

**BOTTINEAU  
COUNTY  
NORTH DAKOTA**

**Employee Personnel/ Procedure  
Policy Manual**

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## INTRODUCTORY STATEMENT

Citizens of Bottineau County (hereinafter referred to as the County) elect the Board of County Commissioners, Auditor, Treasurer, County Recorder, Sheriff, and States Attorney. Other Department heads are appointed by the Board of Bottineau County Commissioners.

Other county employees are generally hired by the Department Head or supervisory staff. Department Heads are responsible for day-to-day activities within their departments and are accountable to the Board of County Commissioners. The Commissioners and other elected officials are directly accountable to the citizens of the County and in certain circumstances operate under specific guidelines from the State of North Dakota.

This policy is designed to acquaint you with the county and provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with all provisions of the policy. It describes many of your responsibilities as an employee and outlines the programs developed by the employer to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

The need to revise the policy may occur as county needs change. The Commissioners therefore reserve the right to revise, vary, change, supplement, or rescind any policies as deemed necessary and appropriate.

Changes in policy will be published 15 days prior to implementation. In the event that a policy change is needed to ensure compliance with state or federal law, the fifteen day notice may be waived.

### PLEASE NOTE

**THIS PERSONNEL POLICY MANUAL HAS BEEN DRAFTED AS A GUIDELINE FOR OUR EMPLOYEES. IT SHALL NOT BE CONSTRUED TO FORM A CONTRACT BETWEEN BOTTINEAU COUNTY AND IT'S EMPLOYEES. RATHER, IT DESCRIBES THE COMMISSIONER'S GENERAL PHILOSOPHY CONCERNING POLICIES AND PROCEDURES.**

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**THE BOTTINEAU COUNTY SOCIAL SERVICES DEPARTMENT IS GOVERNED BY SOME STATE POLICIES AND WHERE A CONFLICT MIGHT OCCUR, STATE POLICIES WILL TAKE PRECEDENT.**

**EMPLOYEE ACKNOWLEDGMENT FORM**

I acknowledge that I have received a copy of the Bottineau County Employee Personnel/Procedure Policy Manual, and that I have read and understand its provisions.

I understand that this employee manual describes important information about my employment with the County and that I should consult my supervisor about any questions that I may have that are not answered by this manual. I understand that this manual is compiled for informational purposes only. I understand that this manual is not a contract of employment and is not intended to create or imply a contract for employment or for the provisions of any employee benefit between the County and me.

I understand that, with the exception of Social Service Employees who have completed their Introductory Period, I am an at-will employee and that either the County or I may terminate the employment relationship at any time, with or without notice, for any reason not prohibited by law.

I understand that the County reserves the right to add, delete or revise policies as deemed necessary without my consent.

I understand that the County retains the sole discretion to interpret the provisions of this manual and to depart from those provisions or any other policies, rules, or procedures if the County determines that such action is appropriate. An exception is made for mandates from the State of North Dakota which applies to Social Service employees.

I understand that the provisions of this manual supersede the provisions of all other handbooks, manuals, policies, rules, and procedures that address the subjects covered in this manual or are inconsistent with this manual.

I also understand that this manual is mine to use while I am a county employee, and that it remains the property of the county, and that I am to return this manual to the county at the conclusion of my employment with the county.

\_\_\_\_\_  
EMPLOYEE SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
EMPLOYEE NAME (TYPED OR PRINTED)

## **WELCOME**

The Bottineau County Commissioners welcome you to Bottineau County and wish you every success here.

We believe that each employee contributes directly to the County's growth and success, and we hope you take pride in being a member of our team.

This policy was developed to describe some of the expectations of our employees and to outline the policies, programs, and benefits available to eligible employees. Employees should familiarize themselves with the contents as soon as possible, for it will answer many questions about employment with the County.

As you begin your employment with Bottineau County, we request any questions or problems you encounter be directed to your supervisor and/or department head.

We hope that your experience here will be challenging, enjoyable, and rewarding. Again, welcome!

Sincerely,

Board of Commissioners  
Bottineau County, North Dakota

## **MISSION STATEMENT**

The Mission of Bottineau County Board of Commissioners is:

- To develop, approve and administer yearly budgets and set appropriate mill levies within statutory constraints.
- To determine County policy to assure that County services mandated by statute, or determined by policy are provided equitably to the citizens of Bottineau County.
- To assure that property tax assessment and collection is accomplished, as dictated by statute, and determined by service level in serving the citizens of Bottineau County.
- In addition, the Commission shall arrange for the management and maintenance of all County property and the purchasing and disposal of such property.

## **STATEMENT OF ETHICS**

Bottineau County recognizes that the following code of ethics should serve as a reference for all those in whom the public has placed their trust.

\* We recognize that serving the general public is the primary reason for the existence of County government.

\* When reasonable requests for assistance are made, employees will respond positively and see the problem through to its completion.

\* Employees are expected to support the policies of Department Heads and Commissioners. In dealing with the general public, they will present Bottineau County's position in a positive manner.

\* Employees will properly administer the affairs of the county by complying with all laws and regulations applicable to the county and impartially apply them to everyone.

\* Employees will maintain a respectful attitude toward other public personnel, their colleagues and associates.

\* Employees will actively promote public confidence in county government.

\* Employees will respect and take proper care of all county equipment, supplies, books, records, and proprietary information.

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\* Employees shall adhere to all matters of confidentiality and preserve the confidentiality of County records that are not subject to the Open Records Law.

\* Employees shall preserve the integrity of sensitive information of the county records, including general public lists, general public transactions, plans and decisions, information about employees, and any other information that is not public knowledge but is subject to the open records law.

\* Employees shall disclose any outside financial interests that might influence an employee's decisions or actions on the job, including interests in suppliers or clients. Employees should not acquire such interests, except for publicly traded securities in which the employee owns less than a one-percent interest.

\* Employees should not engage in outside interests that are not compatible with the impartial and objective performance of their duties.

\* Employees should not use information or authority derived from their employment for personal gain.

\* Employees who have questions about how this code of business ethics applies in particular situations should discuss the exact circumstance with their Department Head. Each situation disclosed will be considered on its merits. Violation of the Code of ethics could result in disciplinary action up to and including termination.

## **100 HIRING PROCESS**

### **101 Employment at Will**

Employees are encouraged to familiarize themselves with the contents of this policy, for it will answer many common questions concerning employment with the County.

However, this policy cannot anticipate every situation or answer every question about employment. **It is not an employment contract and is not intended to create contractual obligations of any kind.** Neither the employee nor the County is bound to continue the employment relationship if either chooses, at its will, to end the relationship at any time, within provisions of state and federal law, with the exception of Social Service employees for whom “for cause” termination rules apply.

Employment with Bottineau County is “**AT WILL**” employment. Employment “**at will**” means that either Bottineau County or the employee can terminate its employment relationship at any time, with or without cause, and with or without advance notice. Neither this policy nor any other County publication is an employment contract (formal or implied) between Bottineau County and any employee.

### **102 County Responsibilities/Reasonable Accommodation**

Any applicant requiring an accommodation in order to make application or requiring an accommodation to accomplish the ‘essential functions’ of a position must submit a written request for the specific accommodation. The request will be reviewed and any accommodations deemed reasonable will be granted. All hiring will comply with the requirements of the Americans for Disabilities Act.

No persons shall be discriminated against in employment because of race, color, religion, sex, national origin, age, physical or mental disability, status with respect to marriage or public assistance, or participation in lawful activity off the employer’s premises during non-working hours which is not in direct conflict with the essential business-related interest of the employee.

### **103 Nepotism/Hiring of Relatives**

North Dakota Century Code Chapter 11-10-25 on Nepotism includes Counties by providing that no County Department Head, whether elected or appointed, can appoint his/her spouse, son, daughter, brother or sister to any position under their control unless the appointment has been previously approved by resolution of the Board of Bottineau County Commissioners.

It is the County’s policy that relatives of County Commissioners may not be hired without the prior resolution of the Board of Bottineau County Commissioners.

It is the County's policy that relatives of persons currently employed by the County may be hired only if they will not be working directly for or supervising a relative, unless specifically approved by the County Commissioners.

If already employed, they cannot be transferred into such a reporting relationship. If the relative relationship is established after employment, the individuals concerned may recommend who is to be transferred. If that recommendation is not made within 30 days, the County Commissioners will decide.

In other cases where a conflict or the potential for conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or terminated from employment.

### **104 State Requirements**

The Bottineau County Social Services and the Bottineau County Sheriff's Department may offer special or different benefits, processes, policies, etc. other than those outlined on a departmental basis. Those deviations from this policy will pertain only to those situations where it is required and with those employees or departments where it is required. All other provisions of this policy will be in effect for all county employees.

Only those written deviations in the Bottineau County Sheriff's Department procedure manual or under State law will take precedence over this policy.

### **105 Employment Application**

Employment applications are submitted to the office that has the job opening. All additional employment data, such as resumes, transcripts, or references, should be attached to the application form. It is the policy of the County to receive and retain only those job applications and resumes received as a result of the County's solicitation of same. All Departments (with the exception of Social Services) should use the Bottineau County Employment Application when soliciting applications for an open position.

The County relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the County's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

### **106 Veteran's Preference**

North Dakota Century Code provides a preference in public employment for wartime veterans and, in some instances, the spouses of wartime veterans. For purposes of this policy, the following definitions apply:

- **Veteran**: a North Dakota resident who has served in the active military forces during a period of war, or who received the armed forces expeditionary or other campaign

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service medal during an emergency condition, and must have been released under honorable conditions.

- Disabled veteran: a veteran who meets the requirements listed above who has a service-connected disability as determined by the United States Veterans Administration; the disability must exist at the time of application.
- Eligible spouse: the unremarried spouse of a deceased veteran (as defined above) who died while in service, or later died from a service-connected cause or causes; or the spouse of a disabled veteran as defined above, who because of his or her disability is unable to exercise his or her right to employment preference.
- Wartime: Current uniform period of service dates for periods of armed conflict include:
  - a. The period beginning December 7, 1941, through December 31, 1946, known as World War II;
  - b. The period beginning June 27, 1950, through January 31, 1955, known as the Korean War;
  - c. The period beginning August 5, 1964, through May 7, 1975, known as the Vietnam War;
  - d. The period beginning August 2, 1990, through January 2, 1992, known as the Gulf War;
  - e. The period beginning September 11, 2001, and ending on a date prescribed by presidential proclamation or by Congress as the last day of Operation Iraqi Freedom or Operation Enduring Freedom, whichever occurs later.
- Minimum Qualifications: the qualifications required for the position for which the veteran has applied, as determined by the hiring authority. Qualifications required may be educational or by way of prior experience; applicant must be physically and mentally able to perform the duties of the position to meet the minimum qualifications.

All veterans and disabled veterans claiming preference must include current proof of their veteran status with a copy of their form DD-214. If claiming disabled veteran's preference, the veteran must include current proof of their disability (must be dated no more than 1 year prior to claiming preference). Additional documentation, such as death certificate or marriage certificate, is required if claiming eligibility as the spouse of a deceased or disabled veteran.

In most cases veterans who meet the advertised minimum qualifications must be employed over other qualified non-veterans. Disabled veterans who meet the advertised minimum qualifications must be employed over other qualified non-disabled veterans and other qualified non-veterans upon acceptable reference checks. Eligible spouses claiming veteran's preference are given the same preference as a veteran. Veterans who are not selected for a position must be notified by **certified mail** that employment was refused. The certified letter must include the reason(s) for non-selection and provide specific information on how to appeal. A template for this letter can be obtained from Human Resources.

