

## CHAPTER 7

### COUNTY PERSONNEL

#### SCOPE

700. Personnel Code, Scope.

This chapter shall apply to all county employees unless specifically stated otherwise. (Ord. 552, Section 2, Eff. 12-20-77)

701. Merit System Established.

Pursuant to Article IX of the Jackson County Charter, there is established a system of personnel administration on the basis of merit and ability. This system shall provide for a plan of classification of positions and a plan of compensation in which the principle of equal pay for substantially equal work is followed. (Ord. 553, Sec. 2, Eff. 12-20-77)

C/R: Article IX, Sec. 1, Charter

701.1 Exclusions.

The merit system shall not apply to persons employed in positions enumerated in Article IX, Section 2 of the Jackson County Charter. (Ord. 553, Sec. 3.1, Eff. 12-20-77)

#### POLICY

705. Equal Employment Opportunity.

It is the policy of Jackson County to hire well qualified persons and to retain them as employees without discrimination because of race, color, gender, age, creed or religion, ancestry or national origin, disability, political activity or lack of political activity, union or nonunion membership, pregnancy status, sexual orientation, gender identity, marital status, familial status, veterans status, or membership in any class protected under federal or state law. All aspects of personnel administration including hiring, working conditions, employment benefits and privileges, compensation, training, promotions, transfers, terminations, and recalls shall be made pursuant to this policy of equal opportunity. (Ord. 4305, Eff. 5-2-11; Ord. 552, Sec. 5.1, Eff. 12-20-77)

706. Implementation By County Executive.

The County Executive shall issue an executive order to implement the equal opportunity policy of the county. (Ord. 552, Sec. 8, Eff. 12-20-77)

706.1 Adoption of Personnel Rules and Merit Rules.

The County Executive shall, by executive order, adopt reasonable rules to implement this chapter and the policies expressed in this chapter. Any conflict between a rule and a specific provision of this chapter shall be resolved in favor of this chapter. (Ord. 552, Sec. 15, Eff. 12-29-77)

## DEFINITIONS

### 710. Definitions.

As used in this chapter, the following words and phrases have the following meanings unless otherwise clearly indicated in the text.

#### 710.1 Applicant.

Applicant means a person seeking a merit system position with Jackson County. Applicant does not include a County merit system employee seeking a new position with the County. (Ord. 5288, Eff. 11-27-19)

#### 710.2 Appointing Authority.

Appointing authority means an elected official, charter officer, department head, director or the designee of that person.

#### 710.3 Commission.

Commission means the Merit System Commission.

#### 710.4 Continuous County Service.

Continuous county service means employment with Jackson County without interruption except for authorized leaves of absence.

#### 710.5 Full-Time Employee.

Full-time employee means an employee who regularly works forty (40) hours per week.

#### 710.6 Merit Employee.

Merit employee means any county employee not exempted by the Jackson County charter or by the merit ordinances.

#### 710.7 Non-merit Employee.

Non-merit employee means an employee excluded from the merit system by the Jackson County charter or by ordinance.

#### 710.8 Part-Time Employee.

Part-time employee means an employee who regularly works less than forty (40) hours per week or less than four (4) weeks a month.

#### 710.9 Permanent Employee.

Permanent employee means an employee who has completed the applicable probationary period for his or her position.

710.10 Probationary Employee.

Probationary employee means a merit employee during the probationary period of county employment, as further defined under section 723. of this chapter.

710.11 Salary.

Salary means an applicant's financial compensation in exchange for labor, including wages, commissions, and bonuses. (Ord. 5288, Eff. 11-27-19)

710.12 Salary History.

Salary history means an applicant's current and past salary in the applicant's current or prior position with another employer. (Ord. 5288, Eff. 11-27-19)

710.13 Seasonal Employee.

Seasonal employee means a temporary employee who works in county service within a particular season of the year and may regularly work from year to year.

710.14 Special-Fund Employee.

Special-fund employee means an employee funded by a special fund provided by a grant of any other governmental entity or by any foundation or from any other source other than county revenues.

710.15 Temporary Employee.

Temporary employee means an employee working in a position for a defined period of time not to exceed six (6) months.

