

LAMOURE COUNTY NON-SOCIAL SERVICE EMPLOYEES

***LAMOURE COUNTY
NON-SOCIAL SERVICE EMPLOYEES
EMPLOYEE POLICY MANUAL***



EFFECTIVE 08-19-2014

REVISED 07-6-2016

VERSION 1.03

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Welcome employee!

On behalf of your colleagues, we welcome you to LaMoure 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 handbook 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 of the employee handbook as soon as possible, for it will answer many questions about employment with the County.

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

Sincerely,

Board of Commissioners
LaMoure County, North Dakota

LAMOURE COUNTY NON-SOCIAL SERVICE EMPLOYEES

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LAMOURE COUNTY NON-SOCIAL SERVICE EMPLOYEES

EMPLOYEE ACKNOWLEDGMENT FORM

I understand that this employee handbook describes important information about LaMoure County and that I should consult my supervisor regarding any questions not answered in this handbook.

My employment relationship with LaMoure County is voluntarily entered into and is subject, within provisions of state and federal law, to termination by me or my employer at will, with or without cause, at any time either party believes such action to be appropriate.

I acknowledge that this handbook is not a contract of employment. I have received, read, understood, and will comply with both the policies contained in this handbook and any revisions.

I also understand that this handbook is mine to use only while I am a LaMoure County employee and that it remains the property of LaMoure County. I will return this handbook to LaMoure County at my conclusion of my employment with the County.

I acknowledge the receipt of Employee Manual # _____ from LaMoure County.

EMPLOYEE'S SIGNATURE

DATE

EMPLOYEE'S NAME (TYPE OR PRINT)

40 INTRODUCTORY STATEMENT

Citizens of LaMoure County, hereinafter referred to as the County, elect the Board of County Commissioners and some department heads. Remaining department heads are appointed by the Board of County Commissioners. Employees are hired by department heads with the approval of the Commissioners or within guidelines by the Commissioners. Employees are accountable to their or to a designated supervisor. 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 County.

This handbook 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 handbook. 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.

No employee handbook can anticipate every circumstance or question about policy. As the County continues to grow, the need may arise to change policies described in the handbook. The Commissioners therefore reserve the right to revise, vary, change, supplement, or rescind any policies or portion of the handbook from time to time as they deems appropriate, in their sole and absolute discretion.

*****PLEASE NOTE*****
LAMOURE COUNTY AND ITS EMPLOYEES HAVE AN AT-WILL EMPLOYMENT RELATIONSHIP. EITHER THE EMPLOYEE OR THE COUNTY MAY TERMINATE THIS RELATIONSHIP AT ANYTIME, FOR ANY REASON, WITH OR WITHOUT CAUSE OR NOTICE. THE POLICIES CONTAINED IN THIS HANDBOOK DO NOT LIMIT OR MODIFY THE EMPLOYMENT AT-WILL RELATIONSHIP. THESE POLICIES DO NOT FORM AN EXPRESS OR IMPLIED EMPLOYMENT AGREEMENT OR EMPLOYMENT CONTRACT.

.....
THE LAMOURE COUNTY SOCIAL SERVICES DEPARTMENT IS GOVERNED BY STATE POLICY REGARDING HUMAN RESOURCES ISSUES AND THEREFORE IT IS NOT CONSIDERED A PARTICIPATING DEPARTMENT UNDER THESE POLICIES IN REFERENCE TO HUMAN RESOURCE CONCERNS. HOWEVER, LAMOURE COUNTY SOCIAL SERVICE EMPLOYEES ARE SUBJECT TO COUNTY POLICY ON NON-HUMAN RESOURCE ISSUES.

101 NATURE OF EMPLOYMENT

There are several things to keep in mind about this handbook. First it contains only general information and guidelines. It is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described. For that reason, employees who have questions concerning eligibility for particular benefits or the applicability of a policy or practice should address their questions to the appropriate manager or Department Head.

Some subjects described in this handbook are covered in detail in official policy documents. Refer to these documents for specific information because the handbook only briefly summarizes those guidelines and benefits. Please note the terms of the written insurance policies are controlling and override any statements made in this document.

In order to retain necessary flexibility in the administration of policies and procedures, the County reserves the right to change, revise, or eliminate any of the policies and/or benefits described in this handbook.

DISCLAIMER

Neither this handbook, nor any other county document confers any contractual right, either expressed or implied, for an individual to remain in the county's employ. Nor does it guarantee any fixed terms and conditions for an individual's employment. Employment is not for any specific time and may be terminated at will with or without cause and without prior notice by the organization, or an individual may resign for any reason at any time. No supervisor, manager or other representative of the organization with the exception of the LaMoure County Commission has the authority to enter into any agreement for employment for any specified period of time or to make any agreement contrary to the above.

