

## Webster County Personnel Administration

# County Personnel Policies

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## **Personnel Policies and Procedures for Employees of Webster County**

It is the purpose of these employee rules to set forth the general principles and the procedures which will be followed by Webster County in the administration of wages, salaries, benefits, and working conditions of Webster County employees. This manual is for information only and is not, however, a contract between Webster County nor its Commission and the employees of the County. All employees are employed on an at will basis.

These policies, as is true of any policy statement, are subject to amendment as the need arises. The County of Webster reserves the right to change these policies and procedures whenever appropriate and to set a compliance timetable at the County Commission's discretion when deemed appropriate.

Elected officers of the County and departmental heads will need to give *specific* administrative *dimension and direction* to their individual department functions as mandated by state statutes. Generally, departmental rules should not conflict with these policies unless discussed by the appropriate department head with the Webster County Commission and given prior approval.

All personnel policies set forth in this manual apply to Sheriff Department employees unless otherwise stated. Those employees are directed to the Sheriff Department personnel handbook.

If an employee needs more information, contact the Human Resource person in the County Clerk's Office.

This manual has been revised and supersedes ALL prior manuals.

*Effective November 19, 2010*

## Authority

The most important and most expensive resource that accrues to Webster County's government is its staff. Therefore, it is important that the County have clearly stated policies applicable to the wise management of its personnel.

The authority of the County Commission is found, in the main, in Chapter 49 and 50 of the Missouri Revised Statutes (RSMo). RSMo49.278; RSMo 49.273; RSMo49.275; RSMo 49.275; RSMo 49.265; RSMo 50.525; RSMo 50.330 and RSMo 50.550, all give broad powers to the County Commission in establishing working conditions, salaries/wages and benefits for the County employees.

The Missouri Revised Statutes; the existing rules and regulations of the Webster County Commission; and the United States Department of Labor Wage and Hour Division, Employment Standards Administration (U.S. Department of Labor 29 CFR Part 553) are the applicable authorities for these personnel policies. For immediate reference a researcher should review the Federal Register of Friday, January 23, 1987. In addition, these policies are written to reflect what is generally known as the "Garcia Decision" (Garcia v. San Antonio Metropolitan Transit Authority, 105 S. Ct. 1005, 1007, 1021 (1985)). That the Supreme Court Decision has the effect of bringing Webster County employees under the Fair Labor Standards Act. See also WH Publication 1459 (May 1985) "State and Local Government Employees Under the Fair Labor Standards Act."

These principles are designed to avoid conflict with existing State statutes as well as with applicable federal regulations. Adherence to the United States Department of Labor Wage and Hour Division is reflected. In the case of the National League of Cities v. Usery 426 U.S. 833(1976) the Supreme Court held that the minimum wage and overtime pay provisions of the Fair Labor Standards act (FLSA) could not be applied to state and local government employees engaged in traditional activities. This decision, used for some time as a benchmark for excluding county employees was set aside, however, by the Garcia decision (105 S. Ct. 1005, 1007, 1021)(1985) issued on February 19, 1985. Good policies are, by nature, not static. They will continue to evolve over time. Secondly, good policies require the application of reasoned judgment. The omission of Webster County recognizes the need for general policies of personnel employment but also recognizes the appropriate authority of individual office holders.

## STATEMENT OF RIGHTS

### Webster County Government

The County of Webster shall retain certain specific rights and authority. The County shall have sole authority in establishing goals and objectives, setting the mission of County government, providing for the needs and services of the residents of Webster County, and to plan the direction of the future of Webster County in compliance with the Statutes of the State of Missouri. The County of Webster will retain the right to direct the work of employees; to hire, promote, demote, discipline, suspend, and dismiss employees; to release employees due to lack of work, financial constraints, or for other legitimate reasons with any layoff of employees being normally accomplished through natural attrition over a reasonable period of time giving due consideration to seniority. The County of Webster shall retain sole authority to establish and enforce rules and regulations; to change or modify methods, services, equipment or facilities in compliance with the Statutes of the State of Missouri.

**Webster County retains the right to revise any and all personnel policies at any time; this manual, employee handbooks, and any related materials are subject to change at any time without prior notice.**

Nothing in this manual shall expressly or by implication be interpreted to be in conflict with the U.S. Constitution, the Missouri Constitution, federal labor law, the statutes of Missouri or interpretation of the law by the federal courts. Should such omission or conflict appear the appropriate state or federal laws or constitutions should take precedence.

#### **Equal Employment Opportunity**

It is the intent of Webster County to assure equal employment opportunity for all persons on the basis of merit, without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, physical handicap or other non-merit factor.

#### **Employment At Will**

Employment with Webster County is on an at will basis meaning that employment may be terminated by the County or by the employee at any time.

## **"At Will" Reference Statement**

### **At Will Employment**

County employees are employed on an at will basis which means that either the employer (Webster County) or the employee may terminate employment at any time without restriction. This does not infer, however, that a review cannot be made of a termination through the appeal process. Such a review will be non-public in nature and handled through "personnel protected" statutes of Missouri's open meetings/records laws.

## **Equal Employment Opportunity for Webster County, Missouri**

The Webster County Commission, being aware of the necessity of making a statement of policy as to the equal employment opportunity as provided to the citizens of Webster County, do hereby issue the following order.

IT IS THEREFORE ORDERED by the County Commission of Webster County that equal opportunity in employment will be offered without regard to race, color, religion, sex, age, national origin, handicap, political affiliation, or anything that might be construed as being discriminatory in the employment process no matter how insignificant it might appear.

IT IS FURTHER ORDERED by the Commission that this policy of no discrimination will prevail throughout every aspect of employment and that all decisions for hiring shall be based solely upon each individual's qualifications for the position to be filled.

IT IS FURTHER ORDERED by the Commission that all employee benefits, compensation and other personal actions will be administered without regard to race, color, religion, sex, age, national origin, handicap, political affiliation, or anything else that might be construed as discriminatory.

