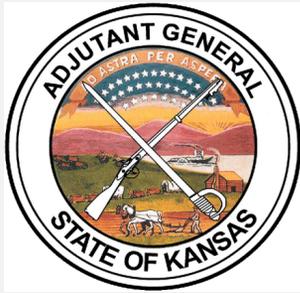


Kansas Adjutant General's Department



Manager and Supervisor Handbook

Organizational Structure

The Kansas Adjutant General's Department has prepared these materials to provide you with an overview of policies, benefits, and rules. It is intended to familiarize you with important information about the agency, as well as provide guidelines for your role as supervisor/manager with us in an effort to foster a safe and healthy work environment.

About the Agency

The Adjutant General's Department has the responsibility for the operations of the Kansas Army and Air National Guard, the Kansas Division of Emergency Management and Kansas Homeland Security. It also provides administrative support for the Kansas Wing of the Civil Air Patrol.

MISSION

The department's mission is to be the —911 for the state and nation's emergency responders, protect life and property in Kansas, provide military capability for our nation and be a valued part of our communities.

KANSAS NATIONAL GUARD

The Adjutant General administers the joint federal-state program that is the Kansas Army and Air National Guard. Approximately 7,500 Guardsmen currently serve the state of Kansas. Military equipment for the Kansas Guard is furnished by the U.S. Department of Defense through the National Guard Bureau. Federal control is exercised over military strength and mobilization of the Kansas Guard. Federal personnel are employed in both administrative and maintenance jobs in armories and maintenance shops.

The Kansas Army National Guard is made of the:

Joint Forces Headquarters, Topeka;
35th Infantry Division, Fort Leavenworth;
69th Troop Command, Topeka;
287th Sustainment Brigade, Wichita
635th Regional Support Group, Hutchinson
235th Regiment, Salina
and their subordinate units.

The Kansas Air National Guard is organized into two groups:

184th Intelligence Wing at McConnell Air Force Base in Wichita
190th Air Refueling Wing at Forbes Field in Topeka

KANSAS HOMELAND SECURITY

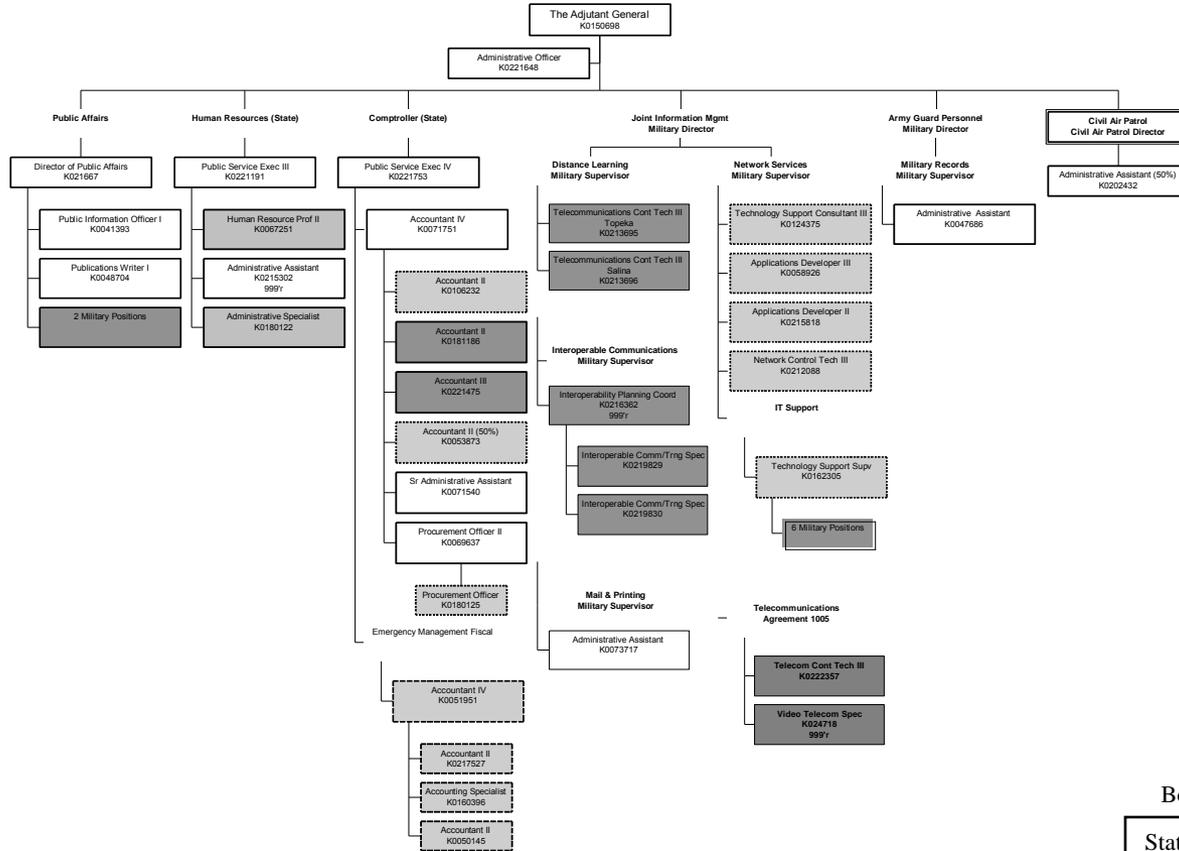
Kansas Homeland Security, within the Adjutant General's Department, coordinates statewide activities pertaining to the prevention of and protection from terrorist-related events. This involves all aspects of prevention/mitigation, protection/preparedness, response and recovery. Homeland Security addresses threats aimed at people, including threats to agriculture and food supplies, and outbreaks of illness. Homeland Security serves as a liaison between federal, state and local agencies and the private sector on matters relating to the security of the state and its citizens.

ORGANIZATIONAL CHARTS:

The attached organizational charts are updated on an annual basis.

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Homeland Security	Page 4
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184th Intelligence Wing	Page 6
190th Air Refueling Wing	Page 7
Readiness Sustainment Maintenance Site	Page 8

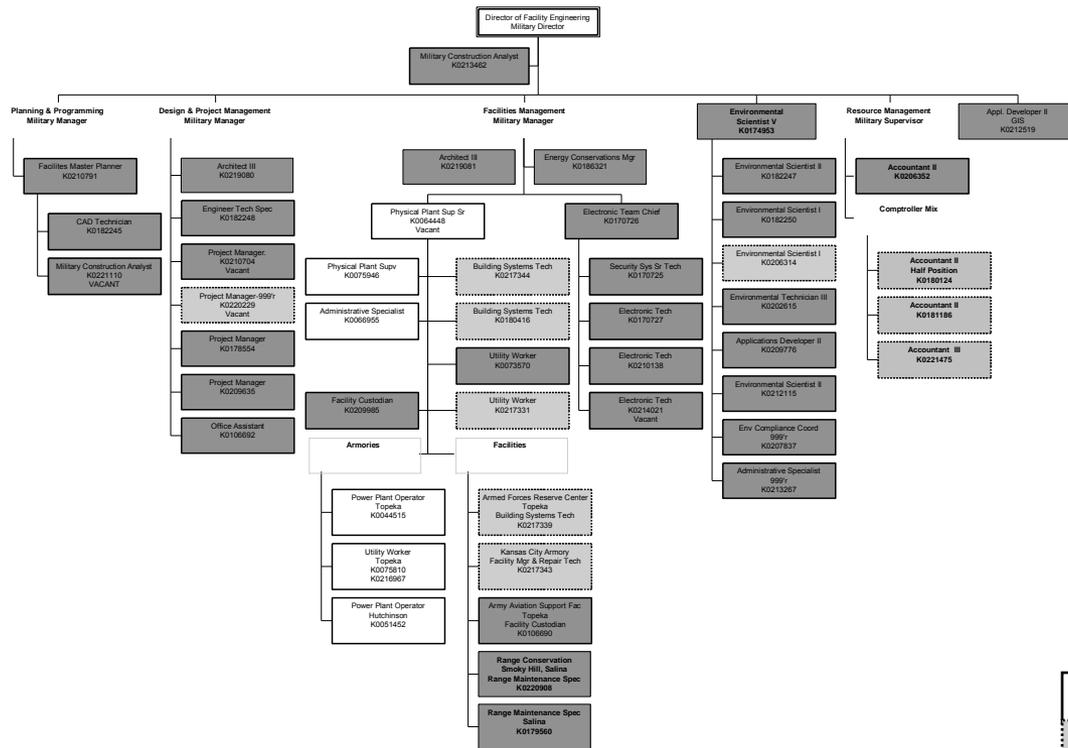
The Adjutant General's Department Administration 08-2012



Box Legend

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Both Federal & State
Federal Funded 100%

The Adjutant General's Department Director of Facility Engineering (DOFE) 08-2012 Chart 1 of 2

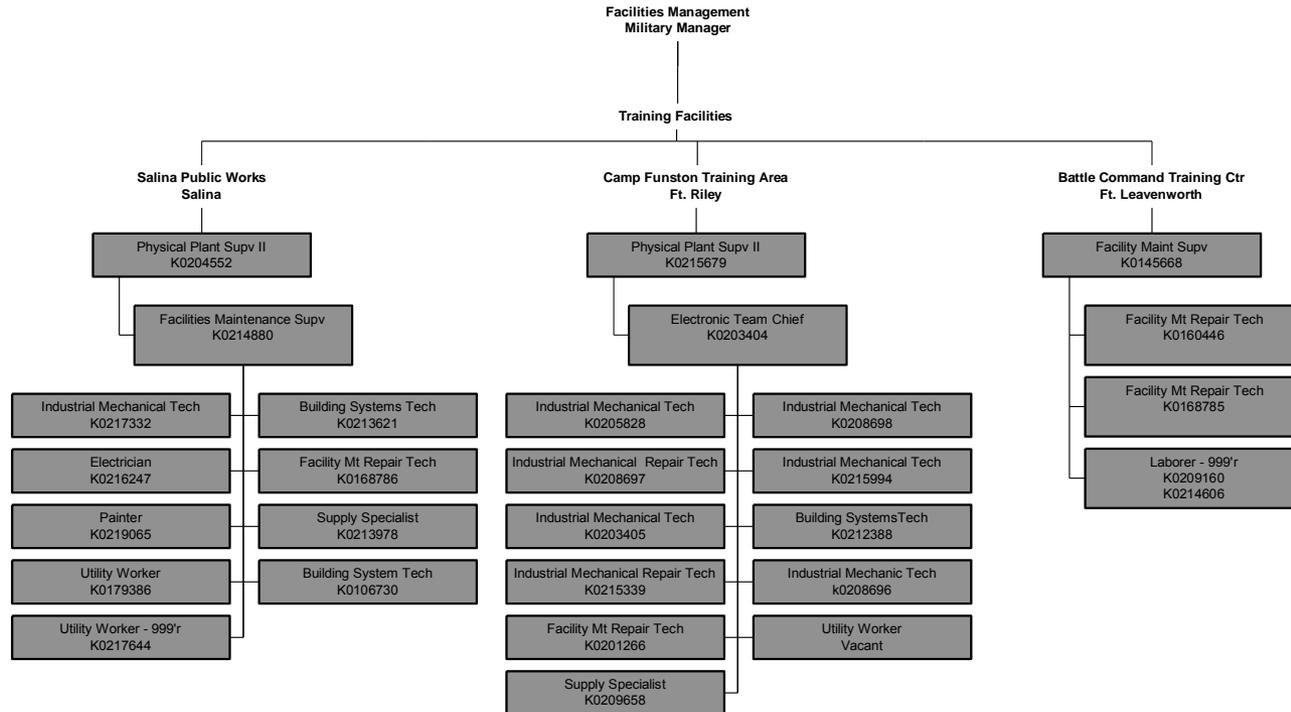


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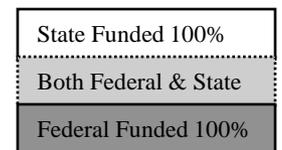
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The Adjutant General's Department Director of Facility Engineering (DOFE)