Social Service employees

Social Service employees are covered by the North Dakota Merit System and in addition to applicable County policies, will adhere to the North Dakota Administrative Code. Social Service employees are not considered as at will employees and in the event of job loss situations will be provided a notice of termination and the right to a hearing.

103 EMPLOYEE RELATIONS

The County believes that the work conditions, wages and benefits it offers to its employees are highly competitive with those offered by other employers in this area and in this industry. If employees have any concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their supervisors. Employees are asked to first direct their concerns to their supervisor, but if the concern remains, it may be brought to the County Commission.

Our experience has shown that when employees deal directly with supervisors, the work environment is excellent, communications are clear and attitudes are positive. We believe that the County has amply demonstrated its commitment to responding effectively to all employee concerns.

LaMoure County is an equal opportunity employer. It is the policy of the County to recruit, hire, train and promote employees without discrimination because of race, color, religion, sex, age, creed, status of marriage or public assistance, national origin, genetic information, or physical or mental disability except where specific age, sex or physical requirements are a bona fide occupational qualification. LaMoure County will also give consideration to amnesty or status as a covered veteran in accordance with applicable federal, state, and local laws. This policy applies to all terms and conditions of employment including hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absences, compensation, and training.

Veteran's Preference: Qualified veterans shall have preference for employment with the County as set forth in Chapter 37-19.1 of the North Dakota Century Code. North Dakota law (NDCC 37-19.1) provides employment preferences for North Dakota residents and/or their spouses who have served in a qualifying active military forces campaign during a period of war or received the armed forces expeditionary or other campaign service medal during an emergency condition. A disabled veteran is entitled to the position without regard to an examination grade unless there is a justifiable cause documented in writing for not making such selection. If two or more disabled veterans apply for the position, the one with the highest examination grade is first entitled to the position.

To receive preference, the veteran must include proof of his or her veteran status. If claiming disabled veterans' preference, the veteran must include proof of his or her disability. For a spouse of a deceased veteran to receive preference, the spouse must provide a copy of the marriage certificate, the veteran's report of separation DD-214, and the veteran's death certificate. The spouse of a disabled veteran needs to provide a copy of the marriage certificate, the veteran's report of separation DD-214, and a letter less than one year old from the veteran's administration indicating the veteran's disability status.

107 HIRING OF RELATIVES (NEPOTISM)

It is well accepted that employment of relatives in the same area of an organization can cause serious conflicts and problems with favoritism and employee morale. In these circumstances, all parties, including supervisors, leave themselves open to charges of bias and inequitable consideration in decisions concerning work assignments, transfer opportunities, time-off privileges, training and development opportunities, performance evaluations, promotions, demotions, disciplinary actions, and discharge. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships.

North Dakota Century Code Section 11-10-25 on Nepotism includes Counties by providing that no head of any executive or administrative department or agency, either elective or appointive, of any county in this state, may appoint that official's spouse, son, daughter, brother, or sister to any position under the control or direction of that official, unless the appointment has been previously approved by resolution of the board of 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. 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.

It is the County's policy that relatives of County Commissioners may not be hired without the prior approval of the Board of County Commissioners.

109 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 comply with the Immigration Reform and Control Act of 1986.

As a condition of employment, each new employee hired after November 6, 1986, must properly complete, sign and date the first section of the Employment Eligibility Verification Form, also known as Form I-9, at the time of hire. Under the law, newly re-hired employees or existing employees may be required to fill out additional Forms I-9. If an employee is required to do so, the County shall notify said employee of the same.

An employee's Form I-9 must be retained and stored by the County either for three years after the date of hire or for one year after employment is terminated, whichever is later. The form must be available for inspection by authorized U.S. Government officials from the Department of Homeland Security, Department of Labor, or Department of Justice.

111 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 will present a conflict of interest if it has an actual or potential adverse impact on the County.

113 DISABILITY ACCOMMODATION

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 non-discriminatory basis.

Hiring procedures have been reviewed and provide persons with disabilities meaningful employment opportunities. Pre-employment inquiries are made only 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.

LAMOURE COUNTY NON-SOCIAL SERVICE EMPLOYEES

201-1 EMPLOYMENT CATEGORIES

It is the intent of the County to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. Each employee is designated as either **NONEXEMPT** or **EXEMPT** from the federal and state wage and hour laws.

