

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE repealing sections 710. and 720., Jackson County Code, 1984, relating to County personnel practices, and enacting, in lieu thereof, two new sections relating to the same subject.

ORDINANCE NO. 5288, November 12, 2019

INTRODUCED BY Crystal Williams, Theresa Galvin, Jalen Anderson and
Dan Tarwater III, County Legislators

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, as follows:

Section A. Enacting Clause. Sections 710. and 720., Jackson County Code, 1984, are hereby repealed, and two new sections enacted in lieu thereof, to be known as sections 710. and 720., to read as follows:

710. Definitions.

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

710.1 Applicant.

Applicant means a person seeking a merit system position with Jackson County. Applicant does not include a County merit system employee seeking a new position with the County.

710.[1] 2 Appointing Authority.

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

710.[21] 3 Commission.

Commission means the Merit System Commission.

710.[3] 4 Continuous County Service.

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

710.[4] 5 Full-Time Employee.

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

710.[5] 6 Merit Employee.

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

710.[6] 7 Non-merit Employee.

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

710.[7] 8 Part-Time Employee.

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

710.[8] 9 Permanent Employee.

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

710.[9] 10 Probationary Employee.

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

710.11 Salary.

Salary means an applicant's financial compensation in exchange for labor, including wages, commissions, and bonuses.

710.12 Salary History.

Salary history means an applicant's current and past salary in the applicant's current or prior position with another employer.

710.[10] 13 Seasonal Employee.

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

710.[21] 14 Special-Fund Employee.

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

710.[12] 15 Temporary Employee.

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

720. Hiring Procedures.

The following hiring procedures apply:

720.1 Budget Authorization, Employee Positions.

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

720.2 Position Assignment.

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

720.3 Special-Fund Employees.

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

720.4 Merit Employees.

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

a. Request for Further Recruitment.

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

b. Reasons for Selection.

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

c. Reasons for Rejection.

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

720.5 Requesting Salary History, Prohibited.

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

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

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

d. This subsection does not prohibit:

i. An applicant from voluntarily, and without prompting, disclosing the applicant's salary history, provided the appointing authority does not rely on that voluntary disclosure to determine an initial offer of starting salary for the applicant;

ii. The appointing authority from discussing an applicant's expectations with respect to salary without inquiring about salary history;

iii. The appointing authority from verifying non-salary information disclosed by an applicant or received from a background check, provided that any salary history disclosed by a background check is not used to refuse to hire or determine an applicant's salary; and

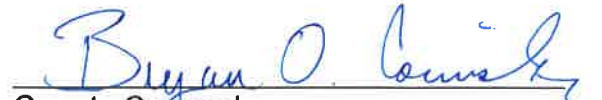
iv. The appointing authority from relying on salary history voluntarily provided by the applicant to pay the applicant a higher wage than initially offered, if reliance on salary history does not result in unequal pay for equal work based on membership or non-membership in a protected class.

Effective Date: This Ordinance shall be effective upon its signature by the County Executive.

APPROVED AS TO FORM:



Chief Deputy County Counselor



County Counselor

Certificate of Passage

I hereby certify that the attached ordinance, Ordinance No. 5288 of November 12, 2019, was duly passed on November 25, 2019 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 7

Nays 1

Abstaining 0

Absent 1

This Ordinance is hereby transmitted to the County Executive for his signature.

11.25.19

Date




Mary Jo Spino, Clerk of the Legislature

I hereby approve the attached Ordinance No. 5288.

11/27/19

Date



Frank White, Jr., County Executive