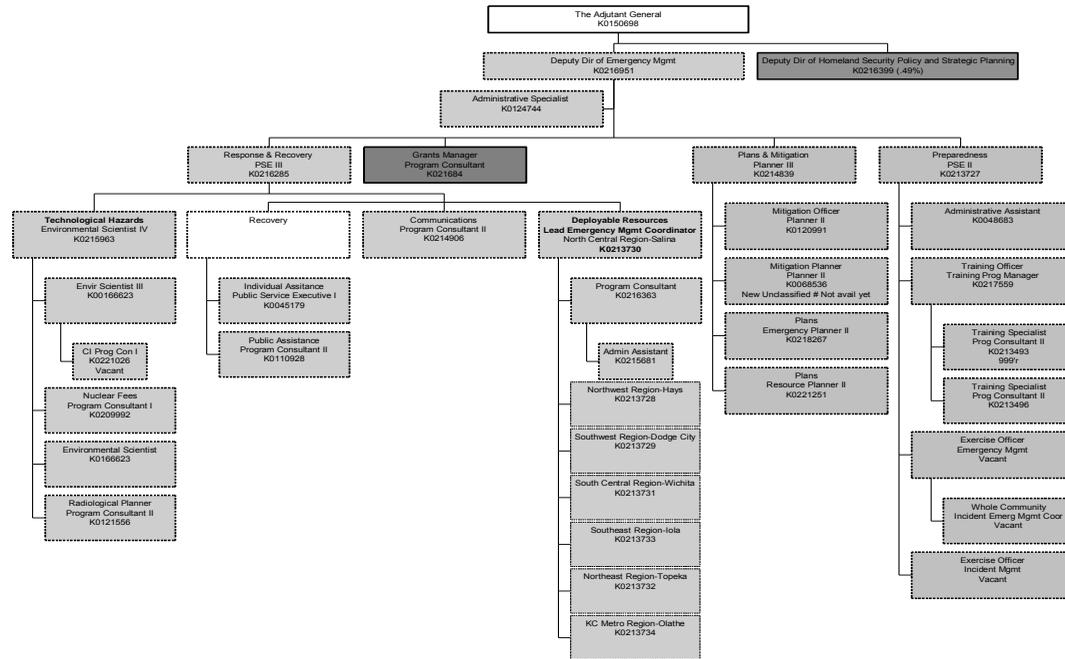
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Chart 2 of 2



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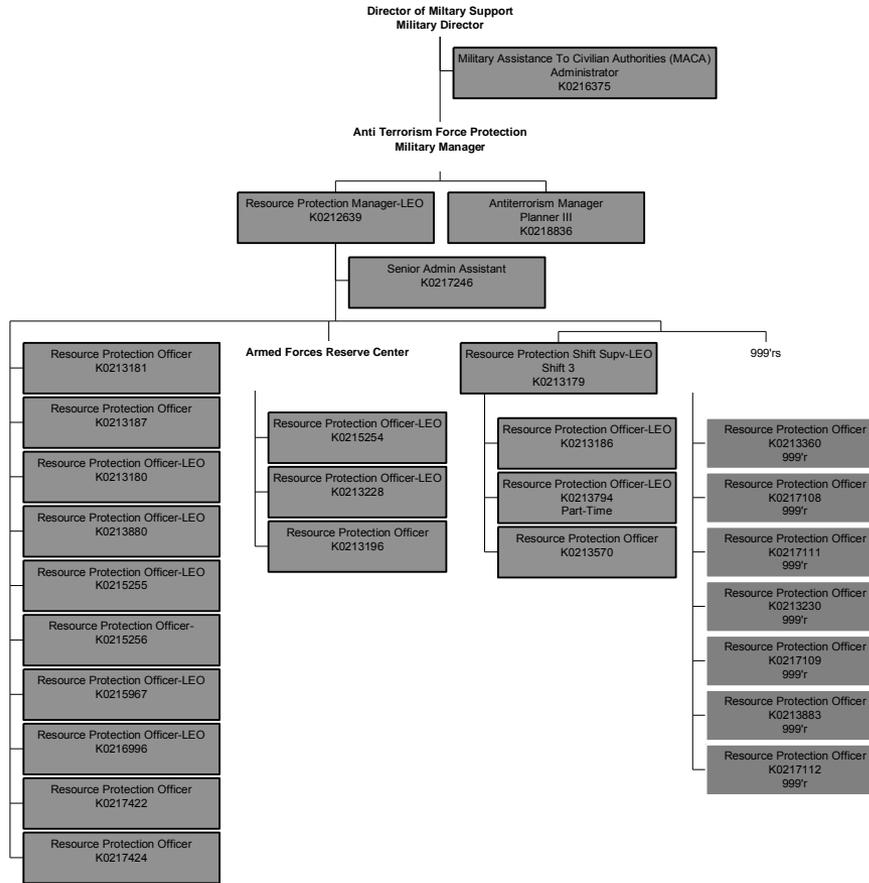
The Adjutant General's Department Divisions of Emergency Management & Homeland Security 8/2012



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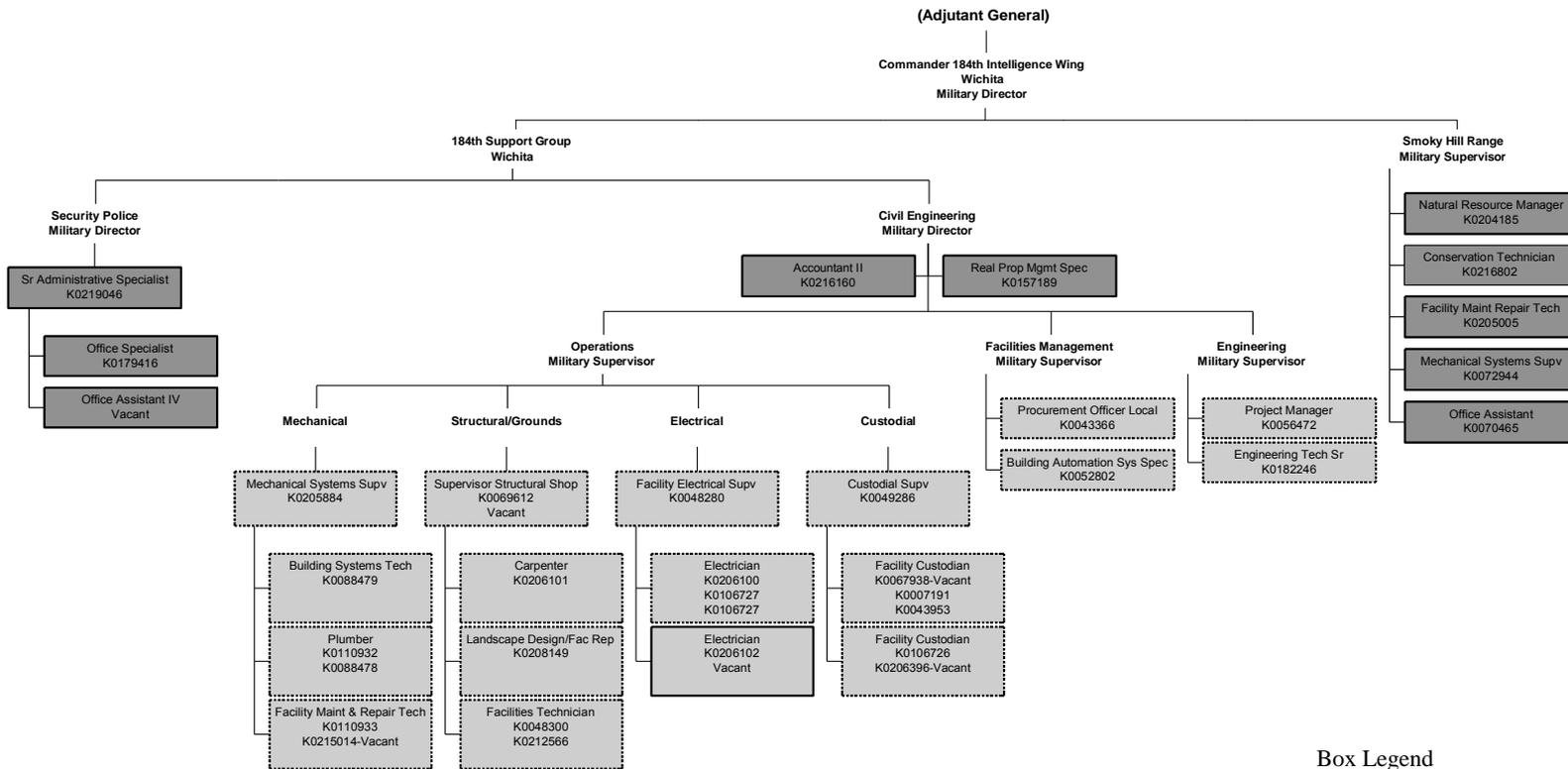
The Adjutant General's Department Security 08-2012



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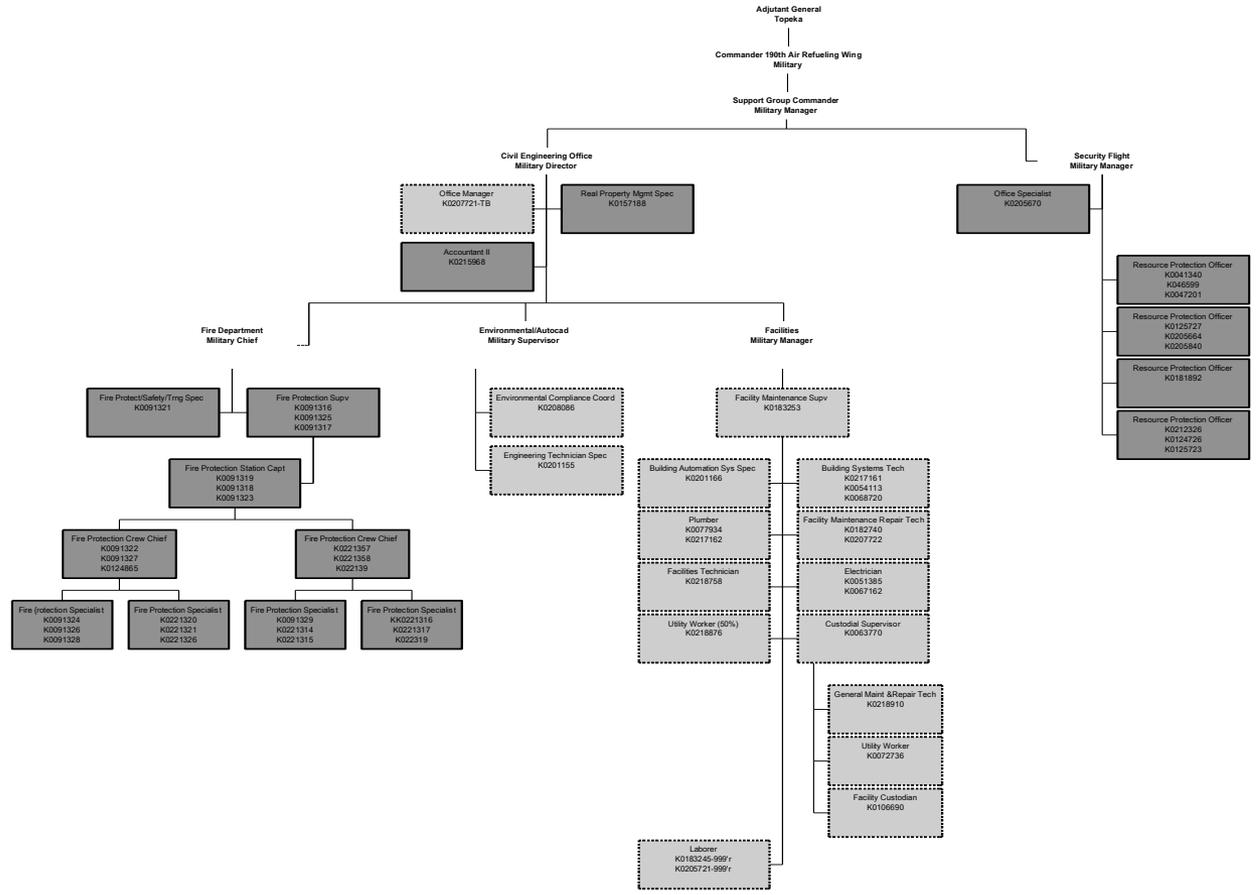
The Adjutant General's Department Kansas Air National Guard - 184th Intelligence Wing 08-2012