## EMPLOYMENT PRACTICES

### 720. Hiring Procedures.

The following hiring procedures apply:

#### 720.1 Budget Authorization, Employee Positions.

The appointing authority shall not hire any employee for a position that has not been provided for either in the annual budget of the department or in a budget adjustment approved by the Director of Finance and Purchasing.

#### 720.2 Position Assignment.

All persons hired shall be assigned a position which has been assigned a class, grade and class specification.

#### 720.3 Special-Fund Employees.

This section shall not prohibit the employment of persons in positions funded by sources other than county revenues if those funds have been allocated to the department of the appointing authority with the approval of the Director of Finance and Purchasing.

720.4 Merit Employees.

The appointing authority shall not hire any employee for a merit position unless the Human Resources Director certifies that the applicant is qualified for the position.

a. Request for Further Recruitment.

The appointing authority may reject with justification any applicant certified and request further recruitment and certification of applicants.

b. Reasons for Selection.

The appointing authority shall submit to the Human Resources Director a written statement of the reasons for selecting an applicant for a merit position.

c. Reasons for Rejection.

The appointing authority shall submit to the Human Resources Director a written statement of the reasons for the rejection of any applicant for a merit position.

720.5 Requesting Salary History, Prohibited.

a. Neither the appointing authority nor the Director of Human Resources may seek an applicant's salary history, either in an employment application form or otherwise.

b. The appointing authority may not consider or rely on an applicant's salary history as a factor in determining whether to offer employment to an applicant or in determining pay.

c. The appointing authority may not refuse to hire or retaliate against an applicant for refusing to disclose the applicant's salary history.

d. This subsection does not prohibit:

- i. An applicant from voluntarily, and without prompting, disclosing the applicant's salary history, provided the appointing authority does not rely on that voluntary disclosure to determine an initial offer of starting salary for the applicant;
- ii. The appointing authority from discussing an applicant's expectations with respect to salary without inquiring about salary history;

- iii. The appointing authority from verifying non-salary information disclosed by an applicant or received from a background check, provided that any salary history disclosed by a background check is not used to refuse to hire or determine an applicant's salary; and
- iv. The appointing authority from relying on salary history voluntarily provided by the applicant to pay the applicant a higher wage than initially offered, if reliance on salary history does not result in unequal pay for equal work based on membership or non-membership in a protected class. (Ord. 5288, Eff. 11-27-19)

721. Dismissals, Lay-Offs, Discipline.

The appointing authority may discipline, lay-off or dismiss an employee for any reason not prohibited by ordinance or the personnel rules. (Ord. 552, Sec. 7, Eff. 12-20-77)

721.1 Responsibility.

Appointing authorities shall be responsible for the dismissal, lay-off and discipline of merit employees subject to the conditions of this chapter. (Ord. 553, Sec. 11, Eff. 12-20-77)

721.2 Eligibility for Rehire.

An appointing authority, with the approval of the Director of Human Resources, may designate a voluntarily or involuntarily terminated employee as ineligible for rehire. In the event of such a designation, such terminated employee shall not be eligible for subsequent county employment. (Ord. 4305, Eff. 5-2-11)

722. Budgetary Lay-Off.

If an appointing authority has employees in excess of his budget or the needs of his department and determines that a lay-off is necessary, the appointing authority shall determine the employees to be laid-off. (Ord. 553, Sec. 12, Eff. 12-20-77)

722.1 Factors Considered.

In making this determination, factors to be considered include qualifications needed for the work to be assigned, performance evaluations and work record. Seniority will be considered only if these factors are equal. (Ord. 553, Sec. 12, Eff. 12-20-77)

722.2 Report to Human Resources Director.

The appointing authority shall submit to the Human Resources Director a written statement of the lay-off action including the names of employees laid-off and the reason of the lay-off. (Ord. 553, Sec. 12, Eff. 12-20-77)

723. Probation, Employees.

The following apply to the county employees subject to probation.

723.1 Duration.

Probationary periods are as follows:

a. Merit Employees.

Unless another provision of this section fixes a different period, all full-time merit employees shall serve a six (6) month probationary period, commencing on the date of employment in a merit position. (Ord. 4305, Eff. 5-2-11)

b. Sheriff's Deputies.

The probationary period for Sheriff's deputies shall be one (1) year following the completion of training. (Ord. 553, Sec. 13.1, Eff. 12-20-77; Ord. 1573, Eff. 08/10/87)

c. Park Rangers.