IT IS THEREFORE ORDERED by the Commission that it is the intent of the County Commission that this policy shall be enforced the same as any other policy of Webster County and that all office-holders shall agree to comply with the above statement of policy or submit a policy of their own subject to the approval of the County Commission. Any attempt to thwart or circumvent this policy shall be grounds for disciplinary action as allowed by the Missouri State Statutes.

**Webster County Government  
Statement of Intent to Make Facilities Disabled Accessible**

It is the intent of the Webster County Commission to make the Webster County Courthouse and all County Facilities accessible to the physically disabled as soon as practical and economically feasible.

**Webster County Commission**  
January, 1992

## Webster County Code of Ethics

**Purpose:** Employees and representatives of Webster County shall endeavor to uphold not only appropriate state and federal laws and statutes but shall conduct themselves in a manner consistent with their role as holders of the public trust.

1. **Civility.** All personnel shall be civil, orderly, diligent, discreet, courteous and patient as a reasonable person is expected to be in any situation public or private.
2. **Contact with Citizens.** All personnel shall answer questions from citizens in a courteous manner and if unable to supply an answer, shall make every effort to obtain the answer for the citizen, avoiding argument and unnecessary conversation. If requested, an employee shall give his name in a courteous manner to any person who so requests. All persons shall receive equal courtesy regardless of race, color, handicap, creed, religion, sex, or age.
3. **Truthfulness.** All personnel shall speak the truth at all times under all circumstances. In cases which he is not allowed by the regulations of his office to divulge facts within his or her knowledge, he or she will respectfully decline to speak on the subject.
4. **Criticism and Malicious Gossip.** Personnel shall not criticize any other person or employee, except in the line of duty as a superior to a subordinate. Nor shall the employee criticize or maliciously gossip about any superior, fellow employees, order, policy, procedure, case or event that should remain official information. No employee shall cause discredit, lower or injure the morale of the personnel of the County or that of any individual of the County.
5. **Possession/Use of Intoxicants/Drugs.** Personnel shall not bring, permit to be brought, placed, or kept in any building, location, or vehicle within the County any intoxicants or drugs. Use of intoxicants in any manner while on duty or within 8 hours prior to scheduled duty is **not** permitted. If a county employee is involved in an accident while operating county equipment, there will be an automatic test for intoxicants.
6. **False Information on Records.** Personnel shall not make false official reports or knowingly or willingly enter or cause to be entered into any County books, records, or report any inaccurate, false, or improper information or material matter.
7. **Misappropriation of Property.** Personnel shall not appropriate for his own use any lost, found, or stolen property nor convert to his own use any County property.
8. **Marking or Altering Department Notices.** Personnel shall not mark, alter, or deface any printed or written notice, memorandum, general order or directive relating to County business nor any notice posted on any bulletin board or blackboard maintained by the County. All notices of a personal nature and/or of a derogatory character regarding any member, employee, or department of the County are prohibited.
9. **Statements Concerning Liability.** Personnel shall not make any oral or written statements to anyone concerning liability in connection with the operations or administration of County business.

10. **Seeking/Accepting Gifts.** No person shall seek or accept, directly or indirectly, any gift, present, or gratuity from any person, firm, group of persons, relatives, friends, employees of the same, or for any service rendered or expense incurred on the basis of his employment or association with the County if the purpose of that gift is to in any manner influence the action/function of the employee or if the gift has any significant monetary value.

## **Courthouse Closings**

**Objective:** This policy establishes the authority for determining the closing of the Webster County Courthouse.

### **Authority for Closing Due to Inclement Weather**

The Webster County Commission or Elected Officials shall be the only authority to release any employees earlier than the regular closing hours of the Courthouse and its departments or to delay the regular time to report to work due to inclement weather conditions. The County Commission has sole authority in closing the entire Courthouse due to inclement weather or other severe conditions. It is the duty of the dispatcher to inform the Presiding Commissioner of inclement weather occurring during nighttime hours.

If the Courthouse closes due to inclement weather, courthouse employees must use accrued compensatory time, accrued vacation time or up to two days sick leave in order to be paid for time closed. Alternatively, employees may choose to not receive compensation for time closed.

An Elected Official can choose to close his/her office even if the Courthouse opens during inclement weather. Employees in that office may choose to use compensatory time, up to two days sick leave, vacation time, or to go without pay for the time their office is closed.

### **Authority for Closing Due to Unusual Circumstances**

The Webster County Commission shall be the sole authority in determining the closing of the Courthouse and its departments for any reason or circumstance deemed appropriate or necessary.

## **Dress Code**

**Objective:** This policy establishes the authority within the Webster County Government for determining a dress code for employees.

### **Authority**

The Elected Official or department head may establish a reasonable dress code for employees under his/her direction at his/her discretion.

## **Employee Records**

**Objective:** Certain records must be kept in accordance with the Fair Labor Standards Act. This policy establishes information to be recorded and the time period for retaining employee records.

### **Personnel Files and Retention**

The County Commission and Elected Official or department head will be responsible for maintaining a current and accurate file on each employee under his/her direction. Department heads will maintain time sheets for all personnel and will submit same to the County Clerk. Personnel files will be preserved according to State law as stated in the retention manual.

### **Repository**

The Webster County Commission shall designate a repository(s) for all personnel files and records as deemed necessary.

### **Confidentiality**

Personnel files will be maintained as confidential and information will be revealed to only those persons who submit a written request and who have a reasonable and documented "need to know."

### **Public Records**

Salary ranges, position classifications, and basic employment information shall in all cases be made available to the public on request at reasonable times with the approval of the Webster County Commission.

## Health and Safety

**Objective:** Employees of Webster County have a right to work in a safe environment and correspondingly Webster County must help in preventing injuries to employees and others.

If an employee is on medication or under a doctor's care for any reason that could affect the employee's operation of machinery, equipment, or other job duties, the employee must inform his/her supervisor of his/her condition.

If you see someone injured, call 911. If a minor injury occurs while you are on the job, there is a first aid kit located in the basement Maintenance office, in the Sheriff's office and County Clerk's office. If an accident or illness should occur, no matter how slight, notify your manager or supervisor immediately so that appropriate medical treatment may be administered. The transfers of any body fluid (blood, saliva, urine, etc.) may pass on the AIDS or other viruses. Please use extreme caution to avoid contact with these body fluids. Each first aid kit contains plastic gloves, please be sure to use them. If this is not possible, use a strong disinfectant such as Lysol or liquid bleach, to clean up afterwards.

