

COUNTY OF KNOX



MANAGER HANDBOOK



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INTRODUCTION

This Handbook has been created to provide managers with the policies, procedures, forms and tools needed to perform their managerial duties to the best of their abilities and in keeping with County policies and procedures.

HUMAN RESOURCES

The Role of Human Resources at Knox County

Human Resources Management is about people; finding and recruiting employees, hiring, training, developing employees; compensating employees with competitive salary and benefits; creating and providing a work environment that is safe, healthy, and productive for employees; communicating with employees; and finding a balance between what is best for the organization and its employees.

The main areas that generally fall under Human Resources Management include:

- Employee relations, including communication, problem resolution, etc.
- Staffing, including organizational structure, job descriptions, recruitment, hiring, and orientation
- Creating, maintaining, and helping to enforce basic workplace policies and procedures, including the Personnel Policy Handbook.
- Compensation, including helping to create and maintain the job evaluation and compensation program
- Benefits, including working with the County Administrator and Finance Director to create and maintain comprehensive, cost-effective programs
- Training and developing employees
- Compliance, ensuring compliance with state and federal laws and regulations

Managers and supervisors are responsible for responding directly to problems on a day to day basis. Ultimately, supervisors are responsible for evaluating employee job performance, conduct and productivity. Supervisors should seek the assistance of their department managers/Sheriff, or Human Resources, when additional help is needed in addressing a problem or situation.

Human Resources' role is to help ensure that job performance and workplace conduct issues are handled promptly and fairly, and in a way that does not hinder productivity or morale, or increase turnover. HR also makes sure that hiring, disciplinary and termination policies minimize the County's exposure to litigation.

Here is what HR can do to support supervisors and managers:

- listen and provide advice and guidance when you need or want to discuss staff issues;
- review policies, individual employee evaluations and disciplinary notices; and
- sit in, and participate as appropriate, during meetings with supervisors and employees when discussing evaluations, performance or employee conduct problems.

Knox County's Human Resource Department consists of the County Administrator and the Human Resources Consultant.

RECRUITMENT, SELECTION AND EMPLOYMENT PRODEDURES

Position Openings

Unless otherwise governed by a union contract, openings will be posted and advertised for internal and external candidates at the same time. Every effort will be made to promote from within whenever possible. All employment advertisements are coordinated through the Administrative Office. All jobs will also be listed on the County's website.

If the position opening is governed by a union contract (such as the position of Supervisor), the Department Manager/Sheriff will oversee and coordinate the recruitment process as outlined in the union contract.

External Recruitment & Advertising

1. When a vacancy is to be filled or a new position is developed, the position will be publicized in such a manner as to ensure that interested and qualified individuals, including current employees, are informed of the position title, duties, responsibilities, and qualifications, as well as the time, place, and manner of completing an application.
2. The methods of advertising vacancies will vary, depending upon the nature and requirements of the position being filled, and will be directed to all appropriate sources of applicants in a geographical area as wide as necessary to attract an adequate number of qualified candidates.

Application Process for Posted Positions

All applicants must submit either resume/cover letter and/or a completed and signed job application, depending on the position. Resumes and applications previously submitted will not be used to fill future openings. All applicants who are selected for interviews must complete a job application.

All information contained in the applicant's resume and cover letter or application is confidential and will be reviewed by authorized personnel only. Applications or resumes will be reviewed for completeness, skill level necessary for position and experience needed for the position.

Standards for Selection

1. Selection and appointment to all positions will be based upon position-related requirements and the applicant's demonstration that he/she possesses the skills, knowledge, abilities, and other characteristics necessary for successful performance.
2. In order to ensure that current employees are given an opportunity to advance to a higher position, employees who apply and qualify for an open position will be

considered; based on the circumstances, outside applicants may be considered at the same time to ensure that best available candidate is selected.

3. Managers must abide by the County's Anti-Nepotism Policy as outlined in the Personnel Policy Handbook in making hiring decisions.

Hiring Process

This Policy covers the hiring of all employees with the exception of elected officials, the Chief Deputy, and the County Administrator.

With the exception of elected officials, the Chief Deputy, and the County Administrator, the County Administrator shall be the hiring authority for all County personnel, and all requests for personnel will go to the County Administrator for review and approval. The selection of department managers/Sheriff shall be confirmed by the Commission.

In the case of a promotion to a position covered by a union contract, the provisions of the union contract will apply.

