

CASS COUNTY GENERAL PERSONNEL POLICIES MANUAL



The County Commission approves the Cass County Personnel Policies.

Issue 13 8/13/09 (supersedes all prior manuals) Complete review and revision
Effective 8/13/09

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Signed Copies in Commission Office

CASS COUNTY PERSONNEL POLICIES

DISCLAIMER AND ACKNOWLEDGEMENT STATEMENT

The Personnel Policies Manual describes important information about Cass County. I understand that I should consult the Human Resources Office if I have any questions that are not answered in the Manual.

I became an employee at Cass County voluntarily. I understand and acknowledge that there is no specified length to my employment at Cass County and that my employment is at will. I understand and acknowledge that "**at will**" means that I may terminate my employment at any time without restriction, with or without cause or advance notice. I also understand and acknowledge that "**at will**" means that Cass County may terminate my employment at any time without restriction with or without cause or advance notice, as long as they do not violate any applicable federal or state laws. Nothing in these policies are intended or should be construed as altering the employment at will relationship

I understand and acknowledge that there may be changes to the information, policies and benefits. The only exception is that Cass County will not change or cancel its employment-at-will policy. I understand that Cass County may add new policies to the Manual as well as replace, change or cancel existing policies. I understand that Manual changes can only be authorized by the Cass County Commission.

The policies in this Manual are not intended to create a contract. The policies should not be constructed to constitute contractual obligations of any kind or a contract of employment between Cass County and any employee. This Manual is designed solely as a guide for employment. The provisions in the Manual have been developed at the discretion of Cass County and except for the policy of employment-at-will, may be amended or cancelled at any time, at the sole discretion of the Cass County Commission.

Office Holders may have policies that apply only to their respective offices. Exceptions are the Cass County employment "At Will" policy or state and federal rules and regulations.

These provisions replace all other existing policies and practices and may not be changed or added to without the express written approval of the Cass County Commission. [Exceptions, (Office Holder) policies that effect their respective offices only]. This Manual shall be reviewed annually by the Cass County Commission.

DISCLAIMER AND ACKNOWLEDGEMENT STATEMENT

I, _____, the undersigned, acknowledge a copy of this manual was provided to me on this date. I further acknowledge that I have read the Disclaimer and Acknowledgment Statement set out at the beginning of this manual and understand that the contents of this manual do not create any contractual rights nor alter the employment at will relationship. I agree to abide by the rules and conditions as set forth in the manual. I understand that if I am being hired as a Law Enforcement Officer and as such my regular work period will constitute a 28 day period in which I may be required to work up to 171 hours.

I became an employee of Cass County voluntarily. I understand and acknowledge that there is no specified length to my employment at Cass County and that my employment is at will. I understand and acknowledge that “At Will” means that I may terminate my employment at any time without restriction, with or without cause or advance notice. I also understand and acknowledge that “At Will” means that Cass County may terminate my employment at any time, without restriction, with or without cause or advance notice, as long as Cass County does not violate any applicable federal or state laws.

Date

Signature of Employee

Date

Witness

CASS COUNTY PERSONNEL POLICIES MANUAL

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COUNTY PERSONNEL MANUAL

ARTICLE I GENERAL PROVISIONS

Section 1-1 PURPOSE OF RULES

It is the purpose of these rules to set forth the principles and procedures which will be followed by the Cass 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. The Cass County Commission reserves the right to change the Personnel Policies Manual at any time and reserves the right to interpret the intention of any provision and their decision shall be final.

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 Cass County Commission (or each Office Holder) shall be charged with the overall responsibility for the administration of these rules and the Office Holder is charged with the responsibility for enforcement of the rules.

Section 1-4 OFFICE REGULATIONS

These rules shall not be construed as limiting in any way the power and authority of any Office Holder to make operating office rules and regulations governing the conduct and performance of employees. Office rules and regulations shall not conflict with provisions of these rules. When applicable, Office rules shall be approved by the Cass 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 Office, and disciplinary action may be based upon breach of any such rules and regulations.

Section 1-5 CONTRACTS

The Cass County Commission has the sole authority to enter into contracts binding the County.

Section 1-6 PERSONNEL DATA CHANGES

It is important that Cass County have certain personal information about employees in our records. Employees need to tell us as soon as there is a change to their mailing address, telephone numbers, marital status, dependents' information, educational accomplishments, and other possibly related information. We also need to have information about who to contact in case of an emergency. To change personal information or if you have questions about what information is required, contact the Human Resources Office.

Section 1-7 IMMIGRATION LAW COMPLIANCE

Cass County is committed to employing only people who are United States citizens or who are aliens legally authorized to work in the United States. We do not illegally discriminate because of a person's citizenship or national origin.

Because we comply with the Immigration Reform and Control Act of 1986, every new employee at Cass County is required to complete the Employment Eligibility Verification Form I-9 and show documents that prove identity and employment eligibility.

***Effective 01/01/09 Cass County participates in E-Verify (Electronic Verification).**

If you have questions or want information on the immigration laws, contact the Human Resources Department. If you ask questions or want to complain about the immigration law, you will not be punished in any way.

ARTICLE 2

DEFINITION OF TERMS

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

Anniversary Date	Date of appointment or promotion to a position in the County service or date of transfer to a different class in the County service for current period of continuous service.
Appointing Authority	The Cass County Commission or a designee of the Cass County Commission, or any person having the power by virtue of state law or other lawfully delegated authority to make appointment to positions in the County service.
Appointment	The designation to a position in the County service of a person who has qualified for the appointment through an appropriate selection process.
Certification	The act of supplying an appointing authority with an appropriate number of names of applicants who are eligible, in accordance with legal provisions and these rules, for appointment to a position.
County Commission	The duly elected Cass County Commission of the County or a designee when appropriate.
Classification	One or more positions sufficiently similar in respect to assigned work duties and responsibilities that the same class title may be reasonably and fairly used to designate each position allocated to the classification, that the same minimum education and work experience qualifications may be required, and that the same salary range may apply with equity. The original assignment of a position to an appropriate classification on the basis of the nature, difficulty, and responsibility of work to be performed, work experience and minimum education.
Covered Employees	An employee who is covered by the provisions of the Fair Labor Standards Act (FLSA), particularly as related to overtime.
Date of Employment	The date an employee starts work as a new hire or rehire.
Date of Termination	The date an employee separates from employment.
Demotion	The movement of an employee from a position in one classification to a Position in another classification having a lower maximum salary rate.
Department	Any of the departments under the jurisdiction of the Cass County Commission now or as hereafter established.
Department Head	The chief operating manager of any department.
Eligible	A person whose name is on a current eligible list and who may under these rules be certified for appointment to a position in the County service.
Emergency	A sudden and unforeseen happening that requires the unscheduled services of an employee to protect the health, welfare, and safety of the county.

Exempt Employee	An employee who is exempted from the provisions of the Fair Labor Standards Act (FLSA) by the Act or who is not covered by the Act, particularly as it relates to overtime.
Full-Time Employee	An employee occupying a position included in the adopted annual budget that is not specified temporary employment.
Immediate Family	Husband, wife, son, son-in-law, daughter, daughter-in-law, mother, mother-in-law, father, father-in-law, brother, brother-in-law, sister, sister-in-law, grandparents, and grandchildren, foster children and children for which the employee has guardianship over.
Introductory Employee	A full-time or temporary employee serving an introductory working test period.
Introductory Period	A six month period during which a newly appointed full-time or temporary employee is required to demonstrate fitness by actual performance of the duties of the position to which the employee is appointed.
Job Description	A written statement of the characteristic duties, responsibilities, and qualification requirements that distinguish a specific classification from other classes.
Layoff	Employment separation made necessary by lack of work or funds or other reasons not related to fault, delinquency, or misconduct on the part of an employee.
Non-Exempt Employee	An employee who is required to be paid overtime at the rate of time and one-half their regular rate of pay in accordance with applicable federal and state wage hour laws.
Office	Any County Office authorized by state statute.
Office Holder	Official that has been elected to any county office authorized by state statute.
Original Employment Date	First date of official appointment to a position in the County service after appropriate certification and for any period of continuous service.
Position	A group of current duties and responsibilities assigned or delegated by competent authority, requiring the full-time, or temporary employment of one person.
Promotion	The movement of any employee from a position of one classification to a position of another classification having a higher maximum salary rate.
Qualifying Period	The six month period served by promotional appointees and employees transferred to a classification dissimilar to the one previously held.
Reclassification	The official determination that a position be assigned to a classification different from the one to which it was previously classified based on a gradual change in a position to include duties clearly outside of the current class or an immediate change in a position brought about by a division or office reorganization or redistribution of duties. Whether an

employee shall be retained in a position after reclassification of the job shall be determined by the employee's qualifications for the position as reclassified.

Repositioning	The official determination that a class of positions be assigned to a different pay range based on "internal equity" (relationship with other County classes) or "external competitiveness" (relationship with wage and salaries paid in the comparable selected labor markets).
Resident	A person whose principal place of domicile is within the corporate boundaries of the County.
Temporary Employee	An employee occupying a position included in the adopted annual budget that is specified temporary employment.
Transfer	The movement of an employee from one office, division, or unit of the County government to another, from one position to another position of the same classification, or to another classification having the same maximum salary rate involving the performance of similar or dissimilar duties and requiring essentially the same basic qualifications.
Vacancy	A duly created position which is not occupied and for which funds have been provided.
Year	A calendar year unless otherwise specified in a particular section.

If further information is required regarding this Personnel Policy Manual please contact the Cass County Human Resources Office 380-8103.

ARTICLE 3. GENERAL EMPLOYEE POLICIES

Section 3-1 EQUAL EMPLOYMENT OPPORTUNITY

Cass County is an equal employment opportunity employer. Employment decisions are based on merit, qualifications, abilities and business needs, and not on race, color, religion, sex, national origin, age, physical or mental disability, marital status, or any other characteristic protected by law. This policy applies to all areas of employment, including recruitment, hiring, training and development, promotion, transfer, termination, layoff, compensation benefits, social and recreational programs, and all other conditions and privileges of employment in accordance with applicable federal, state and local laws.

Section 3-2 AMERICANS WITH DISABILITIES ACT

Cass County complies with the provisions of the Americans with Disabilities Act (ADA). Cass 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 or a person's diseases such as AIDS or AIDS-related virus, Sickle-Cell Trait, cancer, heart disease, or other life-threatening illnesses or diseases.

Section 3-3 FEDERAL CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (COBRA)

“The Federal Consolidated Omnibus Budget Reconciliation Act” (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under Cass County's health plan when a qualifying event would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements. Cass County provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under Cass County's health insurance plan. If employee continues insurance under COBRA the employee will pay the full cost of the insurance at Cass County's group rates plus an administration fee. The notice contains important information about the employee's rights and obligations.

Section 3-4 HIPAA SPECIAL ENROLLMENTS

Employees who experience an event such as loss of other health coverage, marriage, or birth or adoption of a child qualify for a Special Enrollment Right to enroll in the County's Group Health Plan.

It shall be the policy of Cass County, Missouri that the county as an organization, is committed to safeguard and protect health information of county employees, in accordance with HIPAA regulations.

The Cass County Commission, in official session on November 6, 2003, appointed Gary L. Mallory as Cass County's Privacy Official, and delegates privacy responsibilities to Michele Phillips, Human Resource Director, with regard to HIPAA requirements.