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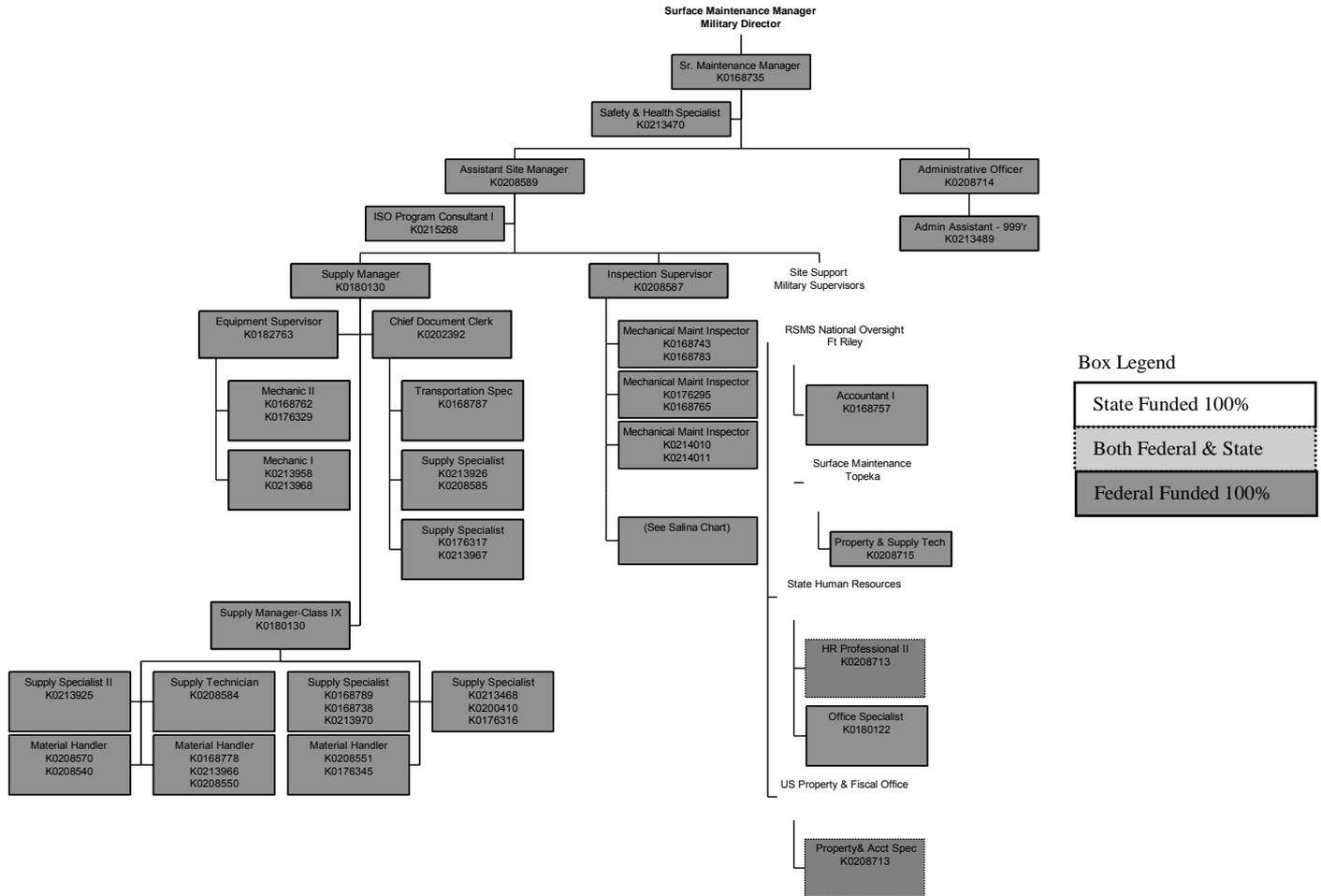
The Adjutant General's Department Kansas Air National Guard- 190th Air Refueling Wing 08-2012



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The Adjutant General's Department Readiness Sustainment Maintenance Site (RSMS) 08-2012 Page 1 of 3



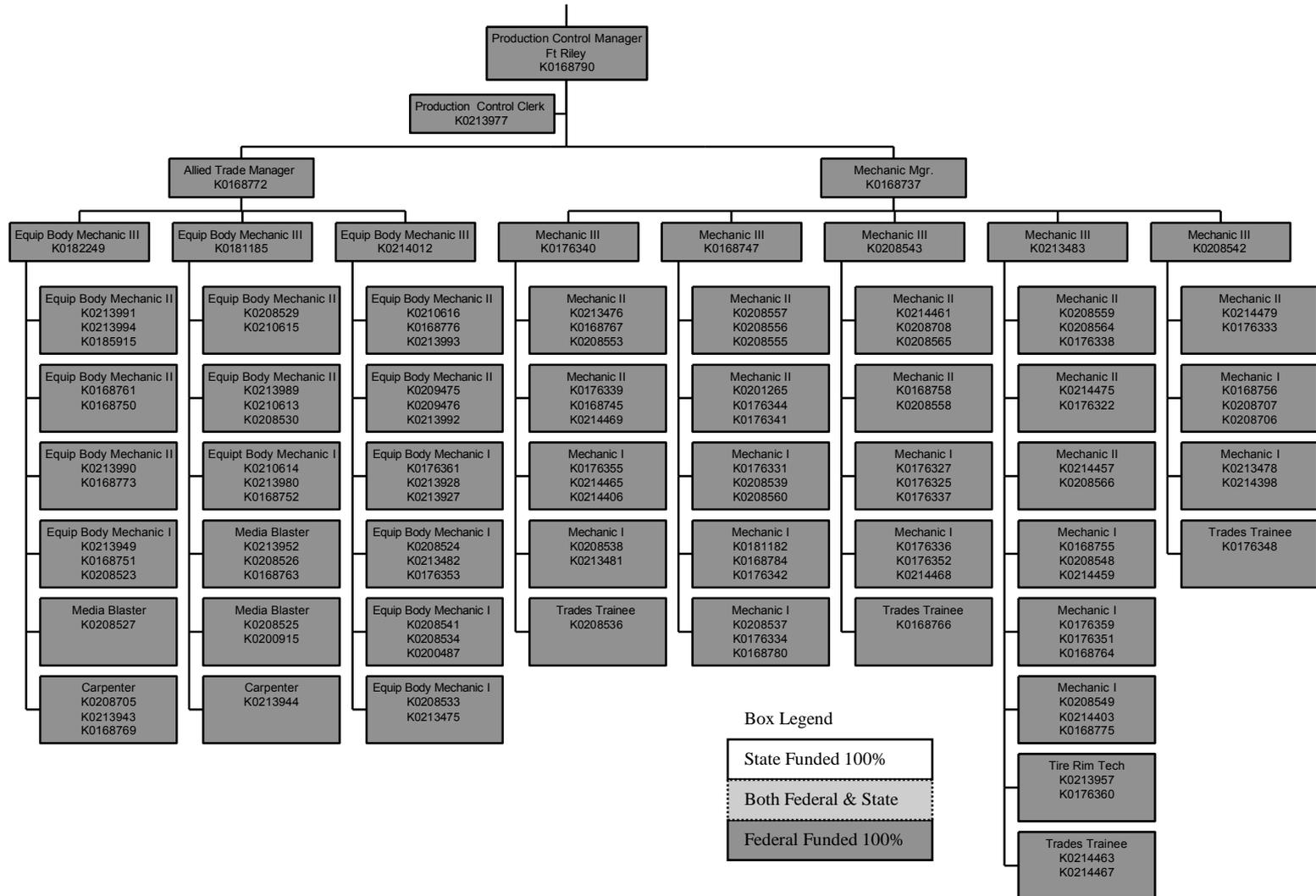
The Adjutant General's Department Readiness Sustainment Maintenance Site (RSMS)

08-2012

2 of 3

(Assistant Site Manager)