On the job injuries will be handled in accordance with the Workers' Compensation laws. Any employee who is injured while on the job must notify the personnel department immediately to be eligible for coverage provided under the Workers' Compensation Act. As part of our Drug Free Work Place policy, you may also be required to submit to drug testing if you are injured on the job.

## County Employees Work Period and Workday

**Objective:** It is the intent of Webster County to administer the wages and salaries of employees in the most fair and objective manner possible. In performing this function and in respect to the application of FLSA (Fair Labor Standards Act) (29 CFR Part 553), it is incumbent on the County to designate an official "beginning" and "ending" of the work period and to designate the workday.

### Designated Work Period

The work period shall begin at 12:01 a.m. on Sunday morning and shall end at 11:59 p.m. on Saturday evening for Webster County employees except for the Sheriff's Department.

### Call-In

If employees are called in for unexpected or emergency duty, then the work period beginning designation is important and useful for that is the point at which time begins accruing for purposes of figuring overtime compensation or compensatory time off at a rate of 1.5 times hours worked if taken *outside* the work week.

### Workday and Hours of the Courthouse

Elected officials have authority to set the working hours of their employees as long as 40 hours per week are scheduled. Overtime will be compensated *only* after 40 hours have been exceeded in one work week. If work load allows, office staff may be allowed to take a 30 minute lunch period and leave 30 minutes early.

The official hours of the Courthouse are from 8:00 a.m. to 5:00 p.m. The County Commission has control over the hours of the outside doors.

### Compensatory Straight Time Off

Compensatory *straight* time off may be awarded for overtime worked *within* the work week. For example, if a maintenance employee is called in at 4:00 a.m. on a Monday morning to handle a waste water flooding problem, he or she may be eligible to receive straight time off for four and one-half (4.5) hours on Friday afternoon of the *same* week. (This example's application is based on the assumption that the maintenance worker's workday is normally set to begin at 8:30 a.m.) A paid holiday within the week is *not* considered a day worked.

### "Averaging" of the Work Week

"Averaging" of two or more weeks for purposes of figuring overtime compensation across two or more weeks is not allowed under the provisions of FLSA. In other words averaging of overtime

worked for the purposes of reducing compensation in either pay or compensatory time earned is not allowed.

### **Overtime Compensation**

Overtime compensation for time worked in excess of 40 hours within the work week is computed at the rate of 1.5 times the number of hours worked in excess of 40 hours. *Overtime is figured only on actual hours worked (holiday, sick time, vacation and or comp time, do not count towards the 40 hrs.)* The department head may elect, at his or her discretion, to allow straight time off for overtime worked if this is awarded *within the regular work week* for which the excess time was used. Calculations for emergency service personnel in the Sheriff's Department are different (see special section). The County Commission of Webster County reserves the right to determine whether overtime will be paid or granted as compensatory time only.

### **Compensatory Time Off Awarded on a 1.5 Basis**

When time in excess of the 40-hour work week (except for the Sheriff's Department) is earned in a work week but is to be awarded, because of work load, at some future time, the time earned must be multiplied by a factor of 1.5.

### **Overtime May Be Required**

The Elected Official or department head is authorized to require employees to work overtime as a condition of employment if the conduct of public business is such that this is necessary for the welfare of the Department. All employees shall be so advised of this as a condition of employment.

## **Paid Holidays**

**Objective:** This policy establishes days throughout the year that are viewed as paid Holidays for:

- regular, full-time Webster County employees; and
- regular, part-time employees averaging 30 hours or more per week.

### **Authority to Determine**

The Webster County Commission shall retain the right to determine which traditional and non-traditional days of each year will be considered paid Holiday leave days for County employees. Normally, the Holiday schedule will be those Holidays granted State employees working in Webster County and/or as referenced in RSMo 9.010.

### **Paid Holidays, (Same as the State)**

- New Year's Day
- Martin Luther King's Birthday
- Lincoln Day
- Washington's Birthday (Observed)
- Truman Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day (Observed)
- Veteran's Day
- Thanksgiving Day
- Christmas Day

### **Requirements**

In order to receive payment for designated Holidays, an employee must either:

- a) work their normally scheduled hours for both the day before and the day after the Holiday; or
- b) use any of their cumulative time (comp time, vacation, or sick pay) to cover their normally scheduled hours for both the day before and the day after the Holiday.

Eligible part-time employees (those working an average of 30 hours or more per week) have the additional requirement that they will receive allowances for Holiday leave only if the Holiday falls on a day they are normally scheduled to work. Also, eligible part-time employees will receive a pro-rated benefit, calculated by dividing the average number of hours worked by forty, and multiplying that percentage by eight. For example, an employee who normally works 32 hours per week will receive 6.4 hours of the holiday pay, as compared to the 8 hours earned by an employee working 40 hours per week ( $32 / 40 = 80\%$ ;  $80\%$  of 8 hours = 6.4).

**When Holidays Fall on Weekends**

When a Holiday falls on a Sunday, the following Monday shall be observed as a paid Holiday. When a Holiday falls on a Saturday the preceding Friday shall be observed as a paid Holiday. (RSMo 9.010).

**Employees Required to Work Holidays**

When it is impractical to give time off to employees regularly scheduled to work on any official Holiday because of the necessity of continuing essential services (or on an emergency "call-back"), then the department head may elect one of two options. Either the employee may receive a cash reimbursement equal to the day's rate of pay in addition to the regular wages earned that day or he/she may receive a day off on a straight compensatory basis. This determination is left to the employer (the County).

**Amended 7-30-04**

Full time emergency personnel, who are required to work holidays, will be given an eight-hour "floating holiday" to be taken at any time during the pay period awarded. However, these floating holidays must be used within the 2 week pay period after said holiday or they will be forfeited.

**Amended 04-25-2005****Amended 6-8-2009****Amended 9-28-2011**

## **County Property**

**Objective:** This policy establishes the obligation of a separating employee, whether voluntary or involuntary, regarding Webster County property.