For all other positions, upon approval to hire, the following steps will be taken:

1. The position shall be posted internally for a minimum of one week to allow any interested current employees to apply.
2. Either concurrently or immediately following the internal job posting period, the position will be listed externally for outside candidates to apply. The County will use a consistent means of advertising positions, including listing them on the County's website.
3. Internal or external applications will be reviewed by the department manager/Sheriff or his/her designee, and/or by the County Administrator or by the Human Resources Representative, or his/her designee. Based on this review, applicants will be selected for interviews.
4. Unless waived by the County Administrator, a panel of 3-5 individuals, not including the department manager/Sheriff, will be selected by the County Administrator, with input from the department manager/Sheriff, to conduct the interviews. The panel may consist of individuals employed by the County and/or other individuals external to the County. In the case of a department manager opening, the County Administrator and the Commission will determine the panel.

The department manager/Sheriff may sit in on the interviews.

The panel shall use a pre-determined list of interview questions and a score sheet, customized for the position, to conduct the interviews and record each panel member's objective evaluation of each candidate. The scores for each candidate will be totaled and averaged, and a ranked list from highest and lowest average score will be presented to the department manager/Sheriff. The panel may also include any additional recommendations beyond scores for consideration in the hiring process.

5. The department manager/Sheriff will review the list of applicants who were interviewed, and select one or more applicants for reference checking. There is no requirement to select the top ranked applicant. If the department manager/Sheriff feel that there is not an acceptable candidate from those interviewed, then other applications previously submitted may be reviewed for additional interviews. If there are still no satisfactory candidates, the position will be re-advertised.
6. References will be checked by the department manager/Sheriff, his/her designee, or the HR Representative, before an offer is made, using the Reference Checking Guidelines established by the County Administrative Office.
7. Once an applicant is selected, the Department Manager/Sheriff will complete a "Request to Hire" form and submit it to the County Administrator with the desired start date, which will coincide with the beginning of a pay period. The County Administrator and HR Representative will determine the rate of pay, as outlined in the Position Classification and Salary Administration Policy.
8. All employment offers will be made verbally by the department manager/Sheriff or his/her designee, or the Human Resources Representative, and followed up in writing by the County Administrative Office.
9. The new employee orientation will be scheduled by the Administrative Assistant to the County Administrator and the Finance Office.
10. The Administrative Assistant to the County Administrator will notify the Systems Administrator via email of the name, title, department, and date of employment for the new hire.

Reference & Background Checks

Employment reference checks will be conducted only after the candidate for employment has completed and signed the employment application. The rest of the background check will generally be completed only after a conditional offer of employment has been extended to an applicant, since both the social security number and date of birth are needed for the background check (exception - a background check must be completed for any applicant visiting the Communications Center). Once the conditional offer of employment has been made and accepted, the selected applicant will be asked to sign a background check release form.

All applicants must provide the County with three references. Employment references are preferred, but personal references, excluding family, may be acceptable if employment references are not available. A minimum of two, but preferably three, work related references will be checked on each person the Department Manager/Sheriff is considering for the position. Human Resources or the hiring manager may conduct these reference checks. Each reference will be documented. References are kept in the personnel file if the candidate is hired. If the candidate is not hired, the reference checks are filed with his/her original application in a folder with the remaining pool of applicants that were not hired.

Human Resources also conducts background checks on the selected candidate before the employment offer is finalized. The background checks may include the following if relevant to the position: criminal background check; driver's license check; Department of Health and Human Services (Office of the Inspector General) check; and National Sex Offenders Registry check.

Proof of Certification and/or Licensing – Copies of any certifications or licenses required for the position must be submitted to Human Resources prior to the date of employment. Licenses must be valid and current. It is the responsibility of the each employee to keep his/her personnel file updated with a copy of current certifications and licenses.

Credit History - A credit history may be checked for the position of County Administrator, a position in the Finance Department, or any other position where legally warranted.

Offer Letter

The Administrative Office will prepare and mail the Employment Offer Letter. Two copies of the Offer letter with an attached job descriptions are sent to the candidate selected to fill the position; if the offer is accepted, the candidate will sign and return one copy to the Administrative Office, to be filed in the new employee's personnel file. The letter of hire lists the date of employment, job title, Fair Labor Standard Act status, hourly wage or bi-weekly salary, and for an hourly position, the number of hours authorized for the position.

NEW EMPLOYEE ORIENTATION

All staff members will be given an orientation introducing them to personnel and operational policies and procedures. The orientation to the personnel policies and procedures will be conducted by Human Resources, generally during the first week of employment but no later than the second week of employment.

Orientation to departmental policies and procedures will be completed by the Department Manager/Sheriff of the new employee or his/her designee.

