

# **CRAWFORD COUNTY PERSONNEL POLICY**

## **INTRODUCTION**

The Crawford County Personnel Policy has been established to provide employees of Crawford County with consistent regulations and guidelines related to matters of general County operations, employee practices and procedures, employee responsibilities, and employee benefits. The Personnel Policy provides information on the employment-at-will relationship, outlines the procedure to be followed with hiring new employees, sets forth reasonable guidelines for employee conduct, establishes employee leave policies, and explains employee benefits. The policy has also been prepared in order to assist Crawford County in complying with a number of federal and state laws governing public employment practices.

This Personnel Policy provides a guide to employees and their Supervisors and should not be construed to alter the employment-at-will relationship or to create an implied or express contract to apply the policies in all cases. Employees with questions regarding the Personnel Policy are encouraged to contact their Supervisor, Department Head or Elected Official for clarification.

## ARTICLE I

### **I-1. RULES ESTABLISHED**

- A. The following rules, regulations and other policies for personnel administration are established to:
1. Promote and increase efficiency and economy in the County service;
  2. Provide fair and equal opportunity to all qualified citizens to enter County employment in all occupations on the basis of demonstrated merit and fitness as ascertained through fair and practical methods of selection without regard to race, color, age, sex, religion, national origin or ancestry.
  3. Develop a program of recruitment, advancement and tenure which will make County service attractive as a career.
  4. Establish and maintain a uniform plan of evaluation and compensation based upon the relative duties and responsibilities or positions in the County's service to assure a fair and equitable wage or salary to all employees.
  5. Establish and promote high morale by providing good working relationships, uniform personnel policies, opportunity for advancement without regard to race, color, or sex, and consideration for employee needs and desires.

### **I-2. ADMINISTRATIVE RESPONSIBILITY**

- A. The personnel program consists of the sum total of all policies and procedures related to personnel administration in the service of the County and will be administered by the County Commissioners. The policies and procedures of the personnel program will apply to all employees in the service of the County except that the employees of the Crawford County Mental Health Center will be governed by a separate personnel policy previously adopted by said Center's Board of Directors.

### **I-3. DEPARTMENTAL REGULATIONS**

- A. The head of any department may formulate in writing reasonable administrative regulations for the conduct of the department which will be available to all departmental employees. Nothing in this section will be construed as granting any department authority to adopt regulations in violation of, or in conflict with personnel regulations approved and adopted by the County Commissioners.

**ARTICLE II**  
**RECRUITMENT, SELECTION, PLACEMENT, AND PERFORMANCE APPRAISAL**

**II-1. DEFINITIONS**

- A. Full-time employee: One who works a normal 30/40 hour work week on a regular and continuing basis. For the purpose of this personnel policy, a publicly elected official will not be considered a full-time employee.
- B. Part-time employee: One who works less than a normal work week on a regular and continuing basis.
- C. Department Head: Non-elected management personnel.
- D. Elected Official: Includes the Clerk, Treasurer, Register of Deeds, and Sheriff. The County Attorney's Office is exempt.
- E. Without Leave: Being absent from work without having sufficient vacation, sick or other authorized leave entitling the employee to compensation.
- F. Sick Leave: Absences resulting from an employee's illness, mental illness, injury, or other physical incapacitation.

**II-2. QUALIFICATION & HIRING**

- A. Employment-At-Will: It is the policy of Crawford County that all employees who do not have a separate, individual employment contract with Crawford County for a specific, fixed term of employment, are employed at the will of Crawford County for an indefinite period. Employees may resign from employment with Crawford County at any time, for any reason, with or without notice, and may be terminated at any time, for any reason, with or without notice. No representative of Crawford County is authorized to modify employment-at-will provisions for any employee or enter into any form of agreement to the contrary. Individual employment contracts may be executed and entered into only by approval of the Board of County Commissioners. These provisions shall not be modified by any statements in this Personnel Policy or any other written materials provided to employee or prospective employees.
- B. It is the County's policy and goal to fill vacancies with the most qualified applicants available solely on the basis of merit, qualifications, and departmental conformity in accordance with the County's Equal Opportunity practices. This policy applies to all full and part-time employees.
- C. Recruitment, selection, and placement will be based on the requirements of the department. Department Heads and Elected Officials are expected to comply with

all applicable anti-discrimination laws in their selection process. It is the policy of the County to provide equal employment opportunity without discrimination based on race, color, religion, gender, age, gender orientation, national origin, ancestry, disability, veteran status, marital status, genetics, or any other unlawful reason.

- D. All applicants must complete an application form authorized by the Department Head or Elected Official. Current County employees may submit a current resume which can meet the requirements of the posted position. The Fiscal Office can be a support to the Department head or Elected Official in accepting applications, review of them, and interview prospective applicants.
1. All job openings can be posted on the County website a minimum of seven days.
  2. All job openings can be advertised in the local newspaper at the discretion of the Department Head or Elected Official.
  3. An e-mail may be sent to all County employees notifying them of any new job openings.
  4. A minimum of two applicants shall be interviewed for each position available.
- E. **Nepotism Clause:** No Department Head or supervisor shall permit or cause to be placed or have under his or her supervision any member of his or her immediate family. The Board of County Commissioners is considered the supervisory authority for all of Road & Bridge and all non-elected Department Heads. For the purposes of this paragraph, immediate family is defined as the following: husband, wife, son, son-in-law, daughter, daughter-in-law, father, father-in-law, mother, mother-in-law, brother, brother-in-law, sister, sister-in-law, grandparents, and grandchildren. The provisions of this paragraph shall not apply to any employees of Crawford County as of the date of adoption of this Personnel Policy.
- F. **MINIMUM QUALIFICATIONS:** With exception to specific job related requirement, to be considered for employment by Crawford County, all applicants must be at least sixteen (16) years of age, have a valid driver's license, and must be a citizen of the United States or have legal authority to work in the United States. Pursuant to the Immigration Reform and Control Act of 1986, an individual may not begin employment with Crawford County unless and until U.S. Department of Justice Form I-9 has been completed. Form I-9 is required to preclude the unlawful hiring of aliens who are not authorized to work in the United States.

G. Once a candidate has been selected for employment with the County a conditional offer of employment will be made subject to successfully completing the following items:

1. A pre-employment drug screen, paid for by the County, shall be required after an offer of employment is made. The test shall be conducted by a provider selected by the County. If the test is negative the offeree will then undergo skills testing. If the test is positive the provider will send off the sample to a lab for a re-test. If the test is hot or cold or otherwise is determined to have been tampered with the test will be deemed positive and the applicant will have failed. Confirmed positive results will cause the County to withdraw the conditional offer of employment.
2. Skills Testing, paid for by the County will be conducted by a provider selected by the County using the Physical Capacity Profile Testing Center. Testing will be tailored to the job description or job title applied for. Crawford County will use the testing results to determine if the applicant is capable of performing the responsibilities of the position that has been offered, with or without reasonable accommodations. This will help Crawford County avoid putting employees in a position where there is the likelihood of injury to themselves or others. If the applicant fails the skills test Department Heads and Elected Officials may authorize a retest and may choose to have the applicant pay for a retest. If a new hire leaves County employment within 90 days of their hire date, the new hire will be required to reimburse the County for the cost of the test.

Information concerning an employee's medical condition and/or history will be maintained in a separate file in the County Counselors Office and will be treated as confidential. This confidential information may be disclosed to: (1) supervisors and managers regarding necessary restrictions on an employee's duties; (2) first aid and safety personnel regarding potential emergency treatment; (3) government officials authorized to receive the information; and (4) any other person or entity that the employee authorizes to receive the information. When testing is used, all applicants for the position shall be required to complete the test.

H. Upon employment, each employee is to be given a copy of a job description (where applicable) for the position the employee is filling and be given a County Personnel Policy Manual. A new employee shall sign a statement to the effect that the employee has received a job description (where applicable) and received a policy manual. This statement is kept in the employee's personnel file.

I. **Interdepartmental Transfers:** If a current Crawford County employee is transferring to a different department, they must allow a minimum of two weeks' notice before making the transition.

### **II-3. Performance Evaluations**

- A. Performance evaluation is an on-going process. Department Heads, Elected Officials and their employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. This allows the parties to discuss the job responsibilities, standards, and performance requirements of the position. Formal performance evaluations are conducted at least annually to provide both the Department Head and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.
- B. Elected officials are encouraged to conduct a performance evaluation of their employees on an annual basis.
  - 1. Use of the standardized county performance evaluation form is encouraged but not required.
  - 2. The elected official shall determine the procedure and frequency of the performance evaluations.
  - 3. Written policies are encouraged to be adopted by the elected official as to the evaluation process and provide it their employees.
  - 4. The elected official shall determine the criteria in evaluating their employees recognizing the special duties and responsibilities are unique to each of their respective departments.
  - 5. The performance evaluations shall be maintained by the elected official or their designee in an appropriate and confidential location and manner.
  - 6. The performance evaluation forms are confidential between the elected official and the employee. Dissemination of the performance evaluation may, at the discretion of the elected official, be provided to the county commissioners.
  - 7. The elected officials are encouraged to discuss with the county commissioners the performance evaluations of their employees' reference merit wage increase and generally how each department is meeting objectives.
- C. All regular full-time and part-time employees of Crawford County will receive a Performance Evaluation on at least an annual basis. If a Department Head determines that an employee's overall performance requires slight or major improvement, the Department Head will place the employee on a special Performance Improvement Plan, of up to 90 days, to reach a satisfactory level. If

the employee's performance is not satisfactory by the deadline, the Performance Improvement Plan may be extended for up to another 90 days. At the end of the Performance Improvement Plan, the employee must have reached a satisfactory level of performance or appropriate employment determination will be recommended by the Department Head to the Board of County Commissioners.

- D. A standardized Performance Evaluation form shall be used by all Department Heads.
- E. Purpose of performance evaluation:
  - 1. To provide a permanent record of the individual's performance during the rating period.
  - 2. To provide an assessment of training needs.
  - 3. To serve as the basis for awarding or denying a wage increase and/or other personnel actions (such as terminations, promotions, or demotions).
- F. The evaluation process requires three steps:
  - 1. **Explanation of the Process:** During this step, the evaluator will explain the evaluation process to the employee, provide a copy of a current, up-to-date job description, and schedule the performance counseling with the employee.
  - 2. **Performance Counseling:** The performance counseling step will help the employee to identify major areas of strengths, needs, agreement, disagreement, confusion, or misinformation. The evaluator and the employee will discuss overall accountability, major job responsibilities, and the employee's job description. It is the Department Head's responsibility to make certain the job description is accurate, complete, and that the up-to-date job description has been provided to Human Resources for filing.
  - 3. **Final Assessment:** During the final assessment the evaluator will finalize the evaluation form, including comments, and will discuss the employee's ratings on each category. Justification of the ratings and recommendations for improvement will also be discussed. Both employee and evaluator(s) shall sign and date the review form(s). Written comments shall be provided on all evaluations.
- G. No annual wage increase will be processed until a Performance Evaluation has been completed. If the Performance Evaluation form and the process are not finalized on or before December 1<sup>st</sup>, the Department Head responsible for

completing the evaluation form shall not receive a wage increase for the forthcoming year.