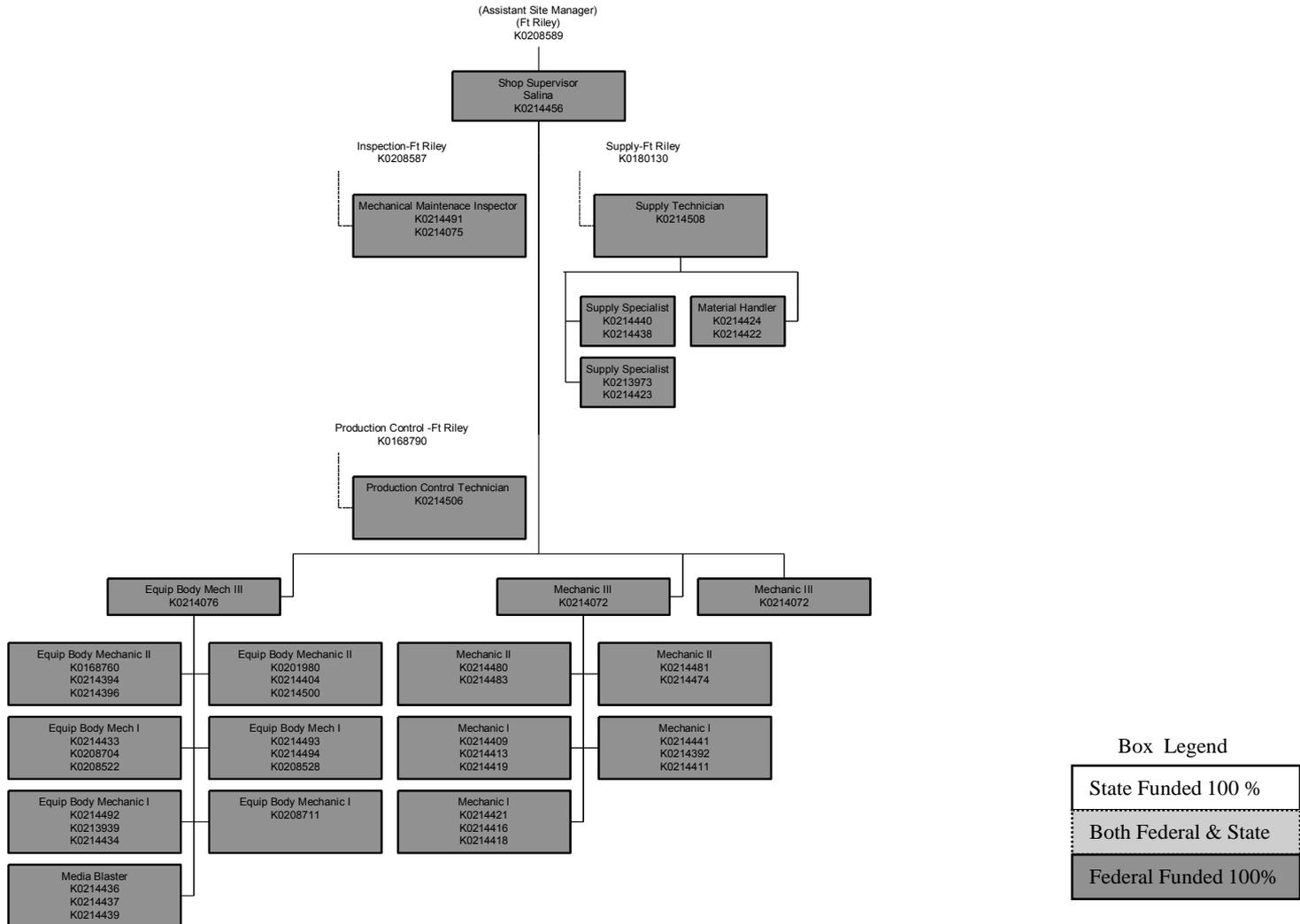
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The Adjutant General's Department Readiness Sustainment Maintenance Site (RSMS) 08-2012 3 of 3



Box Legend

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Payroll Information

PAYROLL

The State issues paychecks Fridays, on a bi-weekly basis. Pay periods start on Sunday and end two weeks later on Saturday evening. Pay is direct deposited and no paper checks or stubs will be given out.

Employees check their paystubs via the —Employee Self Service online.

(<http://www.da.ks.gov/ps/subject/ssc/>)

Please refer to the following policies in reference to payroll and time keeping:

- Attendance Policy
- Funeral Leave Policy
- Inclement Weather Policy
- Leave of Absences Policy
- FMLA Policy
- Hours of Work Policy
- Shift Differential Policy
- Standby Pay Policy
- Time Recording Guidelines

Time Sheets, Leave Requests, Over Time Requests and all other documents related to processing of payroll are considered Legal Documents. As with any legal document, falsification of information is illegal and grounds for termination and legal actions.

The Fair Labor Standards Act (FLSA) was passed in 1938 to set standards for child labor, minimum wages and overtime pay.

The FLSA requires the following information regarding time worked by employees be kept:

- Time and day of week when workweek begins
- Hours worked each day
- Total hours worked each workweek

The following forms are used to record information for FLSA requirements:

- Time Sheets
- Leave Request Form
- Overtime Request Form
- Standby Log
- Flextime Form
- Compensatory Time Agreement Form

OVERTIME

FLSA requires overtime pay at a rate of not less than one and one-half times an employee's regular rate of pay after **40 hours of work in a workweek**.

The Adjutant General's Department does not pay overtime but instead awards Compensatory Time to its employees for the hours worked overtime. Employees are asked to sign a Compensatory Time Agreement form that outlines this.

Overtime pay is calculated on actual time worked. This means that vacation, sick leave, holidays and other paid leave is excluded from overtime calculations. As an example, an employee has Monday of the week off for Martin Luther King Jr day, a paid holiday, and works 8 hours on Tuesday, Wednesday and Thursday, but works 10 hours on Friday. The extra 2 hours worked on Friday would not be counted as overtime since the employee actually only worked on Tuesday, Wednesday, Thursday and Friday and the hours paid on Monday would not count.

All Overtime must be requested in advance and be approved by the Supervisor prior to working the extra hours. If an employee works overtime without authorization, the employee MUST still be given the overtime/compensatory time, but is subject to disciplinary action for not following policy and procedures.

Please refer to the following policies and forms regarding Overtime:

- Hours of Work
- Time Recording Guidelines
- Overtime Request Form
- Compensatory Agreement Form

REST AND MEAL TIMES

The FLSA does not require rest or meal periods. However our Agency does offer two short breaks, one in the morning and one in the afternoon, lasting about 15 minutes and they are paid. These breaks cannot be skipped in order to allow the employee to leave work early.

Meal breaks are required and usually last from 30 minutes to 90 minutes and should be designated on the Flextime Form. This is a Bona Fide meal period and means that the employee should not be conducting any work during this time. If the employee is eating at their desk and answers the phone, they must be paid for the time. It is suggested that Bona Fide meal periods be taken away from the work area to eliminate the possibility of interruption by work duties.

Some areas allow for a working 20 minute lunch in which the employee works and eats at their work area. This also must be identified on the Flextime Form. Skipping the working 20 minute lunch does not allow the employee to leave work early.

Please refer to the following policies and forms regarding Rest and Meal Times:

- Hours of Work Policy
- Time Recording Guidelines
- Flextime Form

STANDBY

Employees are eligible for standby pay only under the following conditions:

- If the standby time is outside the employee's regular work hours
- The employee is required during this time to remain available to the Agency to perform necessary work within a specified response time as designated in the Standby Agreement.
- Work situations are limited to a reasonable probability of emergency recall exists.

Employees are not allowed to work more than seven (7) consecutive days in a standby status.

Please refer to the following policies and forms regarding Standby:

- Time Recording Guidelines
- Standby Pay Policy
- Hours of Work Policy
- Standby Log Form
- Standby Agreement Form

SHIFT DIFFERENTIAL

Some employees will be eligible for shift differential because the position they hold works in shifts to ensure coverage is consistent or workloads are completed as needed.

Please refer to the following policies and forms in regard to Shift Differential:

- Shift Differential Policy
- Time Recording Guidelines

Recruitment

HIRING

Proper hiring creates a good team, and a good team lowers turn overs. Supervisors should take the needed time when filling positions.

The first rule of hiring is: “It is better to leave a position unfilled than to fill it with the wrong person.” When an applicant displays failings in the selection process that they would make a bad employee, these are red flags. Pay attention to the red flags! They do not have to disqualify an applicant, but they should shift your presumptions away from hiring the person.

The second rule of hiring is: Remember, you are not the only one selecting. The employee is selecting too.

In addition to using *Behavioral Interview Questions*, explain exactly how a person in this job will spend his day moment by moment. Give them a clear picture of what it will be like to work in this position.

In order to select the most qualified, suitable, highly effective employees in a timely manner, to comply with applicable state and federal equal employment and civil service related laws, statutes, regulations and guidelines and sound interviewing and selection practices the Kansas Adjutant General’s Department has developed the following operating procedures regarding Hiring.

When a vacancy occurs because of an employee leaving a current position, the following steps are involved:

1. Employee Resignation/Voluntary Transfer and/or Demotion:

- a. The employee communicates a desire to resign from his/her position, the manager/supervisor asks the employee to complete a “NOTICE OF RESIGNATION” form.
- b. The manager/supervisor attached the “Notice of Resignation” form to a “SHRO Transaction Request Form” (Green Sheet) using section #2 *Employee Transactions* selecting the appropriate box. The manager/supervisor then complete the form with the following:
 - i. Effective Date
 - ii. Name of Employee
 - iii. Employee ID #
 - iv. Job Title
 - v. Position #
 - vi. Supervisor Position #

- c. The manager/supervisor then obtains the Division Director's signature and submits the materials to Human Resources.

2. Submit paperwork to fill vacated position:

- a. The manager/supervisor submits a Green Sheet with the following
 - i. Section #1 Advertising, selecting the type of advertising for the position.
 - ii. Job Title
 - iii. Position #
 - iv. Supervisor Position #
 - v. Type of position, Classified/Unclassified, etc. (if you do not know this information, you can leave it blank and HR will look it up.)
 - vi. Division
 - vii. REMARKS – please put the name of the employee who vacated the position and the reason the position is needed
- b. The manager/supervisor then obtains the Division Director's signature and submits the materials to Human Resources.

Once Human Resources received the Green Sheet we are required to submit an electronic request to the Department of Administration for approval to fill this position. The approval then goes through the Department of Budget and finally the Governor's Office for approval.

The position cannot be posted online or advertised for until Human Resources receive the approval to fill from the Governor's office. So please allow adequate time for the process.

Once HR has received approval to fill the position is posted.

Once the position is closed, HR gathers the applications and reviews them for minimum qualifications. A list of applicants ranking them by their minimum qualifications is sent to the hiring manager.

- 3. The hiring manager MUST submit the questions that will be used for the interview process to HR for approval before any applications will be released to the manager.
- 4. Once the hiring manager has reviewed the applications they must submit a list of applicants that have been selected for interview. The hiring manager MUST identify the reason for not interviewing applicants that are outside the "cut off" line submitted to the hiring manager by HR.
- 5. The hiring manager identifies the interview team which usually consists of three (3) interviewers, 2 of which are at higher wage ranges than the position being filled. Substitutions cannot be made once interviews have commenced. If a team member is unable to complete all the interviews, his/her score sheets will not be used and the selection will be based on the scores and assessments of the remaining interviewers. The Chairperson of the interview team is usually the immediate supervisor. Interview team members may be individuals outside this agency, i.e. staff from other state agencies or community entities that work closely with the position being filled or are considered subject matter experts.
- 6. The Interview team will be required to sign and abide by the Confidentiality Agreement.

- a. Interviewers need to review each application prior to the interview to determine if there are any questions regarding the information, or lack thereof, in an individual's application materials. Members should then request specific clarification from the candidate as opposed to making personal assumptions. Interviewers should do this prior to the conclusion of the interview.
 - b. Common areas of clarification include: reason for leaving previous positions, more thorough description of duties performed, breaks in work history, names of immediate supervisors and phone numbers, etc.
 - c. Each interview team member will be provided a set of identical questions which contains space for documenting and scoring the content of the candidates' responses.
 - d. Interviewers are to familiarize themselves with the questions and determine by whom each question will be asked. To maintain a fair playing field, interviewers should adhere to the same rotation and ask the questions in the same manner throughout the interview process.
 - e. When reviewing the questions prior to the first interview, there is a new question(s) the team wants to ask, they are to contact SHRO for approval. If approved, the question(s) is to be asked to all applicants.
7. HR will assist in setting up interviews and will put together the packets for the applicants; materials the applicant must read and materials the applicant must read and sign and return.
- 8. During the interview:**
- a. Interviewers should make candidates feel at ease and make the interview more like a conversation than a rigid, verbal inquiry.
 - b. Team members should ask any questions they have over a candidate's application materials. Common questions may include: reasons for leaving previous positions, more thorough description of duties performed, breaks in work history, names of immediate supervisors and phone numbers, etc.
 - c. Interviewers should maintain **eye contact** with candidates throughout the entire interview so as to avoid candidates talking to the tops of heads.
 - d. Interviews are to be conducted in a consistent and legal manner.
 - e. Interview team members may ask follow-up questions to a candidate's response in order to gain clarification of the response.
 - f. Interviewers need not document verbatim each applicant's response but rather jot down enough of an answer to remember the content and essence of the response and to help assess the quality of responses consistently among the candidates.
- 9. After the Interview:**
- a. Team members total their respective points on each candidate, rank order them and record them on the "Interviewer Ranking" (referred to as the "Orange Sheet") form and then discuss differences in rankings and points among the interviewers.
 - b. Selections should not be based on scores alone. Other factors may include, but are not limited to: position related communication skills, work history, specific experience, specific education & training, reference check results, skills of existing staff, professional appearance/hygiene, etc.
 - c. After those discussions the team decides which candidate(s) will have reference checks performed.
 - d. The team may also decide on their top choices in rank order in case the top candidate's references are not as favorable as desired.

