding on the court and you may be required to serve.

#### **Section 26-7. Military Leave.**

**Eligibility.** Taney County complies with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Employees who are in County service preceding leaving the service of the County directly to enter the active uniform service of the United States during a national emergency, drafted into such service, or Employees subject to compulsory service who voluntarily enlist, shall be granted a Military Leave of Absence to extend to three (3) months beyond the date of termination of active uniform

service. The term "uniform service" as used herein shall include the Army, Navy, Air Force Marine Corps, Coast Guard, and Public Health Service, as well as auxiliary branches of said services in which either men or women shall be called on to service, not shall not include services as civilian Employees of any of the services. The term "national emergency" as used herein shall exist during such period as determined by the federal government. Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

**Compensation.** Employees will receive the difference between their normal base compensation and the pay received while on military duty for up to two-weeks, and upon presentation of the satisfactory military pay verification documentation.

For military leaves in excess of two-weeks, Employees may elect to use their accumulated Vacation Leave, Personal Leave, Sick Leave or Comp Time for their Military Leave of absence. If accumulated time is unavailable, the leave will be unpaid.

**Health Benefits.** Subject to certain restrictions permitted by USERRA and subject to the terms, conditions and limitations of the applicable plans for which the Employee is otherwise eligible, continuation of health insurance benefits is available to Employees on military leave of absences through the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA).

**Return to Work.** Employees on military leave are required to present documents stating they are eligible to return to work. Upon returning to work, Sick Leave will be restored.

**Restoration.** An Employee returning from military leave shall be entitled to restoration to the former position held prior to the leave, provided the Employee makes application within three (3) months after release from duty and has been honorably discharged and is physically and mentally capable of performing the essential duties of the position involved. In the event that the position vacated no longer exists at the time the Employee qualifies for return to work, such person shall be entitled to be re-employed in another existing position of the same class.

**Salary.** An Employee returning from Military Leave may be re-employed at the same salary range attained when granted a Military Leave. The Employee may be eligible for a pay increase if there was a pay increase administered during the Employee's time of leave. The Employee may also be eligible for any promotion that would have taken place if they had been here during the Employee's time of leave.

#### **Section 26-8. Military Training Leave of Absence.**

All Employees who are, or may become active members of the National Guard, the Officers' Reserve Corps, or the Enlisted Reserve Corps of the United States Government shall be entitled to leave of absence with pay from their respective duties on all days during which they are employed with or without pay under the orders or authorization of competent authority on active training duty, duty with troops, field exercises, or instruction for a period not to exceed a total of fifteen (15) calendar days in any one (1) federal fiscal year (Oct. 1 - Sept. 30). Employees requesting this leave of absence, with or without pay, shall provide documentation of the orders or authorization of competent authority for the time period for which military leave will be taken.

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

#### **Section 26-9. Voting Privilege Leave.**

In Accordance with §115.639 RSMo: Any Employee entitled to vote at any election held within this state shall, on the day of such election, be entitled to absent himself for a period of three (3) hours between the time of the opening and the time of closing the polls for the purpose of voting. No Elected Official, Department Head or Supervisor shall discipline, discharge, threaten to discharge, or make wage deductions from the pay of any Employee for exercising his rights under this section, provided that:

- a) The Employee actually uses the time to vote; and,
- b) The request for leave of absence to vote is made prior to the day of election.

However, the Employee's Elected Official, Department Head or Supervisor may specify any three (3) hours between the time of opening and the time of closing the polls during which the Employee may be absent.

Any Employee in need of time to vote must give advance notice to their Elected Official, Department Head or Supervisor so that the necessary time off can be scheduled at the beginning or end of the work shift, or during the time that the Elected Official, Department Head or Supervisor has determined would best accommodate productivity in the Employee's Office or Department.

This section shall not apply to a voter on the day of election if there are three (3) successive hours while the polls are open in which he is not in the service of the County.

#### **Section 26-10. Catastrophic Leave Sharing.**

## **General Purpose.**

Taney County offers a Catastrophic Leave-Sharing Program to give Employees a chance to support their colleagues who are facing a major health crisis, whether their own or that of a family member. Because Vacation Time or Personal Time is not governed by the FLSA, the program allows Employees to provide assistance in the form of donated Vacation Time or Personal Time. This program has been developed to create a caring environment from one Employee to another. While the program establishes a mechanism for transfer of time, participation is entirely voluntary. (Revised 08/09/2021)

## **Qualifying Situations.**

In order for an Employee to donate the above stated time to another Employee and for the receiving employee to accept the above stated time, several factors must be taken into account:

### **The Donating Employee Must:**

- Be an Employee of Taney County;
- Be in a position that accrues Vacation Time or Personal Time;
- Have accrued sufficient time to cover the designated donation (leave may not be donated prior to accrual).

### **The Receiving Employee Must:**

- Be an Employee of Taney County;
- Be in a position that accrues Vacation Time or Personal Time;
- Have exhausted all paid time off that was earned pursuant to the applicable time off policies;
- Not exceed forty (40) hours in a workweek if Employee is an hourly Employee or five (5) work days in a week if Employee is exempt.

### **The Receiving Employee's Absence must be Due to the Following:**

- The Employee's own medically certified "serious health condition" as defined by the federal Family and Medical Leave Act (for definitions see Taney County's FMLA Policy);
- The medically certified "serious health condition" of the Employee's Spouse, Parent or Child; as defined by the Family and Medical Leave Act (FMLA);
- While the receiving Employee must be on an approved leave of absence and must provide appropriate medical certification for a serious health condition for themselves or that of a Spouse, Parent or Child, the leave of absence does not

always need to qualify as time taken under FMLA, as Employees that have not worked for Taney County for one year are not eligible for FMLA but are eligible for the Catastrophic Leave Sharing Program.

## **Nature of Donations.**

### **Donations Must Be:**

- From available Vacation Time or Personal Time of the donor;
- Entirely voluntary;
- An Employee of Exempt Status may donate time in eight (8) hour increments only. A non-exempt Employee may donate time in four (4) hour increments.

**Process:** The following steps should be taken to assure proper processing of donated time:

**Definition of Donated Time Needed:** When an Employee experiences an event that would qualify for donated time and does not have any time left to use to supplement their pay.

### **Information Regarding an Employee with a Need.**

The Employee in need of assistance must make a request to Human Resources. Once the Employee has made the request, Human Resources Department will send an email to all County Employees explaining that we have an Employee that has met the requirements for a Catastrophic Leave and is in need of assistance from co-workers. If an Employee feels they would like to donate Vacation Time or Personal Time, they should contact Human Resources to fill out the proper form. (Donors will be taken on a first-come basis).

**Donating Employee Initiates the Request:** The prospective donor must submit a Catastrophic Leave-Sharing request to the Human Resources Department, indicating the number of hours to be donated and the name and department of the intended recipient. The request should also include a statement that the donor understands that the donation is strictly voluntary and that only the amount of time designated will be transferred to the named recipient. Vacation Time and Personal Time can only be donated and accepted for the month in which it will be used. It cannot be donated in advance. (Forms are in the Human Resources Department.)