Employees will be given an orientation packet that includes a copy of the Personnel Policy Handbook and other informational material on benefits. The Personnel Policy Handbook, organizational chart and other benefit information will be reviewed with each new employee during orientation. The employee will be instructed to read the Personnel Policy Handbook, ask his/her supervisor or Human Resources any questions s/he may have, and then sign and return the Acknowledgement Form within one week of the new employee orientation.

On-the-job training is provided to all new employees to acquaint them with job assignments and our methods for performing such assignments.

EMPLOYMENT

Employment Eligibility Verification (I-9) Form Compliance Policy

This policy is set forth in order to establish guidelines surrounding the timely and accurate completion of all new hires Employment Eligibility Verification (I-9) Forms.

Section 1 of the I-9 Form must be completed by the employee no later than the employee's first day of employment. Section 2 of the I-9 Form must be completed by the employer no later than 3 days of the date of hire; however, completion on the first day is highly recommended. The Administrative Office will complete the form in a timely manner after physically reviewing the employee's original documentation.

The employer is required to provide the employee with instructions on how to complete the I-9 Form so that the employee is fully aware of what the form is used for and has answers to questions concerning the completion of the form. The employer is not authorized to suggest or mandate the forms of identification used by the employee to verify employment eligibility.

I-9s will be stored in two separate files; forms for terminated employees will be stored in one folder and forms for current employees in another. I-9s can be destroyed after the employee has been terminated for 1 year, or three years from the date of employment, whichever is later.

I-9 forms will be audited by Human Resources on an annual basis. Any corrections that need to be made to the original I-9 Form should be initialed and dated in a different color ink than was used in the original completion of the form. Records of these audits will be maintained with the I-9 Forms to show proof of compliance practices.

AMERICANS WITH DISABILITIES ACT ("ADA") POLICY

Knox County is firmly committed to comply with all applicable provisions of the Americans with Disabilities Act. It is our Policy not to discriminate against any qualified applicant or employee with regard to any terms or conditions of employment because of such individual's disability or perceived disability so long as the individual can perform the essential functions of the job, with or without reasonable accommodation. Consistent with nondiscrimination, the County will provide reasonable accommodation to a qualified individual with a disability, as defined by ADA, who has made us aware of his or her disability, provided that such accommodation does not constitute an undue hardship to the County.

1. Definitions:

The term disability means:

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

Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

An individual meets the requirement of being regarded as having such an impairment if the individual establishes that he or she has been subjected to an action prohibited under the ADA because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

2. Filing a request for disability accommodation

Any applicant for employment, current employee, or individual with a disability may request a reasonable accommodation from the Department Manager/Sheriff and/or Human Resources. It is the responsibility of the requester to submit the request in writing. All requests for accommodation will include the following:

- a. Name, address, and telephone number of the person requesting accommodation.
- b. The specific limitation, the type of accommodation requested, with an explanation of how the accommodation will allow the performance of the essential functions of the position or activity.
- c. Verification of the disability by the requester's physician, medical provider or vocational/rehabilitation counselor is required.

3. Review of requests for reasonable accommodation

Due to the personal nature of some disability issues, every reasonable effort will be taken to ensure confidentiality during the entire review process. The determination whether to provide an accommodation is made on a case-by-case basis. This is a process through which the County and the individual with a disability discuss and arrange for the necessary changes. The County must make a "reasonable effort" to offer the appropriate accommodation. The County must also always consider the welfare of its clients; therefore accommodations will be granted only if they can be made without compromising client health, safety, and service. Primary consideration should be given to the preferences of the individual when deciding on an accommodation; however, the County, in conformance with the Americans with Disabilities Act and the Maine Human Rights Act, has the ultimate discretion to choose between effective accommodations and determine if the accommodation will place an undue hardship or burden on the organization.

The following factors must be considered when reviewing a request for accommodation:

1. Analyze the job or activity to determine the essential functions.
2. Determine with the employee, applicant or participant how the disability limits his/her performance of the essential functions.
3. Identify accommodation options that overcome limitations and determine the effectiveness and feasibility of the proposed accommodations.
4. Select the accommodation most appropriate for the requester and the department.