## **107 Pre-employment Procedures**

Department Heads seeking to fill vacant positions may solicit applications from employees in other departments within Bottineau County government prior to advertising to the general public. In general, these vacancies are posted a minimum of five (5) working days on the bulletin board. When advertising to fill a vacancy, the hiring procedure outlined in this policy shall be followed.

In the event a position is being filled by the County Commission as opposed to an individual department, the county commission shall perform the hiring functions which would normally be performed by a Department Head.

The following are some of the steps to be taken when filling a position in the county.

- Review, update or create a job description.
- Develop a vacancy announcement based on the Job Description.
- Accept and review applications of candidates using the Bottineau County Application for Employment; supervisors must take special caution to screen for applicants that have indicated they qualify for Veteran's Preference.
- Select Interview Team. This should include the department head or his designee and one other party. A member of the County Commission may serve as a member of the interview team. Individuals should be selected who are familiar with the position being filled and the skills necessary to fill the position.
- Schedule interviews and arrange for accommodation if required/needed by an applicant.
- Evaluate and determine who to offer the position based on applicants interview ranking, qualifications, and appropriateness for the job. If any Veterans have applied for the position please refer to Section 106 related to Veteran's Preference to determine how to proceed.
- Contact references for individuals offered /considered for employment. Complete required background checks, drug testing, credit checks, etc. as appropriate for the position to be filled.

Following the interview process a conditional offer of employment is made. Once the position is filled, applicants who were interviewed but not hired are to be notified the position was filled. As specified in Section 106, if a veteran was interviewed but not hired, notice must be sent to the applicant by certified mail.

## **108 Credit Check**

Credit checks will be restricted to departments and positions where employees are exposed to or working with public funds. Those individuals being considered/offered part-time or full-time employment will be required to sign an authorization for an employment credit check as one of the final steps prior to job offers being made. Forms are contained in Appendix A/ Credit Check Information.

## **109 Required Employment Forms**

Applicants offered and accepting employment will be required to fully complete W-4 and an I-9 forms prior to starting work. Original documents establishing identity and employment eligibility are required for the completion of the I-9. If appropriate documents are not available, the job offer will be rescinded.

- Complete W-4 and I-9
- Receive time card and verify work schedule with supervisor
- Sign orientation checklist and receipt for Employee Personnel/Procedure Policy
- Report to Bottineau County Auditor's office and complete necessary paperwork with the payroll clerk prior to starting work.

## **110 Employee Social Security Number**

Employee's social security numbers may be used in conjunction with employee payroll and related information. Bottineau County will maintain employee's social security numbers and other sensitive information separate from all other information that is subject to Open Records.

## **111 Drug Screening**

Job applicants will be required to undergo drug testing as a condition of employment if they are authorized to operate a county vehicle/county equipment. Those applicants who fail such tests and examinations or who refuse such tests or examinations will not be hired or may be terminated if they have begun work.

Random drug testing and post accident drug testing may also be required for certain positions. Non-compliance with the random testing program will be cause for disciplinary action, up to and including termination.

## **112 Confidentiality**

Bottineau County holds all employees to the highest level of ethics. In doing so, employees are forbidden from divulging confidential information regarding any segment of Bottineau County operation, including any information concerning the general public and their transactions, which is not general knowledge and covered under the Open Records Laws. All information open under the Open Record Laws should be furnished fully to the general public upon request within a reasonable timeframe. No additional information or non-pertinent information should be furnished unless it is requested. Employees may face disciplinary action for failure to comply with confidentiality standards.

### **113 Employment Categories/Status (Exempt/Non-Exempt)**

Each employee has one FLSA (FAIR LABOR STANDARD ACT) description. That description is as follows:

- < **NONEXEMPT** employees are entitled to overtime pay under the specific provisions of federal and state laws. These are classifications which are not exempt.
- < **EXEMPT** employees are excluded from specific provisions of federal and state wage and hour laws. These include all classifications designated as executive, administrative, professional or technical as defined by the Fair Labor Standards Act and the Code of Federal Regulations.
- < **ELECTED** employees are not included in the language of the FLSA standards.

In addition to the above categories, each employee will belong to one other employment category: (For purposes of benefit entitlement, elected officials shall be considered to have the same benefits entitlement as regular employees based on number of regularly scheduled hours.)

- < **REGULAR FULL-TIME:** Employees who are not in a temporary or introductory status and who are regularly scheduled to work the organization's full-time schedule, which consists of at least 37.5 regularly scheduled hours per week. Generally, they are eligible for the employer's full benefit package, subject to the terms, conditions, and limitations of each benefit program.
- < **REGULAR PART-TIME:** Employees who are not in a temporary or introductory status and who are regularly scheduled to work less than the full-time work schedule but at least 18.75 hours per week, or 975 hours or more per year. Regular part-time employees are eligible for a prorated percentage portion of the employer's benefit package subject to the terms, conditions, and limitations of each benefit program in direct relation to the average number of hours the employee works
- < **INTRODUCTORY:** Employees who are being evaluated to determine whether further employment in a specific position or with the organization is appropriate. Employees who satisfactorily complete the introductory period will be notified by the Department Head of their new employment classification.
- < **TEMPORARY:** Employees hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited and indefinite duration, generally less than six months. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status until notified of a change. While temporary employees receive all legally-mandated benefits (such as workers compensation insurance and Social Security), they are ineligible for any of the employer's other benefit programs.

- < **CASUAL/SEASONAL:** Employees who have established an employment relationship with the organization but who are assigned to work on an intermittent and/or unpredictable basis. While they receive all legally-mandated benefits (such as workers compensation insurance and Social Security), they are ineligible for any of the employer's other benefit programs.
- < **SOCIAL SERVICES:** Adhere to county and central Merit System requirements.

### **114 Introductory/Evaluation Period**

An employee should use the initial period after being hired or rehired with the County to determine whether the new position meets his or her expectations. The county uses this period to evaluate employee capabilities, attitude, and work habits. Either the employee or the County may end the employment relationship, at its will, at any time during or after the introductory period, with or without cause or advance notice. (In the case of Social Service employees, termination after the introductory period shall be on a for cause basis.)

All new, rehired, and in some cases where employees are moved to a new position, will work on an introductory basis for the first 180 calendar days (six months) after their date of hire. Any significant absence will automatically extend the introductory period by the length of the absence. If the County determines that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee, the County may extend the introductory period for a specified period.

An employee who leaves his/her employment and is rehired to a vacant classified position within a three month period will receive his/her prior salary plus any salary adjustments.

Introductory employees will assume regular status upon satisfactory completion of the introductory period. During the introductory period, new employees are eligible for those benefits that are required by law, such as workers compensation insurance and Social Security, and employees are eligible for any other employer-provided benefits, subject to the terms and conditions of each benefit program.

### **115 Orientation**

The orientation check list includes information regarding benefits, requirements for tax purposes, etc. and is to be reviewed and completed after an applicant has been offered, selected and accepted employment. The department head or his designee and the new employee shall review and sign this form to verify that all orientation materials are complete. This form is provided to all new employees in a packet along with the other "new hire" paperwork.

### **116 Job Description**

Bottineau County will provide job descriptions, which indicate the essential functions for all positions, ADA requirements and clearly define the responsibilities of a position. Job

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descriptions will include the minimum qualifications, educational requirements, and skills required for the position.

Employees are encouraged to bring to their employer's attention any changes in the employee's job functions. Employer/employee's are to modify or update job descriptions as needed, when significant job responsibilities occur and upon employee termination.

Each employee will have on file in his/her personnel file a copy of the job description signed by the employee and the department head. Appointed individuals who serve as department heads will be responsible for maintaining an accurate job description on their position.

Job descriptions will indicate if the position is exempt or non-exempt.

## **200 COMPENSATION AND WORKING HOURS**

### **201 Payroll Periods**

All employees are paid monthly on the 3<sup>rd</sup> to the last working day before the end of the month. Pay will include earnings for all work performed through the end of the previous payroll period. All employees must participate in Direct Payroll Deposit.

### **202 Method of Payment**

No employee shall be paid less than the minimum wage as prescribed by the Federal and State Government. Employee pay rates will normally be reviewed on a yearly basis. Further information on wages, classification, and method of granting raises will be located in the County Pay Plan.

Every position/employee has one method of payment, either hourly or salaried. Method of payment that is defined as hourly includes any employee either full/part-time who is paid a wage based on an hourly rate. Salaried is any employee either full-time or part-time that is paid a pre-determined rate each month.

### **203 Attendance**

To maintain a safe and productive work environment, the County expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the County. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, he or she should notify the supervisor as soon as possible in advance of the anticipated tardiness or absence.

Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, including termination of employment

### **204 Time Keeping Records**

Accurately recording time worked is the responsibility of every employee. Federal and state laws require the County to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Tampering, altering, or falsifying time records, or recording time on another employee's time record may result in disciplinary action, including discharge.

It is the employee's responsibility to sign his or her time record to certify the accuracy of all time recorded. The department head will review and then initial the time record before submitting it for payroll processing. In addition, if corrections or modifications are made to the time record,

both the employee and the department head must verify the accuracy of the changes by initialing the time record.

All employees, exempt and non-exempt, are required to maintain a record of hours worked. This is necessary in order to properly account for the logging of annual leave, sick leave, holidays, retirement benefit eligibility, etc. In order to maintain an accurate recording of time worked, it is required that employees punch out for the lunch period when they are not working, even if they are not leaving the building during that time.

## **205 Administrative Pay Corrections/Personnel Data Changes**

The County takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

In the event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the County Auditor's Office so that corrections can be made as quickly as possible.

Once underpayments are identified, they will be corrected in the next regular paycheck.

Overpayments will also be corrected in the next regular paycheck unless this presents a burden to the employee (where there is a substantial amount owed). In that case, the County will arrange a schedule of repayments with the employee to minimize the inconvenience to all involved.

It is the responsibility of each employee to promptly notify the County Auditor's Office of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents and individuals to be contacted in the event of an emergency should be accurate and current at all times.

## **206 Pay Deductions/Pay Advances**

The law requires that the county make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes. The County also must deduct social security taxes on each employee's earnings up to a specified limit that is called the social security "wage base". The County contributes the amount of taxes as required by law.

The County offers programs and benefits beyond those required by law. Employees who wish to participate in these programs may voluntarily authorize deductions from their checks. Pay setoff involves pay deductions taken by the County, usually to help pay off a debt or obligation to the employer or others.

Neither pay advances nor extensions of credit or unearned wages will be provided to employees. An employee leaving on vacation may not receive his/her paycheck before the normal payday.

## **207 Travel Time**

Work related travel time will be shown on time sheets as work time. Employees flying or riding to out-of-state locations for seminars, training, etc. will be allowed the normal working hours of travel time per day (limited to actual travel time). Out of state travel expense advances will occur only after a written employee request and approval by the department head and the County Commissioners.

Time spent at training or seminars is limited to the educational time (excluding meals, socials, etc.) to a maximum of normal working hours per day. Any variance from this policy must be initialed by the department head prior to payment. The Department budget must include employee travel and costs, or it must be pre-approved by the Bottineau County Commissioners. Meals, lodging, miscellaneous expense and mileage are paid pursuant to ND Century Code 44-08-04 and action of the County Commissioners.

## **208 Working Hours**

The work week for the county shall be defined as beginning at 12:01 a.m. on Monday and ending at 11:59 p.m. the following Sunday. The regular office hours of the county are observed Monday through Friday from 8:30 a.m. to 5:00 p.m. The normal scheduled work day is 7.5 hours long and the normal scheduled work week is 37.5 hours.

Work schedules for employees vary throughout the County. Supervisors will advise employees of their individual work schedules.