- » **ELECTED OFFICIALS** are not subject to the Fair Labor Standards Act but are eligible for retirement and medical benefits. However, under NDCC 34-11.1-01, elected officials do not meet the definition of a county employee and are not eligible for internal hire considerations.
- » **APPOINTED EMPLOYEES** are appointed and serve at the direction of the elected official.
- » **NONEXEMPT** employees are subject to federal and state wage and hour laws, including but not limited to, overtime pay under the specific provisions of federal and state laws.
- » **EXEMPT** employees are excluded from specific provisions of federal and state wage and hour laws.

In addition to the above categories, each employee will belong to one other employment category:

- » **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. Generally, they are eligible for the full benefit package, subject to the terms, conditions, and limitations of each benefit program. For purpose of benefit entitlement, elected officials shall be considered as Full-Time Regular.
- » **REGULAR PART-TIME:** Employees who are not in a temporary or introductory status and who are regularly scheduled work less than the full-time work schedule but at least 17½ hours per week. Regular part-time employees are eligible for a pro-rated 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.

LAMOURE COUNTY NON-SOCIAL SERVICE EMPLOYEES

201-2 EMPLOYMENT CATEGORIES (continued)

- » **PART-TIME:** Employees who are not in a temporary or introductory status and who are regularly scheduled to work less than 17½ hours per week. While they do receive all legally-mandated benefits (such as worker's compensation and Social Security benefits), they are ineligible for any of the employer's other benefit programs.

- » **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 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. 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 benefits programs.

203 ACCESS TO PERSONNEL FILES

Personnel files are the property of the County and access to the information they contain is restricted. With reasonable advance notice, an employee may review material in his or her file but only in the County's offices in the presence of the individual appointed by the County to maintain the file.

Personnel files are records of a public entity and are subject to the North Dakota open records rule. Articles that are considered "exempt" under NDCC Section 47-04-18.1 are considered confidential, not subject to public viewing, and are as follows:

- » An employee's home address; personal telephone number; date of birth; photographs; medical information; motor vehicle operator's identification information; payroll deduction information; the name, address, phone number, date of birth, and any social security number of any dependent or emergency contact; any credit, debit, or electronic fund transfer card number; and any account number at a bank or financial institution.

Medical information will be maintained in a separate confidential file as required by NDCC Section 44-04-18.1. This will include any medical information obtained for leave purposes, workers' compensation, family medical leave and/or disability accommodations.

- » All employees' medical information shall be treated confidentially and shall not be released without written consent of the employee or as provided by law.

Social Security numbers are confidential and will only be released as authorized in accordance with NDCC Section 44-04-28; for the purpose of participation in retirement or other employment benefits programs; or as authorized by the individual to whom the social security number is assigned, that individual's lawful agent or guardian, or by order of a court.

Any requests to view public records and those articles deemed non-confidential and nonexempt shall be directed to the Auditor's office.

Individuals, including employees, requesting copies of an open public record that is deemed non-confidential and nonexempt shall be subject to a reasonable charge.

205 PERSONNEL DATA CHANGES

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

207 INTRODUCTORY 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 period, with or without cause or advance notice.

All new and rehired employees work on an introductory basis for the first 180 calendar days (six months) after their date of hire, unless a different time period is designated. Any significant absence will automatically extend the introductory period by the length of 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.

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. See your supervisor for clarification of these benefit provisions.

209 EMPLOYMENT APPLICATIONS

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. The County will not accept nor retain any unsolicited applications or resumes.

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, discharge from employment.

211 PERFORMANCE EVALUATION

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 initial period in any new position. This period, known as the introductory period, allows the supervisor and the employee to discuss the job responsibilities, standards and performance requirements of the new position. Additional formal 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. **You cannot assume that you will necessarily receive a wage or salary increase each time your performance is reviewed.**

301 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, state disability, and unemployment insurance) cover all employees in the manner prescribed by law.

Benefits eligibility is dependent upon a variety of factors, including employee classification. Your supervisor can identify the programs for which you are eligible. Details of many of these programs can be found elsewhere in this handbook.

The following benefit programs are available to eligible employee:

- Auto (County Owned Vehicles)
- Auto Mileage
- Benefit Conversion at Termination
- Bereavement Leave
- Dental Insurance
- Family Medical Leave
- Flex Plan (Sec. 125)
- Holidays
- Jury Duty Leave
- Life Insurance
- Maternity Related Leave
- Medical Insurance (Employer Contribution Varies with Tenure)
- Military Leave
- Retirement Plan
- Sick Leave
- Uniform Allowance
- Vacation Benefits
- Witness Duty Leave
- Vision Insurance

Some benefit programs require contributions from the employee, but most are fully paid by the County.