- H. After six (6) months of employment, the Department Head will review the performance of new employees. This will be done by using the Performance Evaluation form. An end of year Performance Evaluation will also be required if more than 6 months transpire after the initial six month review has taken place.
- I. Department Heads under the Board of County Commissioner's supervision will receive a performance evaluation on at least an annual basis by the BOCC.
- J. Elected Officials will be given the opportunity to provide goals and accomplishments to the Board of County Commissioners each year.
- K. Other forms of Performance Evaluations may be submitted to the BOCC for approval.

### **ARTICLE III** **ATTENDANCE AND LEAVES**

#### **III-1. HOLIDAYS**

- A. The following days will be holidays for all County employees:
  - New Year's Day, January 1
  - Martin Luther King's Birthday, 3rd Monday in January
  - Washington's Birthday, 3rd Monday in February
  - Memorial Day, last Monday in May
  - Independence Day, July 4
  - Columbus Day, 2nd Monday in October
  - Labor Day, 1st Monday in September
  - Veteran's Day, November 11
  - Thanksgiving Day, 4th Thursday in November
  - Christmas Day, December 25
- B. When any of the aforesaid Holidays will fall on a Thursday, the following Friday will **AT THE DISCRETION OF THE BOARD OF CRAWFORD COUNTY COMMISSION BE ALLOWED OR DISALLOWED AS A HOLIDAY**. From time to time, on special occasions, the governing body designates other days as special holidays.
  - 1. When any regular holiday falls on a Saturday or Sunday, the preceding Friday or following Monday will be declared a holiday.
  - 2. Employees required to work on an observed holiday will be compensated with a day and one-half pay in addition to their regular salary for the day.

Said employee will not receive additional holiday compensation for this day.

3. To be eligible to receive pay for an observed holiday an employee must not have been absent without leave either on the workday before or after the holiday.

### **III-2. VACATION**

A. Vacation leave will be earned and accrued from the most recent day of employment under the conditions hereinafter stated, but no vacation leave will be granted until an employee has served six months of employment. No employee will be permitted to use vacation time for any period spent on unauthorized leave or participating in any unlawful work stoppage.

1. FULL TIME EMPLOYEES: Each full time employee will earn vacation days according to the following schedule:

<u>YEARS OF CONSECUTIVE EMPLOYMENT</u>	<u>DAYS EARNED PER MONTH</u>
0 to 10 years	1 day per month
11 to 15 years	1 1/4 days per month
16 to End of Employment	1 1/2 days per month

2. PART TIME EMPLOYEES: Part-time Employees will not be entitled to compensation for leave. Part-time employees can take uncompensated leave at the discretion of their department head.

3. HOLIDAY DURING VACATION: Paid holidays which occur during a vacation leave are not counted as a day of vacation.

4. ACCUMULATION: Any employee with one (1) to ten (10) years of service will accumulate no more than twenty-four (24) days of vacation leave. Employees with eleven (11) or more years will accumulate up to thirty (30) days of vacation leave. ANY VACATION LEAVE ACCUMULATED IN EXCESS OF THE ALLOWED DAYS WILL BE DEEMED FORFEITED BY THE EMPLOYEE AND THERE WILL BE NO COMPENSATION MADE FOR THE SAME. ALL VACATION LEAVE WILL BE TAKEN IN HALF DAY AND/OR FULL DAY INCREMENTS.

<u>YEARS OF CONSECUTIVE EMPLOYMENT</u>	<u>ACCUMULATION DAYS</u>
1 to 10 years	24 days maximum
11 to end of employment	30 days maximum

5. ELECTED OFFICIALS: No publicly elected official will accumulate vacation leave.

6. TERMINATION: Upon termination an employee will be compensated for all accumulated unused vacation leave. In case of death, compensation will be paid to the surviving spouse or the employee's estate.

### **III-3. SICK LEAVE**

- A. Amount of Sick Leave: Full-time employees will earn one (1) working day of sick leave for each full month of service. Part time employees do not earn sick leave.
- B. Accumulation of Sick Leave: Full-time employees will accrue no more than one hundred forty (140) days of sick leave.
- C. Doctor's Certificate: For sick leave requiring the employee's absence for three (3) consecutive work days or longer, a doctor's certificate verifying the employee's inability to perform his assigned duties because of such illness **WILL BE REQUIRED BY THE DEPARTMENT HEAD.**
- D. Eligibility: To be eligible for paid sick leave an employee will notify his/her immediate supervisor of the reason for his/her absence no later than one hour after the beginning of the work day for which sick leave is taken. Notification must be provided each day an employee uses sick leave.
- E. Abuse of Sick Leave: An employee who improperly claims sick leave will be subject to disciplinary action, including loss of pay or dismissal.
- F. Elected Officials: No publicly elected official will accumulate sick leave.
- G. Immediate Family: An employee may use up to ten (10) days of accumulated sick leave per calendar year for spousal, child, or parental injury or illness which requires the absence of the employee. Permission to use additional sick days as family sick days must come from the employee's Department Head/Elected Official with notice to the County Counselor. Doctor certifications for said leave **WILL BE REQUIRED AS SET FORTH IN SECTION III-3(c) above.**
- H. Sick Leave Payout: An employee in good standing who voluntarily leaves Crawford County employment will be compensated for accumulated sick leave at a rate of 50% of accumulated days up to a maximum of 70 paid days. An employee in good standing is one who is not terminated by the County, gives two weeks written notice of intent to leave Crawford County employment and uses no leave during that two week period without prior Departmental approval.
- I. Transfer: An employee who transfers to another County department will not be paid out accumulated sick leave at the time of transfer. The employee will retain whatever sick days have been accumulated.

### III-4 SICK LEAVE POOL

- A. Purpose: The sick leave pool (Pool) operates to provide a continuing income for County employees who are faced with a major illness or accident and have used all of their sick leave and vacation leave. The Pool is not designed for brief absences after sick leave is used up.
- B. Membership: All full-time County personnel may join the sick leave pool upon meeting the following requirements: (membership is voluntary)
- (1) Members must donate two (2) days of sick leave per year, until such time that the Pool reaches 400 days.
  - (2) Members must agree to donate additional days of sick leave to the Pool if needed.
  - (3) Members will forfeit all rights to days that have been donated; those days will belong exclusively to the Pool.
  - (4) Any new employee will be eligible to join after accumulating ten days of sick leave or at any time during their first year of employment. (must donate two days of sick leave).
  - (5) Any employee who has not joined the pool or whose membership has terminated for whatever reason, may enter/reenter the Pool during the one month open enrollment period which is from January 1 to January 31 each year. No employee will be allowed to enter the pool after the open enrollment period expires except if they are a new employee and meet the requirements set forth in section E above.
  - (6) All employees desiring membership will be required to sign a form stating they wish to join the Pool. Withdrawal from the Pool will require a 30 day notice in writing filed with the Fiscal Clerk.
  - (7) Members will abide by the decision of the County Sick Leave Pool Board, whose decision will be final.
- C. Sick Leave Pool Board: The sick leave pool board shall consist of three persons selected by the Board of County Commissioners. The Board is responsible for reviewing the applications for withdrawal of sick leave pool days, determining the completion and credibility of the applications, making any additional requirements upon the employee, and finally determining the number of sick pool days, if any, that will be granted the employee. The Board has the sole discretion to award any, all, or none of the days eligible to be drawn from the Pool.  
**Membership in the Pool does not automatically guarantee the right to draw**

**days.** It is the responsibility of the Board to make sure that the Pool is not abused.

- D. Donation of Days: After the year in which 400 or more days are accumulated, donations to the Pool will cease (except for the required donation by new members entering or reentering the Pool). The Board will inform members when additional days need to be donated to the Pool.
- E. Eligibility: All personnel who have contributed to the Pool are eligible to apply for days after having used all of their sick leave and vacation leave. Employees must have a major illness or injury which requires continuing doctor care. Normal pregnancy will not be covered.
- F. Procedure to use the Pool:
  - (1) Members shall submit a written letter to the Board requesting withdrawal of days with the following information: name, letter from their doctor specifying the nature of their illness (all medical information will be held in strict confidence), and the earliest date the doctor plans to release them to return to work.
  - (2) When the request is received, a meeting of the committee will be called within five working days of the receipt of the request.
  - (3) No requests will be accepted for less than one work day.
  - (4) The Board may require additional information from the requesting employee during the employee's use of the Pool. Failure to provide the additional information may result in denial of additional days.
  - (5) The Pool may not be used to cover employees who are receiving pay from worker's compensation.
  - (6) The maximum request an employee can make is for thirty (30) days. Additional days can be approved by the Board at its discretion. The employee must follow the request procedure in Section A to be eligible to receive additional days.

### **III-5. FUNERAL LEAVE**

- A. An employee may be granted (3) working days of funeral leave per occurrence for death of immediate family member, such as the spouse, child, grandchild, mother, father, brother, sister, grandparents or immediate family by marriage of the employee. A maximum of two occurrences per year up to 6 days total is allowed. In case of the death of an aunt, uncle or first cousin or to serve as a pallbearer, the employee may be granted one (1) day of funeral leave per calendar year with pay. Any additional time needed will be deducted from vacation time or time off

without pay.

### **III-6. Injury Leave**

- A. Any employee injured on the job will be eligible to receive injury leave with pay during the 7-day waiting period for workmen's compensation claims. Employee's returning to work after an injury must have a release from their doctor and complete a Physical Capacity Profile screening.

### **III-7. Maternity Leave**

- A. An employee who becomes pregnant will be granted maternity leave without pay as provided in the Family and Medical Leave Policy attached hereto, provided however, the employee may elect to utilize any accrued sick leave or vacation leave, if, and to the extent, such leave is available. All privileges and benefits will apply in the case of maternity leave without pay as with any other employee on sick or other leave without pay status. An employee normally will be expected to return to work within twelve (12) weeks following termination of the pregnancy. When complications develop, the employee will be expected to return to work as soon as permitted by a signed release from the employee's physician.