## **209 Overtime (Calculated/Approval Process)**

For non-exempt non-Sheriff's Department personnel, overtime is that time worked in excess of 40 hours per week. Overtime for non-exempt Sheriff's Department personnel will be calculated based on a maximum of 168 hours worked during a 28-day pay period before time and a half overtime will be paid

As the regular work week for most county employees is 37½ hours weekly, overtime payment at time and one-half would not be available until 40 hours in a work week have been worked. Flex time or straight pay will be provided for hours worked between 37.5 and 40.

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive the department head's prior authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Overtime compensation is paid to all non-exempt employees in accordance with federal and state wage and hour restrictions.

As required by law, overtime pay is based on actual hours worked. Time off on sick leave, vacation leave, or any leave of absence will not be considered hours worked for purposes of performing overtime calculations. The cause/need for overtime hours must be clearly documented in the County's timekeeping system.

Failure to work scheduled overtime or overtime worked without prior authorization from the supervisor may result in disciplinary action, up to and including possible discharge. To avoid overtime, supervisors, whenever possible, are expected to grant flex time off during the same workweek for time worked in excess of regularly scheduled time.

Employees classified as exempt are not eligible to receive overtime payment. Such employees are not considered to be on a standard 37 ½ or 40 hour work week and are expected to work as long as it is reasonably necessary to fulfill their job responsibilities.

### **210 Flex Time/Comp Time**

There may be occasions when a non-exempt employee works beyond the normally scheduled work day upon approval by the supervisor. In this situation, employees shall flex the excess hours worked within the work week – with the objective of keeping the total hours worked under 40.

In situations where flex hours cannot be worked within the work week they must be used within the pay period following accrual upon approval by the supervisor. If a non-exempt employee works beyond 40 hours in a given workweek those hours must then be considered “comp time” provided at a rate of time-and-one-half OR paid out as overtime. Employees are required to use compensatory time prior to utilizing vacation leave. Exempt employees are not eligible for flex time/comp time. Please note, forfeiting morning or afternoon break periods (either by choice or due to work load) does not constitute the accrual of comp time or flex time.

### **211 Breaks and Meal Periods**

It is generally recognized that a short break from the office routine during the morning and afternoon (or two (2)-fifteen minute breaks per shift) helps employees to be more alert and efficient. Morning and afternoon breaks are not guaranteed to employees; they are to be taken only when the workload and office coverage allows. Missed breaks do not constitute the accrual of comp time or flex time.

Employees shall be scheduled to one unpaid meal period for each regular workday or each five hour shift. The meal period, dependent on the employees work schedule, may be thirty to sixty minutes long. Changes to the schedule must be approved in advance by the employee's supervisor.

Coffee/rest or meal breaks shall not be combined or used to alter the start or end of the work day.

## **212 Anniversary Dates**

The employee's anniversary date for the purposes of computing employee benefits will be the date the employee started work. Years of service will begin with the first day worked and be continuous years of service within the employee's employment status.

## **213 Additional Compensation**

Additional work compensation is allowed for exempt employees in an emergency situation where the decision to incur extra time, extra duties, and the timing of the work is dictated by the event. An emergency is defined as an unforeseen combination of circumstances that calls for immediate action. Compensated additional work must be approved by the County Commission.

## **300 Mandatory Benefits**

### **301 Jury Duty**

The County encourages employees to fulfill their civic responsibilities by serving jury duty when required. Employees in an eligible classification may request up to two weeks of paid jury duty leave over any one year period. Jury duty pay will be calculated on the employee's base pay rate minus any jury duty pay received by the employee (The employee surrenders any jury pay received in order to receive their usual wages). All employees, with the exception of casual/seasonal or temporary employees, qualify for paid jury duty leave:

If an employee is required to serve jury duty beyond the period of paid jury duty leave, he or she may use any available paid time off (for example, vacation benefits) or may request an unpaid jury duty leave of absence.

Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits.

Insurance benefits will remain in effect and unchanged for the full term of the jury duty absence.

Accrual for benefits calculations, such as vacation, sick leave, or holiday benefits, will not be affected during unpaid jury duty leave.

The court payment must be turned over to Bottineau County, or the employee may keep the court payment and take vacation pay for the time away from work

### **302 Witness Duty**

Eligible employees, those in a regular full-time position, will be granted a maximum of eight hours of paid time off to appear in court as a witness. Employees will be paid at their base rate, minus any witness fees paid. (The employee may surrender any witness fee received in order to receive their usual wages.)

The witness summons should be shown to the employee's supervisor immediately after it is received so that operating requirements can be adjusted, where necessary, to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits.

If the employee has been summoned as a witness of the employer as a result of a job-related event, he or she will receive paid time off for the entire period of witness duty.

### **303 Military Leave**

An employee who is either an enlisted person or an officer in the National Guard or Armed Forces Reserve shall be granted military leave annually in accordance with Section 37-01-25 and 37-01-25.1 of the North Dakota Century Code which provides in substance that military leave with pay shall be granted to all county employees up to a maximum of twenty (20) calendar days for regular active duty and thirty (30) calendar days for mobilization or emergency active duty for those employees who have been employed continuously for a minimum period of ninety (90) calendar days. (Note: Thirty calendar days shall be equivalent to one month's pay.) Active duty includes summer camp for National Guard and Reserves but does not include regular hourly, daily or weekend drill sessions.

It is the policy of the County to comply with The Uniformed Services Employment and Re-employment Rights Act (USERRA 38 U.S.C. 4301-4333) with regard to our employees who are members of the state and federal military guard and reserve.

### **304 Workforce Safety and Insurance**

Workforce Safety and Insurance provides statutory benefits for on-the-job injuries. All employees are covered upon reporting for their first day of work. Bottineau County pays the entire cost of this coverage. False reporting of on the job injuries may result in immediate termination and criminal prosecution.

Responsibilities for safety and health are shared. Employees shall comply with rules and regulations for their own safety, for the safety of their fellow workers, and for the safety of the general public. This is a condition of employment.

Employees are required to report all accidents, near misses and property damage to their supervisor as soon as possible, but no later than 24 hours following the incident. Employees are required to make appropriate reports to their supervisors. Supervisors are required to make appropriate reports to the Risk Management Coordinator. If breaks are used to conduct non-work related activities away from the employer's premises, no workers compensation coverage is available. In the event an employee is injured on the job, sick leave benefits will be used to supplement any workers compensation benefits that an employee is eligible to receive.

### **305 Unemployment Insurance**

Unemployment insurance is provided each employee as required by law. Bottineau County pays the cost of this insurance coverage. Unemployment insurance is provided through North Dakota Job Service, and that agency will be the determining factor dictating whether unemployment insurance will be paid or denied based on the reasons for the termination. Employees terminating employment are requested to list Bottineau County as past employer rather than the department in which they worked. Elected officials are not covered under ND Unemployment Insurance.

## **400 Employee Benefits**

### **401 Policy Availability**

All policies of employee benefits are available at the County Auditor's Office. These policies will ordinarily be distributed to the employee. A master copy will be on file in the office of the County Auditor. The policy is also available on the computer under "public on 'c05dc' (P:).

### **402 Employee Benefits**

Eligible employees in the County are provided a wide range of benefits. A number of the programs (such as social security, workers compensation, and unemployment insurance) cover all employees in the manner prescribed by law.

Benefit eligibility is dependent upon a variety of factors and your supervisor can identify the programs for which you are eligible. Details of many of these programs can be found elsewhere in this policy.

The following benefit programs are available to eligible employees:

- X Auto Mileage Reimbursement
- X Benefit Conversion at Termination
- X Bereavement Leave
- X Disability Insurance
- X Cancer Insurance
- X Family/Medical Leave
- X Flex Plan (Sec. 125)
- X Holidays
- X Jury Duty Leave
- X Life Insurance (Term)
- X Medical Insurance
- X Military Leave
- X Premium Conversion
- X Retirement Plan (PERS)
- X Sick Leave
- X Vacation Benefits
- X Vision Insurance
- X Witness Duty Leave

These benefits are addressed during the orientation phase and questions concerning eligibility provided by the employer and/or payroll clerk. These benefits are subject to change and employees will be notified of any changes, additions or deletions, as they occur. It should be noted that some of the group benefit programs require total or partial payment by the employee.

### **403 Health Insurance**

Bottineau County provides a health insurance benefit plan to qualified employees. Employees will be eligible for the plan the first of the month following successful completion of the first one month of employment.

PERS HEALTH INSURANCE- Bottineau County provides a Health Insurance Benefit to its qualifying employees through PERS Blue Cross Blue Shield of North Dakota. The single policy is available to full-time and part-time regular employees. Coverage is not available to seasonal or temporary employees as defined. Bottineau County provides the option of a single policy and an additional dollar amount (as determined by the County Commissioners) towards a PERS Blue Cross Blue Shield family policy. NDPERS Blue Cross Blue Shield does not allow married couples employed within the political subdivision to receive dual coverage. Therefore those individuals who work for the county and are married have the option to choose either the single plan option or the family plan option. The individual who has the longest tenure in the county would be the family plan policy holder.

All of the health coverage plans are group plans and must be payroll deducted. Employees may sign up for flexible compensation pretax payments of their premiums after three months of employment and when the employee authorizes the deduction in writing from their paycheck. For information regarding covered services, exclusions, deductibles, co-pay, etc. refer to the Summary Plan Description for Bottineau County.

Employees beginning on the plan will have the first month's premium deducted from the first month's pay.

### **404 Dental/Vision Insurance**

Dental and vision insurance are available through group plans to regular full-time and regular part-time employees, are paid by the employee and available to be covered under Flex Plan (Sec. 125). Employees beginning on the plan will have the first month's premium deducted from the first month's pay when the employee authorizes the deduction in writing from their paycheck.

### **405 Cancer Care**

Bottineau County provides a Cancer Care benefit plan to qualified employees. Employees will be eligible for the plan the first of the month following successful completion of the first one month of employment. The county does not participate in the premium, although it is a group plan and must be payroll deducted when the employee authorizes the deduction in writing from their paycheck. For information regarding covered services, exclusions, deductibles, co-pay, etc. you should consult the Summary Plan Description for Bottineau County. Additional information is available in the plan document, which is available from the plan administrator (AFLAC and Colonial Life and Accident).

## **406 Term Life Insurance**

Term life insurance is provided for qualifying regular full-time employees. The premium for the first \$10,000 of the term life policy is paid by Bottineau County. Additional coverage is the responsibility of the employee and the additional premiums must be payroll deducted when the employee authorizes the deduction in writing from their paycheck. Premium dollars may be flexed. The coverage will be available the first of the month following successful completion of the first three months of employment. Additional spouse and dependent coverage is available for employee purchase. For information regarding coverage, services, exclusions, etc. you should consult the Summary Plan Description for Bottineau County. Additional information is available in the plan document, which is available from the plan administrator (Lincoln Mutual).

Term Life Insurance continues upon successful conclusion of employment if the employee wishes coverage at their own expense.

## **407 Disability Insurance**

Disability Insurance is available to qualifying regular full-time and regular part-time employees. The premium is the responsibility of the employee with the plan being a group plan, and the premiums must be payroll deducted. The coverage will be available following successful completion of the first one month of employment and when the employee authorizes the deduction in writing from their paycheck. For information regarding coverage, services, exclusions, etc. you should consult the Summary Plan Description for Bottineau County. Additional information is available in the plan document, which is available from the plan administrator (AFLAC, Colonial Life and Accident).