303-1 VACATION BENEFITS

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

- **Regular full-time employees**
- **Regular part-time employees - prorated**

Vacation begins accruing on the first day of employment and may be taken as it is earned. A benefit year is the twelve month period following being hired in an eligible employment classification. This benefit year will be adjusted to reflect the length of any unpaid leave of absence.

Vacation leave may not be advanced. Vacation and 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.

Vacation leave must be taken in increments of one-quarter hour (15 minutes).

Vacation pay will be calculated based on the employee's straight-time pay rate (in effect when Vacation benefits are used) times the number of hours the employee would otherwise have worked on the day(s) of absence, to a maximum of eight hours. Vacation pay does not include shift differentials, incentive pay, bonuses, or other special forms of compensation. Vacation benefits for salaried employees will be based on their normal wages.

Employees who have satisfied all eligibility requirements must submit vacation requests of three days or more to their supervisors a minimum of two weeks in advance of the time requested. Requests will be evaluated based upon various factors, including anticipated operating requirements and staffing considerations during the proposed period of absence. Vacation days may not be taken in increments of less than one-quarter hour. With the exception of elected officials, no employee may take vacations in excess of 14 consecutive calendar days without the prior approval of the County Commissioners.

The accrual of vacation leave is limited in that no more than Two hundred forty (240) hours of accrued vacation leave may be carried forward beyond December thirty-first of each year. Employees will lose any hours accrued that exceed 240 hours after December 31.

LAMOURE COUNTY NON-SOCIAL SERVICE EMPLOYEES

303-2 VACATION BENEFITS (continued)

Hours worked in December for which vacation leave accrues, are not considered earned until the first working day of January. (REF: NDAC Section 4-07-12-08)

Part-time employees earn vacation leave in proportion to their part-time schedules.

An employee accrues leave when employed for a fraction of a month. The number of vacation leave hours earned by an employee for employment for a fraction of a month must be in proportion to the total number of straight time hours the employee was on the payroll compared to the number of normal working hours in the month. NDAC Section 4-07-12-05.

Employees are strongly encouraged to take earned vacation during the benefit year of its accrual.

Upon termination of employment, employees will be paid for vacation benefits that have accrued through the last day of work.

The Eligibility Table below defines when vacation benefits become available to eligible employees.

**VACATION BENEFITS ELIGIBILITY TABLE
ACCRUAL RATES 35 HOUR WORK WEEK**

<u>LENGTH OF SERVICE</u>	<u>HOURS PER MONTH</u>
0 THRU 5 YEARS OF EMPLOYMENT	7 HOURS
6 THRU 10 YEARS OF EMPLOYMENT	9 HOURS
11 THRU 15 YEARS OF EMPLOYMENT	11 HOURS
16 YEARS OR MORE OF EMPLOYMENT	13 HOURS

40 HOUR WORK WEEK

<u>LENGTH OF SERVICE</u>	<u>HOURS PER MONTH</u>
0 THRU 5 YEARS OF EMPLOYMENT	8 HOURS
6 THRU 10 YEARS OF EMPLOYMENT	10 HOURS
11 THRU 15 YEARS OF EMPLOYMENT	12 HOURS
16 YEARS OR MORE OF EMPLOYMENT	14 HOURS

LAMOURE COUNTY NON-SOCIAL SERVICE EMPLOYEES

305-1 HOLIDAYS

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

- New Years' Day (January 1)
- Martin Luther King Jr. Day (third Monday in January)
- President's Day
- Good Friday
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Veteran's Day (November 11)
- Thanksgiving (fourth Thursday in November)
- Courthouse is closed the day after Thanksgiving
(employee's choice to take vacation or day without pay)
- December 24 Close at Noon (unless it falls on the weekend)
- Christmas (December 25)

County offices will also be closed for business on the Friday directly following Thanksgiving. Said day does not qualify for holiday pay; however, employees shall have the option of using a vacation day for that day or taking the day as unpaid.

In addition to the above holidays, any other day appointed by the President of the United States, the Governor of the State of North Dakota or designated by the County Commissioners.

All eligible employees shall receive Holiday pay. 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. Eligible employee classification(s):

- **Regular full-time employees**
- **Regular part-time employees (pro-rated)**
- **Introductory employees**

A recognized holiday that falls on a Saturday will be observed on the preceding Friday, and 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 his or her straight time base pay rate for the hours worked on the holiday – in addition to the Holiday pay described above. If a recognized holiday falls during an eligible

LAMOURE COUNTY NON-SOCIAL SERVICE EMPLOYEES

305-2 HOLIDAYS (continued)

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.