### **III-8. Military Leave**

- A. Any employee who is a member of any reserve component of the United States Armed Forces or the National Guard will be granted military leave for a short tour of active duty of field training encampment without pay.

### **III-9. Civil Leave**

- A. Civil Leave with Pay: An employee will be given necessary time off without loss of pay when performing jury duty, appearing in court as a witness in answer to a subpoena, in all official capacity in connection with the County or as expert witness either because of professional or observed knowledge, performing emergency civilian duty in connection with national defense, and for the purpose of voting when polls are not open at least two hours before or after the employee's scheduled hours of work.
- B. Civil Leave Without Pay: If an employee is involved in court in a suit not resulting from his duties with the County, he may be granted leave without pay unless the employee elects to utilize any available vacation leave.

### **III-10. Other Leave**

- A. Meetings, Seminars: Any employee may be granted leave with pay to attend meetings, seminars and conventions of professional and technical organizations when such attendance is properly authorized by the County Commissioners.
- B. Leave of Absence: An employee, upon written request, and with the approval of his/her Department Head, may be granted a leave of absence without pay for a period of one year subject to prior approval by the County Commissioners.

## **ARTICLE IV** **FAMILY AND MEDICAL LEAVE POLICY**

### **IV-1. PURPOSE**

- A. To outline the conditions under which an employee may request time off without pay for a limited period with job protection and no loss of accumulated service provided the employee returns to work. This policy is a brief summary of federal regulations enforcing the Family and Medical Leave Act of 1993 (FMLA), and nothing in this policy is intended to be inconsistent with the regulations.

### **IV-2. DEFINITIONS**

- A. A family leave of absence will be defined as an approved absence available to eligible employees for up to twelve (12) weeks of unpaid leave per year under particular circumstances that are critical to the life of a family. Leave may be taken upon the birth of the employee's child; upon the placement of a child with the employee for adoption or foster care; when the employee is needed to care for a child, spouse, or parent who has a serious health condition; when the employee is unable to perform the functions of his or her position because of a serious health condition; or for any qualifying exigency arising out of the fact that a spouse, child or parent is a military member on covered active duty or call to covered active duty status.

An eligible employee may also take up to 26 workweeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness when the employee is the spouse, child, parent or next of kin of the service member. An eligible employee is limited to a combined total of 26 workweeks of leave for any FMLA-qualifying reasons during the single 12-month period.

Benefits: All benefits provided or made available to employees by Crawford County, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions.

Care for: Includes both physical and psychological care and applies to periods of inpatient care as well as home care.

Covered Active Duty: (a) For members of the Regular Armed Forces, covered active duty is duty during the deployment of the member with the Armed Forces to a foreign country; (b) For members of the reserve components of the Armed Forces (members of the U. S. National Guard and Reserves) covered active duty is duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in support of a contingency operation.

Covered Servicemember: A covered servicemember means a current member of the Armed Forces, including a member of the U.S. National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disabled list, for a serious injury or illness; OR a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness, and who was discharged within the previous five years before the employee takes military caregiver leave to take care of the veteran.

Department head: Includes elected and non-elected management personnel.

Equivalent position: An equivalent position must have the same pay, benefits and working conditions, including privileges, prerequisites and status. It must involve the same or substantially similar duties and responsibilities, which must entail substantially equivalent skill, effort, responsibility, and authority.

Health care provider: A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices, or any other person determined by the Secretary of Labor to be capable of providing health care services.

Intermittent or reduced leave schedule: Intermittent leave would be a few hours off, or a day or a week off at intervals as the employee's needs require. A reduced leave schedule reduces the usual number of hours per work week or hours per workday of an employee.

Parent: The biological parent of an employee or an individual who stood in loco parent is to an employee when the employee was a son or daughter.

Salaried (Key) employee: An employee who is salaried (as defined by FLSA regulations) and is among the highest paid 10% of the employees employed within 75 miles of his or her work site.

Serious health condition: An illness, injury, impairment, or physical or mental condition that involves:

A) inpatient care in a hospital, hospice, or residential medical care facility; or

B) continuing treatment by a health care provider.

Son or daughter: A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is:

A) under 18 years of age; or

B) 18 years of age or older and incapable of self-care because of a mental or physical disability.

Spouse: A husband or wife.

Substantial or grievous economic injury: In order to deny restoration to a key employee, an employer must determine that the restoration of the employee to employment will cause "substantial and grievous economic injury" to the operations of the employer, not whether the absence of the employee will cause such substantial and grievous injury.

Qualifying Exigency: An eligible employee with a family member on covered active duty may take FMLA leave for the following qualifying exigencies:

A) issues arising from the military member's short notice deployment;

B) to make or update financial and legal arrangements to address a military member's absence;

C) to attend counseling for the employee, the military member, or a child of the military member when the need for that counseling arises from the covered active duty or call to covered active duty status of the military member and the counseling is provided by someone other than a health care provider;

D) to attend military events and related activities, including official military ceremonies and programs or informational briefings related to the military member's covered active duty sponsored or promoted by the military or military service organizations;

E) to spend up to 15 calendar days with a military member who is on rest and recuperation leave;

F) certain childcare and related activities for the military member's child while the military member is on covered active duty.

G) to attend post-deployment activities within 90 days of the end of the military member's covered active duty or to attend to issues arising from the death of a military member while on covered active duty;

H) certain parental care activities for the military member's parent who is incapable of self-care; and

I) any other event that the employee and employer agree is a qualifying exigency.

### **IV-3. SCOPE of qualifying leaves**

A. The provisions of this policy will apply to all family leaves of absence except to the extent that such leaves are covered under other paid employment benefit plans or policies for any part of the twelve (12) weeks of leave to which the employee may be entitled under this policy.

#### **IV-4. ELIGIBILITY**

- A. To be eligible for leave under this policy an employee must have been employed for at least twelve (12) months in total, and must have worked at least 1,250 hours during the twelve month period preceding the commencement of the leave.
  - 1. Exceptions: Restoration of a salaried (key) employee, who is among the highest paid 10% of the County employees within seventy-five (75) miles of the work site, may be denied if:
    - A. denial is necessary to prevent substantial economic injury to the County's operation.
    - B. the County notifies the employee of its intent to deny restoration at the time that the County decides substantial economic injury would occur; and
    - C. when leave has already started, the employee chooses not to return to employment after receiving notification of the County's intent to deny restoration.

#### **IV-5. CONDITIONS OF LEAVE**

- A. Crawford County will require medical certification to support a leave claim for an employee's own serious health condition or to care for a seriously ill child, spouse or parent.
  - 1. For the employee's own medical leave, the certification must include a statement that the employee is unable to perform the functions of his or her position.
  - 2. For leave to care for a seriously ill child, spouse or parent, the certification must include an estimate of the amount of time the employee is needed to provide care.
  - 3. In its discretion, the County may require a second medical opinion and periodic re-certification at its own expense which may require the binding opinion of a third health care provider, approved jointly by the County and the employee.
- B. In cases of a serious health condition affecting an employee or his/her family member, the employee must make a reasonable effort to schedule any necessary treatment (subject to the approval of the appropriate health care provider) so as not to unduly disrupt the County's business operations.
- C. If medically necessary for a serious health condition of the employee or his or her

spouse, child or parent, leave may be taken on an intermittent or reduced leave schedule.

1. If leave is requested on this basis, the County may require the employee to transfer temporarily to an alternative position which better accommodates recurring periods of absence or a part-time schedule, provided that the position has equivalent pay and benefits.
- D. Spouses who are both employed by the County are entitled to a total of twelve (12) weeks of leave (rather than twelve weeks each) for the birth or adoption of a child or for the care of a sick parent.

#### **IV-6. NOTIFICATION AND REPORTING REQUIREMENTS**

- A. When the need for leave is foreseeable, such as the birth or adoption of a child, or planned medical treatment, the employee must provide the county at least a 30 day notice prior to the leave date, and make every effort to schedule leave so as not to disrupt County operations.
- B. In cases of illness, the employee (or designee, if employee is physically unable) will be required to report weekly on his/her leave status and intention to return to work to their immediate supervisor or department head.

#### **IV-7. CERTIFICATION FOR QUALIFYING EXIGENCY LEAVE**

When an eligible employee requests qualifying exigency leave, the employer may request the following information and documentation:

- A) A copy of the military member's active duty orders (or other official documentation issued by the military) which indicates the military member is on covered active duty or call to covered active duty status, which need be provided only once per deployment;
- B) A statement or description of the appropriate facts regarding the qualifying exigency;
- C) The approximate date on which the leave began (or will begin), and how long and/or how often leave will be needed; and
- D) The contact information for any meeting with a third party and a brief description of the purpose of the meeting.

#### **IV-8. STATUS OF EMPLOYEE BENEFITS DURING LEAVE OF ABSENCE**

- A. During FMLA leave, Crawford County will maintain the employee's coverage under any group health plan on the same conditions as coverage would have been provided if the employee had been continuously employed during the entire leave

period.

- B. The same health benefits provided to an employee prior to taking FMLA leave will be maintained during the FMLA leave.
- C. An employee on FMLA leave will be entitled to all new or changed plans/benefits.
  - 1. Notice of any opportunity to change plans or benefits must be given to an employee on FMLA leave.
- D. An employee may choose not to retain health coverage during FMLA leave. However, when an employee returns from leave, the employee is entitled to be reinstated on the same terms as prior to taking the leave, without any qualifying period, physical examination, exclusion of preexisting conditions, etc.
- E. Except as required by the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA) and for key employees, the County's obligation to maintain health benefits under FMLA ceases if and when an employee informs his/her supervisor of his/her intent not to return from leave, or the employee fails to return from leave and thereby terminates employment, or the employee exhausts his or her FMLA leave entitlement.
  - 1. Upon requesting FMLA leave, an employee will be notified by the county personnel department of his/her status as a key employee.
  - 2. If a key employee takes leave when notified that substantial or grievous economic injury will result from his or her reinstatement, the employee's entitlement to group health benefits continues unless and until the employee advises the County that he or she does not desire restoration to employment at the end of the leave period.
- F. In the event that an employee elects not to return to work upon completion of an approved unpaid leave of absence, the County may recover from the employee the cost of any payments made to maintain the employee's coverage, unless the failure to return to work was for reasons beyond the employee's control.
  - 1. Benefit entitlements based upon length of service will be calculated as of the last paid work day prior to the start of the unpaid leave of absence.