## **408 Flexible Compensation(Section 125)**

A Flexible Compensation Section 125 program is available to all qualified employees. Under this plan employee portions of qualifying premiums will be considered paid on a pretax basis. Any employees wishing to have the premiums paid on a pretax basis must communicate this to the payroll department prior to the deduction being completed. Also, employees will be able to shelter additional payroll dollars for dependent care and for medical reimbursement under conditions set forth in the plan document. The sign-up period for this will be March (and after three months for new hires) of each year for the following year's deductions. For information regarding covered services, exclusions, deductibles, co-pay, plan year, potential forfeitures, etc. you should consult the Summary Plan Description for Bottineau County. Additional information is available in the plan document, which is available from the plan administrator (Colonial Life and Accident).

## **409 Retirement Program**

Qualified employees who are at least 18 years of age and are working an average of 20 hours per week for five or more months of the year are required to participate in the North Dakota Public Employees Retirement System Group Retirement Plan (PERS). Membership will become effective immediately upon employment. Questions regarding the North Dakota Public Employees Retirement System Group Retirement Plan are addressed in the plan document. For information regarding coverage, exclusions, etc., you should consult the Summary Plan Description for Bottineau County-Appendix M. Additional information is available in the plan document, which will be mailed to you directly from PERS upon enrollment.

## **410 Deferred Compensation**

Deferred Compensation, under Internal Revenue Code Section 457, is a tax deferred supplemental retirement program that allows public employees to contribute a portion of their salary before taxes to a retirement account.

It is a voluntary program for employees and handled as a payroll deduction from gross monthly salary. The deferral amounts that are allowed by IRS change frequently. Check with the payroll clerk in the County Auditor's Office for current deferral minimums and maximums.

As an active member of the North Dakota Public Employees Retirement System, you are able to vest in the employer contribution by participating in the Deferred Compensation (457) Program. The Portability Enhancement Provision or PEP allows you to vest in the employer contribution for cash distribution purposes. This means that if you decide to leave employment, and do not elect to draw a pension from the system, you have the opportunity to take both the employee contribution and the corresponding PEP contribution out of the North Dakota Public Employees Retirement System.

## **411 Funeral/Bereavement Leave**

In the event of the death of a regular employee's immediate family (spouse, mother, father, son, daughter, grandparent, grandchild, sister, brother, in-laws, stepfamily or foster family of the same relationship), up to five days prorated to hours normally worked (maximum of 40 paid hours not to exceed scheduled hours) may be taken off as paid funeral leave. Additional time off may be requested from accrued vacation or non-paid leave may be requested. This benefit is available for all regular full-time and part-time employees (prorated for part-time). No paid funeral leave will be available for temporary and/or seasonal employees.

Additional non-paid leave may be made available at the discretion of the department head for those employees not having any accrued vacation available. The type of leave used and the fact that it was for funeral leave must be noted on the time sheet.

### **412 Non-Paid/ Personal Leave (Without Pay)**

Non-paid leave from County employment for purposes other than or in addition to that allowed under the Family and Medical Leave Act may be granted by the department head with the approval of the Bottineau County Commissioners to regular full-time employees under the following conditions and with the following procedures.

- 1) All accrued vacation leave and sick leave (sick leave may not be used unless there is a qualifying sickness) shall have been used prior to the effective date of any leave without pay.
- 2) Requests for leave without pay shall be made by employees in writing to the employee's department head. Replies will be in writing and shall identify which if any dates of non-paid leave have been granted as well as any conditions placed upon the employee during the leave, including payments for continuation of employee benefits. Leave in excess of six weeks shall not guarantee a position at the conclusion of the leave.
- 3) Employees taking non-paid leave will have their County provided benefits (vacation, sick leave, etc.) reduced proportionately by the percent of the month they did not work. Paid holidays falling within an unpaid leave will not be paid.
- 4) Employees are requested to give a minimum of two weeks notice.
- 5) Medical group insurance policy will be maintained for 60 days with the responsibility for payment subject to the same provisions uses under Family Medical Leave Act. All other benefits including specifically PERS contributions, other insurance payments, etc. will be suspended during unpaid leave, unless the employee agrees in advance to make those payments themselves. The 60 days of medical coverage during personal leave is provided beyond the 12 weeks of FMLA coverage (if applicable).

### **413 Vacation Leave**

The following employee classifications are eligible for vacation benefits according to the guidelines set forth in this policy:

- X Regular full-time employees**
- X Regular part-time employees**
- X Introductory employees**

Vacation benefits begin accruing from the first day of the employee's introductory period. Vacation leave may not be advanced. Vacation leave is not earned until the month worked is complete and the leave is credited to the account on the first work day of the following month.

A request to use vacation benefits must be approved by the employee's supervisor before the employee is authorized to utilize the benefit. A request may be denied if the employee's absence would unduly disrupt the operations or services of the workplace or for any other business related reason.

Employees are strongly encouraged to take earned vacation during the benefit year in which it is earned.

Employees may accumulate and carry forward 30 days of unused vacation leave into the following calendar year. Leave in excess of 30 days must be taken by December 31 or forfeited.

An employee who leaves his/her employment and who is rehired to a classified position within 3 months, will be credited with the employees previous years of continuous employment for purposes of determining the employees annual leave accrual rate

Cash payment in lieu of vacation privileges is not allowed except when an employee terminates their position. Then employees will be paid for earned vacation benefits up to a maximum of 30 days plus whatever has been earned and accrued in the year the employee terminates their job.

The Eligibility Table below defines when vacation benefits become available to regular employees. Vacation benefits for regular part-time employees will be prorated accordingly. A vacation day is defined as follows:

**VACATION BENEFITS ELIGIBILITY TABLE**

<b><u>LENGTH OF SERVICE</u></b>	<b><u>Based on 37.5 hrs. per wk</u></b>	<b><u>Based on 40 hrs. per wk.</u></b>
1 thru 3 years	7.5 hours per month	8 hours per month
4 thru 7 years	9.4 hours per month	10 hours per month
8 thru 12 years	11.25 hours per month	12 hours per month
13 thru 18 years	13.13 hours per month	14 hours per month
19 years and over	15 hours per month	16 hours per month

**414 Sick Leave**

Eligible employees will accrue sick leave benefits at the rate of 12 days or 90/96 hours per year (1 day per month). Accruals will be prorated for regular part-time employees based on the number of hours normally scheduled to work. The sick leave may be used only for an illness or injury sustained by that employee or injury sustained by a family member. (ie. Spouse, child, parent, in-laws)

Sick leave benefits begin accruing from the first day of the employee’s introductory period. Sick leave is not earned until the month worked is complete and the leave is credited to the account on the first work day of the following month. This benefit is available to all but temporary or seasonal/casual employees.

Employees who are unable to report to work due to an illness or injury should notify their supervisor before the scheduled start of their shift if possible. The supervisor should also be contacted each additional day of absence. If an employee is absent for five or more consecutive days due to illness or injury, a physician’s statement may be requested verifying the nature of the disability and its beginning and expected ending dates. Such verification may be requested for other sick leave absences as well and may be the basis for payment authorization of sick leave benefits. Before returning to work from a sick leave absence of five calendar days or more, an

employee may be requested to provide a physician's verification that he or she may safely return to work.

Sick leave benefits will be calculated based on the employee's base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials. As an additional condition of eligibility for sick leave benefits, an employee must apply for any other available compensation and benefits, such as state disability insurance. Sick leave benefits will be used to supplement any workers compensation benefits that an employee is eligible to receive. The combination of any such disability payments and sick leave benefits cannot exceed the employee's normal earnings.

Sick leave accrues at a rate of 12 days per year with no limit. Employees that have unused sick leave benefits at the time of resignation or retirement will be eligible for a portion of accumulated benefits. To be eligible an employee must have worked a minimum of 10 consecutive years with the county. Employees will be eligible for payment of 15% of accumulated leave not to exceed 120 days.

An employee who leaves his/her employment and is rehired within 3 months will be credited with the amount of sick leave hours the employee had accumulated at the time of departure less any amount of which the employee had subsequently been paid.

The County will not discriminate against any employee who requests an excused absence for medical disabilities associated with a pregnancy. Such leave requests will be made and evaluated in accordance with the medical leave policy provisions outlined in this handbook and in accordance with all applicable federal and state laws.

Requests for time off associated with pregnancy, adoption and/or childbirth (apart from medical disabilities associated with these conditions) will be considered in the same manner as any other request for leave and per the provisions of the county's Family and Medical Leave policy.

Upon gaining employment with Bottineau County, the county will allow a new employee to transfer in a maximum of 40 hours of sick leave from another county.

### **415 Severance Pay**

The County provides severance pay to eligible employees whose departure is voluntary (not terminated by the County). Eligible employee classification:

- Regular full-time employees
- Regular part-time employees

Severance pay will be provided to employees who have completed ten (10) consecutive years of service with the County. The employee will receive ten working days severance pay at his/her current salary level. Part-time regular employees will receive a pro-rated percentage of this benefit based upon hours worked.

## **416 Donating Leave /Annual and Sick Leave**

Those persons eligible to receive donated leave must meet the following criteria:

- A county employee must have over six months service
- May not be in introductory, temporary or service otherwise limited in term
- Must have exhausted or will exhaust all of the employee's leave
- May receive donated annual leave if for a family member
- May receive donated annual leave or sick leave if for self
- Leave is not returnable once it has been donated.

### Qualifying Conditions

Must be a severe illness, injury, impairment, or physical or mental condition

### Limits

692 hours (4 months) per onset of incidence of illness or the usage of sick leave.

“Relative “ refers to: spouse, child, stepchild, grandchild, grandparent, stepparent or parent of the employee.

“Household member” refers to: those individuals who reside in the same house who have mutual obligation to and do provide financial support to one another; and foster child or legal ward, even if they do not live in the same home.

An employee may donate annual leave so as not to reduce their own annual leave to less than 37.5/40 hours.

An employee may donate only 5% of their available sick leave at any given time.

### Miscellaneous

If an employee is on an unpaid leave of absence, the donated leave will be applied to the first day the employee started the leave of absence.

### Forms to be completed

Appendix C/D – Bottineau County Leave Donation Request Form/Leave Donation Form.

## **417 Paid Holidays**

The County will grant holiday time off to all employees on the days listed below.

- X New Year's Day (January 1)
- X Martin Luther King Jr. Day (third Monday in January)
- X President's Day (third Monday in February)
- X Good Friday (Friday before Easter)
- X Memorial Day (last Monday in May)
- X Independence Day (July 4)

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- X Labor Day (first Monday in September)
- X Veteran's Day (November 11)
- X Thanksgiving (fourth Thursday in November)
- X Friday after Thanksgiving
- X Christmas Eve Day (if it falls on a Saturday or Sunday, an alternate day will be given)
- X Christmas (December 25)

Every day appointed by the President of the United States or by the Governor of North Dakota for a public holiday, or designated by the Bottineau County Commissioners.

According to applicable restrictions, the County will grant paid holiday time off to all eligible (seasonal and temporary employees are not eligible for holiday pay) employees immediately. Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day.

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A recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday. (In accordance with provisions of the North Dakota Century Code.)

If an eligible employee works on a recognized holiday, he or she will receive wages at *time* and one half his/her straight time base pay rate for the hours worked on the holiday. If a recognized holiday falls during an eligible employee's paid absence (e.g., vacation), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

Paid time off for holidays will not be counted as hours worked for the purposes of determining whether overtime pay is owed.

## **500 Legislated Compliance**

### **501 Discrimination/ADA/Veterans Preference**

Bottineau County is an equal opportunity employment organization and does not tolerate discrimination against persons because of race, color, religion, age, sex, national origin, disabilities, marriage or those on public assistance.

*Title VI of the Civil Rights Act of 1964* prohibits discrimination in federally assisted programs and activities.

