

SECTION 2: EMPLOYMENT

2.1 Equal Opportunity Employment

Equal Opportunity Employment has been and shall continue to be a fundamental principal in Harper County, where employment and retention is based on personal capabilities and qualifications without discrimination because of race, color, religion, sex, age, national origin, disability, or any other protected characteristic as established by law. Equal Opportunity Employment applies to all policies and procedures relating to recruitment and hiring, compensation, benefits, termination and all other terms and conditions of employment. The Human Resource Department designee has overall responsibility for this policy and maintains reporting and monitoring procedures and shall strive to comply with all applicable state and federal regulations.

2.2 Types of Employment.

All Harper County employees are designated as one to the following employment types:

- a. **Full-Time:** An employee will be considered Full-Time if they are regularly scheduled on an annual basis for not less than eight (8) hours a day or forty (40) hours in a standard work week of seven (7) days (not less than 2080 hours per year). Full-Time employees shall be eligible for all benefits described herein.
- b. **Part-Time:** An employee will be considered a Part-Time employee if they are scheduled to work on an annual basis of not less than twenty (20) hours in a standard seven (7) day work week (1040 hours per year). Part-Time employees are **not** eligible to receive benefits, or accrue service times.
- c. **Temporary and Seasonal:** An employee is designated as a Temporary or Seasonal Employee if appointed for a pre-designated period of time which is six (6) months or less with any year. Temporary or Seasonal employees are not eligible to receive any benefits or accrue service time. Salaries for Temporary and Seasonal employees shall be set by the Department Head following consultation with the Human Resources Department, but must be consistent with the requirements of the Harper County Pay Plan and position description. Time spent as a Temporary or Seasonal employee will not be credited to service and accrual of benefits will not be retroactive to include time employed in a Temporary or Seasonal status.
- d. **Elected Officials:** County Commissioner, County Clerk, County Treasurer, Register of Deeds, Sheriff and County Attorney are the elected officials of Harper County. They are responsible to the electorate of the County, state statutory requirements, and fiscally responsible to the Board of County Commissioners. Elected officials do not earn or report any form of leave time or established hours of work, but rather determine matters of vacation, sick leave and hours of work as a matter of personal choice. Elected officials are eligible for all other benefits offered to Harper County employees.
- e. **Department Heads:** Certain officials are appointed by the County Commission to perform statutory or other duties defined by resolution or contract. Employees in the Department Head category include County Appraiser, County Counselor, Emergency Management Director, County Engineer, Health Administrator, Emergency Medical Services Director, Department of Aging Director, Road and Bridge Supervisor, Sanitarian, Zoning Administrator, IT and any other Department Head created by the Board of County Commissioners. Full-time Department

Heads are eligible for all benefits described herein or any additional benefits as may be approved in a contract or resolution by the Board of County Commissioners.

Department Heads are encouraged to reside within Harper County.

- f. **Interns/Volunteers:** Internships provide an opportunity for students to acquire experience and knowledge by working alongside Harper County Staff and are designed to be career-focused. Although internship positions are not paid, Harper County recognizes the experience will benefit a student's future endeavors.

Volunteers may also be utilized in various Harper County Departments for community services.

Students and volunteers working in Departments that may have access to confidential information will be required to sign additional confidentiality agreements.

Students and volunteers are not acting as employees of Harper County, therefore are not paid. They are, however, covered under the County's workers' compensation policy. All interns and volunteers must complete an acknowledgement form prior to serving in these capacities. Forms will be kept on file in Human Resources.

2.3 Fair Labor Standards Act.

Each Harper County position description is reviewed to determine compliance and designation under the Fair Labor Standards Act (FLSA). The definitions are as follows:

- a. **Non-Exempt Employee:** Employees that do not meet the legal definitions of an exempt employee are designated as non-exempt or hourly. Non-exempt employees are paid by the number of hours they perform their job, including compensation for hours worked of overtime. Most Harper County employees are in this category and shall receive overtime compensation for hours worked in excess of forty (40) hours in a seven (7) day period, with the exception of Sheriff Department Deputies who shall receive overtime for all hours worked in excessive of eighty-six (86) hours worked in a fourteen (14) day work period.
- b. **Exempt Employee:** Harper County employees legally classified as exempt from overtime compensation due to their occupational designation as executive, professional, technical or administrative are "salaried" employees. These employees are paid for fulfillment of job responsibilities on a salaried basis and are not paid an hourly or overtime rate. Typically, elected officials, non-elected County officials and other positions meeting the FLSA definition of exempt are designated as exempt employees. In Harper County those positions, in addition to the elected positions of County Attorney, County Clerk, County Commissioners, County Treasurer, Sheriff and Register of Deeds, include the Department Head positions of Appraiser, Emergency Medical Services Director, Department of Health Director, Road and Bridge Department Supervisor, and any other Harper County employee who fits the FLSA definition of an exempt employee.