#### **IV-9. RE-EMPLOYMENT/RESTORATION**

- A. After approved FMLA leave and after fulfilling the employee obligations contained in this policy, an employee will be restored to the position he/she held when the leave began, or to an equivalent position, with equivalent employment

benefits, pay and other terms and conditions of employment.

#### **IV-10. PROCEDURES**

- A. Any employee applying for family or medical leave of absence must complete a Crawford County Leave Request Form (see Attachment A). This form must:
  - 1. be completed in detail (including sufficient medical certification);
  - 2. be signed by the employee;
  - 3. be submitted to the appropriate supervisor or department head for approval; and
  - 4. be forwarded to the personnel department.
- B. When the need for medical leave is foreseeable, the request for medical leave form must be submitted no less than thirty (30) calendar days in advance of the effective date of leave.
- C. When an employee is subject to an illness or injury which prohibits his/her ability to complete a request for medical leave and meets the conditions for such leave, the employee's family member or designee may contact the employee's supervisor or department head to complete a Crawford County Leave Request Form (including sufficient medical certification), and return it to the supervisor or department head for approval, and forwarding to the personnel department.
- D. All requests for family and medical leaves of absence will include sufficient medical certification stating:
  - 1. the date on which the serious health condition commenced;
  - 2. the probable duration of the condition; and
  - 3. the appropriate medical facts within the knowledge of the health care provider regarding the condition.
- E. For purposes of leave to care for a child, spouse, or parents, the medical certificate must give an estimate of the amount of time that the employee is needed to provide such care.
- F. For purposes of leave for an employee's illness, the medical certificate must state that the employee is unable to perform the functions of his/her position.
- G. In the case of medical certification for intermittent leave or leave on a reduced leave schedule for planned medical treatment, the dates on such treatment is

expected to be given and the duration of such treatment must be stated.

- H. For purposes of the birth or placement of a child, no medical certification is required to support a leave request.

#### **IV-11. LABOR AGREEMENTS**

- A. All provisions of this policy will prevail except as modified by an applicable labor agreement which provides greater family or medical leave rights.

### **ARTICLE V** **RETIREMENT PLAN AND INSURANCE**

#### **V-1. Retirement**

- A. All eligible employees of the County will be members of the Kansas Public Employees Retirement System and will be subject to all laws and supplemental regulations governing such membership.

#### **V-2a. Health Insurance**

- A. All full time, permanent County employees will be entitled to the County's Health coverage with the following provisions:
  - 1. All full time employees are entitled to family, employee/spouse, employee/children, single or dental memberships at the discretion of the Board of County Commissioners.
  - 2. The effective date of such policy will be the first day of the month following a thirty day wait period.
  - 3. All employees wishing to participate in the County Health Insurance Program must fill out an enrollment form and file it with the Fiscal Clerk's Office

#### **V-2b. HEALTH INSURANCE PROVIDER**

- A. All former and current County employees and elected officials will be eligible to participate as members of the Crawford County group policy from the County's current health insurance provider subject to the following:
  - 1. Any person disallowed to participate in the group policy by the County's current health insurance provider will have no claim against Crawford County. All decisions made by the current health insurance provider will be binding on Crawford County.

2. All non-current employees participating in the group policy will be responsible for full payment of the policy premium on the due date of the premium. No premium costs of non-current employees will be paid by Crawford County.
  - a. Non-current participating employees must have been:
    - (1) employed by the County at least five years prior to retirement from the County if employed by the County at the date of retirement;
    - (2) employed at least ten years cumulatively by Crawford County and continued to participate in the group plan since leaving Crawford County employment; or
    - (3) an elected Crawford County official.
3. All non-current employees as participating group members will agree to abide by any and all additions and/or deletions to group coverage as determined by the Board of Crawford County Commissioners or by the County's current health insurance provider.
4. Any and all refunds or premiums returned to the County by the County's current health insurance provider for good participation rating will belong entirely to the County to be used at the discretion of the Board of County Commissioners with no person have any right or claim to any portion of said refund or return.
5. Any person who fails to pay the premium prior to the due date to the Administrator of the County's current health insurance program for the County will be canceled and disallowed to participate any longer in the County's group policy unless prior arrangements have been made and agreed to by the County Administrator of the program. All persons who fail to pay and are dropped from the program must make arrangements through the current health insurance provider for reinstatement. All participating persons will be responsible to ascertain the due date for payment to the County and no notice will be provided by the County.
6. This policy will not eliminate any former employees already participating in the group medical policy prior to May 15, 1984, even if said employees do not meet the employment requirements now adopted.

**ARTICLE VI**  
**EMPLOYEE SUSPENSION OR TERMINATION POLICY AND PROCEDURES**

**This Article does not apply to Elected Officials or their employees.**

The following will serve as the procedure for suspending or terminating any County employee:

1. Any action to suspend or terminate any County employee will be initiated by the Department Head of the employee's department.
2. Any action suspending or terminating any employee will be in writing, signed by the respective Department Head stating the specific reasons for the action, specifically alleging any applicable dates and times, if applicable, and the date when said termination or suspension will be effective.
3. Said notice will further advise the employee that said employee has a right to appeal the suspension or termination by filing a written Notice of Appeal and Request for Hearing with the County Clerk of Crawford County, Kansas, within ten (10) days from the date of receipt of written Notice of Suspension or Termination.
4. Any suspension or termination will be effective as of the effective date as set forth in Paragraph 2 above, even if the employee files Notice of Appeal and Request for Hearing prior to the effective date of said suspension or termination, subject to the provisions of Paragraph 9.
5. At the next regularly scheduled meeting of the Board of Crawford County Commissioners after receipt of Notice of Appeal by the County Clerk, the Board of County Commissioners will review the Notice of Appeal in executive session and if the Board determines that said Appeal does not allege on its face that said employee was deprived of liberty or property interest or that a false or stigmatizing charge was made public regarding the employee's termination or suspension, then the Board will have the right to deny the appeal. Said denial will constitute an appealable decision pursuant to the provisions of K.S.A. 19-223.
6. If, after receiving the Notice of Appeal, the Board determines that the employee is entitled to an appeal, the Board will then appoint an impartial third party as the Hearing Examiner for said appeal. Said Hearing Examiner will make Findings of Fact and Find whether the facts justify the action of the employer. Said Hearing Examiner will be responsible for setting the hearing and will ensure that a written Notice of Hearing is given to the employee.
7. After the conclusion of the Appeal Hearing, the Hearing Examiner will report Findings of Fact and find whether the facts justify the action taken by the Employer and the Board will adopt the same as their own or make

its own Findings of Fact and find whether the facts justify the action taken by the Employer.

8. After action by the Board of County Commissioners, the employee has the right of appeal to Crawford County District Court, pursuant to K.S.A. 19-223.

9a. Wrongful Termination of Employee:

a. In the event that subsequent to the Appeal Hearing the Board finds the employee was wrongfully terminated, said employee will be compensated at his/her regular rate of pay, plus any salary increases the employee would have received in the forty days immediately following said termination date for the period of time since the date of termination date through the date of reinstatement.

b. In the event the Appeal Hearing was not commenced within thirty (30) working days from the date the Board was advised of the Notice of Appeal, said delay was caused by the employer, and the Board finds the employee was wrongfully terminated, the employee will be compensated at a rate of one and one-half times the employee's regular rate of pay, plus any salary increases he/she would have received in the thirty (30) days immediately following said termination date for a period of not to exceed thirty (30) days. For the period of time the employee remains suspended beyond thirty (30) days the continued compensation will be as specified in Section (a) herein.

9b. Suspension of Employee:

a. If the Appeal Hearing finds that an employee was wrongfully suspended, the employee will be compensated at a rate one and one-half times the employee's regular rate of pay for the day or days which said employee was actually suspended. If the Employee does not actually lose any days of work (e.g. the suspension was delayed until the appeal was resolved) the employee will only be compensated at a regular rate of pay and will not receive any additional compensation.

b. GUIDELINES FOR HEARING:

- (1) Each party will have the right to call witnesses and compel appearance by subpoena.
- (2) Each party will have the opportunity to cross examine all witnesses.
- (3) The employee has the right of representation by an attorney at his/her own expense.
- (4) The County Counselor will represent the Department Head

- whose action has been appealed.
- (5) The employee will have the right to notice of charges.
  - (6) There will be additional safeguards as agreed upon by the parties as necessary to fit the situation.
  - (7) The parties will engage in voluntary and complete exchange of witnesses, proposed testimony and exhibits.
  - (8) A record will be made of the appeal hearing at the cost of the County.

**ARTICLE VII**  
**CRAWFORD COUNTY HARRASSMENT/SEXUAL HARASSMENT POLICIES**

**VII-1. Statement of Harassment Policy**

It is Crawford County policy that all employees have a right to work in an environment free of discrimination, which includes freedom from harassment - whether that harassment is based on sex, age, race, national origin, religion, sexual orientation, marital status, or membership in other protected groups. Crawford County prohibits harassment of its employees in any form by supervisors, co-workers, or others doing business with Crawford County.

Such conduct may result in disciplinary action up to and including dismissal of the employee who harasses others. With respect to non-employees, offending members of the public will be asked to leave and Crawford County will take whatever criminal action is available to remedy the situation.

Harassing conduct in the workplace, whether physical or verbal, committed by supervisors, co-workers or others is prohibited. This includes: slurs, jokes or degrading comments concerning sex, age, race, national origin, religion, sexual orientation, marital status, or membership in other protected groups.

Employees who have complaints of harassment or who observe harassment should report such conduct to their department supervisor. Crawford County will investigate the matter. Where investigations confirm the allegations, corrective action will be taken.

- A. Crawford County will investigate all sexual harassment complaints on a timely basis and will reach a conclusion with respect to the information gathered.
  1. The conclusion reached will include any disciplinary actions to be taken against the alleged perpetrator and remedies for the complainant.
  2. If appropriate, a progressive discipline policy will be used. Progressive discipline will include:
    - Step 1: Verbal reprimand with written documentation of discussion;

- Step 2: If repeated, a written reprimand; and
- Step 3: Recommendation for disciplinary action.

- 3. The investigation, along with the conclusion reached, will be documented and retained in a confidential file by the designated EEO Officer.
  - a. No documentation will be included in the alleged perpetrator's personnel file unless disciplinary action is taken.

## **VII-2. Statement of Sexual Harassment Policy**

Crawford County prohibits sexual harassment of its employees in any form in the workplace and in other employment related activities and will take appropriate action, up to and including dismissal to ensure that the work environment is free of sexually harassing behavior. Crawford County also forbids retaliation against any employee who exercises the right to report sexual harassment. Sexual harassment negatively affects morale, motivation and job performance. It results in increased absenteeism, turnover, inefficiency and loss of productivity. It is inappropriate, offensive and illegal.