### **Return of County Property**

Any employee separating from employment of Webster County government for any reason shall, prior to separation, return all County property, keys, manuals and equipment issued the employee. Failure to return County-owned property and equipment by date of separation, or failure to return property and equipment in acceptable condition will result in the withholding of any compensation or benefits due the employee, as long as it doesn't put the employees rate of pay below minimum wage.

## **Work Schedules**

**Objective:** This policy establishes the authority for setting employee work schedules and for allowing sufficient notice to employees for changes in work schedule.

### **Authority**

The Elected Official or department head shall have authority for setting work schedules for all employees of his/her department. The Elected Official or department head may designate a person in a supervisory role within the department to coordinate work schedules.

### **Notice of Changes in Work Schedules**

The department head or his/her designee shall maintain current work schedules and shall give employees reasonable notice of any changes in work schedules.

## **Travel and Travel Reimbursement**

**Objective:** Employees of Webster County may have reason to use, at times, their *personal vehicles* for the conduct of official County business. This policy establishes the method and amount of reimbursement for such use of personal vehicles. It also establishes the policy for reimbursement of meals and lodging while in the conduct of official Webster County business.

### **Compensation**

Any employee requested by his/her department head to use a personal vehicle for official County business will be reimbursed according to State guidelines for mileage reimbursement. Use of a personal vehicle must have prior informal approval and show proof of insurance to the department head if reimbursement is expected. Records of mileage driven (by odometer) and reimbursement requested shall be submitted by the employee to the department head on a *monthly* basis.

An employee whose expenses may be eligible for reimbursement by a professional association/organization shall not receive reimbursement from both the association/organization and the County. In such a case, the association shall provide the reimbursement.

Reimbursement for meals and lodging is based only with the *prior* approval by the Elected Official and on the submission of appropriate receipts. The receipt submitted must be the original as contrasted with a copy.

Lodging reimbursement will be limited to the County employee's lodging cost only at a single occupancy, government rate only. Meal reimbursement will be limited to a maximum of \$35.00 per day, until such time as it is revised by the Commission due to higher costs of food. To ensure meal expenses are reasonable and comply with State law (i.e., no alcoholic beverages), documentation from restaurants must include both signature receipt and supporting itemized receipt showing what items were purchased. Failure to provide both copies will result first in a written warning. The second occurrence will result in the charges being deducted from the person's next paycheck and the immediate loss of credit privileges.

### **Requirements**

It is required by the County that any employee using their personal vehicle under the terms of this policy shall be a licensed and fully qualified driver and have insurance as per State requirements. The County is not responsible for damage to any employees' cars while on company business.

### **Travel time**

The time required to get to and from a meeting is counted as time worked.

### **Meeting time**

In the event of an overnight meeting, work time will end at the end of the first days scheduled meeting time. Work time will start the next day at the beginning of the scheduled meetings. Morning and evening meals will only count as work time if there is business conducted during the meal. Meeting agendas can be presented for proof of hours.

**Amended October 1, 2005**

**Amended June 8, 2009**

## **County Credit Cards**

### **Purchase Cards**

Elected officials and other department heads are eligible to receive a purchase card with which they may draw upon the County's line of credit for training, supplies, and other expenses. Other employees may be issued such a card as necessary, if requested by their qualified supervisor.

Original receipts must be submitted for each purchase prior to payment from County funds. Any person failing to submit the required documentation becomes personally responsible for payment of the charges concerned (including late fees or service charges, if any). Failure to provide documentation or payment will result in the charges being deducted from the person's next paycheck and the immediate loss of credit privileges.

### **Fuel Cards**

Unless precluded by circumstance, all fuel purchased by county funds must be purchased from the supplier who submitted the lowest and best bid (determined on an annual basis). Fuel cards will be issued as deemed necessary by each department head, and may be used only to fuel county vehicles. A charge for fuel from other suppliers is allowed only when absolutely necessary, and is limited to five gallons per purchase unless involving out-of-county travel.

**ADDED October 1, 2005**

## Sexual Harassment in the Workplace

**Objective:** Title VII of the Civil Rights Act of 1964 (Section 703) provides that sexual harassment, like harassment on the basis of color, race, religion or national origin is a violation. It is thereby particularly incumbent on those in supervisory capacities to avoid **any** semblance of sexual harassment directed toward anyone in the workplace, whether they be other employees, guests, visitors, or those on county business. The Webster County Commission will not tolerate sexual harassment in **any** form.

### Definition

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

- A. Submission to such conduct seems to relate in any fashion (real or implied) to a term or condition of employment;
- B. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions or may be logically interpreted by the employee as being implied as a basis for any and all employment/promotion/demotion/wage adjustment or other condition of employment;
- C. Or such conduct has the purpose or effect of interfering with an individual's work performance, peace of mind, and/or may create in the mind of any individual an intimidating, hostile, or offensive working environment.

It shall be the policy of Webster County that not only are supervisory staff prevented from exercising any manner of sexual harassment but that, in addition, any and all staff must refrain from same toward any other staff or toward any and all visitors and/or citizens presenting themselves for the conduct of County business. Should an employee seek a remedy every effort will be taken by appropriate officials to assure a) confidentiality and b) no reprisals for the individual having made the report. Talk to a male or female, whichever you feel comfortable talking to, in the Human Resource Dept.

## Use of Telephones & Emails

### Telephone, Cells, Email Use

Telephones, cell phones and emails are to be used only in the conduct of Webster County business. Long distance calls shall not be made at Webster County expense except in the conduct of Webster County business. All long distance calls shall be carefully logged by each Department and be subject to review by the Commission. No long distance telephone calls or emails of a personal nature shall be made by any County employee at County expense. County business is *defined* as only those calls that directly relate to the *immediate* functions of Webster County business.

In the event of an emergency or as related to a matter requiring immediate attention it will be permissible for County employees to proceed with a call while logging it for reimbursement to the County.

## **Anniversary Dates**

**Objective:** This policy establishes the anniversary date of a person's employment with the County to determine proper tabulation of vacation and sick leave time.