307-1 REPORT OF INJURY AND CLAIMS MANAGEMENT

The County provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment, as defined by law, that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately.

Employee Responsibilities

1. Injuries on the job are a serious matter regardless of how large or small the scope of medical treatment required to treat the condition. It is the responsibility of every employee to report all work-related injuries and accidents to their immediate supervisor and Risk Manager. If necessary, medical first aid must be administered immediately and without delay.
2. An incident is a situation where an employee has an injury, accident or exposure and does not feel the need to seek medical attention. Under these circumstances it is critically important that an employee contact the Risk Manager immediately to ensure the incident is properly reported to Workforce Safety and Insurance (WSI) within 24 hours. If medical attention is required at a later date, the employee is required to contact the Risk Manager prior to scheduling a medical appointment. Failure to report an incident or injury within 24 hours of its occurrence may result in denial of the claim.

Claims Management

Employees must contact their supervisor and Risk Manager immediately to notify them that an injury or incident has occurred. The Risk Manager will assist the employee in completing a First Report of Injury Form (FROI) in order to meet the mandatory 24 hour reporting requirement established by WSI. The Risk Manager will work closely with the injured employee and the medical providers to assess the extent of the injury and help establish a return to work solution as required.

Return to Work

The LaMoure County Risk Management Program is designed to protect all employees from occupational injuries and illnesses but accidents may sometimes occur. When an injury takes place, the County will make every effort to ensure that the injured worker

LAMOURE COUNTY NON-SOCIAL SERVICE EMPLOYEES

307-2 REPORT OF INJURY AND CLAIMS MANAGEMENT (con't)

receives prompt/quality medical care and all statutory benefits accorded to them by WSI.

In order to assist an employee in the recovery process, LaMoure County may utilize a Transitional Work Program with the objective to help an employee recover from their injury as soon as possible. The program provides temporary, transitional work for employees who, as a result of an injury or illness arising out of and in the course of employment, are unable to perform their regular job duties due to physical limitations.

The success of the Transitional Work Program depends on the cooperation and participation of the employee, the County representative and the medical community. The County will make every effort to develop return-to-work solutions that will help an injured worker remain productive and financially secure. Employees must participate in the program if they have sustained an occupational injury or illness which, according to the medical community, temporarily precludes them from performing their regular job. If an employee chooses not to accept a transitional work assignment, it could affect his/her workers compensation benefits. The County will communicate with the injured employee and WSI representatives to ensure that every effort is made to return disabled employees safely to productivity at the earliest time possible.

LAMOURE COUNTY NON-SOCIAL SERVICE EMPLOYEES

309-1 SICK LEAVE BENEFITS

The County provides paid sick leave benefits to all eligible employees for periods of temporary absence due to illnesses or injuries. Eligible employee classification(s):

- **Regular full-time employees**
- **Regular part-time employees (pro-rated)**

Eligible employees will accrue sick leave benefits at the rate of 12 days per year (1 day per month). Sick leave begins accruing on the first day of employment and may be taken as it is earned. 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.

Sick leave must be taken in increments of one-quarter hour (15 minutes).

An eligible employee may use sick leave benefits for an absence due to illness or injury sustained by either that employee or a member of the employee's immediate family.

Employees who are unable to report to work due to an illness 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 three 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 three 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 state disability insurance or 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.

309-2 SICK LEAVE BENEFITS (continued)

Because sick leave benefits are intended to provide income protection in the event of an actual illness or injury, unused sick leave benefits cannot be used of any other paid or unpaid absence and employees will not be compensated for such leave upon time of termination of employment or retirement.

It is the employer's intention that regular appointment and office visits to the Doctor, Dentist, Optometrist, etc. be scheduled for non-working time, but in the event that employees must be absent for such appointments during normal working hours, sick leave may be taken if approved in advance.

DONATION OF SICK LEAVE:

Employees may donate 25% (up to 160 hours) of their accrued sick leave per calendar year to fellow employees. The Auditor and/or Human Resources shall approve all such gifts when a written request is made. Unused sick leave may not be gifted or transferred at the time of termination of employment, regardless if termination is voluntary or involuntary. An employee must exhaust all available personal time, including vacation leave, sick leave, and comp time before being eligible to receive gifts from other employees. It shall be the responsibility of the department head to ensure that all personal leave has been exhausted.

311 BEREAVEMENT LEAVE

If an employee wishes to take time off due to the death of an immediate family member, the employee should notify his or her supervisor immediately. Paid time off may be granted to allow the employee to attend the funeral and make any necessary arrangements associated with the death.