10. Reference Checks Required

- a. Employment reference checks are required to be completed on the top candidate(s). (See **State Employee Reference Check form** often referred to as a “Blue Sheet”)
- b. Only job references from a supervisor, someone in the management chain or a human resources office are acceptable. Personal references and those from co-workers are not acceptable and should not be considered.
- c. Generally reference checks are done covering the previous 10 years, on jobs which are directly related to the work performed in the vacant position and for any State job held by a candidate.
- d. In cases where the supervisor is unable to obtain a pertinent reference after concerted efforts SHRO is to be contacted for possible alternative reference sources. The attempts by the supervisor to obtain references should be recorded on a Blue Sheet and returned with the interview materials to SHRO. If possible, SHRO will also attempt to secure the information and provide a report to the supervisor.
- e. If there are any difficulties obtaining a reference from a state agency, SHRO should be notified immediately. SHRO will make the necessary contacts for the reference to be obtained.

11. Offering a Job

After receiving approval from SHRO, the supervisor will contact the candidate(s) of choice and given a conditional offer of employment, and if necessary, make arrangements to have the candidate complete the necessary paperwork and be fingerprinted for the appropriate security clearance for the position.

- a. Individuals selected for employment will be given a conditional offer of employment pending the results of their SAC/NACI.

12. Starting Dates

- a. **New hires** to the State may begin work until on any day; however hiring the last few days of a pay period is discouraged.
- b. **Present state employees** moving to or from the *same type* of position with respect to benefits (i.e. 999-hour or position with benefits) and overtime eligibility (i.e. exempt/salaried or non-exempt/hourly), must start at the beginning of a workweek, *preferably* at the beginning of a pay period.
- c. **Present state employees** moving to or from a *different type* of position with respect to benefits (i.e. 999-hour or position with benefits) and overtime eligibility (i.e. exempt/salaried or non-exempt/hourly), **MUST** start at the beginning of a pay period.

13. Post Job Offer

- a. The supervisor will contact SHRO with the hire date and coordinate a time and date for the “signing in” process.
- b. SHRO will provide written notification to all non-selected candidates.
- c. Announcement of the selected candidate(s) should not be made until notification of all non-selected candidates has occurred.
- l. **Note:** If additional openings occur in the same position classification/job title after a selection has been completed, additional candidates *may* be hired from the previous set of interviews, if the selection occurs within 60 days of the closing date or last accepted application (whichever is longer). The 60 day limit may be extended for the

filling of *unclassified* positions but not to exceed 90 days unless there are compelling reasons and SHRO approves the request.

II. After the reference checks are completed a final selection recommendation is made.

14. Selection Documentation

a. A **Candidate Interview Record** form (referred to as the “Yellow Sheet”) is then completed by the supervisor. This form must accurately reflect the primary, distinguishing reason(s) for the selection or non-selection of each candidate, as well as distinctions between candidates placed on an order of merit list.*

* If desired, a notation (or an attached order of merit list) specifying the priority order of applicants may be included on the Yellow Sheet in case the first candidate does not accept the job or if additional vacancies are anticipated in the near future.

b. A Green Sheet is also completed on the selected candidate(s) and signed by the supervisor and the Division Director. In doing so, they are taking responsibility that the reasons noted on the Yellow, Orange and Blue sheets are accurate and verifiable.

c. All forms, as well as all interview materials, are returned to SHRO.

Please refer to the following policies and forms in regard to Hiring:

- Hiring
- SHRO Transaction Request Form (Green Sheet)
- State Candidate Interview Record (Yellow Sheet)
- Interview Rankings Form (Orange Sheet)
- State Employment Reference Check Form
- Confidentiality Agreement

New Employees

GET THEM STARTED RIGHT

If you have taken the proper time to select your new employee, you should also take the time to incorporate your new employee into your team. Great organizations create united teams. There are 5 enemies of a great team:

1. Poor Communication – be sure to communicate often and frequently with your new employee, **Who** is this person, what does he/she need from you as a manager to succeed on your team; **what** should be their focus, goals, guidelines; **how** will you be giving instructions and assignments and how often; **where** are they and their job duties in relation to the mission of the agency and your specific division; and **when** is the best time to get together daily, weekly, etc.
2. Gossip – let the new employee know that they should hand any negativity upwards to you, explain the culture of the workplace and that in order to succeed they must be part of the unified team.
3. Unresolved disagreements-let the new employee know that you are available to discuss any issues they might have and that you strive to have a unified work group by doing this.
4. Lack of a shared purpose – this is where you share how their work and skills are NEEDED in reference to the entire mission of the agency and work unit, how important they are to the whole picture.
5. Sanctioned incompetence – set goals and guidelines and stick to them, if you do not then you are sanctioning incompetence, this also affects older employees who will see this as incompetence on the manager’s part for not holding everyone accountable.

New Employee Orientation MUST be completed with HR for ALL employees during the first 3 days of employment. Once the manager/supervisor is aware of the employee’s start date they should coordinate the employee’s meeting with HR.

New employee orientation is not just HR’s duty, but the manager/supervisor is required to assist in the orientation process and has items that must be signed off on the New Employee Orientation Check List that is given to the employee during the orientation.

Prior to your new employee’s first day of work you should do the following:

- Notify co-workers in the department or area of the new worker and the start date. You might ask co-workers to welcome the worker and offer support.
- Prepare tasks for the employee to accomplish during the first couple of days. These should be interesting tasks that help the employee learn something of value.

- Schedule the employee in any training or classes that are needed.
- Ensure the employee's work area is available, clean, and has the necessary tools, supplies, and equipment.
- If possible, assign the employee a mentor.
- Arrange for the worker to meet key people in the organization.

On the employee's first day:

- Escort the employee to HR to complete necessary paperwork or attend New Employee Orientation.
- Provide the employee with a paper time sheet to record their work hours.

During the employee's first week at work:

- Review the Position Description
- Discuss work hours (call-in procedures and numbers, breaks, lunch,)
- Provide a tour of the work area for the new employee
- CAC Card/E-mail/Prox Cards/Etc:
 - Please escort the employee to get their CAC Card.
 - Please escort the employee to get their Prox Card if needed.
 - If the employee needs computer access and e-mail, follow the procedures for your location.
- Discuss and schedule performance review for probationary period. You should schedule at least 3 meetings between the start of employments and the end of the probationary period (6 months)

Please refer to the following policies and forms in regard to New Employees:

- Performance Appraisal Policy
- Probationary Periods Policy
- Kansas Adjutant General's Department Orientation Checklist

Employee Relations

EMPLOYEE SUPPORT

Employee relations are the aspect that focuses ongoing attention to helping employees achieve success and perform at their highest level.

This is achieved through a combination of communication, conflict resolution, discipline, training and other actions.

What are the realities of being a manager?

- You cannot always hire superstars
- When you do hire superstars they need managing also
- Even if you set expectations clearly, some employees won't meet them
- Not everyone is a winner and you as a manager have to deal with it

As a manager you should communicate with your employees on a regular basis. This can be as little as 15 minutes, and in these meetings you will find things that require adjustments and you'll be glad you had that conversation. How can you meet with all your employees? Here are some suggestions;

- Concentrate on 4-5 people a day
- Make the meeting quick – 15 min or so
- Consider holding the meetings standing up
- Don't let anybody go more than 2 weeks without a meeting
- If you manage people in remote locations, communicate via telephone and e-mail regularly and consistently in between one-on-one meetings
- If you manage people on other shifts, stay late or come in early to meet with them.

What should these meetings be about? You should be letting the employee know what you need from them and ask what they need from you. Provide advice, support, motivation and even inspiration once in a while.

Make each and every employee accountable for their actions. Your employees should know in advance that they will have to explain themselves and that their actions will have consequences. What process do you use that is fair and accurate for tying consequences to each employee's real concrete actions? You are the process and you are the key. This all starts with your conversations with the employee:

- Ask basic questions when making assignments; "Can you do this? Are you sure? What do you need from me?"

- Ask probing questions; “How are you going to do that? How are you going to start? What steps will you follow?”
- Ask short, focalizing questions; “How long will this step take? How long will that step take? What does your checklist look like?”
- Turn best practices into standard operating procedures.
- Teach the standard operating procedures to everyone and require their use
- Nag, nag, nag about the standard operating procedures until you sound like a broken record
- Give employees step-by-step checklists whenever possible
- Follow up, follow up, follow up

Conflict Resolution

A major part of good employee relations is keeping the people happy. This unfortunately sometimes means dealing with conflict.

With conflict resolution, oftentimes the problem is not in the apparent “conflict” but in a larger or deeper issue. That’s why many conflicts seem to be over trivial issues (office machines perfume, etc.) The reality is that the problem may not be an employee’s headphone volume at all, Instead it may be the “why does this person always get their way” thought or the “shy does he think he can do anything he wants” feelings.

Our Agency does have a conflict resolution policy and procedure. But prior to progressing to this point, please contact HR for assistance in resolving any conflicts that are not easily resolved.

Please refer to the following policies and forms in regard to Conflict Resolution:

- Dispute Resolution Policy
- Grievance Forms

Reward and recognition

The Agency recognizes that employees are its most valuable resource; that productivity and quality service are the sole result of employee efforts. Managers/supervisors should express appreciation to workers for their efforts, performance and accomplishments.

Beside the “Cause For Applause” recognition program offered by our Agency, managers/supervisors can recognize their employees in the following ways:

- A simple note of thanks given to the employee
- Telling the employee you appreciate what they have done
- Identifying them during staff meetings

Please refer to the following policies and forms in regard to Reward and recognition:

- Employee Recognition Policy
- Cause for Applause form

Performance Appraisals

Performance appraisals supply information that can be very useful in fostering good employee relations and achieving high performance. Few manager/supervisors enjoy doing performance appraisals, however, if they take the time they can improve moral and identify employee strengths and weaknesses. Performance appraisals also communicate goals and opportunities for growth.

The less knowledge you have about your employee’s day-to-day work, the more out of touch you will be as a manager and the less power you’ll have to:

- Provide guidance, direction, on-the-job training and coaching
- Identify resource needs
- Anticipate problems and correct small routine errors as they occur
- Keep employee conflicts to a minimum
- Prevent employee from behaving inappropriately
- Keep everyone focused on the work
- Set ambitious, but meaningful, goals and deadlines
- Evaluate performance against expectations
- Hold your employees accountable for their actions
- Prevent low and mediocre performers from becoming comfortable in their jobs
- Help the best people develop into new leaders

Supervisors should complete performance appraisals upon the following occasions:

- Three time by the end of the first six months of employment;
- In conjunction with the anniversary date of employment;
- When the employee is transferred or promoted to a new job;
- When the employee is assigned to a new supervisor; and
- When a reduction in staff is necessary.