### **Anniversary Date**

The date of the first day of full or part-time employment shall constitute the anniversary date for every employee of Webster County.

#### **Amended 5-30-06**

A 30 day break in service will result in a new anniversary date.

#### **Amended 6-8-09**

## **Part-Time Employees**

**Objective:** This policy establishes the anniversary date and compensation guidelines for part-time employees.

**Part-time hourly:** employees working an average of less than 30 hours per week will not receive benefits.

**Part-time with benefits:** employees with 30 or more hours per week will receive the following benefits:

### **Paid Holidays**

Eligible part-time employees will receive compensation for a designated Holiday if it falls on the employee's regularly scheduled work day – and for the same number of hours as would have been worked on a regularly scheduled day (up to a maximum of 8 hours).

### **Overtime Compensation**

Part-time employees will receive overtime compensation only if they work over 40 hours within a work week. Compensation will be in the form of compensatory time.

### **Sick Leave**

Eligible part-time employees will receive sick pay. The number of hours earned will be pro-rated, comparing the average number of hours worked by the employee to those worked by full-time employees.

For example, an employee working 30 hours per week will earn sick pay at  $\frac{3}{4}$  of the rate earned by an employee working 40 hours per week. Currently, full-time employees earn 48 hours per year (1.85 hours every two week pay period). Therefore, the employee in this example will earn 36 hours of sick pay every year.

### **Vacation**

Eligible part-time employees earn paid vacation. The number of hours received will be pro-rated, comparing the average number of hours worked by the employee to those worked by full-time employees.

For example, an employee working 30 hours per week will earn vacation at  $\frac{3}{4}$  of the chart on page 51, established for employees working an average of 40 hours per week.

### **Group Health Insurance**

Eligible part-time employees are eligible to participate in the County's group health insurance plan, with the same guidelines and employer match as for full-time employees.

The same rules and conditions for the payment of benefits apply to Eligible Part-Time Employees as were established for Full-Time Employees. The calculation of the number of hours worked will be based upon a rolling six-week period. Hours paid for holidays, overtime, sick leave and vacation will count towards the calculation of average hours worked per week.

**Amended 3-16-10**

## **Applications and Applicants**

**Objective:** The objective of this policy is to provide the proper, fair and equitable atmosphere for job applicants and to assure that discrimination does not occur in the job application and selection process.

### **Application**

All applications for employment will be made on forms approved by the Webster County Commission and distributed to all Elected Officials and department heads. Applications may require information concerning personal characteristics, education, experience, references and other pertinent information. All applications shall be signed by the applicant attesting to the accuracy and truthfulness of the information provided by the applicant. The Elected Official, department head, and/or the County Commission shall retain the right to request documentation and verification of pertinent information such as education, experience, and other claims by the applicant.

### **Hiring Authority**

The Elected Official or department head shall be the hiring authority in each office and shall have responsibility for filling any vacancy within his/her office so long as the wage to be paid is approved in advance by the County Commission as the budget officers of Webster County.

### **Equal Employment Opportunity**

It is the intent of Webster County to assure equal employment opportunity for all persons on the basis of merit, without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, physical disability, or other non-merit factor.

### **New Employees**

All new personnel shall complete all required forms and submit them to the County Clerk's office before they will receive their first paycheck. New employees shall provide a list of emergency contact telephone numbers.

## **Attendance**

**Objective:** This policy establishes the attendance requirement for all employees of Webster County.

### **Requirements**

*Regular* and *punctual* attendance at work shall be required of all Webster County employees. Failure to observe attendance requirements and recording procedures for attendance will not be tolerated. Three (3) unexcused absences will result in termination. Three (3) tardies will equal 1 unexcused absence.

**Amended 6-8-09**

## **Introductory Period**

**Objective:** The introductory time period should be used for closely observing the employee's job performance and ability to adapt to and understand work assignments, for assisting the employee in effectively adjusting to the position and for dismissing any employee whose performance does not meet the required work standards.

### **Time Period**

All new full-time and part-time employees of Webster County will be subject to a 90-day mandatory introductory period.

### **Dismissal During the Introductory Period**

The Elected Official or department head may elect to dismiss the employee at any time during the introductory period without statement of reason or notice. A dismissal during the introductory period is not subject to an appeal procedure.

**Amended October 11, 2011**

## **Layoffs**

**Objective:** This policy establishes the authority of the Webster County Government to call for employee layoffs and the method for determining which employees are affected by any layoffs.

### **Authority**

The Webster County Commission shall retain the right to call for employee layoffs if the action is deemed necessary due to lack of work or fiscal constraints in the development of or adherence to a budget for a given fiscal year.

### **Method**

Any employee layoffs deemed necessary by the Webster County Commission will be accomplished first by natural attrition over an established, reasonable period of time and then by the release of employees beginning with the employee with the least seniority and movement upward until the necessary number of employees are released. In no case, however, shall any department be rendered dysfunctional due to a layoff of employees with least seniority.

### **Reimbursement, Etc., for Accrued Benefits and Leave Time**

In the event of a major layoff of County employees, the Webster County Commission shall retain the right to distribute incentive funds, if any are available, on a pro-rata basis for earned accrued leave time for which the employee would otherwise be eligible.

## **Medical Examinations**

**Objective:** It is the intent of Webster County to protect the health and well-being of all employees of Webster County.

### **Medical Examinations -- Current Employees**

Medical examinations *may* be requested of any employee at the discretion of the Elected Official or department head for reasons of protecting the health and well-being of all Webster County employees. Any employee requested to have a medical examination will be required to provide the County with the Medical Certification Form completed by a physician of the County's choosing. Any examination required will be conducted at the expense of the County.

### **Medical Examinations -- New Employees**

All new employees of the road department and sheriff's department, with the exception of administrative personnel, will be required to have a medical examination at County expense.

## **Acquired Immune Deficiency Syndrome (AIDS)**

### **Recommendations for the Workplace for Webster County**

The responsibility of protecting health, employment and privacy rights of the employees of the Webster County Commission and related Webster County workplace employees is a fundamental consideration of the Webster County Commission.

