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Major General Lee E. Tafanelli  
The Adjutant General and Director of  
Emergency Management & Homeland Security

Sam Brownback, Governor

TO: Kansas Adjutant General's Department Employees  
FROM:  Lee E. Tafanelli, Major General, KSNG, The Adjutant General  
DATE: October 18, 2013  
SUBJECT: Reaffirmation of Commitment to Equal Employment Opportunity, Access, and Affirmative Action

The Kansas Adjutant General's Department is committed to providing a work environment that is conducive to the personal and professional development of each individual employee. The leadership of the Kansas Adjutant General's Department is responsible for achieving and equal employment opportunity environment, and each employs is accountable for creating an atmosphere that values and nurtures community and accessibility.

This Agency is committed to protecting the lives and property of the state's citizens under the command of the Governor and defending our nation when the President calls.

I am committed to meeting these goals through a dynamic and diverse workforce that effectively responds to our constituents. It is my firm commitment to ensure that equal employment opportunity and equal access will be provided to our agency's employees and prospective employees. To achieve this goal discrimination based on a person's race, color, religion, age, gender, national origin, disability, veteran status, or genetic information is strictly prohibited as defined by federal law and state statute.

If you have any questions or concerns related to equal employment opportunity, equal access, affirmative action, or requests for disability accommodations, please direct them to Stephanie Burdett, Human Resources Director, 785-274-1460 or e-mail at [Stephanie.K.Burdett.nfg@mail.mil](mailto:Stephanie.K.Burdett.nfg@mail.mil). Please join me in this commitment.

## DISPUTE RESOLUTION (Grievance) PROCEDURE

### Policy:

It is the policy of the Adjutant General's Department that all employees should have an opportunity to present their work-related complaints and to appeal management decisions through a dispute resolution procedure. The Adjutant General's Department will attempt to resolve promptly all disputes that are appropriate for handling under this policy.

### Comment:

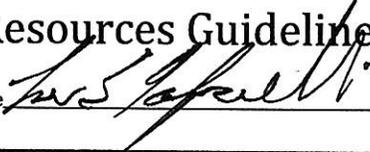
- (1) An appropriate dispute is defined as an employee's expressed dissatisfaction concerning any interpretation or application of a work-related policy by management, supervisors, or other employees. Examples of matters that may be considered appropriate disputes under this policy include:
  - (a) A belief that Adjutant General's Department policies, practices, rules, regulations, or procedures have been applied inconsistently to an employee;
  - (b) Treatment considered unfair by an employee, such as coercion, reprisal, harassment (including sexual harassment), or intimidation;
  - (c) Alleged discrimination, for example, because of race, color, sex, age, religion, national origin, marital status, or disability; and
  - (d) Improper or unfair administration of employee benefits or conditions of employment such as scheduling, vacations, fringe benefits, promotions, retirement, holidays, performance review, salary, or seniority.
- (2) Employees should notify the Adjutant General's Department in a timely fashion of any dispute considered appropriate for handling under this policy. The dispute resolution procedure is the exclusive remedy for employees with appropriate complaints. As used in this policy, the terms "timely fashion," "reasonable time," and "promptly" generally will mean seven working days.
- (3) The dispute resolution procedure has a maximum of three steps, but disputes may be resolved at any step in the process. Disputes will be processed until the employee is satisfied, does not file a timely appeal, or exhausts the right of appeal under the policy. A decision becomes binding on all parties whenever an employee does not file a timely appeal or when a decision is made in the final step and the right of appeal no longer exists.
- (4) Employees who believe they have an appropriate dispute should proceed as follows:
  - (a) Step One — Promptly bring the complaint to the attention of the immediate supervisor. If the dispute involves the supervisor, then the employee may proceed directly to step two. The supervisor, if authorized should investigate the complaint or refer it to the Human Resources Department for handling by a qualified investigator, attempt to resolve it, and give a decision to the employee within a reasonable time.
  - (b) Step Two — Appeal the decision to Human Resources, if dissatisfied with the supervisor's decision, or initiate the procedure with Human Resources if Step One has been bypassed. This appeal or initial dispute notification must be made in a timely fashion using the Grievance Form. The supervisor's version of the dispute and decision then will be requested by Human Resources. Human Resources will, in a timely fashion, confer with the employee, the supervisor, and any other members of management considered appropriate; investigate the issues; and communicate a decision in writing to all the parties involved.