Up to three days of paid bereavement leave for a funeral within 300 miles and five days of paid bereavement leave for outside a 300 mile radius of the County may be provided to eligible employees, per incidence, in the following classification(s):

- **Regular full-time employees**
- **Regular part-time employees (pro-rated)**

Bereavement pay is calculated based on the base pay that an employee would otherwise have earned had he or she worked on the day of absence.

Approval of bereavement leave will occur in the absence of unusual operating requirements. Any employee may, with the supervisor's approval, use any available paid leave for additional time off as necessary.

The employer defines "immediate family" as the employee's spouse, parent (natural, adoptive, foster, or step-parent), child (natural, adoptive, foster, or step-child), sibling, brother-in-law or sister-in-law; the employee's spouse's parent, child, or sibling, brother-in-law or sister-in-law; the employee's child's spouse; grandparents or grandchildren.

313 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. Employee classifications that qualify for paid jury duty leave:

- **Regular full-time employees**
- **Regular part-time employees (pro-rated)**

An employee may choose on the following options:

- Mark the time off as Jury Leave. Any fees received from the Court must be provided to the County (turn in to the Auditor's office). Employee receives normal pay as if not on any form of leave.
- Mark the time off as Vacation Leave. The time will be deducted from the employee's vacation time and the employee retains any fees received from the Court.

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. Of course, 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.

315 WITNESS DUTY

The County encourages employees to appear in court for witness duty whenever summoned to do so.

Eligible employees will be granted a maximum of sixteen 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. Employee classifications that qualify for paid witness duty leave:

- **Regular full-time employees**
- **Regular part-time employees (pro-rated)**

When an eligible employee is called as a witness on behalf of the County where the employee's department is a party to the action and the department reimburses the employee for mileage, sustenance, and room and board, no fees or mileage shall be charged by said employee as a witness and no time shall be deducted for the absence of such employee while performing these duties or services for the County. The term witness includes expert witness.

When an employee is summoned as a witness and the department is not a party to the action they shall be eligible for witness duty leave upon approval less any witness fees and mileage. If for any reason the employee is not on authorized leave or on duty, they may collect witness fees and mileage from the proper party.

When law enforcement personnel are called as witnesses in a criminal case as a result of matters arising out of official duties, they are deemed to be performing duties and services for the County, and as such shall not be subject to any loss of time or pay. If they receive reimbursement for mileage, sustenance and room and board from the County, they shall not collect witness fees or mileage as a witness. When witness duties are performed during off-duty time, the employee may receive witness fees and mileage provided he/she is not reimbursed by the County for these services. In all other instances the policies governing other employees shall apply.

An employee who is personally interested in, or a party to, a criminal or civil action, or who voluntarily appears as a witness must have supervisory approval and must charge the absence against earned annual leave or take leave without pay.

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.

317 BENEFIT CONTINUATION (COBRA)

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, discharge from 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 plus an administrative 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.

401 TIMEKEEPING

Accurately recording time worked is the responsibility of every nonexempt 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.

Nonexempt employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work must always be approved before it is performed.

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 supervisor will review and then initial the time record before submitting it for payroll processing, when possible. In addition, if corrections or modifications are made to the time record, both the employee and the supervisor must verify the accuracy of the changes by initialing the time record.

403 PAYDAYS

Pay days vary throughout the County, so your supervisor will advise you of your pay schedule. Each paycheck will include earnings for all work performed through the end of the previous payroll period.

In the event that a regularly scheduled payday falls on a day off (e.g. a weekend or holiday), employees will be advised by their supervisor when they will be receiving their pay check.

405 EMPLOYMENT TERMINATION

Since employment with the County is based on mutual consent, both the employee and the County have the right to terminate employment at will at any time, within the provisions of state and federal law. Terminations are an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated:

- » **RESIGNATION:** employment termination initiated by an employee who chooses to leave the County voluntarily. When resigning, every attempt should be made to notify the Department Head/Supervisor in writing as far in advance as possible with a minimum of two weeks' notice. Employees are also to give a reason for termination in their written notice.

- » **DISCHARGE:** employment termination initiated by the County.

- » **LAYOFF/REDUCTION IN FORCE (RIF):** involuntary employment termination initiated by the County for non-disciplinary reasons.

- » **MEDICAL TERMINATION:** employment termination initiated by the employee or by the County when an employee is unable, for health reasons, to continue to work.

- » **RETIREMENT:** voluntary retirement from active employment status
Initiated by the employee.