**Intended Recipient Notified:** Human Resources will notify the recipient of the intended donation (hours to be donated), Upon notification, the recipient may decline or accept the donation by filling out the form designated for the recipient to accept or decline donation. If declining the donation, the process should be terminated and the donor will be notified that no hours are being donated. In addition, if the recipient cannot use all hours donated by said donor, the donor will be notified and hours not

used will be returned to the donor. (In the case of an exempt Employee, all eight (8) hours will be returned.)

**Transferring the Time:**

Once all authorizations have been obtained, Human Resources will share the prepared forms with the Payroll Administrator. Adjustments will then be prepared directly against Employee balances. There is no financial impact at the time of donation. The impact will only be seen at the time of usage. Due to the fact that there is no law that governs Vacation Time or Personal Time, once the Vacation Time or Personal Time has been donated, it no longer belongs to the donating Employee, but to the recipient and therefore the donated time is paid at the recipient's rate of pay.

## CATASTROPHIC LEAVE-SHARING PROGRAM

### Vacation / Personal Time Transfer Form

The donated hours will be recorded by the Human Resources Department for usage for the pay period end date of: \_\_\_\_\_

Donor's Name	No. Donated Vac./Pers. hrs.	Recipient's Name	Received Vac./Pers. hrs.
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

I, \_\_\_\_\_ understand that this donation of \_\_\_\_\_ hours of Vacation or Personal Time is strictly voluntary, and that only the amount of time designated will be transferred to the Recipient that is listed above, pending their acceptance.

Signature of Donor: \_\_\_\_\_

Date: \_\_\_\_\_

I certify that both Donor and Recipient qualify to participate in the Catastrophic Leave-Sharing Program.

Payroll Administrator: \_\_\_\_\_

Date: \_\_\_\_\_

Director of Human Resources: \_\_\_\_\_

Date: \_\_\_\_\_

## **CATASTROPHIC LEAVE-SHARING PROGRAM**

### **Vacation / Personal Time Transfer Acknowledgment**

I, \_\_\_\_\_ understand that:

\_\_\_\_\_ Hours of

\_\_\_\_\_ Vacation or Personal Time (circle appropriate time)

Has been donated to me on a voluntary basis.

I hereby:

\_\_\_\_\_ Accept the time donated to me

\_\_\_\_\_ Decline the time donated to me

\_\_\_\_\_  
Signature of Recipient

\_\_\_\_\_  
Date

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



## **TOPIC J – SAFETY AND HEALTH: (SECTION 27)**

### **SECTION 27. SAFETY AND HEALTH**

#### **Section 27-1. Safety and Health Rules.**

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

All Employees shall:

- 1) Be thoroughly familiar with safety requirements and practices applicable to their respective work assignments;
- 2) Actively observe safety practices, and report unsafe or potentially dangerous conditions and accidents or injuries to their Supervisor immediately;
- 3) Refrain from engaging in horseplay, wrestling, hazing of co-workers, and any other unsafe practice under penalty of disciplinary action up to and including dismissal;
- 4) Wear protective equipment, use protective devices and wear safety belts in all County vehicles so equipped;
- 5) Report to Supervisors any suspension, revocation or other loss or potential loss of the right to legally drive a motor vehicle. Driving a County vehicle is a responsibility or privilege of the job;
- 6) Be properly licensed at the time of employment or assignment to a vehicle (if responsible for driving County vehicles) and, upon each license renewal date, must complete driver training or driver performance qualification checks as required by the department before operating County vehicles;
- 7) Wear Safety eye glasses and Safety boots or shoes when required by the position.

#### **Section 27-2. Smoking Cessation and "Smoking Permitted" Areas.**

The Taney County Commission has adopted a "No Smoking" policy in all offices and facilities. Employees and visitors are not allowed to smoke in County buildings. Employees and visitors are not allowed to smoke within 25 feet of County buildings. Employees may only smoke in designated "smoking permitted" locations. "No Smoking" areas include stairwells and attachments thereto. Employees who are smoking in any nonsmoking area may be subject to disciplinary action. Employees smoking breaks should coincide with their lunch breaks, or other breaks as their Elected Official or Department Head allows. Employees that take advantage of frequent breaks for smoking can result in disciplinary action. Smoking in County vehicles is strictly prohibited.

### **Section 27-3. Acquired Immune Deficiency Syndrome (AIDS).**

The unfortunate spread of AIDS in recent years has presented a need for a policy regarding the employment of those who have, or may have, this disease. Medical experts and medical evidence available to date has shown that casual workplace

contact with an Employee who has AIDS, or who has been exposed to the AIDS virus, will not result in the transmission of AIDS to others.

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

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

### **Section 27-4. Children in the Workplace.**

It is the responsibility of the County's Elected Officials and Department Heads to ensure that work on the County's campus is accomplished in an environment which respects Employee health and safety concerns and that work-related disruptions are minimized. An Employee's minor child in the work place can create a work-related disruption; therefore Employees should refrain from bringing their minor children to work with them. However, exceptions can be made on a case by case basis as directed by the Elected Official or Department Head.

The presence of dependents during the Employee's work day may result in the following: A lack of regard for the safety of such person; the creation of disruptions in the work flow and work activities of the Employee and co-workers; compromise confidentiality; and present a distraction from a professional work environment. In addition, dependents in the work place could present a liability issue. Dependents exhibiting symptoms of potentially contagious illnesses should not be brought into the workplace at all.

The workplace may not be used as an alternative for daycare. When daycare arrangements do not work out for a particular day(s), the Employee should make other arrangements.

**Section 27-5. Use of Vehicles and Equipment.**

The Taney County Commission may provide vehicles to Elected Officials, Department Heads, and Employees for the purpose of conducting official County business.

**Retention of County Vehicles at a Private Residence:** County Employees are not to drive any County-owned Vehicle to or from the Employee's place of residence after normal working hours except for those Employees who are on-call twenty-four (24) hours a day, such as the Sheriff's Office and certain Road and Bridge Department Employee's. Elected Officials, Department Heads or Supervisors may authorize an Employee to drive County-owned Vehicles to or from their home outside of normal working hours only if the Employee is using the Vehicle for a purpose that serves the County.

**Maintenance of County Vehicles:** The maintenance of all County Vehicles is the responsibility of the driver. Regularly scheduled maintenance should be conducted through the Mechanic's Shed located at the old district #2 barn.

**Vehicle Damage:** Employees must report any accident, theft, or malicious damage involving a County Vehicle or personal vehicle used on County business to their Supervisor. Such reports must be made as soon as possible.

**Section 27-6. Reporting Vehicle Accidents.**

Taney County Employees are to use the following reporting procedure when an accident occurs involving a Taney County Vehicle, or personal vehicles being driven on County business:

1. The proper law enforcement agency must be contacted, and an accident report must be completed as soon as possible after the accident. The procedures outlined in the Worker's Compensation policy should be followed if any County Employee is injured, as well as the procedures set out in the Substance Abuse Policy.
2. Employees should obtain as much information as possible from other drivers and possible witnesses. Under no circumstances should the Employee put themselves in danger in order to obtain this information. The information obtained should include the names, addresses and telephone numbers of all drivers, passengers and witnesses; insurance and driver's license information from all drivers. Taney County Employees are to provide only the information required by law enforcement authorities.
3. Employees are instructed not to talk with any parties involved in the accident, or any investigators except the officer gathering information about the accident. Employees should not make any statement as to whose fault the accident was. Employees are not to write or sign any statement to that effect until you have been advised by County Counsel.