Reasonable Accommodations may include but are not limited to:

1. Making existing facilities used by employees readily accessible to and usable by individuals with disabilities
2. Job restructuring
3. Part-time or modified work schedules
4. Reassignment to a vacant position
5. Acquisition or modification of equipment or devices
6. Appropriate adjustment or modifications or examinations
7. Training materials or policies
8. Provision of qualified readers or interpreters and other similar accommodations for individuals with disabilities
9. Providing tools or equipment

PERSONNEL RECORDS

Individual Employee Records

The County maintains an individual personnel record for each employee that is filed in the Human Resources Office. This file is the record of that employee's personal data and employment history and it is important that it is accurately maintained. It is the employee's responsibility to provide the required information when hired and update information as changes take place. Employees must report any change in personal status such as change of address, emergency contact information, telephone number, or marital status to his/her supervisor, and changes must be forwarded to the Administrative Office. All payroll and personnel files reside in the main office. Personnel files will be retained for ten (10) years following date of termination of employment, and a record of the employee's name, date of hire, employment status and rates of pay will be maintained for sixty (60) years.

Regular Personnel File

Each employee's "regular" personnel file contains the following information:

- Full name, address, date of birth, social security number
- Job application
- Resume and cover letter (if required to apply for position)
- Letter of employment
- Signed Job description
- Record of pay rates
- Performance Evaluation forms
- Record of complaints
- Record of disciplinary actions, warnings, notices
- Acknowledgments & current certification
- Records of awards, recognition, and letters of commendation
- Documentation of current trainings

Medical File

A separate Medical File will be maintained for each employee, and is considered part of the employee's official personnel file. All personal, private health information will be filed in the Medical File, including doctor's notes, health insurance claim forms, Family Medical Leave Act ("FMLA") forms, workers' compensation claims, medical forms, etc.

Payroll Records

Individual timesheets, pay records and benefits eligibility forms are also maintained in separate files in the Finance Office and include the following data:

- Full name, address, date of birth, and social security number
- Dates of employment
- Date of hire
- Salary or wages per hour

- Authorized hours of work each pay period
- Authorized overtime hours each pay period
- Total regular and overtime earnings per pay period
- All additions or deductions for each pay period
- W-4
- Date of wage payments and period covered
- When the work week begins
- Position title
- Date of resignation/termination/discharge

Review of Employee Personnel/Payroll Records

All employee files and records are considered confidential and are available only to people listed below.

- Payroll files are available only to Finance staff, HR staff, the County Administrator, the employee, the employee's supervisor, and any manager in the chain of command above that employee.
- "Regular" personnel files are available only to HR staff, County Administrator, Administrative Assistant to the County Administrator, the employee, the employee's supervisor, and any manager in the chain of command above that employee.
- Medical Files are only available to the County Administrator, the Administrative Assistant to the County Administrator, Human Resources, the employee, and others on a strictly "need to know" basis as determined by Human Resources.

The Administrative Office creates all new employee personnel files and files new information, which might include updated employee addresses, emergency contact information, payroll change forms, performance evaluations, disciplinary actions, certificates of completion of training, etc.

The Finance staff files the payroll information, such as timesheets, payroll changes, insurance deductions, address changes, etc. in a separate file.

A Department Manager/Sheriff or supervisor may review his/her employee's file prior to completing a performance evaluation. The County Administrator may wish to review an employee file if there is a disputed disciplinary action or a grievance filed.

The content of an employee's personnel file is available for examination at the County Administrative Office by the employee upon request with at least 48 hours advance written notice on a form designed for this purpose. Such examination must be made in the Administrative Office and in the presence of the County Administrator, the Administrative Assistant to the County Administrator, or the HR Consultant. Material cannot be removed or its contents altered in any way without the permission of the County Administrator. The Administrative Office will make a copy of the personnel file for an employee upon written request and at least 48 hours advance notice. If there is any disagreement as to the contents of the file, the employee has the right to submit a written statement concerning any material contained within. This statement will then become part of the employee's file.

POSITION CLASSIFICATION AND SALARY ADMINISTRATION

The County maintains an up to date Position Classification and Salary Administration Policy that is approved, as updated, by the County Commissioners. The most current version of this policy may be found in the Appendix.

Job Descriptions

Job descriptions have been developed for each job. Each employee is required to read and sign his/her job description. A signed copy of the job description is placed in the employee's personnel file and another copy is provided to the employee for his/her own records. Employees will be required to perform the duties as outlined in his/her job description. As positions change, job descriptions will be evaluated and updated. The employee will be given a copy of the updated job description and asked to sign a new copy for his/her file.

Fair Labor Standards Act (FLSA) Classifications

Each position (and each employee performing that position) must be classified as "exempt" or "non-exempt," according to guidelines established under the provisions of the Fair Labor Standards Act (FLSA). Those employees in positions classified as "exempt" are exempt from the overtime provisions of the Act. Those employees in positions classified as "non-exempt" are subject to the payment of overtime, according to wage and hour regulations.