Here are some ways to monitor the concrete actions of employees:

- Watch employees work – if you are having difficulties helping an employee succeed with a particular task, “shadow” that employee while they perform that task.
- Help employees use self-monitoring tools – activity logs, project plans, and checklists are great tools to assist the employee to track their actions.
- Review work in progress on a regular basis
- Ask around a little – gather intelligence, ask customers, vendors, coworkers and other managers about their interactions with your employee. Ask about work, never the person. Don’t ask for

evaluations, but ask for descriptions. Don't ask for impressions, but ask for details. And don't believe everything you hear.

Please refer to the following policies and forms in regard to Performance Appraisals:

- Performance Appraisal Policy
- Probationary Period Policy
- Employee Supervision Policy
- Employee Performance Appraisal Form
- State of Kansas Performance Management Process

Employee Discipline

Occasionally situations arise in the workplace where it is necessary to discipline an employee. This usually occurs when the employee's conduct adversely affects the efficiency or operation of the workplace or the work environment.

Conduct problems typically involve failure to comply with written or unwritten rules of the workplace, such as coming to work on time, following company instructions, communicating with customers or coworkers or using company equipment.

When an employee's conduct is not appropriate, it is sometimes necessary to administer disciplinary actions.

The Kansas Adjutant General's Department utilizes the principles of progressive discipline. In administering discipline, the supervisor explains the significance and consequences of the employee's behavior, then, if necessary, lets the employee experience those consequences.

A typical process of discipline occurs in stages, with the supervisor

- first administering a Verbal warning,
- Then a Written warning
- then a suspension* (this requires the TAG's Signature), and
- Finally dismissal*(this requires the TAG's Signature)

To uncover the true source of a performance problem, the supervisor might consider the following issues:

- Whether the employee has performed better in the past
- Whether the employee has received proper training
- Whether the employee knows and understands the objectives he or she is to accomplish
- Whether the supervisor is providing enough feedback and support
- Whether other employees with similar abilities are performing well or experiencing similar difficulties.

ANSWER these questions before holding a disciplinary meeting:

- Did the employee know the rule of standard involved?

- Did the employee know what constitutes a violation?
- Has the rule been enforced in the past?
- Does clear objective evidence show the employee committed the violation?
- Has the employee violated this rule before?
- Has the employee had a history of violations?
- Have other employees received similar discipline for the same offense?
- Does the disciplinary action reflect any bias against the employee?
- Is the disciplinary action appropriate for the offence?

ANSWER these questions AFTER a disciplinary meeting.

- Does the employee understand the violation, its seriousness, and its impact?
- Has the employee had a chance to explain the situation from his or her side?
- Are there any circumstances beyond the employee's control that affected this situation?
- Is there objective evidence that the employee committed the violation?
- Has the discussion remained calm, avoiding accusation?
- Is the focus on correction, not blame?
- Does the discipline match the violation?
- Has the employee offered suggestions for corrective action?
- Is there an agreed-upon plan for corrective action?
- Is there a timetable included in the corrective action plan?

Discipline REQUIRES Documentation. Be sure to provide good documentation to support your discipline.

Get in the habit of documenting events frequently and regularly for all employees. It allows you to remember events – good and bad. This will provide important information for future appraisals, warnings or discipline, if necessary.

Good Documentation Is:

1. Accurate. It contains information, which you know to be true and which can be objectively substantiated.
2. Factual. It contains a description of the offense or problem, along with names, dates, and times, place of events and/or warnings, and the duration and frequency of the problem or offence.
3. Informative. It tells precisely what rule or policy was violated or what performance, attendance or behavioral problem exists. It explains what the employee must do to correct the problem. It lists previous steps taken to resolve the problem and the consequences if the problem continues.
4. Clear and precise. Use language that is objective and clear. Don't use words "never" or "always". Don't say "you are not doing your job" or "you are always late." Do say: "You did not finish the XYZ project by the June 1 deadline. You were 10 minutes late on January 4 and 15 minutes late on January 8."
5. Timely. Write down the information while it is still fresh.
6. Retained. Retain any papers you use to show mistakes. i.e. memos, phone messages, purchase orders, as well as all prior warnings or memos concerning the employee.
7. Signed. Have the employee sign the document. It is important to show that the employee actually received a document such as a warning, appraisal, action plan etc. If the employee

refuses to sign, have a human resources representative or another neutral manager sit in on the discussion and witness that the document was given to the employee. You may also wish to have the employee write "I refuse to sign" or "I don't agree" beside his signature, to indicate that he or she received the document regardless of whether he or she agrees with it.

DO NOT INCLUDE:

1. Hearsay. This is information or reports from other employees or managers, which cannot be objectively confirmed or substantiated (e.g. "Joe said that Frank thought you were late".)
2. Subjective evaluations or conclusions. Opinions such as "you are lazy" or "you have a bad attitude."

How Documentation can make or break an Unemployment Claim?

Many employers believe that no matter what the reason for termination, the ex-employee will always be given unemployment benefits. However, there are a number of things that you as an employer can do to assure that the only claims to be charged to your account are the ones that are known to be valid.

To do this;

- Management must maintain documentation

There are numerous reasons a claimant may not be eligible for unemployment benefits, but the two primary reasons for disqualification are that the claimant

- resigned without good cause attributable to the employer or
- was discharged for misconduct in connection with their work.

Those are, in general, the only two factors over which the employer has any control, and the ones to which most effort should be directed.

To disqualify a claimant for benefits, the employer will usually have to provide evidence that the former employee quit of his own choice or was fired for misconduct.

Failing to document the problem with the employee prior to termination

Although no law requires employers to let employees know why they are being terminated (in the vast, vast majority of situations), it can be a mistake to fire someone without documenting the problem leading to termination and without giving the employee notification and a chance to explain his or her side of the story.

There is no set number of prior warnings that must be given before an employee can be fired. However, there are two very important considerations here. The employer has to show that either the employee did something that was so bad; he had to have known he would be fired without prior warning, or that the employee had somehow been placed on prior notice that he could lose his job for such a reason. "Prior notice" would come from a policy expressly warning of discharge or from a (preferably written) warning to the effect that a certain action or lack of action would result in dismissal.

Remember, an employer must show that the claimant either know or should have known that her job was on the line for the reason in question.

Remember, in a discharge case, the burden of proving misconduct is on the employer. The employer must show that the separation resulted from a specific act of misconduct connected with the work that happened close in time to the discharge and that the claimant either knew or should have known she could lose her job for such a reason. Whatever the allegation against the claimant is, it must be proven with documentation and testimony from people with direct, personal knowledge of the circumstances. Generally, the evidence needed will be a copy of whatever rule or policy the claimant violated, proof that the claimant knew about the policy, copies of prior warnings (if applicable), and firsthand testimony from witnesses who saw the misconduct occur. For example, if the claimant was terminated for attendance violations, a copy of the attendance records will be needed.

How to Make Documentation Easy

A common error made by supervisors is the failure to document incidents of employee misconduct and/or poor performance. When pressed for an explanation, supervisors rightly cite “a lack of time” as the primary culprit. Even so, experience teaches that all too often, the time saved on the front end by not documenting an employee’s poor performance or misconduct virtually guarantees a time investment five times greater on the back end. The enhanced time investment is usually spent in disciplinary and counseling sessions necessary to sustain management’s recommendation to discipline the employee. The sad part is that much of the wasted time can be avoided with a very simple technique, the four-sentence-two paragraph-letter “42P.” And the beauty of it is that in most cases, one paragraph will be sufficient.

Lawsuits brought by employees and Unemployment Hearings are often won or lost on documentation. Proper documentation helps clarify employment expectation and reduce surprises to the employee. It only takes four sentences:

- Sentence 1: Include the date and briefly describe the activity and the circumstances.
- Sentence 2: Summarize the position stated by management. (“We informed you...”)
- Sentence 3: Record the response made by the employee. (“You stated that...”)
- Sentence 4: Invite the employee to contact you if he/she disagrees with your summary or events or has questions. (“If I have misstated any aspect of our discussion, please contact me at ph: () _____ or provide a written copy of your suggested corrections.”)

Look, you can always add more details and in some cases you should and you will. Use your best judgment. This form however, will cover the basics. Again, each situation will be judged on its own merits so exercise your judgment. If unsure, seek the counsel of HR.

SAMPLE LETTER

Dear Employee:

This (letter, memo, e-mail, etc...) summarizes our meeting on (date) in which we discussed your recent unscheduled absences from work (or other issues). In the meeting, I informed you that you have had more than 6 unscheduled absences in the last 6 months, which according to our policy warrants a Verbal Counseling. You responded that you were not aware of the policy, and would try not to have any future unscheduled absences. I then gave you a copy of the policy*.

If I have misstated any aspect of our conversation, please contact me immediately with corrections.

Supervisor name and contact information.

*When an employee states they are not aware of the policy, especially if they have not been counseled on the issue in the past, it is best to provide them a copy of the policy and to document that you gave the policy to them. This will eliminate the “I Didn’t Know” statement in the future.

Please refer to the following policies and forms in regard to Employee Discipline:

- Employee Supervision Policy
- Progressive Discipline Policy
- All other Policies – for violations

Employee Assistance Program

The Employee Assistance Program (EAP) is a special service provided for State of Kansas benefits eligible employees and their dependents at no charge. The EAP provides information, short-term counseling, advice, and referrals from licensed professionals who understand the typical stresses we all face day in and day out.

In today’s fast-paced world, trying to manage work, home, family, and all the associated demands can sometimes be a real test. And occasionally, wouldn’t it be nice if there were an experienced, objective professional that could answer a confidential question or help with one of life’s concerns?

How Do I Contact the EAP Program?

EAP counselors are available 24/7 at 1-888-275-1205 (option 7) to provide immediate care, concern, and assistance because life’s questions don’t always come between 8 and 5. TDD/TT 800-766-3777.

What Can I expect When I Call the EAP?

When you call the 24-hour EAP help line, you will talk with a caring and experienced counselor who will take a small amount of initial information, and depending upon your needs will:

- Provide any immediate help, assistance or guidance you may need
- Connect you with a specialist for assistance with childcare, personal money management, coaching, eldercare, legal advice, etc.
- Help you make an appointment with an EAP counselor for a face-to-face visit in your community. EAP counselors are professional counselors working for AlternativesEAP under contract to the State. EAP counselors are not State employees. All counselors are certified or licensed in their field of expertise.

Is My Call Confidential?

EAP services are always completely confidential. All discussions, in accordance with very stringent state and federal regulations are confidential, and no one has access to your personal information without

your written permission. The only exception is if someone is in immediate danger of harming self or others, or if child abuse is suspected.

What Services Does the EAP Offer?

Through the EAP, you and your dependents receive confidential assistance from caring professionals who can help you evaluate the situation, answer questions, explore possible alternatives, develop a plan of action, and then help you find a solution. EAP offers these services:

Short-Term Personal Counseling

EAP counselors provide short-term counseling (up to four sessions per issue) and/or referral for the concerns that affect most employees in today's hectic world. A few of the most common examples include the following:

- Marriage and relationship concerns
- Family and parenting questions
- Domestic violence
- Emotional and stress related issues
- Alcohol and drug problems
- Grief and loss
- Work related concerns

If long-term counseling appears necessary after the initial visit(s), your EAP counselor will advise you of additional counseling benefits that may be available through your health plan or other community resources.