## **Section 27-7. Commercial Drivers License.**

The law requires employers to make certain that drivers of "commercial vehicles," including certain County Vehicles, have the required class of commercial drivers' license for the size and type of vehicle they are required to drive. Depending on the particular job requirements, County Employees may be required to possess a special class of license. The State may require a written test covering the class of vehicle operated and the applicable endorsements and restrictions. Endorsements for hazardous materials, passenger, tank vehicle, double/triple trailer and restrictions for air brakes may also be required. Written testing varies with the class of license and the endorsements and restrictions. The actual driving test must be taken in a vehicle falling in the class applied for. The County may provide Employees with the training and assistance necessary to comply with the licensing requirements as follows:

- (a) Up to four (4) hours training on the written testing materials.
- (b) Up to two (2) hours training on the pre-trip portion of the test on a vehicle similar to the one the driver would drive during the testing.
- (c) Make available the best vehicle in the class an Employee must be licensed in to the Employee for road testing and must allow time for the testing.

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

## **Section 27-8. Cell Phone Policy.**

It is the policy of Taney County, Missouri to promote a productive and safe environment for its Employees. This includes usage of personal cell phones during work time and in certain instances, County cell phones.

**Road and Bridge Department:** The use of personal cell phones while at work, and especially while driving a truck, may present a hazard or distraction to the user and/or co-workers, or even the general public if used while driving a truck.

Personal cell phones can only be used by any Employee of the Road and Bridge Department for personal use during specified break times or lunch time, or in the case of an emergency. Personal cell phones should not in any way interfere with working hours by the Employee making or by receiving calls.

Many cell phones offer a host of additional functions and/or services, including text messaging and digital photography. Since it is not possible to list all of the services that are available now, or will be in the future, Road and Bridge Employees are prohibited from using any of these services while at work with the exception of break times or lunch times. This is a preventative step necessary to secure Employee privacy and other proprietary information.

County cell phones must be used according to the rules of the Road and Bridge Department, but cannot be used at any time while driving a vehicle (either County vehicle or personal vehicle). When there is an emergency or immediate business to attend to while driving a vehicle, the Employee should stop the vehicle before using the cell phone.

**All Other County Employees:** Each Elected Official or Department Head shall have specific Office or Department rules regarding personal cell phone use that will help to make that Office or Department safe. Employees should follow the rules for their individual Office or Department.

**Change or Amend Policy:** This policy is not all inclusive and The Commission retains the right to change or amend this policy at any time for any reason. Failure to comply with this policy will result in disciplinary action up to and including termination.

**Sheriff's Office:** Employees in the Sheriff's Office will follow the policy in the Sheriff's Office Policy Manual.

#### **Section 27-9. Open Flame Policy.**

Open flames not only create a serious fire hazard, but also create a serious personal injury hazard. Open flames include the following:

- 1) Candles, including incense candles, are prohibited in all Taney County owned or managed buildings without prior approval of the Taney County Commission.
- 2) Candlelight vigils are permitted if the venue is outside of all buildings or breezeways. Candles shall be lit outside and extinguished prior to entrance to any building.
- 3) Food Service operations (portable cooking equipment) must be placed on a non-combustible surface and have prior approval of the Taney County Commission.
- 4) Open flames fueled by propane tanks are prohibited. (Exception: gas barbecue grills are permitted, but must be located exterior to the building and propane tanks shall not be stored inside buildings.)
- 5) Bonfires/burning trash or construction waste are prohibited unless approved by the Taney County Commission.
- 6) Pyrotechnics are prohibited unless approved by the Taney County Commission. (Welding and associated maintenance work is excluded from this policy.)

#### **Section 27-10. County Wellness and Fitness Center.**

In an effort to promote Employee Physical Health, Taney County has provided its Employees, and certain guests, with an in-house Wellness and Fitness Center. All Employees of Taney County may use this Wellness and Fitness Center.

State Employees working in the Judicial Center and the Taney County Health Department of Branson or Forsyth are eligible to use the Wellness and Fitness Center as well. The Wellness Center is open 24 hours per day, 7 days per week. If you wish to utilize the facility outside of working hours, which are noted from 8:00 a.m. through 5:00 p.m., Monday through Friday, access is to be gained by swiping the bar-code on the back of your ID badge. There is one outside entrance with a reader. This access is located on the lower level of the Administration Building (next to Information Technology), facing Highway 160.

**Guests:** Certain guests are allowed to use the Wellness and Fitness Center. They are defined as:

- A spouse or significant other of a current Taney County Employee or a spouse or significant other of a current State Employee who is living in the household and is eligible for insurance through that County Employee.
- Dependent(s) of a current Taney County Employee living in the household and is/are between the ages of 12 years and 26 years. They must be eligible for insurance through the said Employee.
- Dependents of a current State Employee living in the household and is/are between the ages of 12 years and 26 years. They must be eligible for insurance through the said Employee.
- Buddy System: A Full Time County Employee must accompany the “Buddy” of their choice, provided a waiver has been completed by the “Buddy”. Waivers may be obtained from a member of the Advisory Committee. Both the Employee and the “Buddy” must agree to adhere to all rules to maintain the privilege of the Center. (Rules will be posted in the Wellness Center.)

#### **Wellness Advisory Committee:**

The Advisory Board for the County Wellness Center is to consist of seven (7) members. Qualifications for being a member of the Wellness Advisory Board are as follows:

1. Any Full Time Employee of Taney County;
2. Any Full Time State Employee within the Judicial Center;
3. Candidate must complete an application required by the Wellness Advisory Committee and submit the application to the current Advisory Committee;
4. Upon recommendation by the Wellness Advisory Committee, the Commission may appoint new member(s).
5. Each member appointed to the Wellness Advisory Committee will serve until dismissed by the Commission or upon their voluntarily resignation or who no longer meets the member criteria. *(Revised 03/16/2015)*

### **Section 27-11. Lactation / Breastfeeding Policy.**

Taney County promotes and supports breastfeeding mothers by accommodating the mother who wishes to express breast milk during her workday when separated from her newborn child. The provisions of this Lactation/Breastfeeding Policy meet the requirements of the Fair Labor Standards Act as it relates to breaks for nursing mothers.

For up to one year after the child's birth, any employee who is breastfeeding her child will be provided reasonable break times to express breast milk for her newborn, or to breastfeed the child that has been brought on the premises for the mother to feed.

Taney County has designated one of the rooms in the Human Resources Hall for this purpose. A small refrigerator reserved for the specific storage of breast milk is available. Any breast milk stored in the refrigerator must be labeled with the name of the employee and the date of expressing the breast milk. Any non-conforming products stored in the refrigerator may be disposed of. Employees storing breast milk in the refrigerator assume all responsibility for the safety of the breast milk and the risk of harm for any reason, including improper storage, refrigeration and tampering.

Nursing mothers wishing to use this room must request/reserve the room by contacting Human Resources at 417-546-7237 and by signing the Daily "In and Out" Reservation List. An Employee may sign up for the room for up to a week in advance. Additional rules for use of the Lactation/Breastfeeding room and refrigerator storage are posted in the room. Employees who work off-site of the Courthouse or in other locations will be accommodated with a private area as necessary.