Position Classification Committee and Appeals Process

The Knox County Position Classification Committee will assist the County Administrator in the following activities as they relate to the Position Classification Program:

- a. Evaluate new positions.
- b. Re-evaluate positions, on a department manager's/Sheriff's request, that have changed significantly in scope or complexity.
- c. Revisit existing position classifications on a department manager's/Sheriff's request.

Committee Members: Committee members will consist of department managers/Sheriff appointed by the County Administrator.

Meetings: The Position Classification Committee will meet on an as needed basis as determined by the County Administrator. The County Administrator may also elect to convene the Committee at other times if necessary.

Position Classification Program: The County Administrator and the Position Classification Committee will use the Classification System developed by Thornton & Associates and approved by the Knox County Commission. During Position Classification Committee meetings, each Committee member will rate positions individually based on the information in the Job Description and any supporting documentation that may have been provided, and the Committee will work to reach

consensus. If more information about a position is needed, the department manager/Sheriff and/or the incumbent may be invited to attend the meeting, but will exit before the position is rated. The County Administrator has the final say over any ratings where consensus cannot be reached.

Appeal Process: An employee who does not agree with the evaluation of his/her position may request a re-evaluation of the position in writing, including the detailed reasons for the disagreement. This request will go to the respective department manager/Sheriff, and if that individual is in agreement that the position should be re-evaluated, the request will be forwarded to the County Administrator. Once the Committee has re-evaluated the position, the County Administrator will inform the department manager/Sheriff of the outcome, and the department manager/Sheriff or immediate supervisor will inform the employee. If the employee does not agree with the decision, or if his/her department manager/Sheriff did not forward the request to begin with, s/he may file a grievance under the County's Grievance and Appeal Procedure or the respective Collective Bargaining procedures.

Questions: Questions about the Position Classification Committee or process should be directed to the County Administrator.

Performance Evaluation

Each regular employee shall be evaluated by his/her immediate supervisor on his/her performance based on a prescribed evaluation process. Because of the obvious importance of evaluations, supervisors need to complete evaluations on a timely basis.

The purposes of a performance evaluation are:

1. To measure the employee's progress in achieving his/her potential in the position. The County's performance evaluation philosophy is to facilitate in any possible way the development and strengthening of each individual staff member's skills. The evaluation process is designed to help staff become more proficient in providing quality service to our constituencies and maintaining a positive and comfortable environment for everyone.
2. To provide a forum for the supervisor and the employee to share and discuss concerns, goals, and agreements/disagreements over the way the job should be performed, or is being performed.
3. To document achievements, deficiencies or problems, and with respect to the latter two, to provide a plan for corrective action. An evaluation is not a prerequisite to a request for corrective action, or job termination, but such a result can occur from an evaluation. Supervisors should not wait until the next formal evaluation to take action to correct a problem or deficiency. Such problems, if any, will be called to the employee's attention outside of the evaluation process, and there should be no "surprises" in the annual review. Notation of how such problems were resolved shall be documented in the employee's next evaluation.

Performance evaluations will take place on the following schedule:

- 1) Performance evaluations for employees covered by a collective bargaining contract are governed by the contract.
- 2) Non-Bargaining New Employees - Introductory Performance Evaluations are completed at or near 30 days of employment and at 6 months of employment.
- 3) Non-Bargaining - Regular Performance Evaluations – Regular Performance Evaluations will be completed by employee’s supervisor according to the following schedule.

| Date of Hire | Performance Evaluation By: |
|-------------------------|-----------------------------------|
| January 1 - March 31 | February 28th/29th |
| April 1 - June 30 | May 31st |
| July 1 - September 30 | August 31st |
| October 1 - December 31 | November 30th |

After a discussion and review of the evaluation report, the employee shall sign the evaluation. This indicates that a review took place but does not necessarily mean agreement with the evaluation. The employee may respond, in writing, to any or all of the evaluation.

The original signed performance evaluation will be filed in the employee’s personnel file. Employees must always receive a copy of his/her evaluation at his/her annual evaluation meeting.

Salary Adjustments

Salary adjustments are governed by the County's Compensation Program, which is outlined in the Position Classification and Salary Administration Policy, provided in the Appendix

LEAVES OF ABSENCE

Employee leaves of absence are governed by a number of regulations which change regularly. Supervisors and Department Managers/Sheriff should notify the County Administrator if an employee is absent for more than three days for any reason other than vacation, or if the employee requests a leave of absence.