Section 3-5 ALCOHOL & CONTROLLED SUBSTANCE USE, ABUSE & TESTING POLICY

Policy

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

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

Purpose

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

Applicability

This policy applies to all employees including those who perform safety sensitive functions as these persons and activities are defined in the Omnibus Transportation Employee Testing Act and its implementing regulations, including but not limited to persons who are required to possess a CDL license for the operation of a commercial vehicle and other safety sensitive positions in Cass County; except that policy provisions relating to alcohol testing and convictions are only applicable to those employees who are subject to the Omnibus Transportation Employee Testing Act of 1991. Alcohol testing may be part of pre-employment physical as provided therein and further, if the employer has a reasonable suspicion that an employee is under the influence of alcohol and/or is engaging in the use of alcohol in the workplace. Cass County may test an employee for alcohol use if the need for such test is job-related and is consistent with business necessity.

Definitions

1. Policy Administrator – designated by the Cass County Commission to be Presiding Commissioner.
2. Commercial Vehicle – as defined in the Missouri statutes requiring commercial driver's licenses (CDL).
3. Delay – any failure to immediately report to the test site to participate in the required testing under this policy.
4. Safety Sensitive Position- Any person who, through their regular duties perform a function that might endanger the safety of others, if under the influence of a controlled substance.

Policy Administrator

Unless otherwise designated by the Cass County Commission in writing, the Presiding Commissioner shall be designated as the controlled substance and alcohol Policy Administrator for Cass County. Any inquiries concerning this policy, its application, its administration, or its interpretation shall be made to the Policy Administrator.

The Policy Administrator shall develop and maintain a current list of the positions that are governed by this policy. The list shall be available for inspection in the Human Resource Office of Cass County. Individuals who are applying for positions with Cass County and affected employees shall be notified of the positions that are covered by this policy.

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

Alcohol & Controlled Substances Prohibitions

An employee is prohibited from the operation of a commercial motor vehicle and/or from engaging in any work related functions, for alcohol related conduct:

1. While consuming alcohol
2. While having a blood alcohol concentration of 0.02 or greater
3. Within four (4) hours of consuming alcohol
4. After refusing to submit to an alcohol test
5. From consuming alcohol within eight hours after an accident as specified in this policy.

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

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

Any employee covered under this policy who is convicted of illegal conduct related to controlled substances who fails to report such a conviction to the Presiding Commissioner may be subject to immediate disciplinary action or termination from service.

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

Any employee who is consuming a prescribed or authorized controlled substance or other substance of any kind whose side effects may inhibit or impair the employee's performance shall provide written notice to the Policy Administrator of such consumption upon reporting to work and prior to engaging in any work related activity, or earlier if possible. Failure to report shall be cause for disciplinary action up to and including termination from service.

Controlled Substance And Alcohol Testing Provisions

All employees are subject to this policy (except those excepted from the provisions of this policy as set forth above in "Applicability") and shall be subject to controlled substances and alcohol testing including the following types of tests: pre-employment testing, random testing (except as provided herein) reasonable suspicion testing; post-accident testing; return to work testing; and follow-up testing to rehabilitation programs.

Pre-Employment Testing

Pre-employment urine drug testing shall be required of all applicants covered by this policy as a condition of the application procedure. Future employment as defined shall be considered as if the application was

for original entry into service for purposes of this policy. Receipt of satisfactory test results is required prior to commencement of employment and/or engaging in safety sensitive functions, and the failure of a controlled substance or alcohol test disqualifies an applicant from appointment to employment for a period of at least 120 days. Evidence of the absence of controlled substances or alcohol dependency from a Substance Abuse Professional (SAP) and negative controlled substance and alcohol tests shall be required prior to further consideration for any employment, including reports from prior employers by an employee's written authorization.

Reasonable Suspicion Testing

Reasonable suspicion testing shall be used to determine fitness for duty evaluations, including appropriate urine and/or breath testing when there are objective observable reasons to believe that a controlled substance or alcohol use is adversely affecting an employee's job performance or that the employee has violated this policy. Reasonable suspicion referral for testing shall be made on the basis of documented objective facts and circumstances, which are consistent with the effects of substance use. Reasonable suspicion observations and reports can only be made by Office Holders, Department Heads or an observing supervisor. The Office Holder, observing supervisor, whether or not the person is the employee's immediate supervisor, is required to report any such incident to the Human Resource Office who will complete the appropriate required documentation concurrently with the observation and consideration of reasonable suspicion testing.

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

Post Accident Testing

Post accident testing shall be required to test employees after a vehicular accident has occurred in which a fatality has occurred, or when a traffic citation is issued after an accident, or testing may be required where injury to a person requires transport to a medical treatment facility, or disabling damage to one or more vehicles requires towing from the accident site to occur. Testing shall include both breath alcohol and urine drug testing of the employees.

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

Random Testing

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

Return To Work Testing

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

Follow Up Testing

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

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

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

Failure To Test

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

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

Testing Controls

Alcohol

Federal regulations require breath testing to be done on Evidential Breath Testing devices approved by the National Highway Safety Administration. An initial screening test is conducted first. Any result that is less than 0.02 blood alcohol concentration is considered negative. If the blood alcohol concentration is 0.02 or greater, a second confirmatory test must be conducted. Any employee who tests with a blood alcohol concentration of 0.02 or greater shall be removed from service for at least twenty-four (24) hours. Any employee who is found to have engaged in prohibited alcohol conduct under this policy shall be immediately removed from work-related activity; and the employee shall not be permitted to resume work until the employee is (1) evaluated by a SAP, and (2) complies with the rehabilitation contract if such is required, and (3) has tested negative in a follow-up test.

Controlled Substances :

Drug Awareness Program

Employees are made aware of the drug-free workplace policy and the dangers of drugs in the workplace through the display and distribution of informational material. For employees performing safety-sensitive functions, which include any duties related to the safe operation of County vehicles or equipment, the

information includes the effects and consequences of drug use on personal health, safety and the work environment, and the manifestations and behavioral cues that may indicate drug use and abuse. The program also includes information about the availability of drug counseling and rehabilitation as provided by the Employee Assistance Program.

County's Right To Test

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

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

1. Marijuana (THC metabolite)
2. Cocaine
3. Amphetamines
4. Opiates (including heroin)
5. Phencyclidine (PCP)

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

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

Employment Assessment

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

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

Rehabilitation Effort

Any employee who is determined to be in need of assistance for a controlled substance or alcohol related problem under this policy by the SAP may be permitted to enter into a rehabilitation plan approved by Cass County, provided the employee agrees to adhere to the terms of the rehabilitation contract with Cass County. Rehabilitation assistance may only be granted to an employee once while employed by Cass County. Failure to complete the rehabilitation assistance plan or to adhere to the rehabilitation contract shall be considered a resignation by the employee from employment with Cass County.

The rehabilitation contract shall include the following terms and conditions to be adhered to by the employee who is granted rehabilitation assistance:

1. the employee shall agree to undertake and successfully complete the rehabilitation assistance plan established for the employee by the SAP or by a rehabilitation professional accepted by Cass County; and
2. the employee agrees to refrain from any violation of this policy and the use of controlled substances and alcohol consistent with the plan of rehabilitation and this policy; and
3. the employee provides a release of all medical records for use and review by Cass County relating to the rehabilitation assistance plan for the assistance undertaken and compliance; and
4. the employee agrees to unannounced random testing for Cass County determined periods of time subsequent to the employee's return to work consistent with this policy; and
5. the employee agrees to submit to return to work testing demonstration that the employee is negative under controlled substance and/or alcohol tests standards; and
6. the employee agrees that any future controlled substance or alcohol violations shall be considered as a resignation of the employee from service without recourse.

Contractual Support Professionals

Cass County shall secure a contract with an appropriately certified testing laboratory to conduct the controlled substance testing analysis and reporting under this policy and under the federal regulations in conformity with the standards established under the federal regulations.

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

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

Education & Training

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

Confidentiality

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

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

Disciplinary Issues

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

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

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

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

Coordination With Other Laws & Policies

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

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

Amendments

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

Section 3-6 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 had this disease. Medical experts and medical evidence available to date has shown that casual workplace contact with employees who have AIDS, or who have been exposed to the AIDS virus, will not result in the transmission of AIDS to others. The County's policy shall be to employ persons who have AIDS, or are suspected of having AIDS, so long as such persons remain qualified to perform their jobs in accordance with County standards. Some exceptions or deviations to this policy may be necessary for certain positions, but the County's intent will be to maximize the employment

opportunities of AIDS patients, while at the same time preserving the safety and morale of all employees and the public.

Section 3-7 HEALTH AND SAFETY

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

All employees shall:

1. be thoroughly familiar with safety requirements and practices applicable to their respective work assignments;
2. actively observe safety practices, and report unsafe or potentially dangerous conditions and accidents or injuries to their supervisor immediately;
3. refrain from engaging in horseplay, wrestling, hazing of co-workers, and any other unsafe practice under penalty of disciplinary action up to and including dismissal;
4. wear protective equipment, use protective devices and wear safety belts in all County vehicles so equipped;
5. report to supervisors any suspension, revocation or other loss or potential loss of the right to legally drive a motor vehicle if driving a County vehicle is a responsibility or privilege of the job;
6. be properly licensed at the time of employment or assignment to a vehicle (if employee is 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.

The County will pay for immunizations when approved by the Cass County Commission.

The County may retain a physician(s) to perform services for the County. These services may include post offer employment physicals, disability retirement physicals, examinations and/or treatment of on-the-job injuries, and verification of illness and/or injury, among other services. An employee may be directed by his supervisor to see the retained physician(s) at the expense of the County, and it will be the responsibility of the employee to make any scheduled appointments with the retained physician(s). For charges not covered by Workers' Compensation, the County will pay for the cost of the examination only. Any referral or additional charge outside the examination can be submitted to the County's health insurance plan, with the employee responsible for any portion not paid by the health plan.

Section 3-8 SMOKING CESSATION AND "SMOKING PERMITTED" AREAS

Employees are not allowed to smoke in Cass County buildings.

Section 3-9 AMERICANS WITH DISABILITIES (ADA)

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. Such applicant or employee must make a documented request for reasonable accommodation. The department head and supervisor, if applicable, shall consult with the disabled individual regarding an appropriate accommodation. If the accommodation does not

impose an undue hardship, the accommodation shall be implemented. Assessing the reasonableness of the possible accommodations shall include the following factors:

1. how well it accommodates the needs of the individual with a disability;
2. how reliable it is;
3. whether it can be made available in a timely manner;
4. and whether it imposes an undue hardship defined as an action requiring significant difficulty or expense.

The Cass 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 solution to complaints. Applicants shall use the procedures found under the special policy of the County relating to disabilities and the accessibility of services. Cass County will make reasonable accommodations as necessary for all employees or applicants with disabilities, provided that the individual is qualified to safely perform the essential duties of their job and provided that the accommodations do not impose an undue hardship on the county.

Section 3-10 ATTITUDE AND APPEARANCE

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

Section 3-11 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.