Bottineau County is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and statutes. Bottineau County assures that no person or group(s) of persons shall, on the grounds of race, color, sex, age, national origin, disability/handicap, and income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by the County, regardless of whether those programs and activities are federally funded or not.

Bottineau County also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. In addition, the County will provide meaningful access to services for persons with Limited English Proficiency.

In the event the County distributes federal-aid funds to a subrecipient, the County will include Title VI language in all written agreements and will monitor for compliance.

The Bottineau County Auditor serves as the Title VI Coordinator and is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 Code of Federal Regulations (CFR) 200 and 49 CFR 21.

*Title VII of the Civil Rights Act of 1964* prohibits discrimination against any person based on race, color, religion, or national origin.

*The Age Discrimination in Employment Act of 1967*: This Act prohibits discrimination against any person due to their age (40 or over).

*Equal Pay Act of 1963 and the Fair Labor Standard Act of 1938*: These acts prohibit discrimination based on the sex in the payment of wages.

*The Rehabilitation Act of 1973: (Section 501 and 505)*: This act prohibits discrimination toward an individual with a disability.

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*The Americans with Disabilities Act of 1991:* This act prohibits discrimination based upon an individual having a disability of any kind and qualified for the position.

The County is committed to complying with the Americans with Disabilities Act (ADA) and ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a nondiscriminatory basis.

Hiring procedures have been reviewed and provide persons with disabilities meaningful employment opportunities. Pre-employment inquiries are only made regarding an applicant's ability to perform the duties of the position.

Reasonable accommodation is available to all disabled employees, where their disability affects the performance of job functions. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual.

Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as in job assignments, classifications, organizational structures, position descriptions, lines of progression and seniority lists. Leave of all types will be available to all employees on an equal basis.

The County is also committed to not discriminating against any qualified employees or applicants because they are related to or associated with a person with a disability. The County will follow any state or local law that provides individuals with disabilities greater protection than the ADA.

This policy is neither exhaustive nor exclusive. The County is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state and local laws.

It is the county's policy to comply with all aspects of *HIPPA*.

*Vietnam Veteran's Readjustment Act:* This act prohibits the discrimination against any person who is a veteran of the Vietnam War and requires Federal contractors to notify the Local Job Service when positions exist in their organization.

Any employee who feels he/she has been discriminated against under any of these federal acts is requested to document how he/she feels they have been unfairly treated and submit it to the Bottineau County States Attorney or Bottineau County Commissioners.

*Veteran Preference* will be granted based on North Dakota Century Code chapter 37-19 and applicable Federal requirements. Please refer to Section 106 of this handbook for details.

## **502 Immigration Law Compliance**

The County is committed to employing only United States citizens and aliens who are authorized to work in the United States and complies with the Immigration Reform and Control Act of 1986.

As a condition of employment, each new employee must properly complete, sign, and date the first section of the Immigration and Naturalization Service Form I-9. Before commencing work, newly rehired employees must also complete the form if they have not previously filed an I-9 with the County if their previous I-9 is more than three years old, or if their previous I-9 is no longer valid.

## **503 Cobra Regulations**

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the County's health plan when a qualifying event would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the County's group rates, as well as a small administration fee.

The County provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the County's health insurance plan. This notice contains important information about an employee's rights and obligations.

## **504 Impermissible Harassment**

The County is committed to providing a work environment that is free of harassment. Actions, words, jokes or comments based on an individual's sex, race, ethnicity, age, religion or any other legally protected characteristic will not be tolerated.

Sexual harassment is the unwarranted and unwanted action of an individual against another individual involving sexual overtone. The County will not tolerate verbal or physical conduct by an employee which harasses, disrupts or interferes with another's work performance or which creates an intimidating, offensive or hostile work environment. The County is opposed to sexual harassment in the work place and such harassment is against the law.

Sexually harassing conduct in the work place or elsewhere, whether committed by supervisory or non-supervisory personnel is prohibited. Such conduct may include, but is not limited to:

- < Sexual flirtations, touching, advances, etc.
- < Verbal abuse of a sexual nature.
- < Graphic or suggestive comments about an individual's dress or body.
- < Sexually degrading words to describe an individual.

- < The display in the work place of sexually suggestive objects or pictures, including nude photographs.

It is important to note that sexually harassing conduct also includes:

- < Explicitly or implicitly making submission to the conduct, a term or condition of an individual's employment.
- < Using submission or rejection of the conduct as a basis for employment decisions.
- < The conduct substantially interferes with the individual's work performance or creates an intimidating, hostile or offensive work environment.

Any employee who believes that the actions or words of any employee or fellow employee constitute unwelcome harassment, has a responsibility to report this behavior, preferably in writing, as soon as possible to the County Auditor or State's Attorney.

All complaints of harassment will be investigated promptly in a confidential manner. In all cases, the employee will be advised of the investigation's conclusions. Retaliation, in any manner, against a complaining party will not be tolerated and anyone found to be participating in any form of retaliation will be disciplined up to and including termination of employment.

Any employee who is found, after appropriate investigation, to have engaged in harassment of another employee, will be subject to appropriate disciplinary action and may be subject to immediate discharge.

### **505 Drug and Alcohol**

Drug and alcohol use is highly detrimental to the safety and productivity of employees in the work place. No employee may be under the influence of any illicit drug or alcohol while in the work place, while on duty, or while operating a vehicle or equipment owned or leased by the County.

Possessing, distributing, transferring, purchasing, selling, using, or being under the influence of alcoholic beverages or illegal drugs while on the County's property, while attending business related activities, while on duty, or while operating a vehicle or machine leased or owned by the County may also lead to disciplinary action, including suspension without pay or discharge.

**DRUG-FREE WORKPLACE COMPLIANCE POLICY:** Illegal drugs in the workplace are a danger to us all. They impair safety and health, promote crime, lower productivity and quality, and undermine public confidence in the work we do. Bottineau County will not tolerate the illegal use of drugs. Under the federal Drug-Free Workplace Act, in order for the County to be considered a responsible source for the award of federal contracts, we have developed the following policy:

Effective immediately, any location at which the county's business is conducted, is declared to be a **drug-free workplace**. This means:

All employees are **absolutely prohibited** from unlawfully manufacturing, distributing, dispensing, possessing, or using controlled substances in the workplace. The

following is a partial list of controlled substances. Personnel can provide a complete listing and explanation of controlled substances.

- \*Narcotics (heroin, morphine, etc.)
- \*Cannabis (marijuana, hashish)
- \*Stimulants (cocaine, diet pills, etc.)
- \*Depressants (tranquilizers)
- \*Hallucinogens (PCP, LSD, designer drugs etc.)

Any employee violating the above policy is subject to discipline, up to and including termination, for the first offense. Employees have the right to know the dangers of drug abuse in the workplace, the County's policy about them, and what help is available to combat drug problems. This document spells out the County's policy. We will institute an education program for all employees on the dangers of drug abuse in the workplace. To assist employees in overcoming drug abuse problems, the County may offer the following help:

- Medical benefits for substance abuse treatment
- Information about community resources for assessment and treatment
- Counseling program

Any employee convicted of violating a criminal drug statute in this workplace must inform the County of such conviction (including pleas of guilty and nolo contendere) within **five days of the conviction occurring**. Failure to so inform the County subjects the employee to disciplinary action, up to and including **termination for the first offense**. By law, the County will notify the federal contracting officer within 10 days of receiving such notice from an employee or otherwise receiving notice of such a conviction.

The County reserves the right to offer employees convicted of violating a criminal drug statute in the workplace participation in an approved rehabilitation or drug abuse assistance program as an alternative to discipline. If such a program is offered, and accepted by the employee, then the employee must satisfactorily participate in the program as a condition of continued employment.

#### DRUG TESTING POLICY

(This policy applies to all employees who drive county vehicles and parallels Department of Transportation/Motor Carrier's Administration and FTA regulations and guidelines.)

Illegal drugs and alcohol in the workplace and on the road are a danger to those who use them, to those who work around users, and to clients and the public in general. They impair safety and health, promote crime, lower productivity and quality and undermine public confidence in our service. The County will not tolerate the use of illegal drugs by any employee.

In general agreement with the Department of Transportation, that drug and alcohol testing and sanctions for use will help discourage substance use and reduce absenteeism, accidents, health care costs, and other drug-related problems, testing will act as a deterrent to those individuals who might be tempted to try drugs for the first time or who currently use drugs and alcohol. Finally, drug and alcohol testing will protect the health and safety of the employees, through the early identification and referral for treatment of workers with drug use and alcohol problems.

## POLICY STATEMENT

The County has developed, in agreement with regulations issued by the Department of Transportation and the Federal Motor Carrier's Administration under authority of Congress via the Omnibus Transportation Employee Testing Act of 1991(OTETA), the following policy for our employees:

Effective immediately, no safety sensitive employee either an employee or a contract driver with the County shall be on duty if the employee uses, or tests positive for, any controlled substance, including alcohol. Any employee testing positive for alcohol at a level of .02% but below .04%, will be considered medically unfit to work, and will be suspended without pay, until such time as they perform a return to duty test and test below .02% and for a period of not less than twenty-four (24) hours. Any employee testing positive for the specific agents described below or alcohol at a level of .04% or above, will be considered to have failed the test and be medically unfit to work. A person who refuses to submit to testing shall not be permitted to work since such a refusal shall be considered to be a positive test. Regardless of the actual or potential alcohol test results, it is a requirement of the DOT that no safety sensitive employee consumes alcohol within four (4) hours of reporting for duty.

## DRUG TESTING

Safety sensitive employees will be asked to undergo testing for alcohol and on five groups of drugs: Amphetamines, Opiates, Phencyclidine, Cocaine, and Marijuana. These are the drug groups specifically targeted by the FTA and DOT/Federal Motor Carrier's Administration for testing purposes. The County will pay the costs of the pre-employment drug testing.

## IMPLEMENTATION SCHEDULE

Testing will occur at various periods of time. Candidates for safety sensitive positions will be required to participate in drug testing as a pre-qualification test prior to employment. No candidate for hiring with a positive drug test will be employed. A qualified supervisor can institute a drug or alcohol test on the grounds of reasonable cause or suspicion of drug or alcohol usage. A random testing program may be utilized.

## ACCESS TO TESTING RESULTS AND CONFIDENTIALITY

The testing procedure will be carried out so as to protect individual privacy, ensure accountability and integrity of the specimens, confirm any positive screening test, regulate the testing laboratory, protect confidentiality, and be non-discriminatory to the individual. A person testing positive will be informed of the results of the test and the alcohol or drug found positive. All other drug reporting will be conducted as per the Medical Review Officer, M.R.O., who is responsible for their interpretation and retention.

## RESULTS OF A POSITIVE TEST

Following the first positive test, the County reserves the right to immediately terminate the employment of that employee. If the driver is an Owner/Operator or Independent Contract Driver, the county may immediately disqualify them from any further driving for the County or terminate the contractual relationship with the Independent Contractor supplying the driver or Owner/Operator. Employees thus terminated are still obligated to undergo an evaluation by a Substance Abuse Professional (SAP) and must successfully complete the treatment program prescribed by that SAP. Additionally they must successfully pass a return to duty drug/alcohol

test and participate in a follow-up unannounced screening program no less often than six (6) tests in a twelve (12) month period. The County assumes no responsibility financially or otherwise for the terminated employee's compliance with the above.

## DEFINITIONS

**Medical Review Officer (MRO)** means a licensed doctor of medicine or osteopathy with the knowledge of drug abuse disorders that is employed or used by a motor carrier to conduct drug testing.

## RELATIONSHIP TO FEDERAL REGULATIONS AND LAWS

This policy will be enforced and applied under the authority of the relevant laws of the United States and the State of North Dakota and any relevant regulations issued by the agencies of the Federal Government.