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REF: K.A.R. 1-12-1

TAG Signature



- (c) Step Three — Appeal an unsatisfactory department head decision to the Adjutant General. The timeliness requirement and procedures to be followed are similar to those in Step Two. The Adjutant General will take the necessary steps to review and investigate the dispute and will then issue a written, final, and binding decision.
- (5) The Human Resources Department will provide training and support to supervisors and department heads in dealing with employee complaints. In addition, employees should be encouraged to consult on a less formal basis with the Human Resources Department, their supervisors, or other members of management regarding employee complaints or disputes.
- (6) Final decisions on disputes will not be precedent-setting or binding on future disputes unless they are officially stated as Adjutant General's Department policy. When appropriate, the decisions will be retroactive to the date of the employee's original dispute notification.
- (7) Information concerning an employee dispute will be confidential. Supervisors, department heads, and other members of management who investigate a complaint may discuss it only with those individuals who have a need to know about it or who are needed to supply necessary background information or advice.
- (8) Time spent by employees in dispute discussions with management during their normal working hours will be considered hours worked for pay purposes.
- (9) Employees will not be penalized for proper use of the dispute resolution procedure. However, it is not considered proper use if an employee raises complaints in bad faith or solely for the purposes of delay or harassment or repeatedly raises meritless disputes. Implementation of the dispute resolution procedure by an employee does not limit the right of the Adjutant General's Department to proceed with any disciplinary action that is not in retaliation for the use of the dispute resolution procedure. In addition, employees and supervisors are prohibited from retaliating against an employee who properly uses the dispute resolution procedure.
- (10) The Adjutant General's Department may, at its discretion, refuse to proceed with any dispute it determines is improper under this policy. Further, this policy does not alter the employment-at-will relationship in any way.

**Notes**

- 1) Timelines are counted as follows: Date of occurrence is considered Day 1. Date of receipt is considered Day 1.
- 2) Deadline extensions may be made by mutual agreement or by the Director of SHR for extenuating circumstances.
- 3) In the event a supervisor is unavailable to process a grievance, a designee may be appointed to address the matter.
- 4) Those responding to the grievance may meet with the employee to provide a full discussion of the matter. The employee must represent him/herself.
- 5) At any time during the process if mediation or assistance is desired, the Director of SHR may be contacted.
- 6) Failure by a supervisor to meet a timeline allows the employee to take the grievance to the next supervisory level.
- 7) Failure by the employee to meet a timeline shall be considered a settlement of the grievance based on the last decision.

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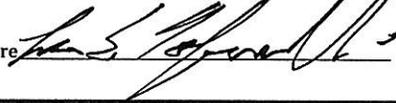
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- 8) Employees covered under a local union may file a grievance under one system only.
  - 9) Employees have the right to file civil rights complaints with appropriate enforcement agencies.

# Kansas Adjutant General's Department – State Human Resources Guidelines

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## POLICY

Ref: KS Civil Service Act 75-2925/75-2926 - KAR 1-9-18(a)- Title VII of the Civil Rights Act of 1964-TAG Policy #9, #10, #11, #18

TAG Signature: \_\_\_\_\_

## PRODUCTIVE WORK ENVIRONMENT

### Policy:

It is the policy of the Adjutant General's Department to promote a productive work environment and not to tolerate verbal or physical conduct by any employee that harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive, or hostile environment.