Family Medical Leave - Federal and State Regulations

Supervisors and Department Managers/Sheriff must be familiar with the process and paperwork required under both federal and state regulations for Family Medical Leave. The following is a summary of eligibility. The most important supervisor/Department Manager/Sheriff responsibility is to notify the County Administrator if an employee is going to be absent from work for more than three days, for any reason other than vacation.

WHAT IS FMLA?

- It stands for Family and Medical Leave Act - and there is a federal law and a separate state law. There are a few additional reasons that qualify employees for FMLA under state law that are not part of federal law.
- FMLA is ONLY job protection - it provides NO paid leave. The only pay that an employee can receive while out on FMLA is if they have paid time available under the County's paid time off policies (vacation, sick, compensatory time, disability, etc.).
- FMLA and any paid time off run concurrently, and the County requires employees to use their available paid time off when out on FMLA. If an employee has paid time off that extends beyond the maximum time available under federal law (12 weeks in a 12 month period) or state law (10 weeks in a 24 month period), the job protection would continue until the paid time off is exhausted.

EMPLOYEE ELIGIBILITY

- Under federal law, an employee must be employed with the County for 12 months and work at least 1250 hours to be eligible for FMLA job protection. Under State law, 12 months of service is required, but there is no minimum hours requirement.

TIME FRAMES AND DOCUMENTATION

- If an employee is out of work more than 3 days (and not on vacation), the manager should ask the employee to complete an FMLA Request Form. If the employee is out of work when notification occurs, the supervisor will complete the FMLA Request Form, indicating that the employee is unable to sign the form. However, even if the employee does not request FMLA, the County will "trigger" the job protection.
- Once a supervisor, manager or HR, are aware of an FMLA-qualifying leave, the Administrative Office has 5 business days to complete the required HR paperwork ("Notice of Eligibility and Rights and Responsibilities"). This form needs to be completed within the time frame, and sent to the employee, with a copy placed in the employee's medical file.

- If the requested FMLA leave is for less than two weeks, the County will not require the Healthcare Certification Form. If the absence is going to extend beyond two weeks, the County requires medical substantiation (doctor's note or the FMLA "Certification of Health Care Provider" form).
- The amount of time an employee can obtain job protection is up to 12 weeks (in a 12 month period) if qualified under federal law, and up to 10 weeks (in a 24 month period) if qualified under state law but not under federal law.
- Once FMLA is approved and the dates of leave are certain, the Designation Form will be prepared and sent to the employee.
- "FMLA" should be indicated on the time sheet when an employee is out on an approved FMLA leave.

REASONS FOR FMLA UNDER FEDERAL LAW

Leave may be taken for any one, or for a combination, of the following reasons:

- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son, daughter or parent (but not in-law) who has a serious health condition;
- For the employee's own serious health condition (including any period of incapacity due to pregnancy, prenatal medical care or childbirth) that makes the employee unable to perform one or more of the essential functions of the employee's job (this includes a serious health condition related to a workplace injury or illness; and/or
- Because of any qualifying exigency arising out of the fact that an employee's spouse, son, daughter or parent is a covered military member on active duty or has been notified of an impending call or order to active duty status in the National Guard or Reserves in support of a contingency operation.

Additional Military Family Leave Entitlement (Injured Servicemember Leave)

- In addition to the above basic FMLA leave entitlement, an eligible employee who is the spouse, son, daughter, parent or next of kin of a **covered servicemember** is entitled to take up 26 weeks of leave during a single 12-month period to care for the servicemember with a serious injury or illness. Leave to care for a servicemember shall only be available during a single-12 month period and, when combined with other FMLA-qualifying leave, may not exceed 26 weeks during the single 12-month period. The single 12-month period begins on the first day an eligible employee takes leave to care for the injured servicemember.

REASONS FOR FMLA UNDER STATE LAW

Leave may be taken under Maine FMLA for any one, or for a combination, of the following reasons:

- Serious health condition of the employee (including a serious health condition arising from a work related injury)

- The birth of the employee's child, or the employee's domestic partner's child;
- The placement of a child 16 years of age or less with the employee, or the employee's domestic partner, in connection with the adoption of the child by the employee, or the employee's domestic partner;
- A child, domestic partner's child, parent, sibling, spouse, or domestic partner with a serious health condition;
- Donation of an organ of that employee for a human organ transplant; or
- The death or serious health condition of the employee's spouse, domestic partner, parent, sibling, or child while on active duty in the state military force or the U.S. armed forces, including the National Guard and reserves.

A domestic partner as used above means the partner of an employee who:

- Is a mentally competent adult as is the employee;
- Has been legally domiciled with the employee for at least 12 months;
- Is not legally married to or legally separated from another individual;
- Is the sole partner of the employee and expects to remain so;
- Is not a sibling of the employee; and
- Is jointly responsible with the employee for each other's common welfare as evidenced by joint living arrangements, joint financial arrangements or joint ownership of real or personal property.