Section 3-12 COUNTY'S RIGHT TO SEARCH

When Cass County has reason to believe an employee is violating any policy regarding contraband or controlled substances or other rules, the employee may be asked by Cass County to submit immediately at any time (including breaks and the meal period) to a search of the person and/or to make the employee's locker, lunch box, briefcase, purse, pockets, wallet, personal belongings, desk, vehicles, or any other receptacle the employee uses or has access to, available for inspection. Entry upon Cass County premises constitutes consent to searches and inspections. Refusal to consent to a search or inspection when requested by Cass County constitutes insubordination and a violation of Cass County policy, which will subject the employee to disciplinary action. Cass County is not responsible for employees' personal property while at County locations.

Section 3-13 ERISA

As a participant of Cass County's Employee Benefit Plan, you are entitled to certain rights and protections under the Employee Retirement Income Security Act of 1974 (ERISA). ERISA provides that all plan members shall be entitled to examine all Plan documents, at the Plan Administrator's office, without charge. This includes insurance contracts and copies of all documents filed by the Plan with the U.S. Department of Labor. Examples of this include detailed annual reports and Plan descriptions. – Obtain

copies of all Plan documents and other plan information upon written request to the Plan Administrator. The Plan Administrator may make a reasonable charge for the copies. Employees (participants) are entitled to receive a summary of the plan's financial report. The plan administrator is required by law to furnish each member with a copy of this summary annual report. In addition to creating rights for Plan members, ERISA imposes duties upon the people who are responsible for the operation of the Employee Benefit Plan. The people who operate your Plan, called "fiduciaries" of the Plan, have a duty to do so prudently and in the interest of you and other Plan members and beneficiaries. No one, including your employer, may terminate you or otherwise discriminate against you in any way to prevent you from obtaining a welfare benefit or exercising your rights under ERISA. If your claim for a welfare benefit is denied in whole or in part, you must receive a written explanation of the reason for denial. You have a right to have the Plan reviewed and your claim reconsidered.

If you have any questions about your Plan, you should contact the Plan Administrator. If you have any questions about this statement or about your rights under ERISA, you should contact the nearest Area Office of the U.S. Labor-Management Services Administration, Department of Labor.

ARTICLE 4. APPLICATIONS AND APPLICANTS

Section 4-1 RECRUITMENT

Notice of employment opportunities in the County service may be published by posting announcements on official bulletin boards and in such other places as the Cass County Commission deems advisable including, as appropriate, a newspaper in general circulation in the area or region. The announcements may specify the classification title and salary range; the nature of the work to be performed; the minimum qualifications required for the performance of the work of the class; the time, place, and manner of making application; the closing date for receiving applications; and other pertinent information.

Section 4-2 APPLICATION FORM

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

Section 4-3 DISQUALIFICATION

The Cass County Commission 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:

1. does not meet the preliminary requirements established for the pertinent class;
2. has a physical or mental disability such that the person is unable to perform the essential functions of the job;
3. tests "positive" to drug tests, is a current user of narcotics or the habitual use of intoxicating liquors to excess;
4. has made a false statement in an application;
5. has used or attempted to use political pressure or bribery to secure an advantage in the examination;
6. has directly, or indirectly, obtained information regarding the examination to which, as an applicant, the applicant was not entitled;
7. has failed to submit the application correctly or within the prescribed time limits;
8. has previously been dismissed from a position in the County service or has resigned while charges for dismissal were pending;
9. has otherwise willfully violated the provisions of these rules;
10. has established an unsatisfactory employment or personnel record as evidenced by a reference check of such a nature as to demonstrate unsuitability for employment;
11. 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 as active application for 90 days unless hired.

Section 4-4 MEDICAL EXAMINATIONS

Employees must possess the prescribed standard of health and physical fitness necessary to perform the essential functions of their jobs. Medical examinations, when required by the County, shall be conducted at the County's expense by a physician designated by the County. The County shall pay for the cost of the initial examination only. Any referral or additional charge outside the initial examination is the employee's responsibility.

ARTICLE 5. APPOINTMENTS

Section 5-1 APPOINTMENTS

Appointments to fill vacancies shall be made from a formal application process and may include the previous qualified applicants on file of 90 days or less.

Section 5-2 APPOINTMENT AUTHORITY

The Cass County Commission shall be the appointing authority in all departments, unless provided otherwise by Missouri law.

Section 5-3 APPOINTMENT REQUIREMENTS

No duly appointed employee may be **placed on the payroll** until all required pre-employment forms have been properly signed by the employee.

Section 5-4 PROMOTION/DEMOTION

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

ARTICLE 6. INTRODUCTORY & QUALIFYING PERIODS

Section 6-1 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.

Section 6-2 DURATION

All original appointments and re-employment to full-time and temporary positions shall be tentative and subject to an introductory period. For entry-level personnel in the Law Enforcement 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 six (6) months.

Section 6-3 EVALUATION AND COUNSELING

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

Section 6-4 EXTENSION OF INTRODUCTORY PERIOD

With the approval of the Cass County Commission or of a Office Holder, 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 6-5 TERMINATION DURING INTRODUCTORY PERIOD

The Office Holder shall fill out the appropriate personnel action forms when a decision on termination has been made, and such termination will be official when the Cass County Commission authorizes the action.

Section 6-6 COMPLETION OF INTRODUCTORY PERIOD

At least ten (10) working days prior to the expiration of an employee's introductory period and in such manner as the Cass County Commission may prescribe, the Office Holder shall notify the Cass County Commission in writing whether the services of the employee have been satisfactory and whether the employee will be continued in the position. A copy of this notice shall be given to the employee by the Office Holder. Upon receipt by the Cass County Commission of a favorable report, the employee's introductory period shall be complete.

Section 6-7 QUALIFYING PERIOD FOR PROMOTED AND TRANSFERRED EMPLOYEES

The qualifying period for promoted employees and employees transferred to a different class shall be the period of time following transfer or promotion from one classification to another within County service, with duration as set out in Section 6-2, which 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.

Section 6-8 DEMOTION DURING QUALIFYING PERIOD

An employee serving a qualifying period who continues to exhibit inadequate performance after counseling shall be demoted to a position in the class held prior to the promotional appointment provided a vacancy exists. The Office Holder shall notify the Cass County Commission in writing of the intentions to demote an employee as provided in this section. If approved, the employee shall be notified in writing not less than five (5) working days prior to the effective date of demotion.

ARTICLE 7 POSITION CLASSIFICATION PLAN

Section 7-1 THE CLASSIFICATION PLAN

A position classification plan based upon and graded according to assigned work duties and responsibilities shall be maintained by the County to provide standardization and the proper classification of all positions in the service of the County. With the approval of the Cass County Commission and as adopted, classification titles may be established, combined, abolished, or changed. The position classification plan shall include:

1. An outline by title and grade of classification of positions in the County service arranged in appropriate occupational groups as recommended and approved by the Cass County Commission.
2. Classification specifications for each title in such form as prescribed by the Cass County Commission.

Section 7-2 PURPOSE OF THE CLASSIFICATION PLAN

The purposes of the classification plan are to:

1. provide like pay for like work;
2. establish educational and work experience qualifications, standards for recruiting, testing, and other selection purposes;
3. provide the appointing authority with a means of analyzing work distribution, areas of responsibility, lines of authority, and other relevant relationships between individual and groups of positions;
4. assist the appointing authority in determining personnel service costs and projections for annual budget requirements;
5. provide a basis for developing standards of work performance;
6. establish lines of promotional opportunity;
7. indicate employee training needs and development potentials;
8. provide uniform and meaningful titles for all positions;
9. provide the fundamental basis of the compensation program and other aspects of the personnel program.

Section 7-3 ADMINISTRATION OF THE CLASSIFICATION PLAN

The Cass County Commission shall conduct position classification studies at such times as the County Personnel Code requires or as the Cass County Commission deems it necessary or whenever the duties and responsibilities of existing positions have undergone significant change. The Cass County Commission may also do so when notified that new positions are to be established or upon request of a department head/office holder. If the Cass County Commission finds that a substantial change in organization, the creation or change of positions, or other pertinent conditions make necessary the amendment of an existing classification title and salary scale, the classification plan can be amended accordingly.

Section 7-4 CLASSIFICATION OF POSITIONS

1. Each position in the County shall be classified, at the direction of the Cass County Commission, to its appropriate class in accordance with the character, difficulty, and responsibility of its designated duties. Positions shall be assigned to a specific classification when:

- a) the same descriptive title may be used to designate each position in the class;
- b) the same kinds and levels of work, education, experience, knowledge, ability, skill, and other qualifications may be required of incumbents;
- c) similar tests of fitness may be used to examine and rank incumbents;

- d) the same range of compensation will apply equally under substantially the same general employment conditions.

2. Compensation or present pay range shall not be a factor in determining the classification of any position or the standing of any incumbent.

3. In allocating any position to a class, the specification for the class shall be considered as a whole. Consideration shall be given to the general duties, specific tasks, responsibilities, required education, and experience qualifications for such position, and the relationship thereof to other classes. The examples of duties set forth in such class specification shall not be construed as all-inclusive or restrictive, and an example of a typical task or a combination of two or more examples of work performed shall not be taken, without relation to all parts of the specification, as a determination that a position should be included within a class.

4. It shall be the duty of department head/office holder to report to the Cass County Commission any and all organization and program changes which will significantly alter or effect changes in existing positions or positions proposed to be established. When any department head/office holder requests the establishment of new or additional positions, or a change in the allocation of an existing position, the department head/office holder shall address the request to the Cass County Commission, accompanied by a statement of the work duties and responsibilities and qualification requirements of the position, along with a current organization chart.

Section 7-5 NON-EXEMPT EMPLOYEES

An employee who is required to be paid overtime at the rate of time and one-half their regular rate of pay in accordance with applicable federal and state wage and hour laws. An employee will be informed of his/her initial employment classification as an exempt or non-exempt employee upon their offer of employment. If an employee changes positions during his/her employment as a result of a promotion, transfer, or otherwise, the employee will be informed by his/her supervisor of any change in his/her exemption status. The supervisor should then immediately contact the Human Resources Office to advise of the status change.

Section 7-6 EXEMPT EMPLOYEES

Certain Cass County employees shall be classified as "Exempt" in accordance with applicable federal and state wage and hour laws (Fair Labor Standards Act). An employee will be informed of his/her initial employment classification as an exempt or non-exempt employee upon their offer of employment. If an employee changes positions during his/her employment as a result of a promotion, transfer, or otherwise, the employee will be informed by his/her Office Holder of any change in his/her exemption status. The Office Holder should then immediately contact the Human Resources Office to advise of the status change.

ARTICLE 8 COMPENSATION PLAN

Section 8-1 AUTHORITY TO ESTABLISH SALARIES

The Cass County Commission shall establish pay ranges for all county classifications as provided by the County Personnel Code, or as required by law where a conflict exists.

Section 8-2 THE COMPENSATION PLAN

The compensation plan for the County service shall include:

- a) A schedule of standard salary ranges and rates of pay indicating the minimum and maximum rates of pay for each classification approved for County use, or as otherwise established by law.
- b) Supplements, amendments, and/or revisions, from time to time, as passed by the Cass County Commission.

Section 8-3 STANDARDS FOR DETERMINATION OF PAY RANGES

Pay ranges shall be related directly to the position classification plan and shall be determined with due consideration to ranges of pay for other classes, the relative difficulty and responsibility of work, the recruiting experience of the County, the availability of employees in particular occupational categories, prevailing rates of pay for similar employment in private and other public jurisdictions in the area, employee turnover, cost-of-living factors, the financial policies and economic considerations of the County. The minimum and maximum rates of pay assigned the classes of positions shall be those which most nearly reflect these factors.