### Comment:

- (1) Employees are expected to maintain a productive work environment that is free from harassing or disruptive activity. No form of harassment will be tolerated, including harassment for the following reasons: race, color, national origin, sex, religion, disability, pregnancy, age, military status, or genetic information. Special attention should be paid to the prohibition of sexual harassment.
- (2) Each supervisor and manager has a responsibility to keep the workplace free of any form of harassment, and in particular, sexual harassment. No supervisor or manager is to threaten or insinuate, either explicitly or implicitly, that an employee's refusal or willingness to submit to sexual advances will affect the employee's terms or conditions of employment.
- (3) Other sexually harassing or offensive conduct in the workplace, whether committed by supervisors, managers, nonsupervisory employees, or nonemployees, also is prohibited. This conduct includes:
  - (a) Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances, or propositions;
  - (b) Verbal harassment of a sexual nature, such as lewd comments, sexual jokes or references, and offensive personal references;
  - (c) Demeaning, insulting, intimidating, or sexually suggestive comments about an individual;
  - (d) The display in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects, pictures, or photographs;
  - (e) Demeaning, insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages (such as e-mail, instant messaging, and Internet materials).

Any of the above conduct, or other offensive conduct, directed at individuals because of their race, color, sex, national origin, religion, disability, pregnancy, age, military status, or genetic information also is prohibited.

- (4) Any employee who believes that a supervisor's, manager's, other employee's, or nonemployee's actions or words constitute unwelcome harassment has a responsibility to report or complain about the situation as soon as possible. The report or complaint should be made to the employee's supervisor; or to the department head or Human Resources Manager if the complaint involves the supervisor or manager.
- (5) Complaints of harassment will be handled and investigated under the Adjutant General's Department's dispute

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## POLICY

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TAG Signature: \_\_\_\_\_

resolution policy, unless special procedures are considered appropriate. All complaints of harassment will be investigated promptly and in as impartial and confidential a manner as possible. Employees are required to cooperate in any investigation. A timely resolution of each complaint should be reached and communicated to the parties involved.

- (6) Any employee, supervisor, or manager who is found to have violated the harassment policy will be subject to appropriate disciplinary action, up to and including termination." The Adjutant General's Department prohibits any form of retaliation" against employees for bringing bona fide complaints or providing information about harassment
- (7) All Adjutant General's Department state employees are responsible for notifying the agency (worksites) representative of any threats which they have witnessed, received, or have been told that another person has witnessed or received. Even without an actual threat, employees should also report any behavior they have witnessed which they regard as threatening or violent, when that behavior is job related or might be carried out on agency premises, or is connected to agency employment. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons who were threaten or were the focus of the threatening behavior. If the designated agency (worksites) representative is not available, employees should report the threat to their supervisor or another member of the management team.
- (8) All individuals who apply for, or obtain, a protective or restraining order which lists agency locations as being protected areas, must provide to the designated agency (worksites) representative a copy of the petition and declarations used to seek the order, copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent.

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REF: Tag Policy # 3, #9, #10, #11, #15, #17, #18, #21

TAG Signature \_\_\_\_\_

## BEHAVIOR OF EMPLOYEES

### Policy:

It is the policy of the Adjutant General's Department that certain rules and regulations regarding employee behavior are necessary for efficient business operations and for the benefit and safety of all employees. Conduct that interferes with operations, discredits the Adjutant General's Department, or is offensive to customers or coworkers will not be tolerated.