A qualified sibling as used above means a sibling of an employee who is jointly responsible with the employee for each other's common welfare as evidenced by joint living arrangements and joint financial arrangements.

JOB PROTECTION

- At the end of FMLA leave, employees generally have a right to return to the same or equivalent positions with equivalent pay, benefits and other employment terms.
- Unless notified that providing such certifications is not necessary, an employee returning to work from FMLA leave taken because of his/her own serious health conditions that made his/her unable to perform his/her job must provide the County with medical certification confirming s/he is able to return to work and perform the essential functions of his/her position, with or without reasonable accommodation. The County may delay and/or deny job restoration until employees provide return to work/fitness for duty certifications.

ACCIDENT REPORTING

Employee Work Related Injuries and Illnesses

Managers and supervisors have the responsibility to immediately report any work related injury or illness, and to complete the Worker's Compensation "First Report." The first responsibility is to ensure that the employee is taken care of. Secondly, it is important to collect as much information as possible as early in the process as possible, including an employee statement, witness statements, photographs, and other details.

Please refer to the policies, procedures and forms outlined in the Accident Investigation Program, last updated February 2015.

Non-Employee Injuries and Illnesses

Managers and supervisors have similar responsibilities when a non-employee experiences an injury or illness on our property.

Please refer to the policies, procedures and forms outlined in the Accident Investigation Program, last updated February 2015

EMPLOYEE ASSISTANCE PROGRAM

All employees of Knox County, as well as any member of their households, have access to services under the Employee Assistance Program through the Maine Municipal Association Employee Health Trust.

Managers should encourage employees to utilize EAP services whenever there is a situation, at work or outside of work, where the employee or a member of their household needs assistance in solving a problem. The types of services and supports are very broad in nature, and many of the services are free.

If any manager has a question about EAP or how to speak to an employee about EAP, s/he should contact the Administrative Office.

PERFORMANCE MANAGEMENT / DISCIPLINARY ACTION

Management's goal is to work with each employee to maximize his/her success and potential. We recognize that errors and oversights are an inevitable part of a busy business environment. As part of the training and development of an employee, the employee's supervisor will necessarily direct attention to these errors and oversights. Management does not necessarily consider such interaction to be disciplinary. It is more appropriately considered to be part of the continuing process of improvement, which we expect from all employees.

On occasions, however, failure or refusal to correct errors and or misconduct may lead to disciplinary action. The paragraphs below describe the County's policy on disciplinary action. Although Management intends to follow the progressive approach described below, it reserves the right to skip any portion of the process. Considerations that might accelerate or change the process would include the seriousness of the misconduct or error and whether there have been previous attempts to train or counsel the employee.

Expectations and standards of performance will be communicated to each employee by his/her supervisor, and it is each employee's responsibility to be aware of the expectations and standards that apply to his or her particular job.

The application of the disciplinary policy must be consistent and equitable so that all employees receive like treatment for similar offenses.

The objective of any disciplinary warning is to correct problem behavior. When completing disciplinary warning notices, a supervisor must be specific, thorough, honest and to the point. Supervisors must "tell it like it is" in terms of stating the facts, but eliminate judgment and blame.

The County Administrator should be notified before implementing any discipline above an Oral Reprimand. In addition, Human Resources is available to assist a supervisor with disciplinary action, as follows:

1. HR can help supervisors write a disciplinary warning so that it contains the appropriate information and is legal.
2. HR may review disciplinary warnings before they are presented to the employee, especially for supervisors who have never disciplined an employee before.
3. HR may sit in on any disciplinary meetings when the warning is being presented to the employee. It is always a good idea to have a witness at these meetings.

A "Notice of Corrective Action & Performance Improvement Plan" Form is available for supervisors (see the Appendix), or they may use a narrative/memo format that contains the same information.

The original, signed documentation must be sent to Human Resources for the employee's personnel file.

Knox County's disciplinary policy is included in the Personnel Policy Handbook and this is reviewed with employees at their initial orientations. In addition, collective bargaining agreements govern the disciplinary process for covered employees.

For non-bargaining employees, the procedure includes the following:

- **Counseling** - At the first sign of a performance issue, the supervisor should meet with the employee to discuss expectations and where the employee's performance is falling short of expectations. Counseling may or may not be documented in the employee's personnel file.
- **Oral Reprimand** - If Counseling has not resolved the performance issue, or if the infraction warrants it, then the supervisor should inform the employee that his/her job performance or workplace conduct isn't measuring up to the County's and supervisor's expectations and standards. This initial communication is typically delivered verbally in a one on one meeting between the supervisor and the employee. Even though this is a verbal warning, it should be documented/recorded.