The Employee will be paid for up to twenty (20) minutes for the Lactation/Breastfeeding break(s). Any time used after the twenty (20) minutes will be unpaid, and the employee should indicate this additional time on her time card.

### **Section 27-12. Work Related Injury and/or Illness.**

Taney County recognizes that our Employees are our most important asset. Any

Employee reporting an on-the-job injury or illness will receive appropriate medical treatment as soon as possible.

It is the policy of Taney County that all work related injuries and/or illnesses must be reported immediately to the Employee's immediate Supervisor. If the immediate Supervisor is unavailable, the Employee (or co-worker of the injured Employee is unable to report due to nature of injury) reporting the work related injury or illness must

follow the chain of command. If there is not a Supervisor or Department Head available, the Employee must then report the injury or illness to the Benefits Coordinator

or the Director of Human Resources in the Human Resources Department. Failure to immediately report the injury or illness may result in disciplinary action and/or the denial of the Worker's Compensation claim. The County, like any other employer in the state, has a deadline of forty-eight (48) hours from the time of the accident to file a claim with the State Division of Workers' Compensation. Fines may be levied if we do not comply, so it is very important that the First Report of Injury is filled out properly and timely.

If an Employee is injured at work and does not report the injury, but instead proceeds to see a physician of their choice, the injury will not be considered a claim for Worker's Compensation, due to the Employee not following procedure of reporting the injury immediately or receiving treatment from Taney County's Occupational Health Physician.

Once the safety of the Employee has been determined, Human Resources must be notified immediately of the Employee's injury / illness by their immediate Supervisor. After reporting, it will then be determined if medical treatment other than first aid should be administered. If it is determined that medical treatment other than first aid is needed, the Employee's immediate Supervisor, or designated Employee by the Supervisor, will transport the Employee to Cox Occupational Medicine. Address is 121 Cahill Suite 201, Branson, MO 65616. Phone number is (417)335-7555. If the injury occurs on 2<sup>nd</sup> or 3<sup>rd</sup> shift and the Employee is in need of medical treatment, the Employee is to be transported to Cox Health-Branson Emergency Room. Human Resources should be notified no later than the following morning. With all injuries or illnesses, if an ambulance is needed, 911 should be called.

The Employee is responsible for filling out an ***"Employee's Report of Injury or Illness"*** and the Supervisor should fill out a ***"Supervisor's Report of Injury or Illness"***. These reports **must** be completed and submitted to Human Resources the day of the injury or illness. If circumstances do not allow these reports to be completed the day of injury or illness, they **must** be submitted no later than the day after the injury or illness (see deadline above). This will allow our Benefit's Coordinator to complete the ***"First Report of Injury"*** for our Worker's Compensation carrier in a timely manner (as noted prior, this report must be submitted within forty-eight (48) hours of injury.)

Employees who are traveling or telecommuting for company business must go to the nearest medical facility available if they cannot go to the designated facilities. They should then follow all procedures written for reporting the injury.



When arriving for treatment, the Employee must inform attending personnel that the injury or illness could be work related (to be determined by medical authority.) A drug and alcohol test is to be administered to the Employee with the injury or illness (with the

exception of an Employee involved in an accident by hitting an animal with a County vehicle during work time). Refusal to take a drug and alcohol test will result in immediate termination of employment. It is the discretion of the immediate Supervisor, after release from the attending physician, as to whether the Employee may return to work immediately after treatment, or must wait until the results of the drug and alcohol tests are completed. If the Supervisor makes the decision not to allow the Employee to work until the drug and alcohol tests are completed, the Employee will be compensated for the time missed if the drug and alcohol tests are negative. No Employee shall return to work if they are seeing a physician, without a signed release for file, whether it be light duty or not.

After treatment, and every subsequent visit, a work authorization slip must be given to Human Resources before the Employee is permitted to return to work. In certain instances the treating physician will state that the Employee may return to modified work or restricted duty. If this is the case and modified/restricted duties are available, the Employee must return to work in stated capacity directed by the treating physician. Taney County has a very pro-active return to work program. If an Employee has work restrictions or restricted duty, Taney County will make every effort to provide work that will accommodate their restrictions. Any follow up appointment(s) set by the treating physician must be kept.

When initial outside medical treatment is administered, Employees will be paid for their entire shift, if it should take that long, and should not clock out. The Employee's immediate Supervisor will be responsible for clocking him or her out at the end of the shift.

If an Employee is injured at work and needs to have initial medical treatment on a non-work day, the Employee must contact his/her immediate Supervisor or a member of Human Resources. All Supervisors must provide their Employees with their phone number.

In the event that an Employee's injury or illness (assumed to be work-related) needs medical treatment and is taken to Cox Medical Occupational Health for treatment where it is determined by the physician that the injury or illness is not work-related, Taney County will pay for the initial visit. Any subsequent visit(s) will be charged to the Employee.

It is important to remember that any work-related injury or illness charge, either medical and/or prescription, should **not** be submitted for payment through the Employee's personal or group medical insurance. (The exception to the rule is listed in the previous paragraph).

Prescriptions prescribed by the Occupational Health Physician for Cox Medical Occupational Health are to be filled at Family Pharmacy in Forsyth, Hollister, or Branson, where they are to be charged to Taney County. Human Resources or an authorized Employee will contact Family Pharmacy and inform them to accept the charge. Any prescription prescribed for an Employee on 2<sup>nd</sup> or 3<sup>rd</sup> Shift, or an Employee who is traveling will be reimbursed if prescription is filled when Family Pharmacy in Forsyth, Hollister or Branson is closed, or prescription needs to be filled while traveling.

All medical services related to a work-related injury must be authorized before Taney County will be responsible for the cost. Please refer any questions regarding this policy to the Human Resources Department.

**Section 27-13. Juvenile Court Employees.** In accordance to §105.800 RSMo, all Juvenile Court Employees are considered State Employees for purposes of Workers' Compensation and are to follow the provisions of the state program.

## EMPLOYEE REPORT OF INJURY / ILLNESS:

Employee's

Name: \_\_\_\_\_

Employee's

Department: \_\_\_\_\_

Employee's Supervisor: \_\_\_\_\_

Date Report filled out: \_\_\_\_\_ Date of Injury/Illness: \_\_\_\_\_

Time of Injury/Illness: \_\_\_\_\_

Date and Time reported to

Supervisor: \_\_\_\_\_

Medical Treatment offered: \_\_\_\_Yes \_\_\_\_No

Medical Treatment accepted: \_\_\_\_Yes \_\_\_\_No

Transported to Cox Medical Occupational Center: \_\_\_\_Yes \_\_\_\_No

Informed Cox Medical Occupational Center that this could be Worker's Comp:

\_\_\_\_Yes \_\_\_\_No

Treatment

Received: \_\_\_\_\_

\_\_\_\_\_

Prescriptions prescribed

were: \_\_\_\_\_

\_\_\_\_\_

Prescriptions filled at what pharmacy:

\_\_\_\_\_

Follow-up Appointments: \_\_\_\_Yes \_\_\_\_No Date of Follow-up: \_\_\_\_\_

First Aid Applied: \_\_\_\_Yes \_\_\_\_No

Witnesses: \_\_\_\_Yes \_\_\_\_No    Names of Witnesses: \_\_\_\_\_

Where Injury or Illness  
happened: \_\_\_\_\_

Nature of Injury or  
Illness: \_\_\_\_\_

Part(s) of Body  
affected: \_\_\_\_\_

For Employee: Please describe in your own words how injury / illness happened:

---

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---

---

---

---

---

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---

---

Date Employee's Report turned in to Human Resources:

\_\_\_\_\_

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **SUPERVISOR'S REPORT OF INJURY / ILLNESS:**

Employee's

Name: \_\_\_\_\_

Supervisor's Name:

\_\_\_\_\_

Employee's

Department: \_\_\_\_\_

Date Report filled out: \_\_\_\_\_ Date of Injury/Illness: \_\_\_\_\_

Time of Injury/Illness: \_\_\_\_\_

Date and Time reported to

Supervisor: \_\_\_\_\_

Medical Treatment offered: \_\_\_\_Yes \_\_\_\_No

Medical Treatment accepted: \_\_\_\_Yes \_\_\_\_No

Transported to Cox Medical Occupational Center: \_\_\_\_Yes \_\_\_\_No

How was the Employee transported for medical treatment and by whom:

\_\_\_\_\_

Informed Cox Medical Occupational Center that this could be a Worker's Comp:

\_\_\_\_Yes \_\_\_\_No

Treatment

Received: \_\_\_\_\_

\_\_\_\_\_

Prescriptions prescribed were: \_\_\_\_\_

\_\_\_\_\_

Who took prescriptions to pharmacy:

\_\_\_\_\_

How were prescriptions paid for:

\_\_\_\_\_

Follow-up Appointments: \_\_\_\_Yes \_\_\_\_No Date of Follow-up:\_\_\_\_\_

First Aid Applied: \_\_\_\_Yes \_\_\_\_No

Witnesses: \_\_\_\_Yes \_\_\_\_No Names of

Witnesses:\_\_\_\_\_

\_\_\_\_\_

Where Injury or Illness

happened:\_\_\_\_\_

Nature of Injury or

Illness:\_\_\_\_\_

\_\_\_\_\_

Part(s) of Body

affected:\_\_\_\_\_

\_\_\_\_\_

For Supervisor: Please describe in your own words how injury / illness happened:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date Supervisor's Report turned in to Human Resources:

\_\_\_\_\_

Supervisor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **TOPIC K – RECORDS: (SECTIONS 28,29,30)**

### **SECTION 28. APPEALS AND GRIEVANCES**

#### **Section 28-1. Grievance Policy.**

The County of Taney has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the American with Disabilities Act (ADA) and implementing Sect 504 of the Rehabilitation Act of 1973 as amended (29 U.S.C. 794 Section 504 states, in part, that “no otherwise qualified individual with a disability shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance”.

#### **Section 28-2. Complaints.**

- 1) Complaints should be addressed to the Director of Human Resources, who has been designated by the County to coordinate Section 504/ADA compliance efforts. Complaints should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
- 2) A complaint should be filed within ten (10) days after the complainant becomes aware of the alleged violation. (Processing allegations of discrimination that occurred before this Grievance Procedure was in place will be considered on a case-by-case basis.)
- 3) An investigation, as may be appropriate, will follow a filing of a complaint. The Section 504/ADA Coordinator will be in charge of the investigation. These rules contemplate informal but thorough investigations that afford all interested persons and their representatives an opportunity to submit evidence relevant to a complaint.
- 4) A written determination as to the validity of the complaint and a description of the resolution, if any, will be issued by the Section 504/ADA Coordinator and a copy forwarded to the complainant no later than thirty (30) days after its filing.
- 5) The Human Resources Director will maintain the files and records for the County relating to the complaints filed.
- 6) The complainant can request a reconsideration of the case in instances where he/she is dissatisfied with the resolution. The request for reconsideration should be made within ten (10) days to the Presiding Commissioner.



- 7) Using the Grievance Procedure is not a prerequisite to the pursuit of other remedies, including the filing of a Section 504 or related complaint with the responsible Federal department or agency.
- 8) These rules will be construed to protect the substantive rights of interested persons, meet appropriate due process standards, and assure that the County complies with the ADA, Section 504 and all implementing regulations.

This Grievance Procedure was adopted by the County of Taney, Missouri, on the 19<sup>th</sup> day of April, 2012.

## **SECTION 29. RECORDS AND REPORTS**

### **Section 29-1. Personnel Records.**

As designated by the County Commission, Human Resources will keep a record of all personnel files. These personnel files and records shall identify each Employee, the Employee's departmental assignment, salary rate, dates of employment, employment history, grade level, address, social security number, and such other data as appropriate. Elected Officials and Department Heads may keep copies of such personnel files for their records as well.

### **Section 29-2. Reports.**

Every appointment, transfer, promotion, demotion, dismissal, sick leave, vacation leave and other temporary or permanent changes in the status of Employees in the County service shall be reported in writing. The County Auditor and County Treasurer will receive copies of all reports.

### **Section 29-3. Public Records.**

Except for disciplinary action, records involving investigations, correspondence and data related to the moral character and reputation of applicants for employment or Employees of the County; files, statements, reports, correspondence, and other data in connection with and related to investigations of violations of these rules and regulations; examination materials, questions, data, and examinations and tests conducted by the County; and such other confidential papers as specified in these rules or by action of the County, personnel records shall be public records. Such records shall be open to inspection by the public during regular office hours, at reasonable times, and in accordance with such procedures as the County may provide. Salary range and position classification information, as well as basic employment information, shall in all cases be made available to the public on request at reasonable times.

### **Section 29-4. Human Resources Records Retention and Destruction Policy:**

The Human Resources Department retains and destroys personnel records in accordance with County policies and federal and state laws governing records retention. The following outlines the Human Resources Department's operating procedures for the personnel records retention and destruction of documents, being the minimum time of retention and destruction for Taney County. (In most cases, Human Resources will elect to maintain specific records, up to indefinitely.) Human Resources will notify and consult with The County Clerk before destroying personnel records.

Human Resources maintain Employee record information. (The County Clerk's Office maintains government compliance reports. The Auditor's Office maintains payroll reports, time sheets and tax records).

Human Resources Employee information records are maintained in segregated personnel files as noted:

- 1) Pre-employment Information
- 2) General Employees' Personnel Records
- 3) I-9 Forms
- 4) Benefit Records
- 5) Worker's Compensation / Safety Data
- 6) FMLA / USERRA
- 7) COBRA (Consolidated Omnibus Budget Reconciliation Act)
- 8) Drug Test Records
- 9) Polygraph Test Records

Personnel records and confidential employee data maintained by Human Resources may be destroyed by shredding after retention dates have passed. This pertains to all personnel records, not just those governed by the Fair and Accurate Credit Transactions Act (FACTA). Application materials submitted by applicants for employment who were never employed may also be shred after retention dates have passed.

Personnel records include electronic as well as paper records. Human Resources will interface with the Information Systems Department periodically to review for purging.