Existing state personnel laws, rules, and policies regarding employment; working conditions; dismissal; sick leave; termination of employment and related matters shall apply to individuals diagnosed as having AIDS on the same basis as for persons having other diseases or conditions which may incapacitate them. The Webster County Commission, should a case of AIDS (Acquired Immune Deficiency Syndrome) infect an employee and thereby his/her work performance shall be guided by the Revised Statutes of Missouri.

## **Disciplinary Action**

**Objective:** This policy establishes the authority of the department head, supervisor, and the Webster County Commission to suspend, without pay, any employee for disciplinary purposes. This policy and procedure for dismissals is established to protect both employee and employer (Webster County). Fair and equitable treatment applicable to *all* Webster County employees is established in the following policy.

### **Three-Day Suspension**

Any Elected Official, department head, or supervisor may suspend, without pay, any employee of Webster County under his/her authority for a maximum of three (3) working days.

### **Ten-Day Suspension**

A more serious and lengthy suspension, without pay, may be imposed on an employee by the sole authority of the Webster County Commission for a maximum of ten (10) working days for disciplinary purposes.

### **Dismissals**

An Elected Official or department head may dismiss any employee without statement of reason or notice so long as the employee's constitutional rights are not violated. A written statement of the effective date of a dismissal will be immediately filed with the Webster County Commission and the employee is at liberty to file an appeal as provided. Webster County is an at-will employer.

### **Confidentiality**

The above actions shall be in keeping with all Missouri Statutes including RSMo 610.025 and Federal Labor regulations regarding personnel record keeping, personnel actions, and confidentiality of such actions.

## **Nepotism Policy**

Webster County recognizes and abides by the following:

### **Missouri Constitution, Article VII, Section 6:**

Any public officer or employee in this state who by virtue of his office or employment names or appoints to public office or employment any relative within the fourth degree, by consanguinity or affinity, shall there by forfeit his office or employment.

Employees may be asked to list relatives to the fourth degree, which include:

- child
- parent
- grandchild
- brother or sister
- grandparent
- great grandchild
- nephew or niece
- uncle or aunt
- great grandparent
- great, great grandchild
- grand nephew or grand niece
- first cousin
- great uncle or great aunt
- great, great grandparent

## **Prohibition of Gratuities**

No employee or representative of Webster County shall accept a gratuity or favor either in official business or personal dealings if an advantage is gained by the employee's position with the County. Any employee or representative of the County who accepts a gratuity or improper favor shall be subject to disciplinary action and/or dismissal.

## **Drug-Free Workplace**

Webster County subscribes to the policy that it recognizes and adheres to the Drug-Free Workplace Act of the Federal Government of 1988. In addition, it makes the required certification for County grantees that may be the recipient of specific funds made available by the Federal Government and for which such a policy must be in effect.

Webster County thereby establishes this policy and further advises all employees that the illegal use of drugs will not be tolerated. The "illegal use of drugs" means the use of drugs that are unlawful under the Controlled Substances Act.

Webster County:

1. Prohibits the use of all illegal drugs in all County workplaces;
2. Requires that employees not be under the influence of alcohol or be engaging in the illegal use of drugs at the workplace;
3. Requires that all employees behave in conformance with all requirements as established by the Act;
4. May, whenever deemed appropriate, authorize drug testing of employees to ascertain compliance.

## **Employee Post-Accident Drug Testing Policy**

1. If an employee is injured at the workplace, the employee and/or supervisor should complete a "worker's compensation" report on a form provided by Midwest Public Risk (MPR) as soon as practical. The employee should seek immediate medical attention at a medical facility within the MPR network, such as Cox Health Center, Marshfield. A urine sample will be collected, to be tested for alcohol and/or other drugs.
2. If the injury did not occur as the result of a vehicular accident, the employee can and should return to work, if able.
3. If the injury occurred as the result of a vehicular accident, the employee will be sent home until results of the test are received (usually, within 24 hours if performed by Cox Health Center and if the result is negative).
4. Employees may use certain benefits ('comp time' or vacation, but not sick pay) to receive compensation while waiting for results of drug test if the results are negative. If the test results are positive, there will be disciplinary action in the form of unpaid administrative leave or termination, at the direction of the employee's supervisor.\*

\*Elected Officials are encouraged to use MPR's "Pre-Litigation Employment Practices Liability Consulting" service prior to taking any disciplinary action:

Ensz & Jester, PC (law firm)  
816-474-8010

Jessica Bernard (attorney); or  
Matt Gist (attorney);

[jbernard@enszjester.com](mailto:jbernard@enszjester.com) or [mgist@enszjester.com](mailto:mgist@enszjester.com)

## Disabilities Policy (ADA of 1991)

Webster County subscribes to and adheres to the Americans With Disabilities Act of 1991 scheduled to go into effect in County government on January 26, 1992. Job descriptions will be maintained to set forth the nature of the work expected of County employees. Employees and applicants shall not be discriminated against on the basis of a disability and ***reasonable accommodations*** shall be made for those with a disability or who represent, otherwise, the qualified candidate for a job. The County Commission of Webster County advises all departments of County government that neither may the County as a whole nor may any ***specific department*** of County government discriminate against a qualified individual with a disability because of the disability in regard to job application, procedures, hiring advancement or discharge. All job criteria must be clearly job-related. Pre-employment inquiries concerning disabilities will not be made on the basis of a disability but will be made only on the basis of an applicant's ability to perform clearly job-related functions. Any medical examinations will be made or required after an offer of employment has been made and prior to the commencement of the employment duties and then such information will be kept separate and confidential.

Any government official inquiring about the County's compliance with the ADA will be provided that information and any other relevant information related to the ADA as requested.

Webster County will keep its job descriptions on file and those will be considered evidence of the essential functions of the job for which an applicant may be making an application.