Section 8-4 AMENDMENT OF THE COMPENSATION PLAN

Any Office Holder in the Cass County service may initiate a written request to the Cass County Commission for the amendment of the pay plan. The Cass County Commission shall study and make a determination concerning the request and shall notify in writing, the Office Holder concerned of the disposition of the request.

Prior to the preparation of each annual budget, as well as at other times, the Cass County Commission shall make comparative salary studies as deemed necessary concerning factors affecting the level of salaries in the Cass County service. On the basis of the information derived from such wage and salary studies, the Cass County Commission shall adopt such repositioning of classes pertinent to the internal equity and external competitiveness of the overall compensation program. Employees affected by repositioning shall have their pay ranges changed according to the plan and shall be positioned in the new pay ranges at their respective rates of pay as in the former ranges.

In arriving at such salary recommendations, the Cass County Commission shall take into consideration the advice and suggestions of Office Holder as to the duties, degree of responsibility, and working conditions involved. Recommendations made for the amendment of the compensation plan for repositioning or the Cass County Commission shall act upon reclassification of specific classification of position. When adopted by the Cass County Commission, these amendments shall become part of the compensation plan and shall become the current official salary schedule applicable to the respective classes of position as enumerated therein, and shall be used by all departments in connection with all payrolls, budget estimates, and official records and reports relating to salaries and wages of position in the Cass County service.

Section 8-5 TOTAL REMUNERATION

Any salary rate established for an employee shall be the total remuneration for the employee, not including reimbursement for official travel or other authorized allowances such as for overtime. Except as otherwise provided in this article, no employee shall receive pay from the County in addition to the salary authorized under the schedules provided in the pay plan for services rendered, either in the discharge of ordinary duties or any additional duties which may be imposed or which the employee may undertake or volunteer to perform.

In any case in which part of the compensation for services in a Cass County position, exclusive of overtime services, is paid by another department, division, or an outside agency such as the County, state, or the federal government, or from a different fund or account, any such payments shall be deducted from the compensation of the employee concerned, to the end that the total compensation paid to any employee from all sources combined for any period, shall not exceed the amount payable at the rate prescribed for the class of position to which the employee is certified and assigned.

Section 8-6 DUAL EMPLOYMENT PROHIBITED

No regular full-time employee holding a position in Cass County service shall be eligible for employment in any additional position in Cass County service.

Section 8-7 SPECIAL ASSIGNMENTS

Employees assigned to undercover work, which causes the individual to mock employment with an organization other than Cass County, shall reimburse Cass County for any earnings in excess of earnings provided by Cass County.

Section 8-8 APPLICATION OF THE COMPENSATION PLAN

The compensation plan, containing standard salary ranges for respective classes of positions, shall be applied to all such classes of positions in accordance with the following:

1. **Rates.** All rates prescribed in the ranges of pay represent the total remuneration, including pay in every form authorized for full-time employment. Where employment in a position is on a temporary basis, employees shall be compensated on the basis of the equivalent hourly rate for full-time employment.
2. **Minimum and maximum rates.** Under each salary schedule there are set forth a minimum and a maximum salary rate. Except as otherwise provided in these rules, appointment to any position shall be made at the minimum rate and advancement by successive steps from one salary to the next higher rate and to the maximum rate for the class shall be made on the basis of meritorious service and efficiency.
3. **Equivalent compensation.** It shall be permissible, in the interest of the County service, to pay equivalent compensation on any time basis other than that specified in the salary range; provided, that in determining the equivalent rate on a different time basis, the relative earnings for full-time employment during a given period of time shall be taken as determining equivalency.
4. **Temporary employment.** Temporary employees shall be compensated on the basis of the equivalent hourly rate paid for full-time employment, unless otherwise approved by the Cass County Commission and shall be paid for only those hours which are actually worked.

Section 8-9 BEGINNING SALARY

1. New Hire

The minimum rate of pay for a class shall normally be paid to any person on original appointment to a position in the Cass County service. Original appointment above the minimum rate may be made upon the approval of the Cass County Commission subject to the following conditions:

- a) A full reference check must be made by the requisitioning department head and documented. All documents are to be submitted to the Cass County Commission with the original request.
- b) The applicant must exceed the minimum educational and experience requirements for the position as set out in the official job description.
- c) The requisitioning Office Holder must provide documented evidence that the position opening has been extensively advertised in local and regional publications and there is a shortage of qualified persons.
- d) The requisitioning Office Holder must demonstrate that there are no other applicants with equal qualifications.

2. Re-Employment

- a) When any employee is re-employed, the Cass County Commission may, with the approval of the appropriate elected official, authorize an appointment at a salary in the range for the class corresponding to that which the employee had been receiving upon the termination of previous service.
- b) Any former employee of Cass County that is rehired by Cass County, within six months of their date of termination, with approval of the appropriate elected official, shall be credited with all previous service time with Cass County for pay purposes and pay scale location.
- c) Any former employee of Cass County that is rehired by Cass County, more than six months after their date of termination, with approval of the appropriate elected official, may be granted credit for up to 50% of prior service for pay purposes and pay scale location.(credit shall not exceed ten years total).

Section 8-10 SALARY ADVANCEMENTS AND BONUSES

Regular full-time Cass County Employees, except Sheriff's Office employees, will receive a step increase on the five (5) year, ten (10) year, fifteen (15) year and twenty (20) year anniversary date of their employment. The amount of the step increase will be based on the approved salary plan at the time of the anniversary date.

Section 8-11 TEMPORARY ASSIGNMENT TO HIGHER LEVEL POSITION

Employees who are promoted temporarily to perform all of the duties of a supervisory position in a class with a higher maximum salary shall also have their salaries temporarily increased 4%.

Section 8-12 OVERTIME AND COMPENSATORY TIME

1. Office Holders shall develop methods and procedures to maximize productivity and reduce or avoid the need for overtime. It is the responsibility of each employee to work as efficiently as possible to accomplish job tasks during regularly scheduled work hours. The Office Holder shall approve all overtime or arrangements for overtime work in advance. A determining factor in the approval of overtime work is whether the work could be accomplished through rescheduling of employee work hours and allowance of time off in the same work period. These factors reduce the burden of overtime on employees and avoid accrual of comp time and excessive overtime payments. Overtime is based on **actual** work hours in excess of forty (40) hours in a 168-hour period during seven (7) consecutive 24-hour periods (standard work week), except for law enforcement employees. Under the provisions of the Fair Labor Standards Act (FLSA), work hours in excess of 171 hours in a twenty-eight (28) day pay period may be adopted for Sheriff's Office personnel. Hours worked in excess of a standard work week or duty tour by employees

covered by the provisions of the Fair Labor Standards Act (FLSA) shall be compensated by payment at one and one-half (1 1/2) times the straight equivalent rate for the classification or by the award of compensatory time off equal to one and one-half (1 1/2) times the overtime hours worked at the discretion of the Cass County Commission. Hours worked shall only include hours actually worked on the County's behalf. Exempt employees shall not accrue compensatory time nor be paid for overtime worked except for those who have approved compensatory hours recorded prior to January 1, 1996, and they shall be allowed to take comp time off in eight (8) hour increments only. Exempt employees who leave Cass County employment shall be paid for the compensatory balance the same as covered employees.

2. Office Holders shall maintain records in a form and manner approved by the Cass County Commission on compensatory time earned by employees in their department.

- a) Upon termination of employment, any employee who has accumulated compensatory time off shall be paid for unused time at one of the following rates, whichever is higher:
 - 1) The average regular rate received by such employee during the last three (3) years of employment.
 - 2) The final regular rate received by such employee.
- b) Any overtime work which will result in an employee covered under the provisions of the FLSA accumulating compensatory time above the limits set out above, shall be compensated by payment at one and one half (1 1/2) times the straight hourly equivalent rate for the employee's classification.
- c) **All Offices are encouraged to utilize compensatory time in lieu of paying overtime.** The Offices shall make every effort to avoid either by the proper scheduling of the employees.
- d) The period of work which will be used for ascertaining whether or not the time worked is "overtime" will be determined by reference to the FLSA.

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

Section 8-13 COMPENSATION FOR LEAVE TAKEN AND HOURS WORKED ABOVE THE WORK SCHEDULE

Notwithstanding any provisions contained herein to the contrary, all approved and taken leave hours based on office schedules, and hours actually worked within a pay period shall be compensated with pay or compensatory time off. Determination of the rate, straight time or overtime, at which they will be compensated shall be determined according to Section 8-12.

Section 8-14 PAY PERIODS; PAY DAYS

Pay days shall be determined by the Cass County Commission.

ARTICLE 9 PERFORMANCE APPRAISAL

Section 9-1 RESPONSIBILITIES

The Cass County Commission, in cooperation with all Office Holders shall develop and maintain an employee appraisal 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. The Cass County Commission shall develop and cause to be maintained formal procedures to:

1. Ensure timely completion of employee performance appraisal forms,
2. Periodically review the evaluations of employees within Offices and work units so as to ensure the equitable administration of the system, and
3. Make such studies and recommend such modifications or revisions as may be necessary to improve the system or process.
4. No later than ten (10) calendar days before an evaluation is due, the Office Holders shall notify the person responsible for the evaluation.
5. Each Office Holder who reviews or conducts an evaluation shall be responsible for its quality, consistency, equity, and timeliness.
6. No public disclosure of an employee's performance appraisal record shall be made without the permission of the employee, Office Holder and the Cass County Commission. Such record shall be made available upon request to the employee; 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 investigative agencies after a determination by the Cass County Commission that such disclosure is in the public interest.

Section 9-2 EMPLOYEE PERFORMANCE APPRAISALS

Prior to the expiration of an employee's introductory or qualifying period, completed performance appraisal forms must be submitted to the Human Resource Office. Original appointees must obtain an appraisal of "acceptable" or "better" to complete the period. Failure to obtain an evaluation of "acceptable" or "better" shall result in dismissal or extension of the introductory period as provided in Section 6.4. Failure of a promotional appointee to obtain an evaluation of "acceptable" or "better" shall result in the reassignment of the employee to a position in the class held prior to the promotional appointment. It is recommended that full-time and temporary employees shall be evaluated annually before their anniversary date. An evaluation of "good/fully" competent or "better" is required to qualify employees for a pay increase within the range of their classification.

ARTICLE 10 WORK SCHEDULES AND ATTENDANCE

Section 10-1 REGULAR WORKING HOURS; EXCEPTIONS

Regular working hours for all full-time employees shall be from 8:00 am to 4:30 p.m. Monday to Friday, except as noted below. Individual Office Holders may provide for different hours in order to better serve the public with approval prior to implementation by the Cass County Commission:

1. Office Holders shall arrange work schedules to meet the needs of the County service and may allow variable or flexible work schedules.
2. The Sheriff's Office shall establish work schedules that take full advantage of the FLSA hours requirements.
3. Open during lunch hour for all offices where the public access is required.

Section 10-2 WORK SCHEDULES DETERMINED BY OFFICE HOLDER

The Office Holder shall determine the work schedules for employees. Office Holders shall maintain work schedules for all employees under their supervision on a current basis and give reasonable notice of changes in work schedules.