### **A. Definition of Sexual Harassment**

- I. Sexual harassment is a form of sex discrimination and is an "unlawful employment practice" under Title VII of the 1964 Civil Rights Act. Sexual harassment, as defined by law, pertains to unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature.
  - a. Sexual harassment may occur in different forms including:
    - 1. written contact, such as sexually suggestive or obscene letters, notes and invitations;
    - 2. verbal contact, such as sexually suggestive or obscene comments, threats, slurs, expressions, jokes about gender-specific traits and unwelcome sexual propositions;
    - 3. physical contact, such as intentional touching, pinching, brushing against another's body, impeding or blocking movement, assault, coercing sexual intercourse; and
    - 4. visual contact, such as leering or staring at another's body, gesturing, displaying sexually suggestive objects or pictures, cartoons, posters or magazines.
  - b. Any of these forms of behavior constitute sexual harassment 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 an employment decision affecting the individual; or
3. such conduct has the purpose or effect of interfering with an individual's work performance, or creating an intimidating, hostile, or offensive work environment.

**B. Guidelines**

1. Prohibited behaviors that will be construed as sexual harassment include, but are not limited to:
  - a. the continued or repeated verbal abuse of a sexual nature, including graphic commentaries about an individual's body, sexually suggestive objects or pictures in the workplace, sexually degrading words used to describe the individual, or propositions of a sexual nature;
  - b. the threat or insinuation that lack of sexual submission will adversely affect the individual's employment, wages, advancement, assigned duties or shifts, or other conditions that affect the individual's livelihood;
  - c. jokes, graffiti, and/or display in the workplace of sexually suggestive calendars, and posters which contribute to a hostile or offensive work environment; and
  - d. sexual conduct which indirectly affects the terms, conditions and opportunities of employment of another individual or creates a hostile work environment.

**C. Sexual Orientation**

1. Crawford County has adopted the policy that an individual's sexual orientation is not a criterion either for becoming an employee or remaining an employee of the agency. Discrimination on the basis of sexual orientation is prohibited.
  - a. Performance evaluation and promotion status are based upon demonstrable job performance and behavior.

- b. An individual's sexual orientation is strictly personal and information about this matter will not be sought by agency personnel.

**D. County and Employee Liability**

- 1. Crawford County is liable for sexual harassment in the workplace and in other employment related activities when the County, its supervisory employees, or its agents knew or should have known of the specific behavior, and failed to take immediate and appropriate corrective action.

**E. Filing a Sexual Harassment Complaint**

- 1. All employees are encouraged to promptly report incidents of sexual harassment to their immediate supervisor or to the designated Crawford County EEO Officer.
  - a. The incident must be reported within one hundred eighty (180) days of the occurrence.
  - b. Necessary investigation will be undertaken and all complaints will be handled in a confidential manner.
  - c. If violation of this policy is confirmed, corrective action will be taken.
- 2. Crawford County will investigate all sexual harassment complaints on a timely basis and will reach a conclusion with respect to the information gathered.
  - a. The conclusion reached will include any disciplinary actions to be taken against the alleged perpetrator and remedies for the complainant.
  - b. If appropriate, a progressive discipline policy will be used. Progressive discipline will include:
    - Step 1: Verbal reprimand with written documentation of discussion;
    - Step 2: If repeated, a written reprimand; and
    - Step 3: Recommendation for disciplinary action.
  - c. The investigation, along with the conclusion reached, will be documented and retained in a confidential file by the designated

EEO Officer.

1. No documentation will be included in the alleged perpetrator's personnel file unless disciplinary action is taken.

**F. Investigation of Sexual Harassment**

1. Crawford County is obligated to investigate and eliminate problems of sexual harassment precipitated by supervisors, co-workers, and others doing business with Crawford County.
2. If an investigation concludes that there has been sexual harassment in the workplace, the complainant may be entitled to retroactive pay, reinstatement, transfer, or other appropriate remedies.
  - a. Crawford County's liability in a sexual harassment complaint may include both punitive damages and actual damages.
3. If a department employee, supervisor or agent violates this policy and a sexual harassment charge results, they may be financially responsible for damages awarded.

**G. Employer Responsibilities**

1. The EEO Officer or his/her designee will be responsible for communicating this policy to all employees, supervisors, or its agents by providing copies for posting on official bulletin boards and by distributing copies to all Crawford County Departments and Offices.
2. The EEO Officer or his/her designee will also be responsible for coordinating or providing training and counseling to employees regarding sexual harassment issues.
3. All Crawford County supervisors and managers will be responsible for ensuring that sexual harassment under their supervision does not occur.
4. Supervisors and managers will counsel employees regarding behaviors which may be construed as sexual harassment, and will advise employees with complaints of sexual harassment regarding the proper procedures to follow.

**ARTICLE VIII**  
**CRAWFORD COUNTY DRUG-FREE WORKPLACE POLICY**

In order to promote a safe and healthy public work environment, Crawford County strives to actively maintain a drug-free workplace. Crawford County has adopted the following policies to ensure the highest level of public and employee safety and health.

**VIII-1. Activities Involving Illegal Substances**

- A. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the workplace.
  - 1. Employees will abide by the terms of the above statement and will notify the employer of any criminal drug statute conviction for a violation occurring at the work place no later than five (5) days after such conviction.
  - 2. Violation of this policy will result in dismissal.

**VIII-2. Drug and Alcohol Testing**

- A. It is the intent of this agency to administer drug and alcohol testing as a condition of employment and whenever there is reasonable cause to suspect drug or alcohol use by an employee during working hours. (Specific drug and alcohol testing policies and procedures follow this section).
  - 1. This and other policies pertaining to drug use that may affect job performance will include the use of the following drug categories:
    - a. marijuana,
    - b. cocaine,
    - c. opiates,
    - d. phenylcyclidine (PCP), and
    - e. amphetamines.
- B. Even though alcohol is not deemed an illegal substance, it is not in the public's or the County's best interests if an employee possesses alcohol or has a significant amount of alcohol in his system during the hours of employment. Consequently, alcohol is included in the drug testing program.
- C. Each employee performing a safety sensitive function will read and understand the entire Drug and Alcohol-Free Workplace and Drug and Alcohol Testing Policies. Attached are the Applicant and Employee Flow Charts for Drug and Alcohol Testing.

**ARTICLE IX**  
**CRAWFORD COUNTY DRUG AND ALCOHOL TESTING POLICY**

Crawford County recognizes that the abuse of drugs and alcohol in today's society is a very serious problem which has also found its way into the workplace. Crawford County also recognizes the significant threat that a drug-impaired employee working in the transportation industry can pose to the safety of the worker, co-workers and the general public. In order to address the safety threat presented by the problem of drug and alcohol abuse in the transportation industry, the Department of Transportation and the Federal Highway Administration have established extensive regulations requiring drug testing under certain circumstances. In light of the above, Crawford County has adopted this Drug And Alcohol Testing Policy to specify the circumstances under which drug and alcohol testing may be required, the procedures for conducting such testing and the methods and procedures for complying with the requirements of the regulations.

Additionally, Crawford County's Drug And Alcohol Testing Policy is incorporated in the overall Drug-Free Workplace Policy. It is designed to create a drug-free transportation industry and to provide help to those employees who may suffer from problems with substance abuse. These policies have been developed in compliance with existing federal regulations in a manner which ensures accurate and reliable test results and thereby contains procedures designed to recognize and respect the dignity and privacy of all of our employees. More importantly, Crawford County recognizes that its employees are its most valuable resource. Crawford County will strive to assist any employee who feels that he or she may have a problem with substance abuse.

**IX-1. Drug And Alcohol Testing Policy:** The use, possession, sale or distribution of illegal drugs or drug paraphernalia, or the improper or abusive use of legal drugs, alcohol or other intoxicating substances while on County property or other work locations and/or during work hours is strictly prohibited.

- A. The above provision is applicable to all Crawford County employees.
- B. The County will utilize all reasonable measures to maintain a drug-free workplace for its employees, customers, and the general public.
- C. Cooperation and compliance with Crawford County's Drug and Alcohol Testing Policy (as with all other County policies and procedures) is a condition of continued employment for all employees involved in safety sensitive positions.
- D. The Crawford County Drug and Alcohol Testing Policy is in compliance with:
  - 1. the Federal Drug Free Workplace Act of 1988,
  - 2. the Federal Motor Carrier Safety Regulations (49 CFR Part 391)
  - 3. Federal Highway Administration (FHA) Part 382, and

4. the Motor Carrier Regulations of the Transportation Division of the Kansas State Corporation Commission (82-4-3).
- E. All collection and testing procedures will specifically follow the regulations set forth in 49 CFR Part 40 for drugs and alcohol.
- F. For the purpose of assuring compliance with the above, both existing employees in safety sensitive positions and applicants for safety sensitive positions will be subject to random drug and alcohol screening.

**IX-2. Safety Sensitive Activities**

- A. The Board of Crawford County Commissioners has determined that persons performing the following safety sensitive activities for Crawford County will be subject to random drug and alcohol screening.
  1. Drivers of commercial vehicles:
    - a. with a gross vehicle weight rating of 26,001 pounds or more or combination vehicles (weighing at least 26,001 pounds); or
    - b. designated to transport 16 or more passengers including the driver; or
    - c. transporting hazardous materials in amounts requiring placarding under the Hazardous Materials Regulations (49 CFR Part 172, Subpart F).
  2. Any driver required to have a commercial driver's license to perform a county related function.
  3. All County Road and Bridge employees, including part-time and seasonal employees except for office personnel located in the Courthouse.
  4. All Emergency Medical Technicians and Mobile Intensive Care Technicians. (covered under EMS policy)
  5. All Sheriff's Department Deputies, Jailors and Dispatchers. (covered under Sheriff's Department policy)
  6. County Maintenance employees.
- B. All Crawford County personnel, contractors, subcontractors and anyone employed by a subcontractor will be subject to drug and alcohol testing if they engage in one the above safety sensitive activities for Crawford County.

**IX-3. Employer Responsibilities**

- A. The Board of Crawford County Commissioners will ensure that this drug testing policy is in compliance with Federal Regulations (49 CFR Parts 40, 382, 391).
- B. The Board of Crawford County Commissioners and its designees are responsible for:
  - 1. the implementation of Crawford County's drug and alcohol testing policy;
  - 2. the observance of employee behavior and performance in relation to reasonable cause drug and alcohol testing; and
  - 3. the record keeping and confidentiality of the drug testing process. (This includes maintaining required records with respect to contractors and subcontractors.)
- C. Failure to comply with this policy by any of those persons performing safety sensitive functions for Crawford County may lead to disciplinary action up to and including termination of employment.