The following set forth the periods of retention for Human Resources of terminated Employees and applicant records and compliance reports:

**Pre-employment Information:**

- Resumes/applications and related employment materials including interview records/notes for **applicants not hired: Three years.**
- Resumes/applications and related employment materials including interview records/notes for hired **Employees: A minimum of Six years** after date of termination.
- Background checks, drug test results, driving records, County employment verifications, letters of reference, and related documents for **applicants not hired: Three years.**
- Background checks, drug test results, driving records, County employment verifications, letters of reference, and related documents for **Employees: A minimum of Six years after termination.**

## **General Employee Records:**

**Job history:** A minimum of **six years** after date of termination, (hiring, promotions, demotions, transfers, performance appraisals, terminations, training records, incentive plans, merit systems, seniority systems.)

**Employee I-9 Forms:** **The later of three years** from date of hire or **one year** following termination of employment, whichever is later.

**Benefit Records:** A minimum of **Six years** after termination.

**Worker's Compensation Claims / Safety Data:** **Thirty years** after date of injury / illness.

**FMLA / USERRA and related leave records:** A minimum of **Three years** after termination.

**COBRA:** There are no recordkeeping requirements for COBRA; however, the above time frame is to remain consistent with ERISA requirements.

**Drug Test Records:** A minimum of **one year from test date** (up to a minimum of **five years** for records relating to drug testing for DOT positions, see §382.401)

**Polygraph Test Records:** A minimum of **three years**.

**Disputed Issues:** Records relating to issues involving external agencies or parties, wage charge, or suit hour investigations by DOL, EEOC, Charge, Arbitrations, Court Actions, etc., a minimum of **two years** after resolution of dispute.

## **Compliance Reports / Records:**

- State New Hire Reports, W-4's: A minimum of **one year** after report filed.
- EEO-4 Reports: A minimum of **four years** after report filed.

## **SECTION 30. PROHIBITIONS AND PENALTIES**

### **Section 30-1. Participation in Political Activities.**

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

- (a) Campaign fund raising, or other partisan political activities on County premises, while in the performance of duties and responsibilities as an Employee of the County.
- (b) Abuse of official position for political ends.
- (c) Use of official working time or unauthorized use of County resources for political activity.
- (d) Promising any employment, position, work, compensation, or other benefits as consideration, favor or reward for political activity.
- (e) Performing political activities at the direction of an Elected Official, Department Head or Supervisor.

### **Section 30-2. Conflict of Interest.**

Regarding conflict of interest, Taney County will follow the guidelines that are provided through the State or Personal Financial Disclosure and Ethics Commission.

### **Section 30-3. Penalties.**

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

## **TOPIC L - FINAL REMARKS (SECTION 31)**

### **SECTION 31. FINAL REMARKS**

#### **Section 31-1. Purpose of Personnel Policy Manual.**

It is the purpose of this Personnel Policy Manual to provide in writing some of the County's guidelines in order to promote smooth operation of the County. The contents of this manual are the Employee's responsibility.

The Employee shall sign a disclaimer and acknowledgement stating that they have been given a Personnel Policy Manual, and that a member of Human Resources has reviewed the Personnel Policy Manual with them, that they understand the policies within, and will abide by them.

Thank you in advance for your adherence to the rules, policies, procedures and guidelines brought forth in this Personnel Policy Manual.

Please direct any and all questions to your Elected Official, Department Head, Immediate Supervisor or Human Resources.

#### **Section 31-2. Sheriff Office Supplement to the Taney County Personnel Policy.**

##### **A. Work Period.**

The work period/pay period for law enforcement personnel is fourteen (14) days. A Commissioned Employee will receive regular rate from 80 to 85.5 hours within the 14-day period. After that the Commissioned Employee will receive time and a half rate.

This work period is different than other Taney County Employees because Employees of law enforcement personnel fall under the "law enforcement emergency service classifications.

- All staff members referenced are engaged in law enforcement activities;
- Are deputized;
- Have successfully completed or will complete the required training program required by the Missouri Department of Public Safety, and;
- Are empowered by state statute to enforce laws and to protect and maintain public peace and order.

Employees meeting these guidelines fall under the 85.5 hour/14 day ruling of the Fair Labor Standards Act (FLSA), except for certain exempted secretarial and/or non-commissioned support Employees, who are not covered and who do not have the power of arrest and/or custody.

##### **B. Work Schedules.**

The Employees of the Sheriff's Office may be required to work on Holidays that are normally granted to other Employees of the County. Whenever this occurs,

the Employee shall be granted equal time off in exchange for that Holiday worked. The selection of time off shall be made by the Employees under the policy adopted by the Taney County Sheriff. Because the policy of the Sheriff's Office is to schedule time off a year in advance, Employees in the Sheriffs Office must understand that leaving employment with the County will result in a deduction on their last paycheck if holidays are taken off, but not worked.

The maximum accrual of compensatory time within the Sheriff's Office is eighty (80) hours.

**C. Vacation and Personal Days.**

Although the Sheriff's Office is subject to follow the policies within that Office, Vacation Time and Personal Days will still be earned the same as all other Employees within the County.

### Section. 31-3. DISCLAIMER AND ACKNOWLEDGEMENT STATEMENT

This handbook is not intended to create any contractual or other legal rights for any Employee of Taney County. It is designed solely as a guide for Employees.

Employment with the Taney County is "at will", meaning that employment may be terminated by the County or an Employee at any time without restriction. Nothing in this Personnel Policy Manual is intended or should be construed as altering the employment "at will" relationship.

Taney County reserves the right to modify, amend, or terminate policies within this personnel manual at any time. This version of the Personnel Policy Manual supersedes all previous Personnel Policy Manuals.

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I, \_\_\_\_\_ (Name of Employee), the under signed, acknowledge that a copy of this Personnel Policy Manual was provided to me on the date indicated below. I further acknowledge that I understand that the contents of this handbook does not create any contractual rights nor alters the employment "at will" relationship. I further understand and acknowledge the contents of the Disclaimer listed above. I understand and acknowledge that I will. abide by all policies within this manual with special attention given to the acknowledgement of and following of the Substance Abuse Policy; the Anti-Harassment Policy; the Discipline Policy; the ADA Policy; the Workplace Violence Policy; Workers' Compensation Policy and Procedures, Compensation Policy #19.2, and all policies within the Information Systems Section.

I understand and acknowledge that failure to follow any policy within the Personnel Policy Manual may result in discipline, up to and including termination of employment. (If progressive discipline is initiated, the progression can be interrupted at any stage and the Employee can be terminated from employment.)

(Let it be known that Elected Officials are not obligated to follow a policy of progressive discipline). .

Signature of Employee: \_\_\_\_\_

Date: \_\_\_\_\_

Witness: \_\_\_\_\_



## **TOPIC M – APPROVED REVISION OF POLICIES**

**Revision of Policies:**

Effective 09/29/2014, revisions to the Taney County Personnel Policy Manual were adopted:

**Topic A – General Rules:**

Section 1-6. Political Activity

**Topic C – Employment:**

Section 3-13. Positions.

**Topic F – Employee Benefits:**

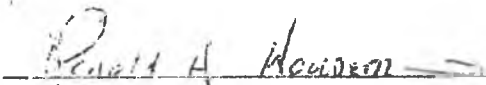
Section 17-1. Health and Life Insurance.

**Topic G – Payroll:**

Section 19-2. County Compensatory Time Policy

**Topic I – Leaves of Absence:**

Section 26-2. Bereavement Leave.