Section 10-3 REQUIRED ATTENDANCE

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

ARTICLE 11 PAID HOLIDAYS

Section 11-1 GENERAL PROVISIONS

1. All full-time employees with benefits shall receive compensation for holidays as designated annually by the Cass County Commission. When a holiday falls on a Saturday, the preceding Friday shall be observed. When a holiday falls on a Sunday, the following Monday shall be observed. Employees required to work on a holiday shall be given compensatory time off or compensated for time worked on the holiday. All employees except those covered by subsection (b) hereof shall receive credit for 8 or 12 hours depending on work schedule worked on any holiday for purposes of computing overtime compensation under Section 8-12. Any hours actually worked on the holiday will count in addition to the eight (8) or (12) hours granted for the holiday. (See Sheriff's Office policies)
2. Sheriff's Office 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 for eight (8) hours or (12) hours depending on work schedule.
3. The Cass County Commission shall be authorized to declare special holidays or days off as an unusual need or circumstance may occur.

ARTICLE 12 VACATION LEAVE

Section 12-1 AMOUNT

1. Each full-time regular employee shall be awarded vacation leave credit on their anniversary date as follow:

After the first anniversary date of service.....40 hours
After the second anniversary date service.....80 hours
After the 7th anniversary date of service.....120 hours

2. Introductory employees accrue vacation leave upon successful completion of the introductory period and are not eligible to receive this benefit unless they have completed the introductory period.

3. Vacations shall be scheduled by each Office Holder so as to minimize overtime and office disruptions while allowing as much flexibility to the employees as possible. Vacation not used in the current year awarded is lost.

4. The Cass County Commission recognizes that a situation may occur whereby an employee has exhausted vacation, sick leave and comp time. Normal policy would dictate that vacation earned cannot be taken until an employee's anniversary date. However, in an emergency situation, as described above, an employee should be permitted to draw on vacation time that has been earned to date with approval of the Cass County Commission.

Section 12-2 PAYMENT UPON SEPARATION

Any employee with benefits leaving Cass County service due to resignation, death or termination shall be compensated for vacation credit unused to the date of termination. To be eligible for such compensation, employees resigning from Cass County service must comply with the provisions of Section 16.1 of these rules governing resignations. In the event of separation due to death of the employee, compensation shall be made to the employee's beneficiary. No accrual shall occur after date of termination.

Section 12-3 HOLIDAYS OCCURRING DURING VACATION PERIOD

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. For any employees covered by the provisions of Section 11-l(b), if any official holiday occurs during a period of scheduled vacation, they will receive the appropriate holiday pay.

Section 12-4 SHERIFF'S OFFICE VACATIONS

Personnel in the Sheriff's Office shall be eligible to use accrued vacation leave after the completion of their one (1) year introductory periods.

Section 12-5 USE OF VACATION LEAVE

Vacation leave may be used for the purpose of sick leave.

Section 12-6 VACATION SCHEDULES

Office Holders shall schedule vacation leave for employees. Such leave schedule shall take into consideration employee desires.

ARTICLE 13. SICK LEAVE

Section 13-1 AMOUNT

Full time employees in Cass County service shall earn eight (8) hours of sick leave with pay credit monthly.

Section 13-2 WHEN TAKEN

Accrued Sick Leave (with pay) may be utilized for absence from work because of actual personal illness or illness of the employee's immediate family, non-compensating bodily injury or disease, exposure to a contagious disease, or to keep a doctor or dentist appointment.

Introductory employees are not eligible for sick leave pay, although sick leave accrues from the first month of employment. Full-time employees are eligible to receive sick leave pay only after they have successfully completed the introductory period. Introductory employees may be excused from work as absent without pay under the conditions and terms of this section.

Sheriff's Office personnel are eligible to receive sick leave pay after they have completed six (6) months of their one (1) year introductory periods.

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

An employee must keep the Office Holder informed of the condition for the absence. The Office Holder may require the employee to submit, for any absence, the treating physician's written notice of medical reason for the absence from work. Failure to comply with the provisions of this section shall result in denial of sick leave. Abuse of sick leave shall be cause for dismissal.

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 13-3 ACCRUAL

Full-time employees with benefits may accumulate sick leave with pay to a maximum of 720 hours. Sick leave does not accrue while the employee is absent from work without pay or is receiving benefits from a retirement program sponsored by Cass County. Employee will not receive payment for unused accrued sick leave upon leaving county employment.

Section 13-4 SICK LEAVE POOL

“Employees hired by Cass County, Missouri, on or after October 1, 2008, shall become members of the Cass County Sick Leave Pool after a three-month waiting period. This waiting period shall start the first day of the following month in which they were hired.”

ARTICLE 14. SPECIAL LEAVE

Section 14-1 APPROVAL AUTHORITY

An Office Holder may approve requests for special leave as defined hereinafter in accordance with procedures established by the Cass County Commission.

Section 14-2 COURT LEAVE

Full-time employees with benefits 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, provided, however, that all payments provided by a court for jury service shall be turned over to the employee's department head and transmitted to the Cass County Treasurer for deposit as miscellaneous revenue.

Section 14-3 MILITARY LEAVE

Cass County policies regarding military service of its employees in the National Guard and the Armed Forces Reserves are in full compliance and will adhere to all the provisions of the Uniformed Services Employment Rights and Re-employments Act (USERRA) and the Missouri State Statutes. References for USERRA can be obtained online at www.esgr.org and for Missouri State Statutes at www.moga.mo.gov. Cass County will not discriminate when making hiring, promotion, or firing decisions because of past, current or future military service.

Cass County provides a military leave of absence for all employees who are members of the Uniformed Military Services and the Public Health Service to meet their military obligations for testing, physicals, training, military service and emergency response. There is no requirement that the employee have been employed by Cass County for any minimum length of time before an absence for Uniformed Service is authorized.

Employees requesting military leave of absence must notify the Office Holders as soon as possible. Office Holders will then make arrangements to provide requested military leave of absence. In addition, Office Holders will provide employees with sufficient time off from work to safely travel to military assignments, have adequate rest, and be able to safely perform their military duties. Cass County will approve requests for leave beginning on Fridays and especially on Friday and especially on Friday evenings for National Guard and Reserve members who are performing weekend military duty.

Employee Responsibilities

Employees of Cass County must comply with the provisions of the USERRA to qualify for re-employment after authorized military leave:

- a. The employee (or an appropriate officer of the uniformed service) must have given Cass County prior oral or written notice of the impending service.
- b. The employees' cumulative period or periods of service, relating to employment with Cass County shall not have exceeded five years as defined by USERRA.
- c. The employee must have completed the period of service without having received a punitive or other than honorable discharge or having been dismissed or dropped from the rolls of the uniformed service.
- d. The employee must have made a timely application for re-employment or have been timely in reporting back to work, as follows:
 1. After a period of less than 31 days of service, the employee is required to report for

work at the start of the first full regularly scheduled work period on the first day after the completion of the period of service, the time reasonably required for safe transportation from the place of service of individual's residence, and a period of eight hours (for rest). If reporting that next day is impossible or unreasonable because of factors beyond the employee's control (for example, an accident on the return trip), the employee must report for work as soon as reasonably possible thereafter.

2. If the period of service is greater than 30 days but less than 181 days, the employee must submit an application for re-employment within 14 days.
3. If the period of service is 181 days or more, the individual must submit an application for re-employment within 90 days.
4. Employee's are advised to make application for re-employment, in writing, to the Human Resource Office.
5. Employee's who fail to return to work in a timely manner, as described above maybe terminated from employment with Cass County.

Re-Instatement after Military Leave

Employees immediately returning to work after a period of military service of less than 31 days will be entitled to full pay, health care and other benefits during their military service and to full pay, health care and other benefits as of the time they report back to work.

Cass County will promptly act on timely applications for re-employment for employees who have completed 31 days or more of service. Cass County will offer re-employment to employees not later than the start of the second two week pay period after the pay period during which the employee submits an application for re-employment.

Seniority, Pensions Benefits and Pay

Employees on authorized military leave continue to accumulate seniority for pay, pensions, and other Cass County benefits. This includes the period between leaving Cass County and the start of military service, the period of service, the period (up to 90 days) during which any employee may submit the application for re-employment, and the period between the application for re-employment and return to work.

All officers and employees of this state, or of any department or agency thereof, or of any county, municipality, school district, or other political subdivision, and all other public employees of this state who are or may become members of the National Guard or any reserve component of the Armed Forces of the United States, shall be entitled to a leave of absence from their respective duties, without loss of time, pay, regular leave, impairment of efficiency rating, or of any other rights or benefits, to which otherwise entitled, for all periods of military services during which they are engaged in the performance of duty or training in the service of this state at the call of the Governor and as ordered by the adjutant general without regard to length of time, and for all periods of military services during which they are engaged in the performance of duty in the service of the United States under competent orders for a period not to exceed a total of 120 hours in any federal fiscal year (Oct 1 to Sept 30). (Chapter 105 Section 270 Missouri Revised Statutes.

(This section is applicable if the company has a defined contribution plan in which the employee had participated before leaving for military service.) The returning employee who meets the eligibility criteria described above will be given the opportunity to make up missed employee contributions to the defined contribution plan. Such make-up contributions must be made within the period that begins on the date of re-employment and extends for three times the period of service, but not more than five years. All such make-up payments shall be made on a pre-tax basis.

Continued Health Care Benefit

Employees on authorized military leave of absence are entitled to elect continued health insurance coverage, through Cass County, *during* the military related absence from work. If the period of service (as called for in the individual's military orders) is for less than 31 days, Cass County may charge *only the employee share* of the cost of the coverage. For periods of service of more than 31 days, contact the Human Resources Office. Continued health care coverage will be available to employees on military leave of absence until:

- a. The employee returns to work after service, or
- b. The employee allows the deadline for application for re-employment to pass without having made such an application, or
- c. Eighteen (18) months have passed since the employee of Cass County has performed service.

The right to reinstated coverage after service is *not* contingent on continuing coverage during service.

Section 14-4 MATERNITY LEAVE

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

“Employees shall be eligible to be paid Sick Leave Pool days for the delivery of a child, if they are members of the Cass County Sick Leave Pool, and if the Sick Leave Pool Board approves.

Section 14-5 EMPLOYEE RIGHTS UNDER THE FAMILY MEDICAL LEAVE ACT OF 1993

1. Rights

The County provides “eligible” employees with a job-protected leave of absence from active employment for certain family or medical reasons in accordance with the Family and Medical Leave Act of 1993 (FMLA).

2. Eligible Employees

Employees eligible for family and medical leave are those who: (a) have been employed by Cass County for at least twelve (12) months; and (b) have worked at least 1,250 hours during the twelve (12) month period preceding the family or medical leave.

An eligible employee may take up to a maximum of twelve (12) weeks of FMLA leave in a rolling 12-month period relating to any one or a combination of the following reasons:

- a. For the birth of the employee's child and to care for the employee's child after birth, or for the placement of a child with the employee for adoption or foster care and to care for the child thereafter.
- b. Leave for the birth or placement of a child for adoption or foster care must be taken with twelve (12) months from the date of the birth or placement, and leave taken for these reasons must be taken in one continuous period (i.e., not on an intermittent basis) (unless otherwise agreed to by the County Commission).