Legal Advice and Discounts

The EAP offers a no-charge telephonic legal consultation (usually 30 to 45 minutes) with an attorney who practices in the area of your question or concern. The EAP legal service does not cover questions regarding employment law or workers compensation. If you choose to retain the attorney, you receive a 25 percent fee discount. Or select from any attorney in the network and receive the fee discount.

Personal Money Management Assistance and Information

The EAP provides eligible employees and their dependents with access to financial specialists with a broad range of experience in financial services including licensed CPAs and Certified Financial Planners. The service includes individual telephonic consultations covering:

- home budgeting
- wise use of credit
- debt consolidation

- credit matters
- tax issues and concerns
- college funding
- estate planning
- investments
- retirement planning

The program also includes a personalized telephonic coaching program, Budgeting Basics and Debt Management. This program consists of up to four 60-minute telephonic coaching sessions that includes a handbook and work sheets. The coach will help the employee understand spending habits, build a workable home budget, and employ strategies to reduce debt and save more. To take advantage of the service simply call the HealthQuest EAP toll-free at 1-888-275-1205 (option 7).

Eldercare Information and Referral

A licensed geriatric care specialist will answer questions, provide information and help you find the kind of help for an aging loved one that is best for your family. One-to-one counseling for the stresses associated with care giving is always available.

Childcare Information and Referral

You can receive personalized childcare search assistance from a licensed daycare provider, plus valuable information on selecting the best providers. One-to-one counseling for parenting and other childcare concerns is always available.

Life Coaching

An EAP coaching professional will partner with you to help you produce fulfilling results in your personal and professional life outside of the traditional “counseling” setting. The EAP coaching program can help enhance the quality of your personal and work life in four areas: building sound relationships; improving job performance and strengthening your career; managing stress and building resilience; and major life transitions.

Grab-A-Cab Program

The EAP is committed to supporting eligible members’ efforts to keep the work family safe. To contribute to this goal, the EAP will reimburse any eligible employee for cab fare whenever they have had too much to drink, haven’t designated a driver, and choose to take a cab home within their city.

Please refer to the following policies and forms in regard to Employee Assistance Program:

- HealthQuest Flyer

Discrimination

Employee Protections

Our Agency's ability to succeed is dependent on our ability to compete in the global marketplace. Maintaining a competitive edge depends on the full use of our nation's talented workers, regardless of their race, ethnicity, color, religion, sex, age, or disability.

Discrimination Laws

The federal laws prohibiting job discrimination are:

- Title VII of the Civil Rights Act of 1964 (Title VII): which prohibits employment discrimination based on race, color, religion, sex, or national origin.
- The Equal Pay Act of 1963 (EPA): which protects men and women who perform substantially equal work in the same establishment from sex-based wage discrimination.
- The Age Discrimination in Employment Act of 1967 (ADEA): which protects individuals who are 40 years of age or older.
- Title I and Title V of the Americans with Disabilities Acts of 1990 (ADA): which prohibit employment discrimination against qualified individuals with disabilities in the private sector, and in state and local governments.
- Sections 501 and 505 of the Rehabilitation Act of 1973: which prohibit discrimination against qualified individuals with disabilities who work in the federal government.
- The Civil Rights Act of 1991: This, among other things provides monetary damages in cases of intentional employment discrimination.
- The Genetic Information Nondiscrimination Act (GINA): which prohibits employers from obtaining or using genetic information about employees or applicants, or using that information to deny any term, condition, or privilege of employment.

The Equal Employment Opportunity Commission (EEOC) enforces all of these laws.

Because of these laws, the Agency has a "zero-tolerance" for harassment, bullying, and violence in the workplace.

Harassment – Hostile Work Environment – Productive Work Environment

In today's work environment it seems that foul language is ignored by most, but should you as a manager/supervisor also ignore it? You should care, because long before it's illegal it's unacceptable, and you should act.

Say someone just got some terrible news and he says, "Oh, f---." Is that harassment? No, but it may be inappropriate. But "I'd like to f--- her"? That's clearly inappropriate and unacceptable.

The Other Words

Make a distinction between curse words and hate words. The N word, the K word, the W word (if you don't know, don't ask,) are objectively unacceptable. Likewise the C word.

'You Look Nice'

What about seemingly innocuous statements such as, "You look nice"? Are they OK in the office? It depends on several factors.

- How it was said (sincerely, or with a suggestive phrasing and a leer)
- How the person received it
- The frequency with which it was said
- How close the speaker is standing
- The situation (two people alone or in a group)

Is saying "You look nice" one time considered harassment? No. Is saying it a second time harassment? "Maybe not, but it's stupid."

For all employees, if you are asked to stop, stop. Maybe adopting a standard phrase. Some companies use this: "Red light. When you do X, it makes me uncomfortable. Please don't do it again." And the response is, "I'm sorry, that was not my intent, I won't do it again." And the employee has to mean it.

If you want to compliment, try "sharp and professional." Or better yet, try complimenting creativity, tenacity, or customer service. Don't focus on appearance.

Touching

Never touch an employee when counseling or disciplining. There are certain contexts where touching is inappropriate.

However, there's another side of the coin. If an employee gets very bad news, give the employee a hug. Same for a special occasion. But, "Monday" is not a special occasion.

Sometimes we focus our worry on the gray areas, but be sure to make clear what's obviously unacceptable. For example, this would include touching someone's breast, crotch, or backside. By the way, he adds, that behavior could also be criminal.

Touching, like making comments, is subject to several considerations:

- Place—Was it a quick touch on the shoulder, or is the arm around the shoulders?
- Setting—Was it in public or in a private office?

- Duration—Was the touch brief or prolonged?
- Frequency—Was the behavior occasional or continual?

Porn, Nudes, and Pinups

Porn and nude pictures or photos are clearly out, and suggestive pinups must also be removed.

Make sure that as managers/supervisors you understand that if you see inappropriate material and ignore it, it's just as if you were displaying it yourself.

Some other forbidden actions:

- Mimicking the walk of a person with a disability
- Displaying a swastika
- Displaying a noose (Yes, it's still happening)

We Don't Know Who Did It

Often managers/supervisors will think that when they don't know who did something (like put a noose up on the wall), they can't take any action. No, you can and should respond proactively.

Say, "We found this noose. If you know who put it here, saw anyone with it, or heard anyone talking about it, we want to know so we can take corrective action." And you can take the occasion to remind all employees of our Agency policies.

Jokes in the Office

What about jokes? Can jokes still be told in the office? Yes, but there are a number of topics that are out of bounds.

On the first level are discriminatory jokes, jokes about racial issues, gender stereotypes, sexual preference, and so on. These jokes are inconsistent with the organization's values and policies.

On the second level are mean-spirited jokes, such as "ugly" jokes. They may not rise to the level of harassment, but it's bad judgment to tell them.

Finally, there are jokes that are OK—like lawyer jokes.

Remind employees that if they forward an inappropriate e-mail joke, that's the equivalent of telling it. Should you receive such a joke forwarded from a colleague, you should respond, "This is unacceptable, please call me to discuss."

Blonde Jokes

Blonde jokes are inappropriate because they are about women, not hair color, and they tend to demean women. Usually they are not severe or pervasive enough to be illegal. Nevertheless, down the road they could be used as evidence of bias.

Six Critical Messages for You

Let's focus on six areas for manager/supervisor training:

1. Refrain from engaging in harassment and other inappropriate conduct (even if not unlawful).
2. Report all complaints of harassment and other inappropriate conduct to Human Resources, even if the employee:
 - a. Requests that nothing be done (Tell supervisors they are required to report this as a matter of policy.)
 - b. Asks for absolute confidentiality (Tell supervisors they can't guarantee that but can tell employees they will keep it as confidential as possible.)
 - c. Does not use legal buzz words (The employee doesn't have to say "harassment"; he or she might say "uncomfortable.")
3. Respond proactively to harassment and other inappropriate conduct, even if there is no complaint.
 - a. Remember that silence equals tacit support.
 - b. Consult with HR to discuss remedial action.
 - c. Remedy harassment and other inappropriate conduct.
 - d. Focus on inappropriateness, not illegality.
4. Refrain from unlawful retaliation. This is broadly defined, and might include:
 - a. Tangible adverse employment actions
 - b. Other actions affecting material terms and conditions of employment
 - c. Actions independent of employment
5. Respect. Treat your employees respectfully and you'll likely avoid problems. This may be the most important of all.

Please refer to the following policies and forms in regard to Discrimination Laws:

- Productive Work Environment Policy
- Workplace Bullying Policy
- Behavior of Employees Policy
- Dispute Resolution Policy
- Employee Supervision Policy
- Grievance Forms

Family Medical Leave Act (FMLA)

The federal Family and Medical Leave Act or (FMLA), was signed into law in 1993, and provides "eligible" employees job protected, unpaid leave for up to 12 workweeks in a 12-month period for specified family and medical reasons. To be eligible for a leave protected by the FMLA, an employee must have worked for the State a total of at least 12 months and have worked at least 1,250 hours in that 12- month period.

Leave Entitlement

An eligible employee may be granted up to a total of 12 workweeks of job-protected leave during a 12-month period for one or more of the following reasons:

- the birth of a child and to care for the newborn child during the first year following birth or placement with the employee of a son or daughter for adoption or foster care
- to care for an immediate family member (spouse, child or parent) with a serious health condition to take medical leave when the employee is unable to work because of a serious health condition.
- Military exigency (leave for family members of National Guard Service persons out on active duty in support of a contingency operation)

Supervisor's Role in Recognizing When Absences May Be FMLA Qualifying

The supervisor must inform the HR Office if one of the following has occurred:

- The employee has been absent more than three consecutive days.
- The employee has informed the supervisor of the need to be absent due to the illness for self or family member; care of a newborn child; to adopt or accept a child for foster care.
- There is an intermittent pattern of absenteeism that the supervisor has learned (either because the employee has volunteered or the supervisor may have asked) may be for an FMLA qualifying reason.

Here's some help with five common — and confusing — medical leave scenarios.

1. An employee needs follow-up treatments after surgery and asks to take intermittent FMLA — every other Friday afternoon. Do we need to let her leave early?
 - a. For the most part, the answer's yes. But you do have some options.
 - I. After HR gets her medical certification, HR can ask for a second opinion to make sure she really needs leave. Then, HR can ask if there's any reason she needs to get treated on Fridays — and have her give verification from her doctor.
 - II. If there's no medical reason to take leave at those times, HR is allowed to ask her to schedule the treatments after work or on other days.
2. We have an employee on intermittent FMLA. At first, his absences were sporadic, but now he takes off frequently, always on Monday or Friday. What can we do?
 - I. Get recertification. Employers are allowed to ask employees on intermittent FMLA to get certified every 30 days — or at any time, if circumstances change, or the company has reason to think something fishy is going on.
 - II. According to a Department of Labor Opinion Letter, a pattern of Monday/Friday absences is enough to warrant recertification.

3. One of our employees has a serious medical condition. We've offered him leave, but he refuses to take it. What do we do now?
 - I. That depends on the nature of his condition. If he qualifies for FMLA, and the condition prevents him from doing his job safely — or he presents a risk to himself or co-workers — you can make him take leave.
 - II. Otherwise, forcing leave could cause problems. In one recent case, a company lost in court after putting an employee on leave against his will. The court ruled his condition wasn't serious enough to qualify for FMLA and the employee was still able to perform his job
 - III. If you're in a situation where you don't need to put the employee on FMLA, make sure you document the fact that leave was offered and denied — that'll come in handy if the employee later claims he was denied FMLA.
4. What happens when an employee comes back from leave and can't perform his job?
 - b. There are a few questions you need to answer in that situation:
 - I. Is he ADA-protected? Some conditions that qualify for FMLA leave are also protected by the Americans with Disabilities Act. If that's the case, you may need to accommodate the employee's disability.
 - II. Can he perform the job's essential functions? In a recent decision, a court ruled the company couldn't deny reinstatement based on an inability to perform nonessential job functions.
 - III. But as the law states, if he's not protected by the ADA and can't perform an essential job function, you have no obligation to reinstate him.