The County recognizes that employees may wish to seek professional assistance in overcoming drug or alcohol problems. Please contact the Risk Manager or designee for more information about the benefits potentially available under the employee medical benefit plans and any possible referral sources.

Employees who voluntarily admit to having drug or alcohol problems that have not resulted in disciplinary action may be eligible for unpaid time off to participate in a rehabilitation program. Such a leave will be granted if the employee abstains from use of the problem substance while on leave, abides by all the County's policies, rules, and prohibitions relating to conduct in the work place, and if the County suffers no undue hardship as a consequence of granting the leave.

Physician prescribed medications are permitted, provided they do not adversely affect job performance or the safety of the employee or other individuals in the work place.

## **506 Family Medical Leave (FMLA)**

Bottineau County will comply with the Family and Medical Leave Act implementing Regulations as revised effective January 16, 2009. The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

**General Provisions:** Under this policy, Bottineau County will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

**Eligibility:** To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

- 1) The employee must have worked for the company for 12 months or 52 weeks.

- 2) The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence (time spent on paid or unpaid leave does not count).
- 3) The employee must work in a worksite where 50 or more employees are employed by the company within 75 miles of that office or worksite. The distance is to be calculated by using available transportation by the most direct route.

**Type of Leave Covered:** To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

- 1) The birth of a child and in order to care for that child.
- 2) The placement of a child for adoption or foster care and to care for the newly placed child.
- 3) To care for a spouse, child or parent with a serious health condition (described below).
- 4) The serious health condition (described below) of the employee.
  - An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.
  - A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care **or** a condition that requires continuing care by a licensed health care provider.
  - This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.
- 5) Qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.
  - An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: 1) short-notice deployment, 2) military events and activities, 3) child care and school activities, 4) financial and legal arrangements, 5) counseling, 6) rest and recuperation, 7) post-deployment activities and 8) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.
  - "Covered active duty" means:

- (a) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and
  - (b) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.
- The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.
- 6) Military caregiver leave (also known as covered servicemember leave) to care for an injured or ill servicemember or veteran.
- An employee whose son, daughter, parent or next of kin is a covered servicemember may take up to 26 weeks in a single 12-month period to care for that servicemember.
  - The term "covered servicemember" means:
    - (a) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
    - (b) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

**Amount of Leave:** An eligible employee can take up to 12 weeks for the FMLA circumstances (1) through (5) above under this policy during any 12-month period. Bottineau County will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the company will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time. An eligible employee can take up to 26 weeks for the FMLA circumstance (6) above (military caregiver leave) during a single 12-month period. If a husband and wife both work for the company and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for the company and each wishes to take leave to care for a covered injured or ill servicemember, the husband and wife may only take a combined total of 26 weeks of leave.

**Employee Status and Benefits During Leave:** While an employee is on leave, the company will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. Under current policy, some

employees pay a portion of the health care premium, or other optional benefits, out of their payroll. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premiums. While on unpaid leave, the employee must continue to make these payments, either in person or by mail. The payment must be received in the Director's Office within 30 days of the due date. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave.

**Employee Status After Leave:** An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from the health care provider. Generally, an employee who takes FMLA leave must be returned to the same position or a position with equivalent status, pay, benefits and other employment terms (although certain exemptions do apply).

**Use of Paid and Unpaid Leave:** An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member may be required to use all paid vacation, personal or sick leave prior to being eligible for unpaid leave. Sick leave may be run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established sick leave policy.

**Intermittent Leave or a Reduced Work Schedule:** The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period), and all intermittent leave schedules must be pre-approved.

**Certification for the Employee's Serious Health Condition:** Bottineau County may require certification of requests for leave related to any of the qualifying reasons listed above. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

**Procedure for Requesting FMLA Leave:** All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to their immediate supervisor. Within five business days after the employee has provided this notice, the supervisor will provide the employee with the DOL Notice of Eligibility and Rights. When the need for the leave is foreseeable, the employee must provide the employer with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day.

**Designation of FMLA Leave:** Within five business days after the employee has submitted the appropriate certification form, the supervisor will provide the employee with a written response to the employee's request for FMLA leave using the DOL Designation Notice.

**Intent to Return to Work From FMLA Leave:** On a basis that does not discriminate against employees on FMLA leave, the company may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

## **600 General Guidelines**

### **601 Employee Files**

Personnel files (including work-related files), and confidential files (including confidential, medical and drug testing files), are maintained on each employee of Bottineau County.

Department Heads will be responsible for maintaining accurate and complete records of employees for the efficiency of operations and as a necessary source of information for promotional and career advancement.

**Open Record Personnel Files** (Responsibility of Department Head to develop, secure, and maintain completeness)

- Application for employment
- References from application
- Additional verification from background checks and education verifications
- I-9's (less any personal information)
- Current pay information
- Orientation Check List
- Performance reviews
- Disciplinary information
- Job Descriptions
- Work history with Bottineau County
- Payroll information including salary history

**Personnel Files NOT Subject to Open Records Laws** (to be developed and maintained including completeness by the payroll clerk under the direction of the Bottineau County Auditor)

- Medical
- Credit reports
- Child support

Personnel files are the property of the County and access to the information they contain is restricted. With advance notice, an employee may review material in his or her file but only in the County offices and in the presence of the employees Department Head. Employees will be informed in writing whenever anyone outside direct administrative lines reviews records.

### **602 Review Procedure/Performance Evaluations**

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Formal performance evaluations are conducted at the end of an employee's introductory period in any new position. This gives the supervisor/employer and the employee a formal opportunity to discuss the job responsibilities, standards, and performance requirements of the position. Performance reviews are conducted to provide both supervisors

and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

### **603 Moonlighting/Outside Employment**

It is the policy of the County that employees disclose outside employment circumstances or situations to their supervisor or Department Head. An employee may hold a position with another non-competing organization as long as he or she satisfactorily performs his or her job responsibilities with the County. Employees should consider the impact that outside employment may have on their health and physical endurance. All employees will be judged by performance standards and will be subject to the County's scheduling demands, regardless of any existing outside work requirements.

If the County determines that an employee's outside work interferes with performance or the ability to meet the requirements of the County as they are modified from time to time, or is a potential liability to the County, the employee may be asked to terminate the outside employment if he or she wishes to remain with this County.

Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals outside the County for materials produced or services rendered while performing their jobs or from the use of County owned facilities, materials, equipment or tools used while off duty, unless approved in advance by the Bottineau County Commissioners.

### **604 Conflict of Interest**

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which the Bottineau County Commissioners wish the County business to operate. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation.

Transactions with outside firms must be conducted within a framework established and controlled by the Bottineau County Commissioners. Business dealings with outside firms should not result in unusual gains for those firms. Unusual gain refers to bribes, product bonuses, special fringe benefits, unusual price breaks, and other windfalls designed to ultimately benefit the County, the employee, or both. Promotional plans that could be interpreted to involve unusual gain require specific Board of Bottineau County Commissioners approval.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of the County's business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

No presumption of guilt is created by the mere existence of a relationship with outside firms. However, if an employee has any influence on transactions involving purchases, contracts, or leases, it is imperative that he or she discloses to the Bottineau County Commissioners as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which the County does business but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the County.

The materials, products, designs, plans, ideas, and data of this organization are the property of the County and should never be given to an outside firm or individual except through normal channels and with appropriate authorization. Any improper transfer of material or disclosure of information, even though it is not apparent that an employee has personally gained by such action, constitutes unacceptable conduct. Any employee who participates in such a practice will be subject to disciplinary action, up to and including possible discharge.

### **605 Smoking**

The county wants to provide a safe and healthful environment for its employees and those citizens of the county utilizing the services available. The Bottineau County Courthouse and other buildings or equipment so designated by the Bottineau County Commissioners will be smoke free. This policy applies equally to all employees, customers, and visitors to the courthouse. Cigarette butts must be disposed of in proper containers. Failure to comply with the smoking policy may result in disciplinary action.

Employees working in/at public or private work sites, which are 'smoke free', are not allowed to smoke while on duty at the work site. This policy applies equally to all employees, customers, and visitors

Smoking is prohibited within 25 feet of the Bottineau County Courthouse.

### **606 Dress Code**

The personal appearance of Bottineau County Employees contributes significantly towards the public's impression of county agencies. Clothing should be appropriate for a business environment of the department the employee is representing. All employees are expected to dress in a manner appropriate to their position and type of work. The following are general guidelines for supervisors to use in determining the appropriateness of the employee's dress:

1. Except in unusual circumstances, unacceptable attire includes: sweat pants; tank tops; t-shirts; shorts; and torn or soiled clothing
2. Acceptable footwear including socks and hosiery should generally be worn, but exceptions may be made depending upon the season and other attire. Unacceptable footwear includes slippers, flip flops and athletic tennis shoes.

3. For certain individuals whose jobs are physically demanding, jeans, t-shirts and tennis shoes may be acceptable.
4. The supervisor is also authorized to make exceptions when a medical care provider has indicated the need for such an exception for the health and safety of the employee.
5. On designated casual wear days, less-formal clothing including jeans and tennis shoes may be worn. (Jeans Day)
6. Exception to these dress code guidelines may be made when there is a reasonable way to accommodate a religious belief.
7. Clothing with offensive images and verbiage are never acceptable attire.
8. In questionable situations, the final decision as to what is appropriate appearance/attire is the responsibility of each supervisor
9. Highly scented toiletries should be avoided.

Appearance and dress code should be in keeping with the job being performed, both for safety and to reflect a positive image for the county. Neat, clean, non-provocative appearance creates a favorable impression and is an important trait. Remember, the first impressions are apt to be lasting ones.

If a supervisor has a concern regarding personal appearance he/she will discuss the concern with the employee. Repeated violations should be addressed by the supervisor who may issue a verbal or written warning. Further, a supervisor can ask an employee to leave the workplace until suitably attired.

### **607 Use of Phone, Fax, Computer, E-Mail and Mail Systems**

To assure effective telephone communications, employees should always use the approved greeting and speak in a courteous and professional manner. Please confirm information received from the caller, and hang up only after the caller has done so.

The County strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Therefore, the county prohibits the use of the telephone, fax, and mail system in ways that are disruptive, offensive to others or harmful to morale.

For example, the display or transmission of sexually explicit images, messages and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, off-colored jokes or anything that may be construed as harassment or showing disrespect for others.

Personal use of landline, cell telephones (including text messages) and fax machines for long-distance and local calls is strongly discouraged. Incoming phone messages for employees will be taken and, unless it is an emergency, these calls should be made during break time. Employees should practice discretion in using county telephones when making local personal calls and shall be required to reimburse the county for any charges resulting from their personal use of the telephone or fax machine for long distance calls.

The use of employer-paid postage for personal correspondence is not permitted.

Employees are specifically requested to refrain from use of a cellular phone while driving a County vehicle. Should the need arise to answer or initiate a call with a cellular phone while driving, the employee is directed to pull safely to the side of the road, stop forward or backward motion of the vehicle and then communicate via the cellular phone.

Computers, computer files, internet access, the e-mail system and software furnished to employees are the County's property intended for business use. Employees should not use a password, access a file or retrieve any stored communication without authorization.

The County purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, the County does not have the right to reproduce such software for use on more than one computer.

Employees may only use software on local area networks or on multiple machines according to the software license agreement. The County prohibits the illegal duplication of software and its related documentation.

### **608 Credit Card Policy**

Regular, full-time employees may be eligible for a credit card at the discretion of the Board of Bottineau County Commissioners. To be eligible for a credit card, an employee must travel frequently in the course of his/her duties, purchase significant volumes of goods and services for use by the County, or incur other regular frequent business expenses of a kind appropriately paid by credit card.