**IX-4. Drug Screening**

- A. Drug screening will be conducted for the following controlled substances:
  - 1. marijuana,
  - 2. cocaine,
  - 3. opiates,
  - 4. phenylcyclidine (PCP), and
  - 5. amphetamines.
- B. All urine specimens collected will be split-samples.
- C. Drug immunoassay screenings will have the following thresholds for positive verification:

1.	Marijuana Metabolite	50 NG/ML
2.	Cocaine Metabolite	150 NG/ML
3.	Opiates	2000 NG/ML
4.	Phenylcyclidine	25 NG/ML
5.	Amphetamines/Methamphetamine	500 NG/ML
- D. When the initial screening is positive (has exceeded the established screening threshold) a second confirmation test (gas chromatography/mass spectrometry) will be completed. GC/MS thresholds for positive confirmation follow:

1.	Marijuana Metabolite	15 NG/ML
2.	Cocaine Metabolite	100 NG/ML
3.	Opiates	2000 NG/ML
4.	Phencyclidine	25 NG/ML
5.	Amphetamines/Methamphetamine	250 NG/ML

**IX-5. Alcohol Testing**

- A. Alcohol testing will be conducted by utilization of an evidential breath testing device (EBT) which meets the requirements established in the "Conforming Products List" published in the Federal Register.
- B. A reading of .04 or greater on the EBT will result in the necessity of a second test occurring within 30 minutes in order to make a determination of positive.
- C. A second EBT test result of .04 or greater will be considered a positive alcohol test and the individual will be sent home immediately without pay. An employee who fails an alcohol test may not return to duty:
  - a. until a Substance Abuse Professional (SAP) associated with the County's EAP program has determined that the employee may safely return to duty; and
  - b. until the employee passes a drug or alcohol test administered by the Specimen Collection Agent (SCA).
- D. An initial EBT reading of .02 to .0399 will result in a second EBT test within twenty minutes. If the second test falls within the same range the individual will be removed from the safety sensitive position until the start of the next regularly scheduled duty period, but no less than 24 hours following the administration of the test.

**IX-6. Specimen Collection Sites**

- A. Collection sites for urine specimen collection will be determined by the Board of Crawford County Commissioners.
- B. Alternate sites may be made available when access is necessary.
- C. Any employee asked to provide a drug specimen when reasonable cause is evident will be transported to one of the collection sites by a person designated by the employee's immediate supervisor.

**IX-7. Laboratory Selection**

- A. Drug testing of the specimen will be provided through contract with an established and accredited laboratory. The contracting laboratory will have completed certification to conduct drug testing by the U. S. Department of Health and Human Services (DHHS) and the Substance Abuse Mental Health Safety Administration.

**IX-8. Personnel Responsible for Collection/Testing**

- A. Drug screening specimens will be collected by an individual(s) who meets the requirements contained in 49 CFR Part 40, Subject C.
- B. Alcohol testing will be conducted by an individual(s) who meets the requirements contained in 49 CFR Part 40, Subject J.
- C. Laboratory results will be reviewed by a Medical Review Officer (MRO) who is a licensed physician with knowledge of substance abuse disorders and appropriate medical training in urine specimen analysis.

**IX-9. Chain-of-Custody (Drug Screening/Testing)**

- A. Strict chain-of-custody practices will be adhered to regarding urine specimen collection, transportation to the laboratory, laboratory analysis, supervisory review and reporting to the specimen donor.
  - 1. Specimen collection will be the responsibility of the designated Specimen Collection Agent (SCA) or laboratory staff.
    - a. The SCA will collect the specimen in a container sealed by the donor.
    - b. The sealed specimen will be delivered to the testing laboratory for analysis by the SCA or will be shipped to the laboratory through the U. S. Postal Service or other designated mail carriers.
    - c. After the container is sealed by the donor, it will not be opened by any person or persons other than the laboratory personnel responsible for analysis.
    - d. While at the laboratory, the specimen will be handled according to the accredited laboratory's policies.
  - 2. Tampering with the specimen by any person or persons is strictly prohibited and may be grounds for an employee or employer request for a retest.

- B. Any applicant for a company position who intentionally tampers with a sample provided for drug screening, who violates the chain-of-custody or identification procedures or falsifies test results will have the conditional offer of employment withdrawn.
- C. Any current employee who intentionally tampers with a sample provided for drug screening, who violates chain-of-custody or identification procedures or falsifies a test result will be terminated.
- D. If an employee or applicant challenges the validity or accuracy of a confirmed positive test result, they must do so by appealing verbally or in writing to the MRO within 72 hours of notification.
  - 1. The MRO must be notified of the appeal request so that arrangements for a second analysis process can be initiated on the split sample
  - 2. The employee will be responsible for any associated retest costs. The County will make sure the retest is performed regardless of the employees current ability to pay for the retest although the employee will ultimately be responsible for retest cost.

**IX-10. Test Results**

- A. Negative drug screening results will be reported to the specimen donor and to the Crawford County Counselor or his/her designee within 24 hours of receiving the screening results by the designated Medical Review Officer (MRO).
- B. Positive drug testing results will be reported to the specimen donor within 24 hours of receiving the screening results by the MRO in order to determine a confirmatory result or a false positive (unless there is difficulty reaching the person being tested).
- C. All confirmed positive tests results will be reported by the MRO to the Crawford County Counselor, his or her designee, the Road and Bridge Department supervisor, the Crawford County Maintenance Department supervisor or to other appropriate departmental supervisors. The County Counselor will notify the appropriate County Commissioner of a positive test of an employee who works for one Commissioner. The County Counselor will notify all Commissioners of a positive test of an employee who works for all three Commissioners.
- D. Reports of breath alcohol tests will be reported immediately to the safety sensitive employee (SSE), to the Crawford County Counselor and to the appropriate departmental supervisors which may include any of those persons listed in "C" above.

### **IX-11. Confidentiality**

- A. Confidentiality will be applied to every aspect of the Drug and Alcohol testing Program.
- B. After the appropriate departmental supervisor contacts the employee to discuss a positive confirmatory test result and a final decision is reached regarding the employee's position, that supervisor will serve as the sole point of contact between the employee in the Crawford County Employee Assistance Program and the Crawford County administration.
- C. Information regarding an individual's testing results or rehabilitation may be released only upon the written consent of the individual, except that such information must be released regardless of consent to representatives of state agencies as part of an accident investigation.
- D. Statistical data related to testing and rehabilitation that is not name specific may be made available to inquiring parties.
- E. All records relating to drug and alcohol testing will be kept in a locked file that is separate from other employee records.

### **IX-12. Announcement of Crawford County Drug And Alcohol Testing Requirements**

- A. Notification of the County's drug and alcohol testing requirement will be included in announcements or advertisements when seeking applicants for safety sensitive positions.
- B. All subordinate-level employees will receive appropriate notification regarding Crawford County's Drug and Alcohol Testing Policy.
  - 1. Each employee will receive a minimum of one (1) hour instruction covering mandated requirements, the effects of alcohol and drugs, the process of testing and the ramifications of a positive test.
  - 2. All CDL personnel are to undergo training pursuant to 49 CFR 382.601.

### **IX-13. Training**

- A. Persons who supervise employees or who have the responsibility to administer the County drug and alcohol screening policies will receive an additional one (1) hour of training for drug issues and an additional one (1) hour of training for alcohol issues.

1. This additional training will focus on behavioral, physical and performance indicators of probable drug and alcohol abuse.

**IX-14. Conditions and Circumstances that Demand Drug and Alcohol Screenings**

- A. An individual offered employment, contract and/or re-assigned to a safety sensitive position will be required to take and pass a drug and alcohol screening test as a condition of employment or continued employment. (An exemption to this policy would be if the applicant/employee is participating in an appropriate DOT drug and alcohol testing program of another organization; has been involved in such a testing program within the previous 30 days; has tested negative for the past 6 months or has participated in the drug/alcohol testing program for the last 12 months. Written verification of drug and alcohol testing participation should be obtained for company files.)
- B. An employee or contractor in a safety sensitive position may be required to submit to a drug or alcohol screening through the Road and Bridge Department of Crawford County.
  1. Drug and alcohol screenings will be provided based upon reasonable cause of drug use by the employee as reported by the employee's supervisor.
    - a. All supervisory employees are required to notify their departmental supervisor when reasonable cause is presumed.
  2. Reasonable cause involves a judgment made regarding the employee's behavior; appearance, speech or body odor, or evidence found or reported and may be based on, among other circumstances, one of the following:
    - a. Direct observation of specific contemporaneous and articulable behaviors exhibited by the employee who may impair the employee's ability to perform his/her job or which may pose a threat to public safety or health.
    - b. Physical on-the-job observation of employee drug and/or alcohol use by the employee's supervisor or co-workers.
    - c. Documented deterioration in the employee's job performance that is likely to be attributed to drug or alcohol use by the employee.
    - d. An on-the-job incident or occurrence where there is evidence to indicate the incident or occurrence was in whole or in part the result of the employee's action or inaction and/or the employee exhibited behavior indicating illegal drug or alcohol use.
  3. Supervisors have the authority and responsibility to ask a current

employee in a designated safety sensitive position to submit to a drug/alcohol screening when reasonable cause is evident.

- a. Refusal to submit to screening will result in termination
4. An employee who refuses to take a drug and/or alcohol test will be referred to a Substance Abuse Professional (SAP) for assessment and will be terminated.
  5. An employee who fails a drug and/or alcohol test will not return to duty:
    - a. until a Substance Abuse Professional (SAP) associated with the County's EAP program has determined that the employee may safely return to duty; and
    - b. until the employee passes a drug or alcohol test administered by the Specimen Collection Agent (SCA).
  6. An employee who returns to duty after failing a drug and/or alcohol test will be subjected to a reasonable program of follow-up.
    - a. The returning employee will be subjected to drug/alcohol testing a minimum of six (6) unannounced drug/alcohol tests for the first twelve months and can continue for up to sixty (60) months after return to duty. The designated collector will determine the schedule of unannounced testing.
  7. When it is determined by an employee's supervisor that the employee has consumed alcohol within four (4) hours of reporting for duty, that employee will not be allowed to perform a safety sensitive function and will be tested immediately.
    - a. If an alcohol test is not administered within 2 hours of this determination, a record should be prepared stating the reasons for not administering the test.
    - b. Attempts to test should cease after 8 hours and the individual should be removed from the safety sensitive function and sent home without pay until they test less than .02 or 24 hours has passed. A written record should be made of the observations.