The warning must include the following

1. a detailed description of the area of job performance that needs to be improved or the behavior that must be stopped
 2. plan of correction
 3. the length of time the employee has to correct the problem
 4. description of the consequences of what will happen if the problem is not corrected in the time specified.
- **Written Reprimand** – This phase applies if the performance or conduct problem raised in the initial phase worsens or fails to improve, or if the nature of the performance issue warrants starting the disciplinary process at this level. It is best practice to have Human Resources participate in this meeting. It is important at this stage in the process that the employee be made aware of how his or her performance or behavior is affecting the business. The supervisor should try to work with the employee to come up with a plan of action/correction that gives the employee the opportunity to improve.
 - **Suspension (with or without pay)** – In more serious situations or with repeat offenses, management may send the employee home with or without pay for a defined period of time. Managers need to ensure that the time sheet is properly notated.
 - **Termination of Employment** – Termination is usually the last step in the process but depending on the severity of the behavior or problem it may be the only step in the process. There is no requirement to follow the disciplinary steps in order.

The measures need not be applied in sequence, depending on the seriousness of the infraction. Whenever disciplinary action is taken, the employee will be clearly informed of what the infraction or area of poor performance is, the actions needed to correct the situation and the consequences if the problem reoccurs or persists.

TERMINATION OF EMPLOYMENT

Voluntary Termination of Employment

Employees are asked for the professional courtesy of giving two weeks advance notice if they plan to resign; supervisors and other exempt employees are encouraged to provide at least thirty (30) days notice. However, due to the importance of the Employment at Will Doctrine for non-bargaining employees, we cannot require a notice or withhold any privileges if one is not provided. A lack of notice can be noted in an employee's personnel file and taken into consideration if s/he applies for future employment opportunities.

When a supervisor receives verbal notice of resignation from an employee, the supervisor should request the notice in writing, notify the County Administrator immediately, and forward the written notice to the Administrative Office.

If a notice period is provided and the supervisor feels it is in the best interests of the County for the employee not to work the notice, the supervisor may speak with the County Administrator about ending employment prior to the end of the notice period. In this case, the County will pay up to a two week notice, depending on the circumstances.

Involuntary Termination of Employment

Involuntary termination of employment is an involuntary separation of a regular employee resulting from disciplinary action or the employee's inability to perform the duties of his/her position, or other cause as determined by the employee's supervisor and or County Administrator, subject only to the Grievance Procedure, if applicable.

If a supervisor reaches the decision to terminate employment, s/he should discuss the recommendation with the County Administrator and Human Resources. County Administrator (or Sheriff for the Sheriff's Office) approval is required for involuntary terminations of employment. In addition, the County requires that two individuals meet with the employee to discuss the reasons for the termination of employment. Documentation of the decision shall be placed in the employee's personnel file.

Termination Due to Lack of Work

Elimination of job positions or reassignment of duties may result from lack of funds, changes in federal or state regulations, County or program reorganization or other changes not related to job performance.

Under these circumstances, every effort will be made to provide thirty (30) calendar days prior notice to the employee. In no case will less than fourteen (14) calendar days notice be given prior to termination.

An employee whose job position is eliminated or whose job duties are reassigned as a result of reorganization, retrenchment or changes in federal or state policy shall not have access to the Grievance Procedure as it relates to this decision.

References on Terminated Employees

When a staff person leaves employment at the County, the Administrative Office will send the employee a release to sign. This release provides direction to the County regarding release of employment information. He or she may choose to authorize or not authorize the County to provide information in the employee's personnel file related to job performance to potential employers. This includes performance evaluations, use of time off, documentation of commendations or disciplinary action, etc.

A signed copy of the release and copies of all references will be put in the employee's personnel file.

If an employee does not authorize the County to provide employment information, in his/her personnel file, then the County will release dates of employment and job titles only. The prospective employer will be advised that the employee did not authorize the County to give out additional employment information.

Department Managers/Sheriff may give out references on former employees but only after checking with the Administrative Office to make sure a release has been signed by that person. If the supervisor is uncomfortable giving a reference, the request should be forwarded to the County Administrator or Human Resources.

CONCLUSION

Any questions about the policies in the Manager's Handbook should be directed to the Human Resources Representative, the Human Resources Consultant, or the County Administrator.