  
\_\_\_\_\_  
Ronald D. Houseman  
Presiding Commissioner

  
\_\_\_\_\_  
Brandon Williams  
Western District Commissioner

  
\_\_\_\_\_  
Danny Strahan  
Eastern District Commissioner

09/29/2014

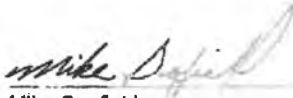
**Revision of Policies:**

Effective 01/05/2015, revisions to the Taney County Personnel Policy Manual were made and adopted as follows: A new policy under Section 1-10. Previous Section 1-10 (Amendment of Rules) was changed to Section 1-11.

**Topic A -- General Rules:**

Section 1-10. Excessive Force of Law Enforcement

Section 1-11. Amendment of Rules

  
Mike Scofield  
Presiding Commissioner

  
Brandon Williams  
Western District Commissioner

  
Danny Strahan  
Eastern District Commissioner

**Revision of Policies:**

Effective 03/16/2015, the following revisions to the Taney County Personnel Policy Manual were adopted:

**Topic D – Employee Responsibilities:**

Section 9-1. Regular Working Hours; Exceptions.

**Topic D – Employee Responsibilities:**

Section 9-9. Closing of the Courthouse.

**Topic G – Payroll:**

Section 20-1. Holidays.

**Topic G – Payroll:**

Section 21-1. Personal Days.

**Topic G – Payroll:**

Section 22-1. Sick Leave.

**Topic G – Payroll:**

Section 23-1. Vacation.

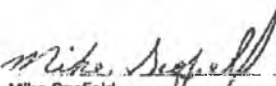
**Topic I – Leaves of Absence:**


Section 26-2. Bereavement Leave.

Section 26-2. Closing of the Courthouse

**Topic J – Safety and Health:**

Section 27-10. County Wellness and Fitness Center.

  
Mike Scofield  
Presiding Commissioner

  
Brandon Williams  
Western District Commissioner

  
Danny Strahan  
Eastern District Commissioner

03/16/2015 R-3

**Revision of Policies:**

Effective 03/14/2016, the following revisions to the Taney County Personnel Policy Manual were adopted:

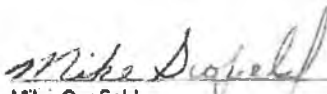
**Topic G – Payroll**

Section 19-1. Payroll Procedures.

**Topic I – Leaves of Absence**

Section 26-2. Bereavement Leave.

Section 26-4.5 Leave of Absence Without Pay.

  
Mike Scofield  
Presiding Commissioner

  
Brannon Williams  
Western District Commissioner

  
Danny Strahan  
Eastern District Commissioner

03/14/2016 R-4

## PERSONNEL POLICY MANUAL

### AMENDMENT #1

#### 1. Addition to Section 22.2 - Sick Leave Taken

"Sick leave shall be granted for qualifying absences, but the total hours submitted (including worked hours, comp time, vacation time, personal time and sick time) on your timesheet should not exceed 40 hours for a work week.

Example: You are scheduled to work eight hours, five days per week. You worked eight hours for four days and were granted sick leave for eight hours, one day. Since you already have 40 hours reflected for the work week (32 worked, 8 sick leave), you cannot add previously accrued comp time to the time sheet for that week.

if your work hours, comp time, vacation time and personal time recorded for the work week equals 40 hours then you will not be granted sick leave for any work hours missed."

#### 2. Addition to Section 19.9 - Payment for Overtime

"You may be paid at anytime for accrued comp time" will be changed to:

"You may be paid at anytime for accrued comp time at the County Commission's discretion."

This amendment #1 to the Personnel Policy Manual is hereby submitted and adopted.

  
Mike Scofield, Presiding Commissioner

6/22/15  
Date

  
Danny Strahan, Eastern District Commissioner

6/22/2015  
Date

  
Brandon Williams, Western District Commissioner

6-22-15  
Date

## Revision of Policies

The following revisions are effective 2017-05-09:

**1. Amendment #2017-01- Introduction**

**Taney County Elected Officials/Department Administrators**

Revisions to the Taney County Elected Officials and Department Administrators page were made to reflect current positions.

**2. Amendment #2017-02 - Introduction**

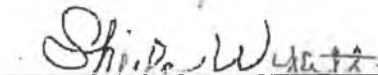
**Taney County Purpose**

The Taney County Purpose page was revised to include current County Commissioner signatures.

Revisions #2017-01 and #2017-02 to the Personnel Policy Manual are hereby submitted and adopted this 9<sup>th</sup> day of May 2017

  
Mike Scofield, Presiding Commissioner

05/09/17  
Date

  
Sheila Wyatt, Eastern District Commissioner

5/9/17  
Date

  
Brandon Williams, Western District Commissioner

05/09/2017  
Date

## Taney County Personnel Policy Manual Revision 2018

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### Revision of Policies

The following revision is effective 2018-05-29

1. **Amendment #2018-01 - #18-071CM**  
*Topic F - Employee Benefits.*  
*Section 17. Health and Life Insurance*  
**1A. Retiree Medical Insurance**

Revision #2018-01 - #18-071CM to the Personnel Policy Manual is hereby submitted and adopted this 29<sup>th</sup> day of May, 2018.

  
Mike Scofield, Presiding Commissioner

  
Date

  
Sheila Wyatt, Eastern District Commissioner

  
Date

  
Brandon Williams, Western District Commissioner

  
Date



## Taney County Personnel Policy Manual Revision 2018


### Revision of Policies

The following revisions are effective 2018-09-24

#### Amendment #2018-02 - #18-089HR

1. Section 13-3. Testing Circumstances. 2. Random Testing: (Drugs and Alcohol).
2. Section 13-10. Road and Bridge Employees.

Amendment #2018-02 - #18-089HR to the Personnel Policy Manual is hereby submitted and adopted this 24<sup>th</sup> day of September, 2018.

  
Mike Scofield, Presiding Commissioner

9/24/18  
Date

  
Sheila Wyatt, Eastern District Commissioner

9/24/18  
Date

  
Brandon Williams, Western District Commissioner

9-24-2018  
Date

2018-09-24

RECEIVED  
DEC 20 2018  
TANEY COUNTY  
HUMAN RESOURCES

8-8.

## Taney County Personnel Policy Manual Revision

### Revision of Policies

The following revision is effective 2018-11-26

Amendment #2018-03 - #18-112 HR

1. Section 17-1. Group and Voluntary Benefits.

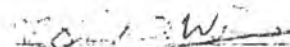
Amendment #2018-03 - #18-112 HR to the Personnel Policy Manual is hereby submitted and adopted this 26<sup>th</sup> day of November, 2018.