- c. Where two eligible spouses both work for Cass County, Cass County may require them to use a combined total of twelve (12) weeks between them to take family leave for the birth of their child; for placement of a child with the employee spouses for adoption or foster care; or to care for their child after birth, adoption or foster care placement. The proportions by which the spouses share the combined twelve week period would be determined by the spouses.
- d. To care for the employee's spouse, child, or parent, who has a serious health condition.
- e. Where two eligible spouses both work for Cass County, Cass County may require them to use a combined total of twelve (12) weeks between them to take family leave to care for each employee's own parent with a serious health condition. The proportions by which the spouses share the combined twelve week period would be determined by the spouses.
- f. Because of the employee's own serious health condition, which makes the employee unable to perform his/her job.

3. Length Or Amount Of Leave

An eligible employee may receive a maximum total of twelve (12) weeks of FMLA leave within a rolling twelve (12) month period (i.e., the immediately preceding 365 day period). Where it is apparent to Cass County that leave qualifies for FMLA leave, it will be counted as FMLA and will be deducted from an eligible employee's 12 week leave period.

Any absence or leave of absence that qualifies for leave under the FMLA that also qualifies for leave under other County Policies (i.e., short term disability leave, long term disability leave, workers' compensation leave, paid time off, sick leave, sick leave pool), will be counted as Family and Medical Leave and will be deducted from an employee's twelve (12) week leave allotment under this policy and the FMLA.

An employee who fails to return to work immediately following expiration of the authorized leave period, or who remains on leave for more than a total of twelve (12) weeks during any rolling twelve (12) month period, (may be granted an additional Personal Leave of Absence, or) may be terminated from employment, depending on the circumstances.

RESPONSIBILITIES

1. Employee's Notification To The County

An employee who expects or anticipates taking a family or medical leave should notify Cass County of the date of the commencement and the expected duration of the leave **at least 30 days in advance** of the leave, or, if the need for the leave is not foreseeable, **as soon as possible**. In cases where the need for leave is foreseeable, and employee's failure to provide the advance notice may result in denial or postponement of the leave and/or absence(s). When leave is not foreseeable, failure to give notice of the need for leave as soon as possible may result in a denial or postponement of the leave and/or postponement of the leave and/or absence(s). An employee requesting leave under this policy should submit a completed "Request for a Leave of Absence" form to Human Resource Office. Forms are available through Human Resource Office.

Employees who anticipate the possibility of taking family or medical leave or who have any questions about the application of this policy to their particular situation are encouraged to contact Human Resources.

2. Obligation Of Honesty And Good Faith

As with all dealings between employees and Cass County, employees are expected to provide truthful information to Cass County at all times. An employee who intentionally misrepresents facts or otherwise fraudulently obtains or continues Family/Medical Leave will be subject to termination.

Medical Certification

If an employee takes a leave of absence because of the serious health condition of the employee or the employee's covered family member, Cass County requires the employee to submit a written medical certification from a health care provider demonstrating the need for the leave. The employee must provide this certification within fifteen (15) calendar days of Cass County's request. Failure to provide such certification timely may result in a denial or delay of leave, and may subject the employee to termination for excessive absenteeism under Cass County's attendance policies.

Cass County reserves the right to require a second (and possibly a third) opinion from another health care provider (at Cass County's expense) certifying the serious health condition of the employee or the employee's covered family member. For extended leaves (i.e., usually leaves in excess of 30 days), Cass County reserves the right to require that an employee provide a recertification of the medical condition for which leave is taken.

During the employee's leave, Cass County may also periodically inquire of the employee, or the employee may be required to periodically report to Cass County, as to the employee's intent to return to work and the expected return to work date.

Insurance Premiums

During the employee's family or medical leave of absence, Cass County will continue to provide group health care insurance coverage for the employee; however, the employee will remain personally responsible for paying the employee's portion of the insurance premium. An employee on FMLA leave must continue to pay the same portion of health plan premiums as if the employee were actively working and not on leave. Such payments must be submitted directly to the Treasurer in the manner and according to the schedule agreed to by the County and the employee.

Please Note: In certain circumstances, if an employee fails to return to work after his/her authorized leave period or after using all of the twelve (12) week allotment, the employee shall be required to reimburse the County for all contributions it made for the continuation of the employee's group health insurance coverage during the leave period.

Paid Benefits During Leave

During a family or medical leave provided under this policy, an employee will be required to use paid benefits, as described below. Any remaining family or medical leave will be unpaid. In no event, however, will an employee receive more than twelve (12) weeks of FMLA leave in a rolling calendar year.

Leave, whether intermittent or continuous leave, relating to the employee's own non-work-related serious health condition, or the serious health condition of the employee's covered spouse, child, or parent, will first be deducted from the employee's sick leave, or if sick leave hours are exhausted, from any banked vacation time. If the employee's absence exceeds the twelve (12) week allotment, the employee may continue to receive benefits to the extent eligible for such benefits under the applicable Plan(s), but the FMLA leave will be exhausted after twelve (12) weeks.

In the case of an employee's own serious health condition that is job-related, the employee will receive any worker's compensation benefits for which the employee qualifies before leave becomes unpaid. If the absence continues beyond the twelve (12) week FMLA period, the employee may continue to receive worker's compensation benefits, but the FMLA leave will be exhausted after twelve (12) weeks.

In the case of the birth or placement of a child by adoption or foster care, when the employee is not giving birth, the employee will be required to exhaust all earned vacation hours before the remainder of the leave becomes unpaid. Where an eligible employee is giving birth, it is treated as the employee's own serious

health condition, and pay is administered as described in the section regarding the employee's own serious health condition above.

All absences that qualify as FMLA leave will count against an employee's twelve (12) week FMLA leave period per rolling period, whether or not the employee is also concurrently eligible for and receives pay through another source (such as STD, LTD, Worker's Compensation, Vacation or Sick Leave) during part or all of his/her FMLA qualifying absence.

During the leave, an employee will accrue additional paid time off and sick days during any **paid portion** of the leave, but the employee will not accrue additional paid time off and sick days during any **unpaid portion** of the leave.

Intermittent Or Reduced Schedule Leave

Leave taken because of the employee's or a covered family member's serious health condition may be taken on an intermittent or reduced schedule basis when medically necessary **and** if the employee first attempts to schedule his/her leave so as not to disrupt Cass County operations. If an employee seeks leave on an intermittent or reduced schedule basis, the employee may be required to submit a medical certification, as discussed above, which also provides additional certification from the health care provider that the intermittent or reduced schedule leave is medically necessary.

Cass County may require an employee taking intermittent or reduced schedule leave to transfer temporarily to an alternative available position for which the employee is qualified, or may temporarily modify the employee's current position, to allow Cass County to better accommodate the employee's intermittent periods of leave.

Compliance With Instructions And Restrictions

While on leave for the employee's own serious health condition, the employee is required to comply with any instructions given by the employee's health care professional and/or any restrictions placed on the employee's activities, and not to perform activities inconsistent with those instructions or restrictions. Engaging in activities inconsistent with any restrictions or instructions from the health care provider may result in denial of the leave and/or discipline up to and including termination of employment.

Job Restoration

Upon return from family or medical leave in accordance with this policy, the employee generally will be returned to the same or an equivalent position with no loss of pay or benefits that accrued prior to the leave of absence. Cass County may, however, deny job restoration to an employee if she/he can no longer perform the job, with or without reasonable accommodation or if his/her job or position would otherwise have been eliminated; or if the employee would have been terminated if the employee had remained actively at work. Employees on approved leave status other than military leave (including FMLA leave) are subject to reduction in force the same as all other employees, based on the same (non-leave-related) criteria applied to all other employees.

Additionally, under certain circumstances, certain "key employees" (defined as salaried, FMLA-eligible employees who are among the highest paid ten (10) percent of Cass County's employees) may not be eligible to be restored to the same or an equivalent job at the conclusion of their leave. If applicable, Cass County will notify such employees of their "key employee" status and the conditions under which job restoration may be denied.

To allow, Cass County to make adequate scheduling arrangements and have work available for the employee upon returning to work, the employee must give **at least 48 hours** advance notice of his/her intent to return to work. Before being returned to work, an employee who is on a leave of absence as a

result of his/her own serious health condition must also submit a health care provider's written certification that the employee is able to return to work. Failure to provide such certification may result in the delay or postponement of the employee's return to work and/or unauthorized absence(s).

An employee who does not return to work at the end of an authorized leave period or after exhausting his/her twelve (12) week allotment under this policy and the FMLA may be subject to termination.

Non-Discrimination

Cass County does not discriminate against employees or prospective employees who use FMLA leave or who exercise their rights under the FMLA. Additionally, the County does not consider the taking of FMLA leave to be a negative factor when making any employment decision, including but not limited to hiring, evaluation, promotion, demotion, transfer or disciplinary action.

Unlawful Acts By Employers FMLA makes it unlawful for any employer to:

1. Interfere with, restrain, or deny the exercise of any right provided under FMLA.
2. 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

1. The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.
2. An eligible employee may bring a civil action against an employer for violation.

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.

For Additional Information Contact the nearest office of the Wage and Hour Division, list in most telephone directories under U.S. Government, Department of Labor.

Section 14-6 OCCUPATIONAL INJURY LEAVE (WORKER'S COMPENSATION)

1. Missouri Law guarantees certain benefits to employees who are injured or become ill because of their jobs. An injury occurs out of and in the course of employment. An injury by accident is compensable only if the accident was the prevailing factor in causing both the resulting medical condition and disability. An injury by occupational disease is compensable only if the occupational exposure was the prevailing factor in causing both the resulting medical condition and disability. Check with your Office Holder if you have any questions.

2. In addition to all other compensation paid to the employee under 287.140 RSMo., the employee is entitled to receive:

- a. Medical Care. The employer shall provide medical care as may reasonably be required after the injury or disability to cure and relieve the employee from the effects of the injury. Medical treatment is without a deductible to the employee or dollar limit. Costs are paid directly by your employer's insurance company, so you should not receive a bill. If you do receive a bill, give it to the Human Resource Office.
- b. Your Human Resource Office will arrange for medical treatment and select a doctor to care for your worker's compensation injury. If you want to change doctors, you must get prior authorization from the Human Resource office. If you go to another doctor without prior authorization, it will be at your expense.

- c. Payment for lost wages. If you are unable to return to any form of employment due to the injury or illness, you should receive temporary total disability (TTD) benefits that are tax free, until the treating doctor says you are able to return to work. Payments are two-thirds of your average weekly wage, up to a maximum rate set by state law. Payments are not made for the first three days or less that your employer is open for business, unless you are unable to work more than 14 calendar days. If you do not receive a check, contact the Human Resource Office. An employee is disqualified from receiving TTD during any period of time that the employee applies and received unemployment compensation.
 - d. Permanent Disability Benefits. If the injury or illness results in a permanent disability you may be entitled to receive either permanent, partial or permanent total unemployment compensation
 - e. Death Benefits. If the injury results in death, benefits will be paid to surviving dependents.
3. Any employee who sustains an on-the-job injury shall immediately report such injury, regardless of severity, to the Office Holder and the Human Resource Office
4. Employees injured on the job are covered by the Missouri State Workers' Compensation Act. This law provides specific benefits including payment of approved medical expenses and partial payment for loss of wages. Payment for lost time commences after three regularly scheduled full days off from work. The first three (3) full work days off may be covered with accrued sick leave. If the employee is unable to return due to injury for more than fourteen (14) calendar days, whether consecutive or non-consecutive after the date of injury, the County Workers' Compensation program then covers partial loss of wages for the first three (3) days.
5. Office Holders shall be responsible for the investigation of accidents or injuries involving employees assigned to their work units. Every effort shall be made to determine the causes of accidents or injuries and preventive measures taken as appropriate.
6. Employees on leave due to an occupational injury shall continue to accrue sick leave and vacation time.
7. Employees on leave due to an occupational injury shall continue to be eligible for all employee benefits which the employee was enrolled in at the time of injury. Upon return, the Presiding Commissioner will meet with the employee in order to form an agreement with regard to the employee reimbursing Cass County for any benefits paid on the employee's behalf during their absence.