## Overtime Compensation

**Objective:** This policy establishes overtime compensation for employees of Webster County.

### Overtime Compensation

Overtime compensation for time worked in excess of 40 hours (must be actual hours worked) within the work week is *paid* at the rate of 1.5 times the usual rate of pay if payment is made. However, the department head may elect, at his or her discretion, to allow straight time off for overtime worked if this is awarded *within the regular work week* for which the excess time was used. An employee must meet the 40-hour plus work week (not simply exceed an 8-hour day) before being eligible for overtime compensation. (These overtime rules are different, however, for the Sheriff's Department employees -- see sheriff's department personnel handbook.) Compensatory time can accumulate to a maximum of 240 hours for all non-emergency personnel. It is the prerogative of the County as the employer to determine whether time worked in excess of 40 hours in a workweek will be compensated monetarily or in form of compensatory time.

### Lunch Hour

It is preferred that employees take a lunch hour; however, there may be some exceptions during busy times.

### Holidays

When it is impractical to give time off to employees regularly scheduled to work on any official Holiday because of the necessity of continuing essential services (or on an emergency "call-back"), then the department head may elect one of two options. Either the employee may receive a cash reimbursement equal to the day's rate of pay or he/she may receive a day off on a straight compensatory time basis. Part-time employees are affected by Holidays only if the day falls on their scheduled work day. Employees must work their last scheduled day before and after a holiday.

### Compensatory Time Off Awarded on a 1.5 Basis

When time in excess of the 40-hour work week is earned in a work week but is to be awarded, because of work load, at some future time, the time earned must be multiplied by a factor of 1.5. (Again, with the exception, as the law allows, for the Sheriff's Department... see special section.)

### **Overtime May Be Required**

The department head is authorized to require employees to work overtime as a condition of employment if the conduct of public business is such that this is necessary for the welfare of the department. All employees shall be so advised of this as a condition of employment.

## **Pay Period**

**Objective:** This policy is established to determine the frequency of payment of salaries to County employees.

### **Frequency**

Webster County employees will receive a compensation payment bi-weekly.

## **Official Timesheets**

**Objective:** This policy establishes the use of official timesheets by all employees for the compensation of Webster County employees.

### **Official Timesheets**

This will be the supervisor approved time clock sheet.

**Amended 6-8-09**

## **Funeral Leave and/or Bereavement Time Off With Pay**

**Objective:** It is the goal of the County to grant reasonable bereavement time and/or funeral leave, with pay, to regular, full-time employees of the County.

### **Funeral Leave with Pay -- Definition of Family Member**

The Elected Official or department head may grant an employee up to 3 days paid leave time in the event of a death in the employee's immediate family or household. This is defined as spouse, child, mother, mother-in-law, father, father-in-law, brother, brother-in-law, sister, sister-in-law, grandchildren or grandparents.

Should a regularly scheduled holiday fall within these three days, the employee may receive compensation for a total of up to 3 funeral days and holiday pay.

**Amended June 1, 2005**

**Amended 6-8-09**

## **Leave With Pay**

**Objective:** It is the intent of the Webster County government to allow its employees to participate in those activities for which they are away from their work stations but for which there should be no reduction in pay.

### **Eligible Functions**

A reasonable time for leave with pay shall be granted employees who desire to vote in any special or regular election if work schedules do not permit personal time to vote; who are required to serve on jury duty; or who are required to meet certain military emergency expectations such as an official call-up of the National Guard.

### **Cross Reference**

See reference to Military Training Leave of Absence With Pay.

## **Leave Without Pay**

**Objective:** It is the goal of Webster County government to provide for those unusual circumstances where an employee may be granted a leave without pay for good and sufficient reason.

### **Eligibility**

An employee may request in writing at least 5 working days prior to the expected time of a departure a desire to be granted, by the department head (Elected Official) and the Commission, a leave without pay. Eligible employees include those who have met their introductory time, who are regular full-time employees of the County.

### **Return**

An employee who has been granted a leave without pay may return with the same rate of pay and with the same or different position so long as that position is consistent with good employment practice. The designation of the position to which the employee returns is at the discretion of the department head and the Commission. It shall be understood that an employee's right to return to the same or a comparable position shall not extend beyond one year.

### **Reason**

The reason need only consist of a "good and sufficient" reason made jointly by the Commission and the department head. This may include leave time for furthering one's education or leave time for some other personal reason where it is in the best interest of the County and the employee to consider eventual return.

## **Military Leave of Absence With Pay**

**Objective:** It is the goal of the Webster County government to recognize the need for certain employees to be away from their regular duties, from time to time, to participate in authorized military activities.

### **Absence With Pay**

All regular employees (who have successfully completed their introductory status) who are active members of the National Guard, the Officers' Reserve Corps, or the Enlisted Reserve Corps shall be entitled to a leave of absence with pay for a time not to exceed 15 calendar days in any one calendar year or in keeping with current federal law related to the matter. Compensation from the County will reflect only the difference between the military compensation and the employee's regular pay for the period if the military compensation is less than the employee's County pay.

### **Application**

A written application shall be made to the department head at least 30 days prior to the time that it is expected that leave time will begin, excluding emergency call-up.

### **Long-term Call-ups**

For longer term call-ups (where pay does not continue) the County will allow the employee to return to the same or to a similar position of equal or greater pay at the end of the employee's duty.

## **Sick Leave**

**Objective:** The objective of the Webster County sick leave policy is to provide leave time for reasons of health for those full-time employees who have completed their introductory time.

### **How Earned**

Regular full-time employees shall earn 1.85 hours of sick leave for each complete pay period and be allowed to accumulate up to 45 days. Sick leave may be taken in 1/2 hour increments.

### **Absence Without Pay in Lieu of Sick Leave**

Introductory employees who are not eligible to receive sick leave pay may be granted an excused absence for reason of illness or injury with pay reduction for time away from work.

### **Termination of Employment**

Accumulated sick leave is payable at the rate of 25% of 240 total accumulated hours upon termination of employment with Webster County.

### **Workers Compensation**

Any authorized absence due to injury or illness covered by Workers Compensation shall not be charged against an employee's accrued sick leave.

### **Coordination With Worker's Compensation**

In the event an employee is receiving disability benefits from Worker's Compensation and sick leave pay is due the employee, sick leave pay may be coordinated with the Worker's Compensation payments so long as the combined do not exceed 100% of base pay.