Employees will receive their final pay in accordance with applicable state law.

Employee benefits will be affected by employment termination. All accrued, vested benefits that are due and payable at termination will be paid. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

Disciplinary action for work related conduct is discussed elsewhere in this handbook.

407 PAY ADVANCES

Neither pay advances nor extensions of credit on unearned wages will be provided to employees.

409 ADMINISTRATIVE PAY CORRECTIONS

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

In the unlikely event that there is an error in the amount of pay, the employee should promptly notify the County of the discrepancy so that corrections can be made as quickly as possible.

Once under-payments are identified, they will be corrected. 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 attempt to arrange a schedule of repayments with the employee to minimize the inconvenience to all involved.

411 PAY DEDUCTIONS

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.

If an employee is subject to wage garnishment for a debt or child support, the County is required to withhold any ordered amounts from that employee's compensation.

The County may also deduct from an employee's compensation for individual items authorized in writing by the employee.

If you do not understand why deductions were made or how they were calculated, your supervisor can assist you in having your questions answered.

501-1 SAFETY and HEALTH

Establishment and maintenance of a safe work environment is the shared responsibility of the County and employees from all levels of the organization. The County will attempt to take reasonable steps to ensure 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 or the County safety officer. Supervisors and employees at all levels of the County are expected to correct unsafe conditions as promptly as possible.

All accidents that result in injury must be reported to their supervisor or the County safety officer, regardless of how insignificant the injury may appear. Such reports are necessary to comply with the law and initiate insurance and workers' compensation procedures.

General Safety Rules

These General Safety Rules are considered minimum safety standards for usual work conditions and shall be adhered to by all who enter the specific job location. The following written General Safety Rules shall be posted in a conspicuous manner at fixed work sites and where possible in remote mobile locations. All individuals and officials shall adhere to the following:

1. Report injuries, near misses, accidents, or unsafe acts immediately to the Risk Manager and Department Head or supervisor.
2. Employees are required to attend all job related and safety training to ensure that all work is performed in a safe and efficient manner along with heightened awareness.
3. Report dangerous situations encountered or faulty equipment immediately to the Risk Manager and your supervisor.
4. Understand the proper usage of available safety equipment (fire extinguishers, first aid kits, related tools, personal protective equipment).
5. Make observations, recognize and make recommendations to the Risk Manager and supervisor for work place modifications or safety equipment to eliminate safety hazards.
6. Use proper lifting techniques, i.e. bend knees and keep back straight, lift with weight close to the body and do not twist while lifting. Use mechanical devices when available to assist in lifting.

501-2 SAFETY and HEALTH

7. Horseplay in the workplace is prohibited.
8. Employees shall wear seat belts when driving or riding in County owned vehicles or vehicles owned and operated by other organizations conducting County business.
9. Personal protective equipment appropriate for the job will be worn at all times and employees are required to follow safe operating procedures for their respective departments.
10. Maintain clean worksites at all times.

Department Heads and supervisors are directly responsible for the education and participation of all employees under their direction for safety rules and procedures. Compliance of safety tasks, corrective measures taken in the prevention of accidents, and elimination of hazards in the workplace is the responsibility of everyone. Supervisors will not compromise safety for any reason and will halt any activity which may create a dangerous situation. Employees have the right to stop any work that clearly violates safe operating procedures.

503 WORK SCHEDULES

The work week for the County shall be defined as beginning at 12:01 a.m. on Sunday and ending at 12:00 midnight the following Saturday, with regular County office hours being from 8:30 a.m. to 12:00 p.m. and 1:00 p.m. to 4:30 p.m. every Monday through Friday, unless otherwise specified or directed by the County Commission.

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

Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

505 USE OF PHONE, FAX AND MAIL SYSTEMS

Personal use of fax (facsimile), land line telephones or cellular telephones during the work day is strongly discouraged. Incoming phone messages for employees will be taken and, unless it is an emergency, return calls should be made during break time. Employees should practice discretion in using County telephones when making personal calls and will be required to reimburse the County for any charges resulting from their long distance personal use of the telephone or fax.

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

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

507 SMOKING

This policy applies equally to the County Commission and all agencies, departments, and equipment of the County, as well as customers and visitors.

It is the policy of the County to provide a healthy, smoke-free environment for all employees. It is the intent of this policy to protect non-smokers from the health hazards created by second hand smoke and for this reason:

- 1) Smoking of any kind shall be prohibited in any building, agency and/or department of the County.
- 2) Smoking of any kind shall be prohibited in any vehicle or equipment that is considered property of the County. For safety reasons, as well as health reasons, this shall include equipment with or without an enclosed cab.
- 3) Employees who wish to engage in smoking may do so only during regular rest and meal periods and must do so at least 20 feet from any County building.