Section 14-7 ABSENCE WITHOUT LEAVE

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

Section 14-8 FUNERAL LEAVE

Full-time employees are eligible to use paid funeral leave in the event of a death in the immediate family provided no more than three (3) consecutive days are taken per funeral. In extenuating circumstances, the County Commission may approve funeral leave for other relatives not included herein as unpaid funeral leave.

Section 14-9 VOLUNTARY EDUCATION LEAVE

Full-time employees may be granted absence from duty on a non-pay status for education instruction when recommended by a Department Head and approved by the Cass County Commission if the successful completion of such instruction will contribute to the County service.

Section 14-10 SPECIAL ASSIGNMENT LEAVE

Full-time employees may be granted absence from duty on a non-pay status for special assignment with another agency or government with return to the County contemplated in a definite amount of time when recommended by a Office Holder and approved by the Cass County Commission.

Section 14-11 INSURANCE COVERAGE WHILE ON UN-PAID LEAVE

During an occasion when a county employee is off work for an extended period of time, i.e.; family medical leave, etc, the Presiding Commissioner is authorized to pay all insurance plans for that employee until they return.

Upon their return, the Presiding Commissioner will meet with the employee and form an agreement with them with regard to the employee reimbursing the County for any insurance paid on the employee's behalf during their absence.

This is being done with the understanding that Cass County may, due to some unfortunate circumstances, not be able to recoup the entire amount paid.

ARTICLE 15. OTHER FRINGE BENEFITS

Section 15-1 HEALTH AND LIFE INSURANCE COVERAGE

Full-time employees with benefits may be enrolled in the health insurance coverage program. The county will pay \$200.00 toward the individual employee's insurance premium. Health insurance coverage for dependents of full-time employees with benefits is optional to the employee.

Section 15-2 CAFETERIA PLAN

Employees may take advantage of reducing their taxable income through utilization of Cass County's Cafeteria Plan. Additional insurance such as dental, cancer, and intensive care may be available and premium amounts for these and dependent health insurance are deducted from gross income prior to income tax deductions. Employees may also reduce taxable income by setting aside predetermined amounts into the plan for dependent care and medical expenses not covered by insurance. Enrollment is restricted to within thirty (30) days of employment for new employees and during an annual enrollment for current employees.

Section 15-3 RETIREMENT PLANS

1. LAGERS (LOCAL GOVERNMENT EMPLOYEES RETIREMENT SYSTEM).

Full-time Cass County employees working the required minimum number of hours (1250 or more per year) shall be enrolled as participating members of the LAGERS local government retirement plan after six (6) months of employment. Contribution levels may be based on a percentage of the employee's salary.

2. CERF (COUNTY EMPLOYEES RETIREMENT FUND).

Full-time Cass County employees shall become members of the Cass County Employees Retirement Plan upon their hire date. Employees hired prior to February 25, 2002 are not required to make contributions to the plan. If the employee changes to part-time status they shall contribute two (2) percent to the plan. If such an employee returns to full time, the contribution is not required. Full time County employees hired on or after February 25, 2002 shall contribute four (4) percent of their salary to the plan. If the employee changes to part-time, the contribution rate is 6 percent. If such an employee returns to full-time, the contribution rate returns to four (4) percent.

Section 15-4 DEFERRED COMPENSATION

Cass County employees may elect to participate in deferred compensation programs offered by Cass County. Cass County does not participate monetarily in this program.

Section 15-5 CREDIT UNION

Cass County employees are eligible to join the credit union. Payroll deduction is offered for employees. Forms for this purpose may be obtained in the Human Resource Office.

15-6 TRAINING

Cass County shall pay any and all training required of an employee for performance of job duties or enhancement of performance of job duties. Time spent in obtaining the instruction and performing the requirements of the course shall be considered hours worked. All training shall be approved in advance by the Office Holders.

ARTICLE 16. SEPARATION AND DISCIPLINARY ACTIONS

Section 16-1 RESIGNATIONS

1. Notice Required.

Any employee who is in good standing may resign from the service of Cass County by presenting his resignation in writing as contained herein. Employees holding positions which are covered by the Fair Labor Standards Act must present such notice of resignation not less than two (2) weeks prior to the effective date. Employees holding positions which are exempt from coverage under the Fair Labor Standards Act must present notice of resignation no less than four (4) weeks prior to the effective date and shall remain employed during this period to complete assignments and train the successor to the position. Such notice requirement may be waived by the Office Holder. The employee may withdraw such resignation at any time prior to the effective date with the approval of the Cass County Commission or Office Holder. Office Holders must present a notice of resignation no less than sixty (60) days prior to the effective date.

2. Failure To Give Notice.

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

Section 16-2 TERMINATION

Employment At Will

An employee may be terminated at will with or without cause.

Section 16-3 RETURN OF COUNTY PROPERTY

All employees separating from Cass County service for any reason shall, prior to separation, return all Cass County-owned property and equipment and computer data files and software issued to the employee. Failure to do so will result in the withholding of benefits otherwise due the employee.

Section 16-4 RETIREMENT

All full-time employees are eligible for retirement benefits at age and length of service requirements specified by the retirement plan in which they are enrolled. Notice of retirement shall be in the same manner as for resignations, Section 16-1.

Section 16-5 HONORING OF RETIREES

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

Section 16-6 REFERENCES

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

ARTICLE 17. RECORDS AND REPORTS

Section 17-1 PERSONNEL RECORDS

The Cass County Commission shall designate a central repository for all personnel files and records.

Section 17-2 SERVICE REGISTER

The Cass County Commission shall cause to be maintained a service register of all employees in Cass County service identifying for each the class title, departmental or office assignment, salary rate, dates of employment, employment history, and such other data as appropriate.

Section 17-3 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 Cass County Commission shall prescribe the time, manner, form, and method of making any written report as may be stipulated in any of these rules.

Section 17-4 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 Cass 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 Cass County; and such other confidential papers as specified in these rules or by action of Cass 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 Cass County may provide. Salary range and position classification information, as well as class specifications and basic employment information, shall in all cases be made available to the public on request at reasonable times.

Section 17-5 EMPLOYEE TIME SHEETS

All Office Holders may require non-exempt employee's to maintain and report time sheets

ARTICLE 18. TRAVEL EXPENSES

Section 18-1 POLICY

Office Holders and employees shall be reimbursed for official travel and related expenses while carrying out official duties or attending professional conferences and training courses which will benefit both the employee and the County. All persons authorized to travel shall be reimbursed for actual air, bus, taxi or train fare to and from the travel destination, actual room cost for overnight lodging, taxi fares, and other travel-related expenses upon proper presentation of appropriate itemized receipts on a Cass County travel expense voucher and, where appropriate, by a certified affidavit.

Section 18-2 TRAVEL ADVANCES

A travel advance may be obtained by submitting a request form stating the description and/or purpose of the travel advance. The request must be approved by the Office Holder and forwarded to the Cass County Commission for processing. Employees should allow ample time for the processing of travel advance requests.

Section 18-3 REIMBURSABLE EXPENSES

Reimbursement for authorized meals and tips combined, whether in state or out of state, shall be determined by the Cass County Commission. The mileage reimbursement rate for authorized travel shall be at a rate determined by the Cass County Commission. If a meal is included in the registration cost of the conference, the per diem for that meal will be excluded from that day's total allowance. All efforts shall be made to keep travel expenses to a minimum. The following expenses for approved travel shall be reimbursed according to established allowances or actual cost when accompanied by receipts or other documentation as required and appropriate:

1. Direct travel including air, bus, taxi, and train fares.
2. Direct travel by personal vehicle at the established rate per mile or at an amount equal to common carrier fare, whichever is less, if approved by the Office Holder.
3. Overnight lodging when travel extends beyond fifty (50) miles from the County.
4. Meals and tips.
5. Other reasonable and related expenses.

Section 18-4 NON-REIMBURSABLE EXPENSES

The following travel expenses shall not be reimbursable:

1. Costs incurred by a spouse or other relative accompanying an employee.
2. Personal expenditures such as valet service, laundry and cleaning, entertainment, side trips and tips.

Section 18-5 VACATION COMBINED WITH OFFICIAL TRAVEL

An employee wishing to combine a vacation by private vehicle with a business or convention trip must have the Office Holder approval, or where appropriate, the Cass County Commission's approval. The employee will be reimbursed for travel to the destination based upon the common carrier fare or the established rate per mile for personal vehicles, whichever is less.

Section 18-6 TRAVEL REIMBURSEMENT OR REPAYMENT OF ADVANCE TO COUNTY

A travel expense voucher must be completed within ten (10) days after returning from a trip whether it is for an amount due the employee or for payment of the unused balance of travel advance due the County. Where the employee received a travel advance check, it must be so noted on the expense voucher. The Office Holder and Cass County Commission must approve all travel expense vouchers before the Treasurer's Office processes for payment.

Section 18-7 USE OF PERSONAL VEHICLE FOR OFFICIAL BUSINESS

Employees required to use their personal vehicles for official County business shall be compensated at the rate set out in Section 18-9. All Offices Holders are encouraged to promote the use of County vehicles whenever possible in lieu of use of personal vehicles for Cass County travel purposes. Cass County is not responsible for damage to employee's vehicles sustained while on County business.

Section 18-8 USE OF COUNTY VEHICLES

Employees who are assigned take-home vehicles from the Cass County fleet are prohibited from using the vehicle for any use outside of Cass County business except for insignificant personal use. Employees shall report any accidents involving a Cass County vehicle and the property or vehicle of another party. Employees shall report any accident involving damage to a Cass County vehicle to the Office Holder, and the Human Resource Office on a form prescribed for this purpose. Failure to report damage of Cass County vehicles as prescribed may result in disciplinary action.

ARTICLE 19. PROHIBITIONS AND PENALTIES

Section 19-1 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 discouraged:

1. Campaign fund raising, or other partisan political activities on Cass County premises while in the performance of duties and responsibilities as an employee of Cass County.
2. Abuse of official position for political ends.
3. Use of official working time or unauthorized use of Cass County resources for political activity.
4. Promising any employment, position, work, compensation, or other benefits as consideration, favor or reward for political activity.
5. Performing political activities at the direction of a Office Holder.
6. None of the above shall be construed as to prohibit employee from engaging in the political process outside their work schedule.

Section 19-2 DISCRIMINATION AND SEXUAL HARASSMENT

It is the established policy of Cass County to extend equal employment and advancement opportunities to all qualified individuals regardless of their race, color, age (40 and over), sex, pregnancy, gender, disability, religion, national origin, ethnic background, military service, citizenship or any other characteristic protected by law. All personnel are reminded that each employee is at all times to be treated courteously by fellow employees so that he or she is free from harassment or interference based on factors such as those mentioned above.