Important Reminders for Supervisors:

- Cooperate with employees seeking leave.
- Maintain attendance records carefully and document FMLA appropriately. Timekeeper must record accurately, all absences approved as a qualifying FMLA event.
- Be cautious in dealing with attendance problems.
- Monitor employees taking time off for illness or to care for a spouse, child, or parent. Keeping in mind, this may be a qualifying event covered by FMLA.
- Be sure your employees know that they have a right to apply for FMLA.
- Refrain from pressuring or threatening people who ask for FMLA leave.
- Keep personal feelings from affecting your judgment on leave questions.
- Help employees schedule FMLA leave when it is foreseeable.
- Refer FMLA questions or concerns to Human Resources.
- An employee's illness or the illness of his/her family member is confidential information. Remember physician certification should only be maintained in Human Resources.
- According to FMLA rules and regulations, all FMLA information must be kept in a confidential medical file separate from the employee's personnel file maintained in Human Resources.
- The signature page is the only page that the supervisor should view; the supervisor must not ask the employee the nature of the illness.
- An employee who has been approved for intermittent leave is still required to adhere to the departmental policies and procedures regarding absences (i.e., call-in policy).
- Employees should notify their supervisor when requesting leave whether or not they are out due to their FMLA issue.
- FMLA prohibits employers from considering FMLA absences when conducting performance evaluations or making promotions/salary adjustments.

Please refer to the following policies and forms in regard to Family Medical leave Act:

- Leave of Absences Policy
- FMLA Policy
- Time Recording Policy

Workplace Safety

It is management's responsibility to ensure that employees are provided with a safe work and a safe and secure workplace.

Security Clearances

Our Agency is unique because we are so closely associated with the military. Because of this we are under direction from the Department of Defense and all employees MUST have an appropriate security clearance before they can be employed.

The documents needed to process a security clearance are:

- A certified copy of the employee's Birth Certificate
- Resume/application complete with address for all employers and schools identified
- Documentation supporting any name changes (i.e., adoption papers, marriage or divorce papers.)
- A completed OF 306 for
- Completed Request for Security Clearance Form
- Completed Suitability Form
- And in some cases fingerprints.

All employees need a minimum of a SAC (Suitability Adjudication Clearance) to start to work. This consists of a search of investigative files and other records held by federal agencies such as the Federal Bureau of Investigation (FBI) and the Office of Personnel Management (OPM); and a fingerprint check.

Even though the SAC is required to start to work, all employees of the Adjutant General's Department are required to hold a NACI (National Agency Check with Inquiries). This clearance utilizes four (4) criteria that may result in the denial of a clearance:

- Conviction of a crime and sentenced to prison for more than one year
- Currently an illegal user of, or user of, or is addicted to, a controlled substance
- Mentally incompetent
- Discharged or dismissed from the armed forces under dishonorable conditions.

Other variables taken under consideration in determining security clearances are:

- Allegiance to the United States;
- Foreign Influence;
- Foreign Preference;

- Sexual Behavior - of a criminal nature;
- Personal Conduct – truthful, trustworthiness, credible;
- Financial Issues – inability or unwillingness to satisfy debts, unexplained affluence;
- Alcohol Consumption Issues;
- Drug Involvement;
- Psychological Conditions – judgment, reliability, emotional stability;
- Criminal Conduct;
- Handling Protected Information;
- Outside Activities – related to foreign or international activities;
- Use of Information Technology Systems – illegal activities.

Failure to obtain and maintain a favorable SAC, as well as the designated type of security clearance/background check, may result in a job offer being rescinded, separation of employment, separation of the association with the agency and/or other actions as may be deemed in the best interest of the agency.

Persons must successfully renew their required clearance level at designated intervals. The Human Resources will notify department head of employees due for renewal. It is the responsibility of the employee, once notified, to initiate the renewal process. Failure to renew in a timely manner may result in disciplinary action up to and including termination.

All employees and volunteers must self-report, within one working day of the event, any arrests and/or convictions. Individuals must provide verification, or a means to verify, the arrest and/or conviction. Failure to make these reports may result in disciplinary action, up to and including, immediate dismissal/separation.

Please refer to the following policies and forms in regards to Workplace Safety and Security:

- Security Clearance Policy
- Felonies Policy
- Security Handouts for New Hires
- Suitability Form
- OF 306
- Request for Security Clearance Form

Workplace Violence – See Discriminations and Employee Protections

Workplace Safety

Worker's Compensation

As an employer our Agency is legally obligated to provide worker's compensation benefits. But this does not mean that every injury or illness in the workplace qualifies for worker's compensation.

The State of Kansas' workers compensation is administered by the

State Self Insurance Fund
Room 900-N, Landon State Office Building
900 SW Jackson Street
Topeka, KS 66612
Phone # 785-296-2364
FAX # 785-296-6995

What should an employee do if they are injured at work?

- Report any injury/accident to management and Human Resources
- Complete an [Injured Employee's Report of Injury](#) form (WC-9) and submit to the Human Resources.
- Complete the Injured Employee's Report of Accident Form
- Provide a SSIF Work Status Restriction Form to the physician at each medical visit
- Obtain authorization for medical treatment, if necessary, from SSIF. Remember to use [CorVel in Network Providers](#) (can be found at www.corvel.com/provider_lookup/findProvider).
- Communicate with agency/HR department and SSIF (phone: 785-296-2364)

What are the responsibilities of the manager/supervisor/agency when an employee is injured at work?

- Obtain authorization for medical care if necessary, from SSIF.
 - Note: If it is a life or a limb threatening emergency, get the employee to the closest medical provider as soon as possible.
- Complete the Employer's Report of Accident in either PDF or WORD format and submit it as soon as possible to the SSIF by FAX: 785-296-6995 and forward the original to HR.
- Provide the employee with the Injured Employee's Report of Accident Form and SSIF Work Status Restriction Form.
- Refer any medical provider to the State Self Insurance Fund at 785-296-2364 if they contact you for authorization of medical care.
- Submission of the Employers Report of Accident does not mean that the employee has been approved for Workers Compensation. The SSIF will investigate the claim once they have received the Employers Report of Accident and determine compensability.
- Refer the employee to this website for pertinent information about Workers Compensation.

- Note: If they don't have ready access to the website, please print out the Frequently Asked Questions and the Information for Employees, PDF version for them. You may also refer them to the SSIF at 785-296-2364.
- Determine if any restrictions given by the medical provider from the SSIF Work Status Restriction Form regarding an injured employee receiving medical care can be accommodated. Fax the SSIF Work Status Restriction Form to HR with the SSIF Can-Can't Accommodate Fax Form. If an employee is missing work due to a work-related injury and you haven't received any information from the medical provider, contact the employee and obtain a copy of the work release or restrictions.
- Keep the SSIF and HR informed of any changes in the status of an injured worker. This includes changes in work restrictions, if they begin missing work or return to work.
- **IMPORTANT:** Employees who receive Workers Compensation are NOT eligible for Shared Leave for the same medical condition. If you have questions about Workers Compensation and how it interacts with the Family Medical and Leave Act, contact Human Resources.
- Contact the SSIF (or HR) whenever you have questions about any aspect of handling a work-related injury. The phone number is 785-296-2364 and the fax is 785-296-6995. If you know who the adjuster is for a particular claim, you may contact them directly.

Please refer to the following policies and forms in regard to Worker's Compensation;

- Employer's Report of Injury Form
- Employee's Report of Injury Form
- SSIF Work Status Restriction Form
- SSIF Can-Can't Accommodate Fax Form

Employee Separations

All things must end, and employment is no different. Whether the separation is initiated by the employee or by the employer, managers/supervisors need to know how to handle the situation, and what laws may apply.

Involuntary Terminations

Employee terminations should be handled with great care, and only after documenting the progressive discipline applied.

When preparing an employee termination for performance or conduct issues, you should take the steps to document the reasons. This will eliminate the claim that the termination was based in an unlawful motive, such as discrimination (based on race, gender, pregnancy, age, etc.) or retaliation for engaging in protected activity (such as taking FMLA).

1. Collect the facts from all parties involved. Conduct an investigation as soon as possible. An employee's recollections of events can fade, and information shared between employees can taint the truth.
 - a. When conducting interviews, keep an open mind and use an investigative style. If the employee being interviewed requests it, you may have another coworker present.
2. Check the employee's file. Make a note in the file whenever the employee receives a verbal warning, contact HR to gather information on other disciplinary actions in the employee's personnel file.
 - a. This is where good documentation falls into play. Refer to the section Employee Relations – Discipline for more information regarding documentation.
3. Review the facts. If a basis for discharge is found, document it and site a specific violation of a policy. If more than one policy has been violated, include the facts.
4. Submit your findings to your Department Head or HR. You now must leave the issue up to them as any Adjutant Employee can only be terminated through the Adjutant General.

If the facts support the termination Human Resources will submit a letter of termination to the Adjutant General for signature. Once the letter is signed, HR will forward the letter to you along with other separation materials to be given to the employee at the time of termination.

When meeting with the employee to give notification of the termination, it is recommended that it be conducted away from prying eyes and that there be a witness. A Human Resources representative is always available to assist with a termination if needed. This will provide verification of the proceedings just in case.

As with any interaction with an employee, the employee should be treated with respect and dignity. Provide the employee with the letter and separation materials, and explain what is stated in the letter. This is not the time to argue the point or defend the action. Allow the employee to vent if needed, but do not allow this to go on forever. If at any time the tone of the meeting turns aggressive, stop the meeting and call security.

DO not allow the employee to leave without completing the following:

- Getting the employee's signature on their time sheet – contact HR if you need assistance in printing a time sheet.
- Collect the employee's CAC Card and Prox card (if they have one)
- Collect any keys, cell phones or other state issues property
- Schedule a time when the employee can meet the supervisor to clean out his/her work area

Once the termination is completed the manager/supervisor needs to submit a Green Sheet to HR to terminate the employee from the electronic records. See Hiring section for additional information about completing the Green Sheet.

Voluntary Terminations

When an employee resigns or retires the manager/supervisor needs to ensure that HR is notified timely. Waiting until the employee's last day is not a timely notification.

HR needs to ensure the employee get the necessary separation materials, and has a good address to send future benefit information.

Once an employee has notified you of their intent to either resign or retire you should follow these steps:

1. Provide the employee with a resignation form, asking them to complete it and return it to HR along with the notification they provided to you of their intent to separate. (either an e-mail or a note or letter.)
2. Schedule a time on the employee's last day to conduct the separation checklist to gather keys, CAC Cards and other State Owned property, have the employee sign their last time sheet and go over any work status that might be pending.
3. Complete a Green Sheet to terminate the employee (See Hiring section for more on completing a Green Sheet) and send it to HR.
4. Complete the Supervisor Exit Questionnaire and return to HR.
5. Submit a Green Sheet if a replacement is needed.

Please refer to the following policies and forms in regard to Employee Separations:

- Termination of employment
- Resignation Form
- Separation Checklist
- Supervisor Exit Questionnaire