### **Disabled Employee**

If an employee is disabled for a period of one year or more and returns to work "medically cleared," he or she shall, if possible, return to the same position but may, instead, be given a position for which he/she has reasonable training and relevant experience.

### **Coordination of Sick Leave and Vacation Leave**

An employee shall not be granted sick leave pay nor in effect receive a refund of vacation for illness or injury incurred while on vacation time.

**Updating the Department Head**

An employee shall keep his or her department head fully informed and updated for any use of sick leave time.

**Illness in the Immediate Family**

Accumulated sick leave may be used, with the approval of the Elected Official or department head, for any illness in an employee's immediate family. Immediate family includes children, spouse, parents, grandparents, grandchildren, brother, sister, or parents of the spouse.

**Medical Certificate**

It is the prerogative of the Elected Official or department head to request a physician's statement or medical certificate concerning verification of illness or injury where leave time is requested and where sick leave of more than two (2) consecutive days is requested. Sick leave is not to be used as personal leave.

**Reporting Expected Absence**

An employee who cannot report to work for reason of illness or injury shall report to his or her supervisor within 30 minutes of the time the office/department has opened.

**Investigation of On-The-Job Accidents**

Department heads or Elected Officials have the responsibility of recording, in detail, all relevant facts surrounding an investigation of accidents or injuries on the job. Every reasonable effort shall be taken to prevent accidents. Department heads or Elected Officials shall be responsible for reviewing preventive measures on an annual basis that may be helpful and applicable to their areas of responsibility. Such a review should be documented. A copy shall be retained by the Department Head and one sent to the County Commission.

**Amended 3-16-10**

## **Light Duty Assignments**

Due to the nature of the work involved, at this time there are no light duty assignments for the following:

- Road Department
- Police
- Jail
- Building Maintenance

## Vacations -- Leave Time

**Objective:** It is the objective of Webster County government to award vacation time as an important benefit to regular full-time employees of the County on the basis of tenure with the County. Vacation is important to the health and welfare and well-being of the County employee.

### Eligibility

Regular Full-Time and certain Part-Time Employees (see page 27) of the County are eligible to receive vacation time. Vacations are awarded on annual basis, based upon each employee's anniversary date.

### How Awarded

Vacation time will be awarded as follows:

<u>After Completion of:</u>	<u># Hours</u>
1 year	40 hours
2 years	40 hours
3 years	80 hours
4 years	80 hours
5 years	80 hours
6 years	80 hours
7 years	120 hours
8 years	120 hours
9 years	120 hours
10 years	120 hours
11 years	120 hours
12 years	160 hours

The number of hours earned by Eligible Part-Time Employees will be pro-rated by comparing the average number of hours worked per week to the 40 hours worked by Full-Time Employees (i.e., an average of 30 hours per week = 75%, or 3/4s. of the chart above). Vacation hours earned will also be reduced, or pro-rated, for any employee who works less than 70% of their regular schedule during a given work-year (based on anniversary date).

### How Used

All vacations will be approved in advance by the department head. Vacation leave shall be used in its entirety within the year earned. Unused vacation will be forfeited at the end of the anniversary-date year. Vacation leave must be taken as time off -- no pay will be issued in lieu of vacation leave. Vacation leave may be used in 1/2 hour increments.

**Coordinating Vacation Time and Sick Leave Time**

If an employee is confirmed ill or injured and needs and desires to use accrued vacation time along with sick leave time, he or she may do so with the understanding that accrued vacation time cannot be used in excess of what is remaining and due given the employee's tenure and the afore-referenced schedule. In the event of a major confirmed illness or injury there is no prohibition against the use of sick leave time, vacation time, and Worker's Compensation time.

**Separation from Employment**

An employee will be paid for all unused accumulated vacation leave upon separation from employment with Webster County.

**Amended 3-05-10**

## Appeals

**Objective:** It is the objective of Webster County to allow a fair and unbiased process to take place in the review of major employee appeals. It is, however, the goal of the County to allow the process of appeal to take place within the jurisdiction of the department so long as that is possible and practical. It is not the goal of the County nor the County's Commission to monitor, adjudicate, or respond to minor complaints within a department that should be administered/managed by the supervisor. Professionals of good faith can usually resolve differences on their own and on a direct basis. It is, however, good policy to have a procedure for resolving major conflicts where there is ample feeling that the departmental process or the department head is no longer able to functionally resolve the dispute in question. This appeal process does not apply to employees of the Sheriff's Department, who serve at the will of the Sheriff.

### Definitions

A personnel matter subject to an appeal procedure is a matter of such magnitude that there is little or no expectation that it can be resolved simply by informal channels of communication. An appealable matter should not represent petty or minor differences largely due to routine office conflicts nor office "politics" but should instead reflect major conflicts related to compensation levels, leave time, or matters of major equity and fairness wherein the involvement of an unbiased third party or panel has obvious merit.

### County Personnel Appeals Panel

The appeals panel shall be the Webster County Commission.

### Appeal Procedure

If an employee has a problem or complaint, please communicate directly with us:

1. talk to your immediate supervisor
2. if your supervisor cannot help resolve the matter, the speak to the Human Resources who will give your problem or complaint prompt consideration;
3. if the Human Resources feels that the situation warrants further review, then
4. the Human resources should seek assistance from the County Commission.

Our goal is to maintain a comfortable working environment for everybody by maintaining direct communication with all employees and ensuring that each and every one of them may speak directly and openly with our management team.

## Compensation Appeals

The pay range established for a given class of work and broadly applicable to more than one employee shall not be reason for filing an appeal.

### **Policy Appeals**

Policy made by the Webster County Commission is not subject to appeal.

### **Confidentiality**

Any discussion, report, filing of a grievance or other personnel matter involving hiring, firing or promotion of personnel should be closed to the public and to the media under the Revised Statutes of Missouri 610.025 (paragraph 4). Final results and the vote shall be made public as required by law.

## **Termination**

**Objective:** Employment status with Webster County is totally at will.

1. An employee may be terminated at any time without statement of reason or notice.
2. An employee may terminate employment at any time without notice.
3. A terminated employee's final paycheck will be held until all paperwork and property of the County is returned.

## **COBRA RIGHTS**

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