#### **IX-15. Random Testing**

- A. At least 25% of the average number of safety sensitive positions will be tested on a random basis annually under the drug testing requirements.

- B. Under the alcohol testing requirements at least 10% of the number of safety sensitive positions will be tested on an annual basis.
- C. Employee selection for random testing will be made through random computerized generation of employee identification numbers. Crawford County will notify each of the randomly selected employees of their responsibility to report for drug and/or alcohol screening. Randomly selected employees will be instructed to report to the collection site no later than one hour after receiving notice of testing. If an employee fails to show up at the testing site or is more than an hour and fifteen minutes late, the employee shall be present at the next Commission meeting.
- D. All current drivers are subject to a urine drug test as a part of the Department of Transportation's regular medical examinations, unless they have received documented testing as a part of the random testing program (applies to Federal Motor Carrier regulations only).

**IX-16. Drug and Alcohol Testing After On-the-Job Accidents, All Employees**

- A. All Employees: Following a motor vehicle accident (as defined by Kansas statutes) involving a Crawford County vehicle or equipment, the driver will immediately be tested for both alcohol and drugs.
- B. Evidential Breath Tests (EBT's) can occur up to eight (8) hours after the accident/incident but should be obtained as early as possible, preferably within one (1) hour of the accident. Post accident drug testing should occur as soon as possible but not later than 32 hours after the accident.
- C. Failure to obtain a breath alcohol test within one (1) hour will result in the employer preparing and maintaining on file a record stating the reasons for not promptly administering a test. Failure to obtain a breath alcohol test within eight (8) hours will result in the employer preparing and maintaining on file an additional record stating the reasons for not promptly administering a test. Failure to obtain a drug test within thirty-two (32) hours will result in the employer preparing and maintaining on file a third record stating the reasons for not promptly administering a test.
  - 1. Records will be submitted upon request to the Department of Transportation if the person has a CDL.
- D. If the employee in question is injured in an accident, all reasonable steps to obtain a drug and alcohol test will be implemented after treatment of the injury.
- E. Any employee testing positive under the categories of random selection,

reasonable cause, post-accident or return-to-duty will be, immediately removed from performing safety sensitive work and sent home without pay. Employees testing positive will not allowed to work until they have been cleared to return to duty by the SAP and have passed sufficient drug and/or alcohol tests.

- F. No driver required to take a post-accident test will consume alcohol for eight (8) hours following an accident or until a breath alcohol test occurs.
- G. The SSE who is subject to post-accident testing will remain readily available for testing. Necessary medical attention may be secured but failure to remain available may be interpreted as a positive test result and will result in termination.
- H. Results of drug and/or alcohol tests conducted by Federal, State or local officials having independent authority for the test will be considered to meet the requirements of Crawford County's Drug and Alcohol Testing policies, provided that such tests conform to applicable Federal, State or local requirements and that the results are made available to the employer.

**IX-17. Responsibilities of the Medical Review Officer (MRO)**

- A. All drug test results, whether positive or negative, will be reviewed by the Crawford County contracted MRO.
- B. In the event of a presumptive positive, the MRO will contact the specimen donor to determine what medications, if any, taken by the donor may have produced a false positive test result.
- C. The MRO will also gather other pertinent information that will aid him/her in determining the reason that the test was returned positive.
- D. The MRO, based on his/her review of the information and technical assistance from the laboratory used, will make the final determination of confirmed positive or negative test results.
- E. Crawford County will be notified of the test results only after MRO review.

**X-18. Employer Action/Employee Rights and Responsibilities**

- A. Employees receiving their first confirmed positive drug or alcohol test result or the equivalent will be directed to utilize Crawford County's Employee Assistance Program (EAP).
  - 1. The EAP will include a referral to the Southeast Kansas Addiction Treatment Center in Girard for:
    - a. an appropriate drug and alcohol assessment; and

- b. a drug and alcohol education or treatment program.
- B. The employer reserves the right to terminate an employee receiving a first time confirmed positive drug screen result if, in addition:
  - 1. the employee was involved in an accident or incident caused in part or in total by drug/alcohol use; and
  - 2. injury to person/persons or damage to property was involved; or
  - 3. the employee's personnel file reflects previous disciplinary material which, when combined with positive drug/alcohol test results, in the opinion of the employer justifies termination.
- C. A second positive test, whether drug or alcohol related, will result in immediate termination of employment.
  - 1. In addition to termination of employment, the SSE will be disqualified from application for county employment for a period of two (2) years from the effective date of the disqualifying action.
- D. The employee will be required to provide verification to the appropriate employer's department head/supervisor that he/she is participating in an appropriate and authorized education and treatment program prior to returning to duty in a safety sensitive position. In addition the employee must pass a return-to-duty drug and/or alcohol test and submit to the return-to-duty policy in section IX-14-B5a.
- F. Employees refusing to fully comply with a mandatory referral, with any recommended education or treatment program resulting from a mandatory referral, or in receiving an approved drug or alcohol assessment may be subjected to employee discipline including termination.
- G. After completion of the recommended education or treatment program, the employee is required to provide or release verification to his or her department supervisor which states that they have successfully completed the recommended education or treatment program.
  - 1. Subsequent drug or alcohol screens will be scheduled by the SCA in consultation with Crawford County, as necessary, during the authorized education or treatment program and for a period of up to sixty (60) months after the program ends to determine or verify that the employee remains drug/alcohol free.
  - 2. The employee will be tested a minimum of six (6) times in the first year of

follow up.

3. All expenses for testing in the rehabilitation process will be the responsibility of the employee.
  - a. Employees should consult their insurance policy for extent of nervous, mental and substance abuse coverage.
  
- H. If the employee's supervisor determines that the employee poses a threat to safety or health at the work site while undergoing out-patient or post-care treatment, the employee may be relieved of his/her duties without pay until such time that he/she is deemed capable to return to regular duty by the SAP and successfully passes a drug and/or alcohol test.

#### **IX-19. Record Keeping**

- A. Records relating to drug/alcohol testing will be maintained as confidential and will be made available only on a strict "need to know" basis.
  1. These records will not be kept in an employee's personnel file.
  
- B. Information regarding an individual's drug and alcohol testing results or rehabilitation may be released only upon written consent of the individual except:
  1. when such information must be released regardless of consent to a government agency as part of an accident investigation; or
  2. when such information must be disclosed regardless of consent in a lawsuit, grievance or other proceeding initiated by or on behalf of the individual and arising from a verified positive drug/alcohol test.
  
- C. Forms (see Exhibits A-E) signed by applicants for employment, existing employees, and representatives of Crawford County will be obtained and stored which authorize and/or acknowledge the following:
  1. mandatory referral and release for information;
  2. statement of safety sensitive positions;
  3. applicant affirmation of Crawford County's Drug and Alcohol testing Policy;
  4. employee affirmation of Crawford County's Drug and Alcohol testing Policy; and

5. Crawford County's release for confidential information.
- D. Records will be maintained regarding all collection and testing in accordance with the Federal Regulations (for more specific detail see 49 CFR Part 382, subpart D).
1. Records to be kept for a minimum period of five (5) years will include:
    - a. all SSE alcohol test results indicating an alcohol concentration of .02 or greater;
    - b. All SSE verified positive controlled substance test results;
    - c. Documentation of refusals to submit;
  2. Records to be kept for a minimum period of two (2) years will include:
    - a. those documenting collection processes; and
    - b. training records.
  3. Records to be kept for a minimum period of one (1) year will include:
    - a. negative result controlled substance records;
    - b. documentation of test results with concentrations of less than .02.



**(EXHIBIT B)**

**SAFETY SENSITIVE POSITIONS (CRAWFORD COUNTY)**

SAFETY SENSITIVE - The Board of County Commission of Crawford County has established factors in designating specific positions as safety sensitive. The number of safety sensitive positions may further increase as criteria are established by the Board of Commissioners of Crawford County. Those in Crawford County employment who are designated to perform safety sensitive activities include:

1. Drivers of commercial vehicles:
  - a. with a gross vehicle weight rating of 26,001 pounds or more or combination vehicles (weighing at least 26,001 pounds); or
  - b. designated to transport 16 or more passengers including the driver; or
  - c. transporting hazardous materials in amounts requiring placarding under the Hazardous Materials Regulations (49 CFR Part 172, Subpart F).
2. Any driver required to have a commercial driver's license to perform a County related function.
3. All County Road and Bridge employees, including part-time and seasonal employees except for office personnel located in the Courthouse.
4. All Emergency Medical Technicians and Mobile Intensive Care Technicians. (covered under Sheriff's Department/EMS policy)
5. All Sheriff's Department Deputies, Jailors and Dispatchers. (covered under Sheriff's Department/EMS policy)
6. County Maintenance Department employees.
7. All Crawford County personnel, contractors, subcontractors and anyone employed by a subcontractor who engages in one the above safety sensitive activities for Crawford County.

Additional safety sensitive positions may be identified as further criteria are established or new mandates are implemented. Any employee who occupies added safety sensitive positions would be notified in writing of the change.

I understand that I am performing a function for Crawford County that is designated safety sensitive:

Name of Employee:

Social Security Number:

\_\_\_\_\_

Signature of Applicant or Employee

\_\_\_\_\_

Date

\_\_\_\_\_

Departmental Supervisor

\_\_\_\_\_

Date

**(EXHIBIT C)**

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

As an employee in a safety sensitive position, I affirm that I have received, read and understand the Crawford County's Drug and Alcohol Testing Policy, I am aware that I may be required to undergo a drug and/or alcohol screen based upon reasonable suspicion; that I will be informed prior to the drug/alcohol screen; and, that I may be referred to an education and treatment program depending on the results of the drug/alcohol screen. I agree to abide by all provisions of the drug and alcohol testing policy as a condition of my continued employment with the company.

\_\_\_\_\_  
EMPLOYEE NAME (PLEASE PRINT)

\_\_\_\_\_  
EMPLOYEE SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
CRAWFORD COUNTY  
REPRESENTATIVE

\_\_\_\_\_  
DATE

**(EXHIBIT D)**

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

**STATEMENT OF POLICY:**

Crawford County is committed to ensure a safe and drug and alcohol free workplace for all county employees and for the general public. As a public employer, the county has a compelling interest in establishing reasonable condition of employment. Prohibiting employee drug/alcohol use is one such condition.