Each card will be limited to a maximum of \$10,000.00. Increases to the established maximum may be made on a case-by-case basis by the Board of Bottineau County Commissioners.

The credit card is only to be used for official business on behalf of the County. The credit card may not be used to obtain cash advances, bank checks, traveler's checks, or electronic cash transfers for either business or personal expenses. If the card is used for an employee's personal expenses, the County reserves the right to recover these monies from the employee cardholder. Cardholders will be required to sign a declaration authorizing the County to recover, from their salary, any amount incorrectly claimed as a business expense or not reconciled within thirty days. Any misuse of the credit card may result in cancellation of the card, withdrawal of credit card privileges, and disciplinary action up to and including termination.

Credit card expenditures must be submitted with original receipts to the Bottineau County Auditor's Office within ten business days of use. Continued or repeated non-conformance to this policy may result in cancellation of the card, payroll deduction for unreconciled amounts, and such other actions as appropriate, up to and including termination of employment.

Lost or stolen cards must be reported immediately to the credit card company and the Bottineau County Auditor's Office.

## **609 Housekeeping**

A clean work area makes for a more pleasant, as well as safer, place to work. All employees are asked to help keep their work area and surroundings as neat and orderly as possible.

## **610 Committee Membership**

Employees may choose or be asked to participate on various community, state, or other types of committees. It is understood that participation on committees that are related to the employee's job responsibilities provide opportunity to further the overall operation of Bottineau County, while offering an opportunity for employee's and department heads to acquire skills that enhance job performance. Participation also gives the employee an opportunity to share their knowledge and skills with others while expanding their own knowledge of resources and methods key to managing and operating county programs.

Employee's desiring to or who are asked to serve or chair committees are required to discuss these request with their supervisor to assure that the time required for service will not affect their ability to complete their normal job assignments/responsibilities.

Employees may attend association meetings related to their positions, attend mandatory training, and other job related committee meetings and work related training sessions during regular working hours. They are eligible for reimbursement for travel expense and per diem.

Employee/individuals who are appointed by the county commissioners to serve on county required boards may do so during regular working hours and are eligible for reimbursement for travel expense and per diem from the boards on which they serve.

Employees who elect to serve or are appointed by an outside entity to participate on non job related committees do so at their own expense. The employee shall use leave time to attend the meetings that fall during regular working hours. The use of county equipment is not allowed

## **611 Fraud Prevention and Investigation**

The County expects all employees, Board members, consultants, vendors, contractors, and other parties maintaining any business relationship with the County to act with integrity, due diligence, and in accordance with all laws in their duties involving the County's fiscal resources. The County is entrusted with public dollars and no person connected with the County should do anything to erode that trust.

The Auditor shall be responsible for developing internal controls designed to prevent and detect fraud, financial impropriety, or fiscal irregularities within the County. Every member of the County's administrative team shall be alert for any indication of fraud, financial impropriety, or irregularity within his/her areas of responsibility.

Any employee who suspects fraud, impropriety, or irregularity shall report their suspicions immediately to his/her immediate supervisor and/or the Auditor. The Auditor shall have primary

responsibility for any necessary investigations and shall coordinate investigative efforts with the County's legal counsel, auditing firm, and other internal or external departments and agencies, including the State's Attorney and law enforcement officials, as the Auditor may deem appropriate.

In the event the concern or complaint involves the Auditor, the concern shall be brought to the attention of the Chair of the Board of Commissioners who shall be empowered to contact the County's legal counsel, auditing firm, and any other agency to investigate the concern or complaint.

The Auditor may elect to employ the County's auditing firm to conduct a partial forensic/internal control/SAS99 audit annually or otherwise as often as deemed necessary. The Auditor is authorized to order a complete forensic audit if, in his/her judgment, such an audit would be useful and beneficial to the County.

Fraud, financial improprieties, or irregularities include, but are not limited to:

1. Forgery or unauthorized alteration of any document or account belonging to the County.
2. Forgery or unauthorized alteration of a check, bank draft, or any other financial document.
3. Misappropriation of funds, securities, supplies, or other assets.
4. Impropriety in the handling of money or reporting of financial transactions.
5. Profiteering because of "insider" information of county information or activities.
6. Disclosing confidential and/or proprietary information to outside parties.
7. Accepting or seeking anything of material value, other than items used in the normal course of advertising, from contractors, vendors, or persons providing services to the County.
8. Destroying, removing, or inappropriately using county records, furniture, fixtures, or equipment.
9. Failing to provide financial records to authorized state or local entities.
10. Failure to cooperate fully with any financial auditors or investigators.
11. Any other dishonest or fraudulent act involving county monies or resources.

The Auditor shall investigate reports of fraudulent activity in a manner that protects the confidentiality of the parties and the facts. All employees involved in the investigation shall be advised to keep information about the investigation confidential.

If an investigation substantiates the occurrence of a fraudulent activity, the Auditor, or Board Chair if the investigation centers on the Auditor, shall issue a report to appropriate personnel and to the Board. The final disposition of the matter and any decision to file or not file a criminal complaint or to refer the matter to the appropriate law enforcement and/or regulatory agency for independent investigation shall be made in consultation with legal counsel. The results of the investigation shall not be disclosed to or discussed with anyone other than those individuals with a legitimate right to know until the results are made public.

## **700 COUNTY OWNED VEHICLES/EQUIPMENT**

### **701 Vehicles/Equipment**

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Please notify the supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic or parking violations, can result in disciplinary action, including discharge.

All violations of traffic laws and fines levied as a result are the exclusive responsibility of the employee.

Employees, required to drive as a part of their job functions, are further required to report all moving violations, whether on or off the job, to the County Auditor within 24 to 48 hours of receiving the citation. Additionally, the driver's license status of all employees may be checked with the North Dakota Motor Vehicle Department annually.

Employees may not use any County facilities, property, office equipment, shop equipment, tools, etc. for monetary or political gain.

### **702 County Owned Vehicles**

Only County employees or authorized representatives are defined as "drivers" in the following sections

Drivers shall possess a valid driver's license which authorizes the driver to operate a vehicle. This license shall be in the possession of the driver at all times when operating a county vehicle, and be of the appropriate class governing the vehicle being operated.

Drivers shall utilize County vehicles for conducting county business only and shall not use any County-owned vehicle for personal or private use. It is required that employees utilize county-owned vehicles as a first option when traveling for work-related purposes.

Drivers shall comply with all laws and regulations relating to the operation of motor vehicles, including rules relating to the consumption of drugs and alcohol and speed regulations.

All violations of traffic laws and fines levied are the exclusive responsibility of the employee.

Drivers shall not place unauthorized bumper stickers or unauthorized equipment in or on County-owned vehicles.

Drivers may permit other than County employees to be passengers in county vehicles only if it is necessary to conduct county business.

Operators of County vehicles/equipment have a responsibility to maintain their assigned vehicle/equipment. This includes check of fluid levels and maintaining the vehicles/equipment such as interior/exterior cleaning when needed. Some employees may have additional vehicle/equipment responsibility such as maintaining the usage and operation of all electronic equipment such as radio and GPS systems.

Each Department Head shall supervise the actions of its authorized drivers and shall institute proper disciplinary actions for violation.

Bottineau County provides liability insurance coverage for all county-owned vehicles under its jurisdiction. County staff who transport clients have supplemental insurance through Bottineau County only while they are transporting clients.

All County employees in County owned vehicles shall wear properly fastened safety belts whenever they travel on County business. Drivers of County-owned vehicles shall require passengers to use seat belts.

Drivers shall immediately report all accidents involving County vehicles to their Department Head. Accident reports made out in detail are necessary and may be provided in narrative form with appropriate attachments, such as a police or highway patrol report. All reports must be filed with the County Auditor's Office for insurance purposes. Personal injuries, as a result of an accident, are also to be reported immediately to the Department Head. Appropriate worker's compensation forms should be submitted for any injuries requiring medical attention or resulting in time off work.

Any County employee who operates a County vehicle must notify their department head of any change in their physical condition, such as heart problem, diabetes or a significant deterioration of hearing or eye sight which may be a factor in operating a vehicle safely. Further, a County employee must notify their Department Head anytime their license is suspended or any time eight or more cumulative points are deducted from their driving records.

The County shall conduct a driving records check at least annually at a department's request for all personnel (including temporary) listed as drivers of County vehicles or equipment. Driving privileges of county vehicles shall be suspended for any county employee whose driving record reflects a suspended or invalid driver's license. The vehicle record checks should be reviewed by Bottineau County Commissioners and kept in the personnel files. Action will be taken based on off duty driving violations to include but not be limited to revocation of County driving privileges, reassignment, reprimand, suspension and termination. The nature of the violation and individual circumstances surrounding the violation will be *considered* when determining action.

Several departments within Bottineau County have internal policies which are more specific than the guidelines outlined in this general County policy. Drivers of vehicles

assigned to those given departments are required to comply with all regulations and guidelines established within their agency. Examples might include regulations for emergency operation of police vehicles, pursuit driving regulations or a ride-along program.

### **703 Distracted Driving**

In order to increase employee safety and eliminate unnecessary risks behind the wheel, Bottineau County has enacted a Distracted Driving Policy. We are committed to ending the epidemic of distracted driving, and have created the following rules, which apply to any employee operating a company vehicle or using a cell phone while operating a personal vehicle:

- County employees may not use a hand-held cell phone while operating a vehicle – whether the vehicle is in motion or stopped at a stop sign or traffic light. This includes, but is not limited to, answering or making phone calls, engaging in phone conversations, and reading or responding to emails, instant messages, and text messages.
- If County employees need to use their phones, they must pull over safely to the side of the road or another safe location.

## **800 Operational Guidelines**

### **801 Discipline**

**Employment is ‘at will’ and no progressive disciplinary system is implied.**

Discipline will normally be classified as a Minor Offense or a Serious Offense.

Minor offenses are those violations which are unacceptable if repeated, but which the employee will not be discharged for the first offense.

Serious offenses are those willful or deliberate violations of such a nature that the first offense may indicate that the continued employment of the employee may not be in keeping with the best interest of Bottineau County. Any verbal or written warning will require an employee performance review be completed showing where the problems are and what goals or remedies have been required.

There are four basic classifications of disciplinary action:

*Verbal Warning* - Employee is counseled by his/her supervisor following a minor offense in an effort to eliminate possible misunderstandings and to explain what constitutes proper conduct. Although not considered a “written warning”, verbal warnings must be documented by the supervisor and written up by the Department Head (Appendix B). The warning is to be maintained in the employee’s personnel file for a minimum of six years (provided there are no additional infractions of County policies).

*Written Warning* - Employee receives written notice of discipline (Appendix B) following intentional or repeated minor offenses. The purpose of a written warning is to make certain that the employee is fully aware of the misconduct he/she has committed and what is expected, thereby enabling the employee to avoid a recurrence of the incident. The written warning will note any previous verbal and written warnings when it is prepared and will include the date, time, and action taken. All written documentation will be forwarded to the Bottineau County Department Head by the supervisor to be maintained in the employee’s personnel file for not less than six years (provided there are no additional infractions of policies).

*Final Written Warning* - Employee receives written notice of discipline on Employee Warning Notice (Appendix B) following serious misconduct or further repeated minor offenses; disciplinary time off without pay may also be given. The purpose of a final written warning is to make certain that the employee understands the seriousness of the misconduct, and further misconduct will most likely result in discharge. This written documentation will be forwarded to the Bottineau County Department Head to be permanently maintained in the employee’s personnel file.

*Discharge* - Employee is discharged as a result of a serious offense or the final step in the accumulation of minor offenses of the same nature.