### Comment:

- (1) Employees are expected at all times to conduct themselves in a positive manner in order to promote the best interests of the Adjutant General's Department. Appropriate employee conduct includes:
  - (a) Treating all customers, visitors, and coworkers in a courteous manner;
  - (b) Refraining from behavior or conduct that is offensive or undesirable, or which is contrary to the Adjutant General's Department's best interests;
  - (c) Reporting to management suspicious, unethical, or illegal conduct by coworkers, customers, or suppliers;
  - (d) Reporting to management any threatening or potentially violent behavior by coworkers;
  - (e) Cooperating with Adjutant General's Department investigations;
  - (f) Complying with all Adjutant General's Department safety and security regulations;
  - (g) Wearing clothing appropriate for the work being performed;
  - (h) Performing assigned tasks efficiently and in accordance with established quality standards;
  - (i) Reporting to work punctually as scheduled and being at the proper work station, ready for work, at the assigned starting time;
  - (j) Giving proper advance notice whenever unable to work or report on time;
  - (k) Smoking only at times and in places not prohibited by Adjutant General's Department rules or local ordinances;
- (2) The following conduct is prohibited and individuals engaged in it will be subject to discipline, up to and including termination:
  - (a) Engaging in or threatening acts of workplace violence, including but not limited to:
    - (i) Possessing privately owned firearms or other weapons on Adjutant General's Department property;
    - (ii) Fighting or assaulting a coworker, security guard, guest, or customer;
    - (iii) Threatening or intimidating a coworker, security guard, customer, or guest;
  - (b) Engaging in any form of sexual or other harassment;
  - (c) Reporting to work under the influence of alcohol or illegal drugs, or narcotics or using, selling, dispensing, or possessing alcohol or illegal drugs or narcotics on Adjutant General's Department premises;
  - (d) Disclosing trade secrets or confidential Adjutant General's Department information;
  - (e) Falsifying or altering any Adjutant General's Department record or report, such as an employment application, medical reports, production records, time records, expense accounts, absentee reports, or shipping and receiving records;

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REF: Tag Policy # 3, #9, #10, #11, #15, #17, #18, #21

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- (f) Stealing, destroying, defacing, or misusing Adjutant General's Department property or another employee's or customer's property;
  - (g) Misusing Adjutant General's Department communications systems, including electronic mail, computers, Internet access, and telephones;
  - (h) Refusing to follow management's instructions concerning a job-related matter or being insubordinate;
  - (i) Failing to wear assigned safety equipment or failing to abide by safety rules and policies;
  - (j) Smoking where prohibited by local ordinance or Adjutant General's Department rules;
  - (k) Using profanity or abusive language;
  - (l) Sleeping on the job without authorization;
  - (m) Gambling on Adjutant General's Department property;
  - (n) Playing pranks or engaging in horseplay; and
  - (o) Wearing improper attire or having an inappropriate personal appearance.
- (3) The examples of impermissible behavior described in Comment (2), above, are not intended to be an all-inclusive list. At management's discretion, any violation of the Adjutant General's Department's policies or any conduct considered inappropriate or unsatisfactory may subject the employee to disciplinary action.

REF: TAG Policy Letter #32

TAG Signature: \_\_\_\_\_

**POLICY**

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## **Workplace Bullying**

### **Policy:**

It is the policy of the Adjutant General's Department to promote a productive work environment and not to tolerate verbal or physical conduct by any employee that harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive, or hostile environment.

### **Comment:**

- (1) The Adjutant General considers workplace bullying unacceptable and will not tolerate it under any circumstances. The Agency's policy is "Zero Tolerance."
- (2) Workplace bullying is repeated behavior that harms, intimidates, offends, degrades or humiliates an employee, possibly in front of other employees, clients or customers. Workplace bullying may cause the loss of trained and talented employees, reduce productivity and moral and create legal risks.
- (3) All Employees are entitled to work in an environment free of bullying. Managers and supervisors must ensure employees are not bullied.
- (4) Any reports of workplace bullying will be treated seriously and addressed promptly, confidentially and impartially.
- (5) All Employees are encouraged to report workplace bullying. Managers and supervisors must ensure employees who file complaints, or witnesses, are not victimized.
- (6) Disciplinary action will be taken against anyone who bullies a fellow employee. Disciplinary actions may involve verbal, written counseling's, suspension from work without pay and even termination depending upon the circumstances.
- (7) Questions regarding the violations or the Workplace Bullying Policy should be brought to Human Resources at (785) 274-1460.