Crawford County is concerned with the well-being of its employees and the need to maintain employee productivity. The intent of Crawford County's Drug and Alcohol Testing Policy is to offer a helping hand to those who need it, while sending a clear message that any illegal drug or alcohol use is contradictory with provision of public services and **WILL NOT BE TOLERATED!**

It is the policy of Crawford County that all applicants for safety sensitive positions who receive a conditional offer of employment submit to a drug and alcohol test in order to document that they are drug and alcohol free. Refusal to comply with this requirement will be considered the equivalent of receiving a confirmed "positive" result for employment and disqualification for employment will occur. Any applicant who receives a confirmed "positive" drug screen result will have the offer of employment withdrawn and will be subjected to disqualification from all other applications for county employment for a period of two years from the effective date of the disqualification action.

**AFFIRMATION OF POLICY:**

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

\_\_\_\_\_  
APPLICANT NAME (PLEASE PRINT)

\_\_\_\_\_  
APPLICANT SIGNATURE

\_\_\_\_\_  
DATE

**(EXHIBIT E)**

**CRAWFORD COUNTY RELEASE OF INFORMATION**

I hereby authorize \_\_\_\_\_ to release information related to my participation in the alcohol ( ) and/or drug testing ( ) program of said organization to

\_\_\_\_\_  
Signature of Applicant

\*\*\*\*\*

It has been brought to our attention that \_\_\_\_\_ has participated in the \_\_\_\_\_ Drug ( ) and/or Alcohol ( ) Testing Program. Under the auspices of 49 CFR 382, et. al., Subpart C 382.301 (b) and (c) we are requesting the following information in order to establish our need to require this applicant to take an alcohol and/or drug test prior to employment.

Name and address (es) of the program(s):  
DRUG TESTING PROGRAM                      ALCOHOL TESTING PROGRAM  
\_\_\_\_\_  
\_\_\_\_\_

The driver did ( ) did not ( ) participate in the alcohol testing program.

The driver did ( ) did not ( ) participate in the drug testing program.

The alcohol program conforms to the testing requirement of 49 CFR Part 40. Yes ( ) No ( )

The drug testing program conforms to the testing requirements of 49 CFR Part 40. Yes ( ) No ( )

The driver is qualified under these rules and has not refused to be tested for alcohol or controlled substances. Yes ( ) No ( )

Date the driver was last tested for controlled substances: \_\_\_\_\_.

Date the driver was last tested for alcohol: \_\_\_\_\_.

Please attach a copy of the results of any test taken within the previous six (6) months and any violations of the prohibitions related to alcohol and controlled substance usage.

Total number of results attached \_\_\_\_\_. Total number of violations attached \_\_\_\_\_.

\_\_\_\_\_  
Signature of Responsible Party                      Date

**DEFINITIONS:**

ACCIDENT - An incident reportable under 49 CFR Park 382, and 391.

ALCOHOL - The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

ALCOHOL USE - The consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

APPLICANT - An individual offered employment in, or being promoted or transferred to a safety sensitive position.

BREATH ALCOHOL TECHNICIAN (BAT) - An individual who instructs and assists individuals in the alcohol testing process and operates at EBT.

COLLECTION SITE - A facility designated by the Board of County Commissioners as the collection site for drug screening samples (urine) and breath alcohol testing. For purposes of this policy, the collection site is not the testing laboratory.

CRAWFORD COUNTY PROPERTY - All areas in which Crawford County operates including actual premises, parking lots, owned or leased equipment, lockers, desks, work areas and buildings, storage facilities, etc.

DEPARTMENTAL SUPERVISOR - The Crawford County Counselor, the Road and Bridge Supervisor, the Crawford County Sheriff, the Emergency Services Director or other appropriate supervisor, as the case may be.

DRUG - Any chemical substance that, when consumed, tends to produce a physical, mental or emotional change.

DRUG SCREENING/TESTING - An analytical procedure which identifies the presence of a specific drug or metabolite and which uses a different chemical principle from that of the initial test to insure reliability and accuracy. At this time gas chromatography/mass spectrometry (GC/MS) is the accepted standard confirmation method for cocaine, marijuana, opiates, amphetamines and phencyclidine.

EVIDENTIAL BREATH TESTING DEVICE (EBT) - An EBT approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices" (CPL).

EMPLOYEE ASSISTANCE PROGRAM (EAP) - A program to help employees, and often their families, recognize and overcome personal problems that are interfering with the employee's work performance. This is an extension of the performance appraisal process and is designed to reach performance problems that cannot be remedied by training, education, or other employer-controlled factors. Among the many personal problems an Employee Assistance Program may deal with are alcohol and drug abuse.

EMPLOYEE ASSISTANCE PROGRAM CONTRACTOR - The Southeast Kansas Addiction Treatment Center.

ILLEGAL DRUGS - Urine samples from applicants and employees will be screened in all cases to identify the following classes of substances:

**THRESHOLDS FOR POSITIVE VERIFICATION - IMMUNOASSAY SCREEN**

Marijuana/Metabolite	50 NG/ML
Cocaine Metabolite	300 NG/ML
Opiates	2000 NG/ML
Phencyclidine (PCP)	25 NG/ML
Amphetamines/Methamphetamine	1000 NG/ML

When the initial screen is positive (has exceeded the established screening threshold) a second confirmation test (GC/MS) will be completed. The thresholds for positive confirmation for GC/MS are as follows:

Marijuana/Metabolite	15 NG/ML
Cocaine Metabolite	150 NG/ML
Opiates	2000 NG/ML
Phencyclidine	25 NG/ML
Amphetamine/Methamphetamine	500 NG/ML

**IMPAIRED** - Under the influence of an illegal or legal drug whereby the employee's senses (i.e. sight, hearing, balance, reaction, and reflex) or judgment are affected.

**(CONFIRMED) NEGATIVE RESULT** - No detection of an illegal substance in the pure form of its metabolites at or above the threshold level by a drug screening test.

**MEDICAL REVIEW OFFICER (MRO)** - The licensed physician who reviews all test results from the laboratory and discusses the results with the employee and the county administration.

**(CONFIRMED) POSITIVE RESULT** - The detection of an illicit substance in the pure form of its metabolites at or above the specific threshold by two consecutive drug screening tests which employ different test methods and which was not determined by the appropriate medical, scientific, professional testing or forensic authority to have been caused by alternate medical explanations or scientifically insufficient data. All positive results are intensively reviewed by the SAP.

**REASONABLE CAUSE** - Involves a judgment made regarding the employee's behavior, appearance, speech or body odor, or evidence found or reported and may be based on, among other circumstances, one of the following:

1. Direct observation of specific, contemporaneous, articulable behavior exhibited by the employee who may impair the employee's ability to perform his/her job or which may pose a threat to safety or health.
2. Physical on-the-job observation of drug and/or alcohol use by the employee.
3. Documented deterioration in the employee's job performance that is likely to be attributed to drug or alcohol use by the employee.
4. An on-the-job incident or occurrence where there is evidence to indicate the incident or occurrence was in whole or in part the result of the employee's action or inaction and/or the employee exhibited behavior indicating illegal drug or alcohol use.

**SAFETY SENSITIVE** - The Board of County Commissioners of Crawford County has established the following factors in designating specific positions as safety sensitive. The number of safety sensitive positions may be increased as further criteria are established by the Board of

County Commission of Crawford County.

1. Drivers of commercial vehicles:
  - a. with a gross vehicle weight rating of 26,001 pounds or more or combination vehicles (weighing at least 26,001 pounds); or
  - b. designated to transport 16 or more passengers including the driver; or
  - c. transporting hazardous materials in amounts requiring placarding under the Hazardous Materials Regulations (49 CFR Part 172, Subpart F).
2. Any driver required to have a commercial driver's license to perform a county related function.
3. All County Road and Bridge employees, including part-time and seasonal employees except for office personnel located in the Courthouse.
4. All Emergency Medical Technicians and Mobile Intensive Care Technicians. (covered under Sheriff's Department/EMS policy).
5. All Sheriff's Department Deputies, Jailors and Dispatchers. (covered under Sheriff's Department/EMS policy).
6. All Crawford County Maintenance Department employees.
7. All Crawford County personnel, contractors, subcontractors and anyone employed by a subcontractor who engages in one the above safety sensitive activities for Crawford County.

**SPECIMEN COLLECTION AGENT (SCA)** - A Crawford County employee or other contracted individuals or entities who have responsibility for implementing urine specimen collection. The SCA will be trained in accordance with Federal Regulations and County policies in order to implement the County's urine collection procedures.

**SUBSTANCE ABUSE PROFESSIONAL (SAP)** - A licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of a clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

**TESTING LABORATORY** - A laboratory certified by the Department of Health and Human Services (DHHS) and the National Institute of Drug Abuse (NIDA) to perform drug testing of urine specimens obtained at the collection site.



**EMPLOYEE ACCEPTANCE**

The Personnel Policy describes important information about Crawford County, and I understand that I should consult my Department Head, Elected Official or supervisor, regarding any questions not answered in this policy.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the Personnel Policy may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Various departments may have additional policies that apply to the respective department; those policies are in addition to the Crawford County Personnel Policies not in lieu of the county policies.

I understand that the Personnel Policy is located on the County’s official website, and I understand that it is my responsibility to read and comply with the policies contained in this policy and any revision made to it.

Your employment with Crawford County is a voluntary one and is subject to termination by you or the County at will, with or without cause, at any time. Nothing in the Crawford County Personnel Policy Handbook shall be interpreted to be in conflict with or to eliminate or modify in any way the employment-at-will status of Crawford County employees.

This policy of employment-at-will may not be modified by any supervisor or employee and shall not be modified in any publication or document. The only exception to this policy is a written employment agreement approved at the discretion of the Board of County Commissioners.

The personnel policies adopted by Crawford County are not intended to be a contract of employment.

**I understand the duties of the position I will be responsible for. I fully understand that I may be asked to perform or assigned other various duties and responsibilities at any time throughout my employment at Crawford County.**

\_\_\_\_\_  
Employee’s Name - Printed

\_\_\_\_\_  
Signature of Employee or Applicant

\_\_\_\_\_  
Date

## ADDENDUM

**SMOKING POLICY:** Smoking is prohibited inside and within a 10 foot radius around the outside of any doorway, open window or air intake of buildings owned or leased by Crawford County. This policy applies to employees and customers. Additionally smoking is prohibited in county owned vehicles and equipment.

Employees and customers who smoke in/or around buildings in violation of this policy are subject to criminal penalties pursuant to K.S.A.21-6110, -6112.

Employees who violate this policy shall also be subject to disciplinary action as follows: first violation is one day off without pay; second violation is three days off without pay; a third violation will result in termination.