The classifications of disciplinary action listed do not indicate progressive discipline since any classification may result in termination at any time based on the infraction or offense and its seriousness to Bottineau County.

A supervisor who becomes aware of suspected employee misconduct should promptly commence a thorough investigation of the incident, which includes asking the employee for an explanation of his/her actions. The supervisor shall then prepare written documentation detailing the suspected misconduct. Depending on the type of infraction (i.e. harassment, discrimination, etc.), the supervisor may go directly to the Bottineau County States Attorney or the Bottineau County Commissioners.

An investigation of the suspected misconduct may be conducted for a period not to exceed seven calendar days. If warranted by the nature of the offense and/or the employee's behavior, the employee may be placed on suspension for the duration of the investigation. Any period of such suspension not converted to discharge or disciplinary time off will be treated as paid time not worked.

The employee warning notice form contained in Appendix B will be used for documenting disciplinary problems as the department's attempt to correct problems.

## **802 Insubordination**

Any failure to carry out an assigned task given in good faith can mean disciplinary action in varying degree or discharge.

## **803 Grievance Procedure**

It is the policy of Bottineau County to:

Ensure that employees receive fair and equitable treatment.

Provide employees with an easily accessible procedure for expressing their concerns regarding problems.

Foster sound Employee-Department Head relations through communication and ultimate reconciliation of work-related problems.

When employees feel that they have not been treated uniformly or fairly and have attempted to work through their chain of command, they must submit a written complaint, stating the facts and information, as they perceive them. The complaint should be submitted to their supervisor or Department Head immediately. Employees are expected to work through their supervisor, Department Head, etc. prior to using the grievance procedure. If the origin of the complaint is the supervisor/department head and efforts to resolve the issue have not proven successful, a written summary of the concern should be sent to the chair of the Bottineau County Commissioners.

A committee made up of three individuals (two of which will be County Commissioners) will meet within 10 days of the receipt of the written complaint to review the grievance and recommend action to the Bottineau County Commissioners. All decisions of

Bottineau County Commissioners will be final and the parties in the action notified in writing of the decision

The effort to resolve grievances does not negate the Bottineau County “at will” employment status.

## **804 Termination**

### *'At Will' Employment*

Employment at Bottineau County is “at will”. Employment can be terminated by either party, at any time and for any reason. This includes termination with or without cause, and with or without notice.

### *Termination from Layoff*

Employees whose employment terminates due to layoffs will ordinarily be considered for rehire, provided they left with excellent work records. Employees will have to reapply.

### *Termination from Resignation*

Any employee whose employment terminates from resignation will be considered for rehire if two weeks' notice was given (four weeks for management), and the employee left the employment with an excellent work record. Employees will have to reapply.

### *Termination for Retirement*

Any employee terminating employment for retirement will be eligible for rehire provided two weeks' notice was given, and the employee left the employment with an excellent work record.

### *Termination for Unsatisfactory Performance*

Employees terminated for unsatisfactory performance will not be considered for further employment.

### *Termination for Cause*

Employees terminated for cause will not be considered for further employment. ‘For Cause’ means conduct related to a regular employee’s job duties, job performance, or working relationships that is detrimental to the discipline and efficiency of the service in which the employee is or was engaged.

### *Exit Interview*

Employees leaving Bottineau County are requested to take part in an exit interview. The purpose of the exit interview is to discuss particular reasons for the termination and how Bottineau County may better serve its general public as well as employees in the future.

### *Separation Procedures*

Final paychecks for all terminations will be available on the next regular payday. All appropriate severance, vacation, and sick leave will be included. No special pay considerations will be made for terminating employees.

*Return of Property*

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. Employees must immediately return, on request, all property of the County that is in their possession or control in the event of termination of employment, resignation, or layoff. The value of any property not returned will be withheld from the employee's paycheck as permitted by law and/or legal action.

## **900 Safety/Security Guidelines**

### **901 Safety**

Establishment and maintenance of a safe work environment are the shared responsibility of the County and employees from all levels of the organization. The County will attempt to take reasonable steps to assure a safe environment and compliance with federal, state, and local safety regulations. Employees are expected to obey safety rules and to exercise caution in all their work activities. They are asked to immediately report any unsafe conditions to their supervisor. Not only supervisors, but employees at all levels of the County are expected to correct unsafe conditions as promptly as possible.

All near misses or accidents that result in injury must be reported to their supervisor and the risk manager, regardless of how insignificant the injury may appear. Such reports are necessary to comply with laws and initiate insurance and workers' compensation procedures.

### **902 Security**

The County wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives or other improper materials. To this end, the County prohibits the control, possession, transfer, sale, or use of such materials on its premises. The County requires the cooperation of all employees in administering this policy.

Desks, lockers and other storage devices may be provided for the convenience of employees, but remains the sole property of the County. Accordingly, they, as well as any articles found within them can be inspected by an agent or representative of the County at any time, either with or without prior notice. At no time may an employee install or utilize their own locking mechanism or device to secure the above.

The County reserves the right, at its sole discretion to install and use security/surveillance cameras or devices on its property. Any employee who wishes to avoid inspection of any articles or materials should not bring them onto the County's premises.

Some areas of the County's premises are designated as restricted entry. **Restricted entry** means vaults, lockers, drawers, files, or other like areas wherein sensitive documents or evidence or materials are located, and the department head in charge of said restricted entry areas shall be the only authorized individual to enter said restricted entry area, except for those persons who are authorized by the department head, or his or her agent, to have access. Unauthorized entry into these restricted areas may result in disciplinary action up to and including termination.

Department heads shall from time to time review and designate restricted entry areas within their work place.

Department heads shall not restrict entry which is allowed under the North Dakota *Open Records Law* N.D.C.C. 44-04-18.

### **903 Weapons**

Except for law enforcement officers, guns in locked display cabinets, and guns used in the official duties of the County, no weapons are allowed in County buildings, on County property, or in County equipment and vehicles under any situations.

### **904 Building Closures/Inclement Weather**

The safety of employees is important in determining whether employees will be able to make it to work in times of inclement weather. If an employee has not begun the work schedule and feels that the weather will not allow him/her to go to work, a call should be made to the supervisor or Department Head to discuss the situation. If necessary, the Department Head should consult the Sheriff to assess the safety of traveling in various parts of the county.

Non-exempt employees will not be paid for time not worked due to inclement weather, floods, power failure, natural or man made disaster, or other times where they are sent home from work, except when they work in Bottineau County buildings which are closed due to the problem. Employees not able to make it to work due to inclement weather must use vacation time if the county buildings remain open. If no vacation time is available, the leave will be non-paid. If the building is closed after opening, those employees that are working will be paid through the end of the day. Employees who are at work when inclement weather strikes may be allowed to leave without using vacation leave, depending on travel advisories issued in various parts of the county. Employees not on duty at the time of the closing will not be paid. Essential employees who continue to work when buildings have been closed will receive compensatory time (hour for hour) to be used at a later date.

Building closure will be announced over the local radio station. The Sheriff, in consultation with the Auditor and Commission Chair, will determine when building closure is required.

**APPENDIX**

**Appendix A / Credit Check Information**

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**NOTICE OF CONSUMER REPORT**

***Notice***

This is to inform you that as part of our procedure for processing your employment application and at any time during your employment, we may obtain from a credit-reporting agency a consumer report containing financial and other information about you.

We will not obtain such a report without your signed authorization.

We comply with the Fair Credit Reporting Act, which provides consumers with rights regarding consumer reports and which places specific obligations on employers using credit reports.

I hereby acknowledge that I have read the above disclosure statement and have understood it.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\*\*\*\*\*

**Appendix B**

**BOTTINEAU COUNTY Employee Warning Notice**

=====

Employee Name \_\_\_\_\_ Position \_\_\_\_\_

Date \_\_\_\_\_

=====

Type of violation

\_\_\_\_ Attendance                      \_\_\_\_ Carelessness      \_\_\_\_ Insubordination  
\_\_\_\_ Lateness                          \_\_\_\_ Leaving Early      \_\_\_\_ Unauthorized Absence  
\_\_\_\_ Work Quality                      \_\_\_\_ Safety                      \_\_\_\_\_

=====

Warnings                      Oral                      Written                      Date                      By Whom

Warning                      \_\_\_\_\_                      \_\_\_\_\_                      \_\_\_\_\_                      \_\_\_\_\_

=====

Employer Statement

=====

Employee Response

=====

Supervisor Signature \_\_\_\_\_ Date \_\_\_\_\_

I have read this employee warning notice. I understand how I must change my behavior.

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

**Appendix C**

**BOTTINEAU COUNTY LEAVE DONATION REQUEST FORM**

\_\_\_\_\_  
Employee Name                      Department                      Soc. Sec. Number

Leave donations I wish to receive:     Annual             Sick

I am applying for the leave sharing program. I understand that a county employee(s) may donate leave as follows:

1. Annual leave if I, a relative or household member is suffering from an extraordinary or severe illness, injury, impairment or physical or mental condition that has caused or is likely to cause me to take leave of absence without pay or terminate employment. These terms do not include conditions associated with normal pregnancy. That leave donated to me may only be used by me for the purpose specified and is not payable in cash.
2. Sick leave if I an suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition that has caused or is likely to cause me to take leave of absence without pay or terminate employment. These terms do not include conditions associated with normal pregnancy. That sick leave donated to me may be used by me for the purpose specified and is not payable in cash.

I certify that all leave available to me including sick leave, annual leave, and flex time have be used     Yes     No    **OR**    will be used by \_\_\_\_\_.  
Date

I also agree to inform my supervisor of my acceptance of a leave transfer. I understand that all leave used under the leave donation program will be counted towards my FMLA entitlement.

\_\_\_\_\_  
Employee Signature                      Date

Attach a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the condition.

**DEPARTMENT HEAD REVIEW:**

Request approved:             Request denied:

Reason for Denial:

\_\_\_\_\_

\_\_\_\_\_  
Department Head Signature                      Date

**Appendix D**

**LEAVE DONATION FORM**

**Print Name:** \_\_\_\_\_

**ANNUAL LEAVE BEING DONATED** \_\_\_\_\_ **HOURS**

**To :** \_\_\_\_\_ **(employee receiving donated hours)**

**I authorize the above donation. This is a voluntary action on my part. I have not been coerced, threatened, intimidated or financially induced into donating leave.**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

**For Personnel Use:**

**The transfer was made:** \_\_\_\_\_  
**Date**

**Actual Hours Transferred** \_\_\_\_\_  
**(Initials)**

**APPENDIX E**  
Bottineau County  
Employee Request for Family and Medical Leave

Date: \_\_\_\_\_

Employee Requesting Leave: \_\_\_\_\_

**Subject: REQUEST FOR FAMILY AND MEDICAL LEAVE**

I hereby provide notification that I will need to take family/medical leave due to:

- \_\_\_\_\_ The birth of a child, or the placement of a child with me for adoption or foster care; or
- \_\_\_\_\_ A serious health condition that renders me unable to perform the essential functions of my job; or
- \_\_\_\_\_ A serious health condition affecting my \_\_\_ spouse, \_\_\_ child, or \_\_\_ parent, for which I am needed to provide care; or
- \_\_\_\_\_ A qualifying exigency arising out of the fact that my \_\_\_ spouse; \_\_\_ son or daughter; \_\_\_ parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves.
- \_\_\_\_\_ My \_\_\_ spouse; \_\_\_ son or daughter; \_\_\_ parent; \_\_\_ next of kin is a covered service member with a serious injury or illness.

I will need this leave beginning on \_\_\_\_\_ and I expect the leave to continue until on or about \_\_\_\_\_.

If seeking intermittent leave, comments may be provided below: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date