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Major General Lee E. Tafanelli  
The Adjutant General and Director of  
Emergency Management & Homeland Security

Sam Brownback, Governor

TO: All Employees of the Kansas Adjutant General's Department

FROM:  Lee E. Tafanelli, Major General, KSNG, The Adjutant General

DATE: October 18, 2013

SUBJECT: Equal Employment Opportunity (EEO) Policy for the Kansas Adjutant General's Department

1. Title VII of the Civil Rights Act of 1964 as amended prohibits discrimination in employment based on race, color, religion, gender, national origin, age (over 40), or handicap condition (physical and/or mental). This act will be strictly enforced throughout the Kansas Adjutant General's Department.
2. My policy on discrimination is clear and unequivocal. Every employee of the Agency will be provided equal treatment in all facets of their employment. It is unlawful to discriminate against an individual or group based on their race, color, religion, sex (gender), national origin, age, or physical or mental handicap.
3. Questions regarding possible violations may be addressed with Stephanie Burdett, Human Resources Director at 785-274-1460 or e-mail at [Stephanie.K.Burdett.nfg@mail.mil](mailto:Stephanie.K.Burdett.nfg@mail.mil).

## AFFIRMATIVE ACTION PLAN

A successful Affirmative Action Plan for Equal Employment Opportunity in the Kansas Department of the Adjutant General is not possible without the efforts of many. This section will serve to identify and outline the roles of key personnel involved in this process. Please note that the duties listed may not be exhaustive of the duties performed.

### **I. Adjutant General**

Responsibility: The Adjutant General has primary responsibility for ensuring equal employment opportunity within the agency.

Duties:

1. To designate and appoint qualified agency Equal Employment Opportunity Manager and ADA Coordinator.
2. To make decisions and changes in policy, procedures, and accommodations for persons affected by a disability, as may be needed to facilitate equal employment opportunity.
3. To take decisive action on complaints of alleged discrimination.

### **II. EEO Manager-ADA Coordinator**

Responsibility: The EEO Manager – ADA Coordinator administers the equal opportunity program for the agency under the auspices of the Adjutant General.

Duties:

1. Updates, monitors, and evaluates the effectiveness of the agency's Affirmative Action Plan.
2. Disseminates information to managers, supervisors, and employees.
3. Ensures qualified applicants affected by disabilities are given reasonable accommodation in all employment related activities.
4. Identifies and resolves EEO problems and concerns, and investigates complaints of alleged discrimination.

### **III. Human Resources Director**

Responsibility: The Human Resources Director is the agency's Equal Opportunity provider for state

Duties:

1. To ensure the Affirmative Action Plan is distributed to all State Department personnel

2. The Equal Employment Opportunity/Affirmative Action Policy will be included in all new employee orientation with each new hire receiving his/her own copy of the Equal Employment Opportunity Policy, the Workplace Harassment Policy and the Drug/Alcohol Free Workplace Policy.
3. The Equal Employment Opportunity/Affirmative Action Policy, the Workplace Harassment Policy and the Drug/Alcohol Free Workplace Policy will be available to all employees via the Adjutant Generals Website.
4. AA/EEO training will be available to all Department employees at manager's request.
5. To inform all recruiting sources that the Adjutant General's Department is an Equal Employment Opportunity employer and request that these sources actively recruit and refer protected group members for employment.
6. All advertisements of employment positions shall clearly date that the Adjutant General's Department is an Equal Employment Opportunity/Affirmative Action Employer.
7. When recruiting externally, external position announcements will be available to special interest groups and organizations informing them of the TAG's Equal Opportunity/Affirmative Action policy and encouraging them to refer qualified applicants for advertised openings.
8. To develop, maintain, and evaluate employment and other related programs to ensure compliance with the agency's and the state's affirmative action plans.
9. To assist in efforts to resolve problems and complaints related to EEO areas.
10. To assure that all employees are given opportunity to familiarize themselves with relevant policies at time of hire, and through periodic updates through scheduled mandatory training opportunities.
11. To assure recruiting efforts all state "EOE," and the equal employment opportunity is provided during all stages of the recruitment process.