Harassment is defined as unwelcome or unsolicited verbal, physical or sexual conduct that interferes with an employee's job performance or which creates an intimidating, offensive or hostile work environment.

Some Examples:

1. Questions or comments that unnecessarily infringe on personal privacy or offensive, sexist, off-color or sexual remarks, jokes, slurs or propositions or comments that disparage a person or group on the basis of race, color, age (40 or over), sex, pregnancy, gender, creed, disability, religion, national origin, ethnic background, military service or citizenship.
2. Derogatory or suggestive posters, cartoons, photographs, calendars, graffiti, drawings, other materials, or gestures. Inappropriate touching, hitting, pushing or other aggressive physical contact or threats to take such action.
3. Unsolicited sexual advances, requests, or demands, explicit or implicit, for sexual favors.

Anyone who feels that he or she has been discriminated against or harassed should report such incidents to the Human Resources Office.

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

Sexual harassment of employees is a serious matter and is prohibited in the work-place by any person and in any form. No Office Holder, Supervisor or other employee shall threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, performance appraisal, wages, advancement, assigned duties, or any condition of employment or career development. Other sexually harassing conduct whether committed by Office Holders or non-supervisory personnel is also prohibited. Such conduct includes but is not limited to: sexual actions, advances or propositions, verbal or written abuse of a sexual nature, or sexually degrading words used to describe an individual. It is the policy of Cass County to provide an environment free from unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication constituting sexual harassment. The purpose of this policy is to establish clearly and unequivocally that Cass County prohibits sexual harassment by and of its employees.

The U. S. Equal Employment Opportunity Commission has issued guidelines interpreting Section 703 of Title VII of the Civil Rights Act prohibiting sexual harassment. The Missouri Commission on Human

Rights has also issued regulations regarding sexual harassment Department of Labor and Industrial Relations.

Human Rights Act

The Civil Rights Act of 1964, Title VII, defines sexual harassment as any unwelcome sexual advances, requests for sexual favors, and other verbal or physical misconduct of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Conduct that is sexual in nature and unwelcome may be considered sexual harassment. This may be physical with inappropriate touching or gesturing or verbal requests for sexual favors, lewd remarks or sounds or exposure visually to sexual photos, cartoons or drawings.

Two forms of sexual harassment claims include the following:

1. Quid pro quo is the exchange of some benefit (promotion, reward, salary increase, etc.) for sexual favors.
2. Hostile environment is unreasonable harassment interfering with an individual's work and which creates a hostile, intimidating or offensive work environment. A hostile work environment could be offensive language, jokes, gestures, comments, pictures, calendars or graffiti.

Complaint Procedure

1. An aggrieved person should directly inform the person engaging in sexually harassing conduct or communication that such conduct or communication is offensive and must stop. If the aggrieved person does not wish to communicate directly with the person whose conduct or communication is offensive or if direct communication with the offending person has been ineffective, the aggrieved person should report the conduct or communication to the Human Resource Office. Regardless of the means selected for resolving the problem, the initiation of a complaint of sexual harassment will not adversely reflect on the person complaining nor will it affect the employee's employment, compensation or work assignments.

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

Section 19-3 NEPOTISM; RESTRICTION ON EMPLOYMENT OF RELATIVES

The County adheres by the Missouri state statutes regarding nepotism as the county policy;

Any Public Officer or employee in this state who by virtue of his office or employment names or appoints to public office or employment any relative within the fourth degree, by consanguinity or affinity shall thereby forfeit his office or employment. A County employee may not appoint, employ, promote, advance or advocate for appointment, employment, promotion or advancement in or to any position of the county service over which the employee exercises jurisdiction or control, and any person who is within the fourth degree of consanguinity.

Section 19-4 OUTSIDE EMPLOYMENT

Outside employment is prohibited if such employment would have an adverse effect on the employee's performance of official duties with Cass County or be prejudicial to the reputation of Cass County.

Section 19-5 CONFLICT OF INTEREST.

No employee of immediate family member shall hold a financial interest in a firm, institution, corporation, or other establishment supplying goods or services to Cass County. No employee shall be employed in any capacity with a firm, institution, corporation, or other establishment supplying goods or services to Cass County when that capacity means the possession, direct or indirect, of the powers to direct or cause the direction of the management and policies of that organization. Employee or immediate family members are discouraged from receiving any payment, gifts, favors, or other consideration from any person, firm, institution, corporation, or other establishment supplying goods or services to Cass County.

Section 19-6 POLICY FOR CASS COUNTY'S E-MAIL SYSTEM

1. Cass County E-Mail System

- a) Cass County e-mail account will be provided by the Information Technology Administrator (ITA) to all employees who have access to the Cass County network. Employees have no legal protection or privacy interest in e-mails either sent to or received by Cass County. Authorized personnel may review contents of such e-mails at any time and for any reason management determines appropriate. Employees must, therefore, use e-mail accordingly and for county business functions. Non-business use of e-mail should be very limited, similar to the use of an office telephone. Internet access through other providers, to provide e-mail accounts and browsing capabilities, is a personal expense, a choice for home use, and is not to be used for Cass County business or with Cass County computers due to security issues. The Cass County's resources to support e-mail through additional providers is limited and must be coordinated through the Information Technology Administrator.
- b) E-mail should not be used for the transmission of confidential information without advice from the County Attorney's Office. Unauthorized attachment of copyrighted materials to e-mail or inclusion of copyrighted materials in e-mail is prohibited in accordance with federal statutes.
- c) Employees are encouraged to check their e-mail a least once a day.

2. Dissemination Of County-Wide General Information

Dissemination of County-wide general information over both internal and external e-mail shall be the responsibility of the Public Information Office (PIO). Information to be transmitted to all employees shall be sent to the PIO for dissemination, i.e., comparable to the employee newsletter process. This does not prohibit ITA, Human Resources, Office Holders from sending out specific or emergency information county-wide in order to notify employees quickly.

3. Use Of E-Mail Addresses

The PIO will maintain a county-wide external address of casscounty.com and will include it on appropriate informational materials. This address is meant for citizens to be able to send e-mail to Cass County and obtain a response. Offices also may use the address when individual e-mail addresses are not appropriate. Employees will be assigned an individual e-mail when they are given internet access.

4. Retrieval Of Archived E-Mail Messages

The ITA will extract stored e-mail messages when available and when requested to do so by authorized supervisory personnel. Reasons for retrieval include, but are not limited to, system hardware or software problems, general system failure, regular system maintenance, a lawsuit against Cass County, suspicion of

a crime or violation of policy, or a need to perform work or provide a service. Retrieval of specific e-mails will require approximate date, time, sender and receiver of information.

5. Unacceptable Practices

The following are unacceptable e-mail practices and are prohibited:

- a. Using county equipment in violation of federal, state and local laws.
- b. Misrepresenting an individual opinion as Cass County policy.
- c. Transmitting confidential information in an unsecured transmission.
- d. Intercepting, eavesdropping, recording or altering another person's e-mail message except as provided under proper supervision.
- e. Adopting the identity of another person on any e-mail message, attempting to send e-mail anonymously or using another person's password unless properly authorized.
- f. Misrepresenting your affiliation on any e-mail message.
- g. Composing e-mail that contains racial or sexual slurs or jokes or is patently harassing, intimidating, abusive or consists of offensive material to or about others.
- h. Using e-mail to communicate any material of an obscene or derogatory nature or in a manner that may be offensive to others.
- i. Accessing objectionable or improper material unless specially granted permission by the Office Holders in conjunction with work related activities.
- j. Knowingly introducing to the Cass County network any message, software or device containing a virus.
- k. E-mail accounts provided by Cass County may not be used to conduct employee organization, association or union business.
- l. Users shall not share any password for any Cass County computer with any unauthorized person, nor obtain any other user's password by any unauthorized means. When an Office Holder or Supervisor requires knowledge of an employee's password, such information should be kept secure. Passwords should not be shared among employees for the purpose of logging into someone else's desktop. Such needs should be addressed through the use of shared files residing on a shared drive.
- m. Technology provided by Cass County should not be used for filing grievances or taking any legal action against the employer.
- n. Intentionally tampering with, deleting, or altering County records or other employee's work product maliciously.
- o. Abusing work time to access non-working related information or e-mail correspondence.
- p. The e-mail system is not intended for personal use without the specific authorization of the Cass County Commission.

6. Privacy

- a. E-mail messages are not private; they are subject to discovery proceedings in legal actions and the provisions of the Missouri Sunshine Law. Messages in the e-mail system may be monitored, intercepted or copied to a backup tape. Even if deleted, a message still may exist in backup files maintained by Information Systems. Office Holders may access an individual account through Information Systems if available and upon receipt of proper authority. Should employees make incidental use of e-mail to transmit personal messages, such messages will be treated no differently from other messages, and may be accessed, reviewed, copied, deleted or disclosed.
- b. E-mail records are assumed to be public information. The ITA office will establish and maintain a system to archive e-mail correspondence appropriately, within the provisions of the Sunshine Law.

7. Retention

- a. E-mail messages sent from the Cass County network utilizing a Cass County computer are subject to the same record retention regulations and procedures as pertain to paper documents deemed to be a record. Each employee shall be responsible for retaining all messages sent by

moving them to appropriate folders or filing electronically or by printing and retaining a paper copy. Information Systems shall maintain backup files that are created on a weekly basis with the last backup of each month retained for a period of one year or as resources permit.

- b. If an e-mail is personal in nature, it may be deleted when no longer needed. If the e-mail is in regard to a business related issue, it must be retained in accordance with the County's *Records Retention Manual*. The following are examples of e-mail messages and the appropriate method of retention:
 - 1) Invitations for lunch, birthday notices, other announcements that are considered personal in nature may be deleted when no longer needed.
 - 2) Any message related to a request for service from a citizen is considered general correspondence and must be retained for five years.
 - 3) Any message related to a current Cass County project must be retained in accordance with the project files
 - 4) Any message related to a litigation item must be retained in accordance with the case files.
- c. The retention of e-mails, sent by an individual is the responsibility of the sender. The Department of Information Systems maintains backups for a relatively short period of time. Failure to comply with the retention schedule established with the County of Cass *Records Retention Manual* is considered a violation of Cass County policy and shall be subject to the sanctions outlined herein.

Section 19-7 TELEPHONE

County telephones are to be used for Cass County business only. Personal charges are expected to be reimbursed to the Cass County Treasurer.

Section 19-8 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 Cass County and the State of Missouri.

ARTICLE 20. MANAGEMENT RIGHTS

Section 20-1 RETAINED RIGHTS

Cass County shall retain the sole right and authority to operate and direct the affairs of Cass County in all its various aspects. Among these rights are Cass County's right to determine its mission and set standards

for service offered the public; to direct the working forces; to plan, direct, control, and determine the operations or services to be conducted in and by the employees of Cass County; to assign and transfer employees; to hire, promote, and demote employees; to suspend, discipline, or discharge employees; to relieve employees due to lack of work or for other reasons, such layoffs being normally accomplished through attrition; to make and enforce rules and regulations; and to change methods, equipment, or facilities.

ARTICLE 21. SAVINGS CLAUSE AND AMENDMENT

Section 21-1 SAVINGS CLAUSE

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

Section 21-2 AMENDMENT

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