The probationary period for park rangers shall be one year following the completion of training. (Ord. 4305, Eff. 5-2-11; Ord. 2638, Eff. 03/13/97)

d. Promotional Probation.

If a permanent merit employee is promoted to a higher classification, that employee shall serve a three (3) month probationary period commencing on the effective date of the promotion. (Ord. 553, Sec. 13.1, Eff. 12-20-77; Ord. 2638, Eff. 03/13/97)

C/R: 723.04b, probationary period for reinstated or reemployed merit employees.

723.2 Actions Affecting Probationary Employees.

The following actions may be taken during probation:

a. Merit Employees.

Merit employees may be dismissed during the probationary period for any reason except for race, color, gender, age, creed or religion, ancestry or national origin, disability, lawful political activity or lack of political activity, union or nonunion membership, pregnancy status, sexual orientation, gender identity, marital status, familial status, veteran status, or membership in any class protected under federal or state law. (Ord. 4305, Eff. 5-2-11)

b. Promoted Merit Employees.

If during the probationary period of a permanent merit employee promoted to a higher classification, the appointing authority subsequently determines that the promoted merit employee is unable to adequately perform the duties of the promoted position, the employee shall be returned to his former position or an equivalent position at the previous salary level. (Ord. 553, Sec. 13.2, Eff. 12-20-77)

723.3 Special-Fund Employees.

Special-fund employees shall have the same rights and be subject to the same rules as merit employees.

a. Excluded by Charter.

This chapter shall not apply to any special-fund employees who would be excluded by the Jackson County Charter and the merit system provisions.

b. Excluded by Terms of Grant.

This chapter shall otherwise apply unless the terms of the grant funding a position prohibits the application of this chapter. (Ord. 553, Sec. 14.1, 14.2, Eff. 12-20-77)

723.4 Dismissal, Review by Director of Personnel.

The Personnel Director shall review all dismissals made during the probationary period.

a. Reinstatement.

If warranted, the Personnel Director may, in his or her discretion, seek reinstatement of the employee or recommend the employee for reemployment in another department. (Ord. 4305, Eff. 5-2-11)

b. Probationary Period.

Probationary merit employees who are reinstated or reemployed after separation shall begin a new probationary period.

c. No Compensation.

Probationary merit employees who are reinstated or reemployed after separation shall not be compensated for the time lost by separation. (Ord. 553, Sec. 13.4, 13.5, Eff. 12-20-77)

723.5 Appeals During Probation.

The following apply to appeals during the probationary period.

a. Merit Employees.

The dismissal of a probationary merit employee shall not be subject to review by the Merit System Commission. (Ord. 4305, Eff. 5-2-11)

b. Promoted Permanent Employee.

A promoted permanent employee may not appeal the decision by the appointing authority to return the promoted employee to his former position or its equivalent to the Merit System Commission unless the basis for this decision was on account of race, creed, color, religion, national origin, disability, gender, ancestry, political activity or the lack of political activity, union membership or nonmembership, pregnancy status, sexual orientation, gender identity, marital status, familial status, veteran status, or membership in any other class protected under federal or state law. (Ord. 4305, Eff. 5-2-11)

c. Probationary Employees.

Probationary employees are not entitled to appeal any matter to the Merit Commission. (Ord. 553, Sec. 3.2, 13.2, 13.3, Eff. 12-20-77)

C/R: Chapter 75, Sec. 7530.00 et seq. appeals

724. - 730. RESERVED

725. Employee Political Activities.

The following apply to political activities. (Ord. 552, Sec. 10, Eff. 12-20-77)

725.1 Political Participation.

All county employees may voluntarily participate in political activities outside working hours. (Ord. 552, Sec. 10.1, Eff. 12-20-77)

725.2 Not Condition of Employment.

Political contributions or participation shall not be a condition of employment or be the basis for promotions, demotions or other job actions. (Ord. 552, Sec. 10.2, Eff. 12-20-77)

726. Privacy, Employee Rights.

The following privacy provisions apply. (Ord. 552, Sec. 11, Eff. 12-20-77)

726.1 Unhired Applicants.

All statements and other information records concerning applicants not hired shall remain confidential and shall not be disclosed by any person. (Ord. 552, Sec. 11.1, Eff. 12-20-77)



726.2 Employee Personal Information.

Personal or sensitive information about a county employee shall not be disclosed unless:

a. Authorized by Employee.