  
Mike Scofield, Presiding Commissioner

11-26-2018  
Date

  
Sheila Wyatt, Eastern District Commissioner

11-26-2018  
Date

  
Brandon Williams, Western District Commissioner

11-26-2018  
Date

2018-11-26

R-9

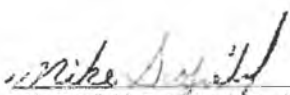
**Revision of Policies**

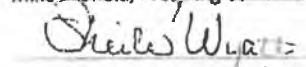
The following revision is effective on the 2<sup>nd</sup> day of March, 2020

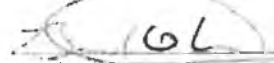
Amendment #2020-03-02

1. Section 17-1 (Group and Voluntary Benefits)
2. Section 17-1 (1A)
3. Topic M in the Index
4. Elected Officials and Department Head Page

Amendment #2020-03-02 to the Personnel Policy Manual is hereby submitted and adopted this 2<sup>nd</sup> day of March, 2020

  
Mike Scofield, Presiding Commissioner

  
Shella Wyatt, Eastern Commissioner

  
Brandon Williams, Western Commissioner

**Revision of Policies**

The following revision is effective on the 9<sup>th</sup> day of August, 2021

**Amendment #2021-08-02**

1. **Section 26-10. Catastrophic Leave Sharing.**

**Amendment #2021-08-02 to the Personnel Policy Manual is hereby submitted and adopted this 9<sup>th</sup> day of August, 2021**

Mike Scofield

**Mike Scofield, Presiding Commissioner**

Sheila Wyatt

**Sheila Wyatt, Eastern Commissioner**

\_\_\_\_\_  
**Brandon Williams, Western Commissioner**

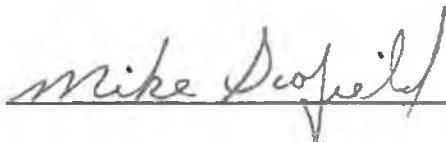
**Revision of Policies**

The following revision is effective on the 19<sup>th</sup> day of August, 2021

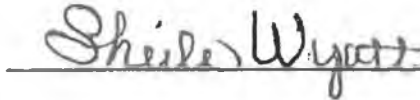
**Amendment #2021-08-19**

**1. Elected Officials and Department Heads**

Amendment #2021-08-19 to the Personnel Policy Manual is hereby submitted and adopted this 19 day of August, 2021

  
\_\_\_\_\_

**Mike Scofield, Presiding Commissioner**

  
\_\_\_\_\_

**Sheila Wyatt, Eastern Commissioner**

  
\_\_\_\_\_

**Brandon Williams, Western Commissioner**

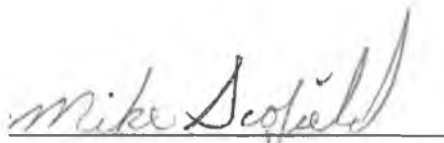
Revision of Policies

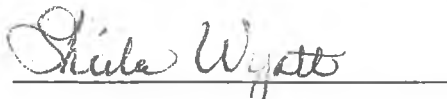
The following revision is effective on the 13<sup>th</sup> day of September, 2021

Revision R-13

1. Substance Abuse Policy

Revision R-13 to the Personnel Policy Manual is hereby submitted and adopted the 13<sup>th</sup> day of September, 2021.

  
Mike Scofield, Presiding Commissioner

  
Sheila Wyatt, Eastern Commissioner

  
Brandon Williams, Western Commissioner


## Revision of Policies

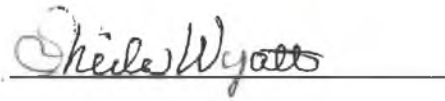
The following revision is effective on the 11th day of February, 2019

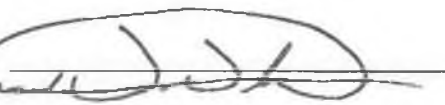
### Revision R-14

#### 1. County Wellness and Fitness Center

Revision R-13 to the Personnel Policy Manuel is hereby submitted and adopted the 11th day of February, 2019.

  
Mike Scofield, Presiding Commissioner

  
Sheila Wyatt, Eastern Commissioner

  
Brandon Williams, Western Commissioner

**TANEY COUNTY, MISSOURI  
POLICY – MILEAGE REIMBURSEMENT**

**Mileage Reimbursement**

a. **Reimbursement Rate**

The mileage reimbursement rate for the County will be equal to the mileage allowance adopted by the State of Missouri in accordance with 1 CSR 10-11.030 and as published by the State of Missouri Office of Administration for the relevant time periods that the travel occurred.

b. **Reimbursement Request**

Any employee that is eligible for mileage reimbursement must submit a reimbursement request. All requests should include the following:

- 1) Employee Name.
- 2) County Department.
- 3) Supervisor Name.
- 4) Miles Traveled (round trip).
- 5) Purpose/Reason for travel.

c. **Effective Date.** This policy shall be effective as of January 1, 2022.

APPROVED AND ADOPTED BY THE TANEY COUNTY COMMISSION  
ON JANUARY 31, 2022.

  
Mike Scofield  
Presiding Commissioner

  
Brandon Williams  
Western District Commissioner

  
Sheila Wyatt  
Eastern District Commissioner



Amendment #2019-0211

Section 27-10. County Wellness and Fitness Center.

In an effort to promote Employee Physical Health, Taney County has provided its Employees, and certain guests, with an in-house Wellness and Fitness Center. All Employees of Taney County may use this Wellness and Fitness Center.

State Employees working in the Judicial Center and Employees contracted through Advanced Correctional Healthcare are eligible to use the Wellness and Fitness Center as well. The Wellness Center is open 24 hours per day, 7 days per week. If you wish to utilize the facility outside of working hours, which are noted from 8:00 a.m. through 5:00 p.m., Monday through Friday, access is to be gained by swiping the bar-code on the back of your ID badge. There is one outside entrance with a reader. This access is located on the lower level of the Administration Building (next to Information Technology), facing Highway 160.

Guests: Certain guests are allowed to use the Wellness and Fitness Center. They are defined as:

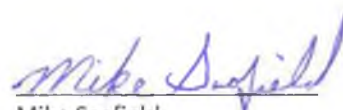
- A spouse or significant other of a current Taney County Employee or a spouse or significant other of a current State Employee who is living in the household and is eligible for insurance through that County Employee.
- Dependent(s) of a current Taney County Employee living in the household and is/are between the ages of 10 years and 26 years. They must be eligible for insurance through the said Employee. Dependent(s) between the ages of 10 years and 12 years must maintain in visual contact of Employee.
- Buddy System: A Full Time County Employee/Dependent must accompany the "Buddy" of their choice, provided a waiver has been completed by the "Buddy". Waivers may be obtained from a member of the Advisory Committee. Both the Employee and the "Buddy" must agree to adhere to all rules to maintain the privilege of the Center. (Rules will be posted in the Wellness Center.)

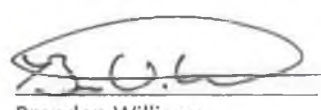
Wellness Advisory Committee:

The Advisory Board for the County Wellness Center is to consist of seven (7) members. Qualifications for being a member of the Wellness Advisory Board are as follows:

1. Any Full Time Employee of Taney County;
2. Any Full Time State Employee within the Judicial;
3. Candidate must complete an application required by the Wellness Advisory Committee and submit the application to the current Advisory Committee;
4. Upon recommendation by the Wellness Advisory Committee, the Commission may appoint new member(s);
5. Each member appointed to the Wellness Advisory Committee will service until dismissed by the Commission or upon their voluntarily resignation or who no longer meets the member criteria.

Amendment #2019-0211 to the Personnel Policy Manual is hereby submitted and adopted this 11<sup>th</sup> day of February 2019.

  
Mike Scofield  
Presiding Commissioner

  
Brandon Williams  
Western Commissioner

  
Sheila Wyatt  
Eastern Commissioner