

SECTION 1

PURPOSE AND APPLICATION OF POLICY

1.1 INTENT.

The Douglas County Personnel Policy has been designed to provide Douglas County employees with policies for the administration of all employee-related matters. The policies stated herein are guidelines only, with the exception of Douglas County's policy on "at-will" employment, and are subject to change at the sole discretion of Douglas County, as are all other policies, procedures, benefits and other programs of Douglas County. From time to time, County employees may receive updated information concerning changes in policy. Any questions regarding this policy or any updates should be addressed to the Assistant County Administrator.

These policies do not create a contract, express or implied, guaranteeing employment for any specific duration or guaranteeing that a County employee will only be terminated for cause or only after following the progressive discipline procedure. The disciplinary process contained in these policies is merely set forth as a guideline and should not be construed as preventing, limiting or delaying the County's right to take disciplinary action, including immediate discharge without prior notice or warning in circumstances where the County deems such action appropriate. As such, no County employee should have an expectation that he or she will only be terminated for cause or only after following a specific progressive discipline procedure. Douglas County or any County employee may terminate the employment relationship at any time, for any reason, with or without cause or notice. No Department Head, Elected Official, supervisor, manager, or other representative of Douglas County, other than the County Commission acting as such, has the authority to enter into any agreement for employment for a specified period of time or to make any promises or commitments or adopt any policies contrary to the foregoing.

1.2 STATEMENT OF NON-DISCRIMINATION

A. EQUAL EMPLOYMENT OPPORTUNITY. It is the official policy of Douglas County not to discriminate against any employee or applicant for employment in any manner because of race, color, religion, age, military status, sex, national origin, or based on any

other factor prohibited by law. All solicitations or advertisements for employees placed by Douglas County will state that qualified applications will receive consideration for employment without regard to race, color, religion, age, military status, sex, or national origin.

B. QUALIFIED PERSONS WITH DISABILITIES. It is the official policy of Douglas County not to discriminate against any employee or applicant for employment in any manner because of a physical or mental disability in regards to any position which the employee or applicant for employment is qualified to perform with or without reasonable accommodation. Douglas County will provide to disabled employees reasonable accommodations that do not impose undue hardship on the County.

C. ACCOMODATION REQUEST PROCEDURE. Qualified individuals with disabilities may make a written request for reasonable accommodation to the Assistant County Administrator. On receipt of an accommodation request, the Assistant County Administrator will meet with the individual to discuss the request and potential accommodations. The Assistant County Administrator will investigate the feasibility of the requested accommodation and inform the individual of the County's decision.

D. DISCRIMINATION. Any employee who has been found to engage in discrimination or intimidation of another person based upon the other person's race, color, religion, age, military status, sex, national origin, disability, or any other factor prohibited by law shall be disciplined and may be subject to dismissal. Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964 as set out in Section 1.3.

E. REPORTING ALLEGED DISCRIMINATION. Any employee or applicant for employment with a bona fide complaint that he or she has been discriminated against in violation of this policy shall promptly report such alleged discrimination to the appropriate Department Head or Elected Official or to the Assistant County Administrator. The Department Head or Elected Official is responsible for immediately informing the Assistant County Administrator of such allegations, who shall be responsible for conducting an investigation into the incident(s).

F. NO RETALIATION. Douglas County prohibits any form of retaliation against any employee or applicant for employment who files a bona fide complaint under this policy or who assists in a complaint investigation.

G. DUTY TO COOPERATE. Each employee has a duty to fully cooperate with an investigation conducted by Douglas County, including the duty to reveal any information that may bear on the investigation. This may include both oral interviews of employees and/or the employee may be asked to provide a written statement. Failure to cooperate may result in discipline up to and including immediate termination.

1.3 STATEMENT OF NON-HARASSMENT

A. DEFINITION. Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. An employee shall not in any way make unwelcome sexual advances, make requests for sexual favors, or exhibit any other verbal, written, or physical conduct of a sexual nature toward another employee or a member of the public. Prohibited acts of conduct include, but are not limited to, sexual flirtations, touching, propositions, verbal abuse of a sexual nature, sexually graphic verbal comments, sexually degrading words used to describe an individual, and displays of sexually suggestive objects or pictures. These actions constitute sexual harassment when submission or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment.

B. REPORTING ALLEGED SEXUAL HARASSMENT. Any incident of discrimination, insult, intimidation, or harassment in any form shall be promptly reported to the Department Head, Elected Official or the Assistant County Administrator. The Department Head or Elected Official is responsible for immediately informing the Assistant County Administrator of such allegations, who shall be responsible for conducting an investigation of the incident(s). No employee shall be retaliated against by Douglas County for reporting such conduct.

C. CONSEQUENCES OF ENGAGING IN SEXUAL HARASSMENT. Following a thorough investigation, any employee who has been found to have engaged in such conduct shall be disciplined and may be subject to dismissal.

D. CONSENSUAL RELATIONSHIPS. Consensual romantic and sexual relationships between supervisor and employee or between coworkers are strongly discouraged. In the event of an allegation of sexual harassment, the County will be less sympathetic to a defense based upon consent when the facts establish that a professional power differential existed within the relationship. These relationships may be subject to concerns about the validity of consent, conflicts of interest, and unfair treatment of other employees. Further, such relationships can undermine the atmosphere of trust essential to the function of County governance and the employment

relationship and may subject Douglas County to liability. No person involved in a consensual relationship will have direct responsibility for evaluating the employment of, performance by, or for making decisions regarding the promotion or compensation of the other party to the relationship.

1.4 DEFINITIONS

For purposes of this policy, the use of the term "Department Head" within this policy, except in Section 3.1B & C(2) shall refer to both Elected Officials and appointed Department Heads of Douglas County government. This policy shall not apply to any officer of the District Attorney or of the 7th Judicial District of the State of Kansas.