The employee expressly authorizes the specific disclosure;

b. Relevant to Proceeding Before Legislature.

The information is relevant to a proceeding before the County Legislature;

c. Relevant to Proceeding Before Merit Commission.

The information is relevant to a proceeding before the Merit System Commission; or

d. Disclosure Required by Law.

The disclosure is required by law. (Ord. 552, Sec. 11.2, Eff. 12-20-77)

726.3 Statistical or General Information.

Statistical or general information may be released provided that the information does not include specific information about individual employees or applicants or make the discovery of that information possible. (Ord. 552, Sec. 11.3, Eff. 12-20-77)

726.4 Statements not Constitute Waiver.

No statement made in any application or in any other employee record shall be considered a waiver of any privilege or right of privacy except for the purpose of considering the suitability of the applicant for county employment. (Ord. 552, Sec. 11.1, Eff. 12-20-77)

C/R: Chapter 9, further restrictions on County officers and employees.

727. Health Insurance, Former Employees.

In the event that the county shall contract for group health insurance for the benefit of any county officers or employees, any such group health insurance contract shall provide for coverage eligibility for any former county employee who is vested in the county employee pension plan established under chapter 15 of this code and who is actually receiving pension benefits under the plan, at the former employee's own expense, until such time as the former employee is eligible for health insurance coverage under the United States Department of Health and Human Services' Medicare program. (Ord. 2764, Eff.12/03/97)

728. - 749. RESERVED

## HUMAN RESOURCES DIRECTOR

### 750. Human Resources Director, Appointment.

The County Executive shall appoint the Human Resources Director subject to the disapproval of the County Legislature. (Ord. 552, Sec. 3.1, Eff. 12-20-77)

### 751. Human Resources Director, Removal.

The County Executive may remove the Human Resources Director for cause. (Ord. 4305, Eff. 5-2-11; Ord. 552, Sec. 3.2, Eff. 12-20-77)

### 752. Human Resources Director, General Duties.

The Human Resources Director shall perform the following duties. (Ord. 552, Sec. 4, Eff. 12-20-77)

#### 752.1 Manage Personnel Department.

The Human Resources Director shall manage the Human Resources Department. (Ord. 552, Sec. 4.1, Eff. 12-20-77)

#### 752.2 Recruitment and Testing Program.

The Human Resources Director shall establish, maintain and supervise a program for recruiting personnel, testing applicants and recommending eligible applicants to departments for hiring. (Ord. 552, Sec. 4.2, Eff. 12-20-77)

#### 752.3 Job Classification.

The Human Resources Director shall classify all jobs so that employees doing substantially equal work receive substantially equal pay. (Ord. 552, Sec. 4.3, Eff. 12-20-77)

#### 752.4 Uniform Pay Scales.

The Human Resources Director shall maintain pay scales that are uniform throughout the classifications and are in keeping with the county budget. (Ord. 552, Sec. 4.4, Eff. 12-20-77)

#### 752.5 Fringe Benefit Programs.

The Human Resources Director shall coordinate and supervise all fringe benefit programs. (Ord. 552, Sec. 4.5, Eff. 12-20-77)

#### 752.6 Review Personnel Practices.

The Human Resources Director shall meet as necessary with appointing and authorities to review personnel practices and resolve personnel problems. (Ord. 552, Sec. 4.6, Eff. 12-20-77)

752.7 Information On Programs and Grants.

The Human Resources Director shall inform the County Executive and the Legislature on programs, grants and other services which relate to county employment. (Ord. 552, Sec. 4.8, Eff. 12-20-77)

752.8 Supervise Personal Policies of Courts.

The Human Resources Director shall supervise the personnel policy of the Circuit Court and Probate Court if these courts wish to adopt the services of the Jackson County Human Resources Department. (Ord. 552, Sec. 4.11, Eff. 12-20-77)

752.9 Supervise Certain Government Contracts.

The Human Resources Director shall supervise any personnel actions necessary as part of any contract with any governmental agency. (Ord. 552, Sec. 4.7, Eff. 12-20-77)