Regardless of FLSA status, all non-elected employees are required to utilize the time clock for record keeping purposes. Exempt and Non-Exempt employees must clock in when they arrive each day, and clock in and out for meal breaks and when they leave for the day. Morning and

afternoon rest breaks are exempt from this requirement.

2.4 Workweek.

The work week begins at 12:01am Sunday and ends at 12:00pm, midnight, Saturday. The pay period for all County Employees is bi-weekly with payday being Monday. (See Section 3.5)

2.5 Initial Employment Period.

Every Full-Time and every Part-Time employee initially employed by Harper County, and every employee transferred or promoted to a different position shall be in an evaluation period for six (6) months. The evaluation period allows Department Heads and Supervisors to observe and determine the ability and willingness of the employee to carry out the duties of the position as described in the Position Descriptions and provides the employee the opportunity to determine that the position meets their skills and goals. If an employee who has been transferred or promoted to a new position does not perform acceptably during the evaluation period, the employee may be returned to the former position or a similar position at the previous salary range if an appropriate vacancy exists.

A new employee will accumulate PTO during the Initial Employment Period of six (6) months. At the conclusion of the Initial Employment Period, the new employee's performance will be evaluated. Employees who do not satisfactorily complete the initial employment period may be released from County employment and shall not receive compensation for accumulated Paid Time Off. However, the Department Head may grant up to three (3) additional months of the initial employment period should it appear an employee may perform satisfactorily with additional guidance. Employees who *do* complete the initial employment period will then be eligible to use accumulated PTO.

A new employee may be terminated without recourse to the grievance procedure at any time during the initial employment period,

2.6 Disability Accommodation.

Employees requiring accommodation for a medical condition or disability shall notify their Supervisor or Department Head in order to determine how to accommodate the employee's needs. Every effort will be made to handle the disability accommodation with sensitivity and protect the confidentiality of the information shared by the employee requiring accommodation.

2.7 Nepotism.

Harper County shall not employ two (2) or more members of the same family if it would result in one family member supervising the other. For purposes of this policy, "family" shall include, but is not limited to parent, step-parent, parent-in-law, grandparent, spouse, child, foster child, step-child, grandchild, brother, sister, step-brother, step-sister, aunts, uncles, niece, nephew, cousin or the same relative of the spouse or any relative residing in the same household.

2.8 Citizenship Requirement.

It is the intent of Harper County to comply with all U.S. immigration policies. As a condition of employment, each new County employee must:

- a. Properly complete, sign and date the first section of the Immigration and Naturalization Service form I-9.

- b. Provide appropriate documentation as required for the I-9 to Harper County Human Resources. The Immigration Reform and Control Act of 1986 require this documentation to be provided to Harper County within three (3) days of beginning employment.

2.9 Application and Recruitment.

All recruitment for Harper County employees shall be conducted through the Harper County Human Resources Department in order to obtain the best match between applicants and the position descriptions, as well as to ensure compliance with federal, state, and local laws, policies and procedures concerning employment. The following process shall be used for application and recruitment:

- a. The Human Resource Department will receive a vacancy notice from the County department seeking a position to be filled. The Human Resource Department will get approval from the Board of County Commissioners at the next regular commissioner meeting. After approval an advertisement will be sent out.
- b. Following the closing date for an advertised position all applications and resumes shall be reviewed by the Human Resource Department to determine whether the applications received meet the minimum requirements of the position as listed in the position description.
- c. All applications or resumes shall be forwarded to the County department seeking the position. A listing showing those applicants whose applications or resumes received meet the minimum qualifications, as set out by the position description, shall accompany the applications and resumes being forwarded to the department seeking a new employee.
- d. The Department Head shall determine which applicants they wish to test and/or interview and those applicants shall be contacted by the Department Head for testing and/or interview. Other testing and background checks will be arranged as may be required.
- e. The Department Head shall notify the Human Resources Department of the successful applicant to come and complete pre-employment drug test and the necessary paperwork in order to enter into County employment, as well as to provide orientation before being assigned to a work site.
- f. The Human Resource Department shall notify all unsuccessful interviewees, in writing, that they were not selected and that their applications will be held active for six (6) months to be considered in the event additional positions might become available for which they would qualify.

- g. Unsolicited applications and resumes for positions not currently being recruited for shall not be considered part of an active applicant pool but shall be retained for six (6) months. Should an opening occur during that time for which an applicant might be qualified, that applicant must notify the Human Resource Department and request that their application be considered for the open position.

2.10 Pre-Employment Drug Screen

Refer to Section 12 of this Policy Book, Drug and Alcohol Policy Management, for details on pre-employment drug screening.