752.10 Attempt to Resolve Grievances.

The Human Resources Director shall attempt to resolve all grievances of employees and appointing authorities that are not appealable to the Merit System Commission. (Ord. 552, Sec. 4.6, Eff. 12-20-77)

752.11 Merit System Duties.

The Human Resources Director shall perform those duties, relating to the merit system defined in the merit ordinances. (Ord. 552, Sec. 4.10, Eff. 12-20-77)

C/R: 754.00, specific duties

752.12 Administer Equal Employment Opportunity Policy.

The Human Resources Director shall administer the equal opportunity policy of the county and shall inform the appointing authorities of the applicable local, state and federal requirements. (Ord. 552, Sec. 4.9, Eff. 12-20-77)

C/R: 753.00, specific duties.

752.13 Other Duties.

The Human Resources Director shall perform all other duties assigned to the director by the County Executive. (Ord. 552, Sec. 4.12, Eff. 12-20-77)

753. Equal Employment Opportunity Policy, Personnel Director to Administer.

The Human Resources Director shall administer the equal employment opportunity policy of the county as follows. (Ord. 552, Sec. 5, Eff. 12-20-77)

753.1 Conduct Surveys.

The Human Resources Director shall conduct periodic surveys to verify that the

equal opportunity policy is being followed. (Ord. 552, Sec. 5.2, Eff. 12-20-77)

753.2 Appointing Authority Reports.

Appointing authorities shall submit to the Human Resources Director the statistical data the director requests concerning the employees of the appointing authorities. This report shall include the total number of employees by age, sex and race in each grade of compensation and other information the Human Resources Director believes necessary to evaluate compliance with the policy of the county. (Ord. 552, Sec. 5.2, Eff. 12-20-77)

753.3 Review of Reports.

The Human Resources Director shall review the reports of the appointing authorities. If it is believed there is an underutilization in any grade of compensation, the Human Resources Director shall advise the appropriate appointing authority of the steps necessary to insure compliance. Corrective action will be taken immediately in those areas which have been identified as possible areas of noncompliance. (Ord. 552, Sec. 5.3, Eff. 12-20-77)

753.4 Underutilization.

Underutilization exists when persons of any class distinguished by race or sex constitute a significantly smaller proportion of employees at any grade of compensation than persons of that class bear to the employee work force which resembles the civilian labor pool with respect to race, sex and age. (Ord. 552, Sec. 5.3, Eff. 12-20-77)

754. Merit System, Duties of Human Resources Director.

The Human Resources Director shall perform to following duties for the merit system. (Ord. 552, Sec. 9, Eff. 12-20-77)

754.1 Orientation of New Employees.

The Human Resources Director shall as part of the orientation of every new employee inform every merit employee of his rights and restrictions under the merit system as soon as practicable, but within six (6) months of the date of employment of the employee. (Ord. 552, Sec. 9.1, Eff. 12-20-77)

754.2 Merit Commission Appeals.

The Human Resources Director shall assist any employee prepare a Merit Commission appeal form, if requested to do so, and, if consulted, advise the employee on procedural matters. (Ord. 552, Sec. 9.1, Eff. 12-20-77)

C/R: 7524.00, Human Resources Director to provide appeal form, 7524.01, contents of written appeal.

754.3 Investigation of Grievances.

The Human Resources Director shall not be precluded from investigating any grievance arising out of an appeal to the Merit System Commission and attempting to resolve the issue before the hearing. (Ord. 552, Sec. 9.1, Eff. 12-20-77)

754.4 Secretary to Merit Commission.

The Human Resources Director shall serve as secretary to the Merit System Commission. (Ord. 553, Sec. 9.2, Eff. 12-20-77)

754.5 Attend all Commission Meetings.

The Human Resources Director shall attend all Merit System Commission Meetings. (Ord. 552, Sec. 9.2, Eff. 12-20-77)

754.6 Administer Oaths.

The Human Resources Director or a designee of the Human Resources Director may administer oaths to any witness appearing before the Merit System Commission. (Ord. 552, Sec. 9.3, Eff. 12-20-77)

754.7 Other Duties.

The Human Resources Director shall perform the duties assigned to the director by the Merit System Commission. (Ord. 552, Sec. 9.2, Eff. 12-20-77)