2.11 Pre-Employment Background Check

Harper County is committed to maintaining a safe working environment for its employees and residents. One aspect of this commitment is to reduce the potential of unknowingly hiring persons with felony or misdemeanor convictions or who are registered sexual offenders, by performing criminal background checks on all new employees.

All offers of employment at Harper County are contingent upon clear results of a thorough criminal background check. Background checks will be conducted on all final candidates, and on employees who are promoted, as deemed necessary.

Background check procedures apply to each full and part time person hired for a position with the county, other than 1) positions to be filled by a contractor; 2) Unpaid student interns; 3) Unpaid volunteers.

Background checks will include:

- **Social Security Verification:** Validates the applicant's Social Security number, date of birth and former addresses.
- **Prior Employment Verification:** Confirms applicant's employment with the listed companies, including dates of employment, position held, and additional information available pertaining to performance rating, reason for departure and eligibility for rehire. This verification will be run on the past two employers or the previous five years, whichever comes first.
- **Personal and Professional References:** Calls will be placed to individuals listed as references by the applicant.
- **Criminal History:** Includes review of criminal convictions and probation. The following factors will be considered for applicants with a criminal history:
 - The nature of the crime and its relationship to the position.
 - The time since the conviction.
 - The number (if more than one) of convictions.
 - Whether hiring would pose an unreasonable risk to the County, its employees, or its residents.
- **Sexual Offender and Violent Offender Registries:** Identifies those employees registered as Sexual or Violent Offenders.

The following additional background searches will be required if applicable to this position:

- **Motor Vehicle Records:** Provides a report on an individual's driving history in the state requested. This search will be run when driving is an essential requirement of the position, and verified on an annual basis.

Certain departments (e.g., Sheriff's Department, Jail, 911 Dispatch) already require extensive background checks as a prerequisite to employment. Those background checks are deemed to satisfy this policy and applicants will not be required to undergo an additional background check.

Procedure:

1. After extending a conditional job offer, the Director of Human Resources will initiate the background check by providing the candidate with an authorization form either in person, or via email.
2. Upon receipt of the signed release, Human Resources will order the background check and review all results.
3. The Department Head will be notified of the results, and successful candidates will be scheduled for Orientation with Human Resources.
4. In instances where negative or incomplete information is obtained, the appropriate management and Director of Human Resources will assess the potential risks and liabilities related to the job's requirements and determine whether the individual should be hired. This information will only be shared with those directly involved in the hiring decision.
5. If a decision not to hire a candidate is made based on the results of the background check, the applicant will be notified by Human Resources, in conjunction with the employment screening service, following the requirements of the Fair Credit Reporting Act (FCRA).

Records related to a criminal background check will be confidential and maintained by Human Resources separate from employees' personnel files for a minimum of five years.

Any background checks performed under this policy will comply with the State of Kansas and Federal Fair Credit Reporting Acts.

2.12 Medical Examinations

It is the policy of Harper County to require and pay for medical examinations as part of its employee-selection process for continued employment in the following situations:

- For the purpose of determining the applicant's or an employee's or volunteer's ability to perform the essential functions of the position with or without a reasonable accommodation.
- After a conditional offer of employment has been extended to an applicant, and before the individual begins work for the County. Pre-employment Medical examinations will be uniformly required of all applicants for positions within designated job categories.
- Periodic medical examinations to determine fitness-for-duty or other medical monitoring that is required by medical standards or by federal, state or local law.
- Voluntary medical examinations, including voluntary medical histories that are part of employee health programs. The result of any medical examination performed by or on behalf of Harper County will be collected and maintained on separate forms and in separate medical files and will be treated as confidential. Medical information may be disclosed only under the following circumstances:

1. Department Heads and Supervisors may be informed about necessary restrictions on the work or duties of the employee and any necessary ADA accommodations.
2. Emergency Medical Services and public safety personnel maybe informed, if and when appropriate, if the disability might require emergency treatment.
3. To determine compliance with relevant federal or state laws upon proper request.

2.13 Working after Retirement

Retired KPERS individuals must wait 60 days from their retirement date to return to work for any KPERS affiliated agency. No prearrangements to return to work, an offer for employment cannot be made prior to retirement or during the 60-day waiting period. An offer of employment to return to work must be approved by the Department Head and Board of County Commissioners before employee starts work.

KPERS retired individuals returning to work for Harper County beginning July 1, 2016 will have an earnings limit of \$25,000 each calendar year (January 1 through December 31). Harper County is required to make KPERS contributions on all wages (employee does not make contributions on the working-after-retirement wages). KPERS contributions are set by the Kansas Public Employee Retirement System each year, see KPERS Employer Web Portal for rates (example: 7-1-2016 Employer Rate is .0918).

It is considered a break in service if you stop working when you reach an earnings limit (or any time you don't earn wages for 30 days or longer). If this break in service occurs and the retired employee is grandfathered they will lose grandfathered status and Harper County will begin to pay KPERS contributions on all wages.