For the purposes of this policy, the term “smoking” shall also include the use of an e-cigarette which creates a vapor, in any manner or any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Act.

Violations of this policy may result in disciplinary action up to and including discharge.

Violations of this policy are also violations of state law and may result in prosecution, in addition to any disciplinary action.

509 REST & MEAL PERIODS

Each workday, full-time nonexempt employees will be provided with two 15-minute rest periods, with one to be taken in the morning and one to be taken in the afternoon. Supervisors will advise employees of the regular rest period schedule and to the extent possible, these rest periods shall be provided in the middle of work periods. Since this time is counted and paid as time worked, employees must not be absent from their work stations beyond the allotted rest period time.

All full-time employees will be provided each work day with a one hour meal period, which shall be unpaid. Employees may waive a meal period only if it is in writing and approved by their supervisor. Supervisors will schedule meal periods to accommodate operating requirements. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time.

510 FLEX 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. It is understandable that this will not always be possible, due to the workload. If the time cannot be flexed within the same defined workweek, the excess hours worked over 40 become overtime or compensatory time. Please refer to section 511 for details on these policies. 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.

511 OVERTIME AND COMPENSATORY TIME

When operating requirements or other needs cannot be met during regular working hours employees may be scheduled/required to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. All overtime must be approved in advance by the appropriate supervisor/department head or the County Commission. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work. Employees and supervisors are encouraged to flex additional work hours within the same work week to avoid incurring overtime or compensatory time (see section 510) when possible.

Overtime compensation is paid to all nonexempt employees in accordance with federal and state wage and hour restrictions. County law enforcement personnel are considered exempt from this requirement.

As required by law, overtime pay is based on actual hours worked beyond a forty-hour workweek. Time off on sick leave, vacation leave, or any leave of absence will not be considered hours worked for purposes of performing overtime calculations.

Compensatory time off may be used in lieu of overtime compensation and must be at a rate not less than one and one-half hours for each hour of employment worked beyond a forty-hour workweek. Again, County law enforcement personnel are considered exempt from this requirement. Any compensatory time accrued by law enforcement personnel shall be at a rate of one hour for each hour of employment worked.

Compensatory time will only be permitted with prior approval by the appropriate supervisor/department head or the County Commission. If an employee wishes to use compensatory time, he or she shall file a written statement with the payroll department indicating the same. The County Commission encourages employees to take compensatory time off in lieu of overtime compensation, so long as said time does not “unduly disrupt” the operations of the County. The County reserves the right to ultimately determine whether employees receive overtime or compensatory time.

Employees may accrue up to 40 hours of comp time and must use this time before vacation leave. Any accrued compensatory time must be used within ninety (90) days of accrual. Compensatory time, if not used within 90 days, shall convert to payment as prescribed herein and in compliance with Federal law.

Failure to work scheduled overtime or overtime worked without prior authorization may result in disciplinary action, up to and including possible discharge from employment.

513-1 USE OF EQUIPMENT AND VEHICLES

It shall be the policy of the County to provide County owned vehicles when the use of such is fiscally possible and is required to facilitate the expedient operation of County business. County officials who are required to respond to emergency related situations “day or night” may be authorized to have a County vehicle at their disposal at all times and may house such vehicle at their residence when off duty. This practice will be at the discretion of the Department Head and the County Commission. Use of County owned vehicles are subject to the following provisions:

1. Only County employees, elected officials, and authorized service individuals are allowed to operate County owned vehicles.
2. County owned vehicles may not be used for personal use after hours.
3. The following individuals are allowed to ride in County vehicles:
 - a. Individuals having a business relationship with the County or are attending related training sessions or meetings.
 - b. Employee’s spouse or significant other.
 - c. Social Service clients and family members.
4. All individuals in County vehicles are required to wear seat belts at all times.
5. Individuals driving County vehicles are prohibited from texting on cell phones while operating the vehicle.
6. Smoking or tobacco use in County vehicles is prohibited.

Employees who are requested to use their personal vehicle to conduct official business shall be authorized to submit a claim for mileage in accordance with County reimbursement policies.

Every County employee should be cognizant and protective of a positive image for LaMoure County. The improper, careless, negligent, destructive, or unsafe use or operation of County vehicles as well as excessive or avoidable traffic and parking violations, can result in disciplinary action up to and including termination.

Use of Equipment

It shall be the policy of LaMoure County to provide necessary equipment, in proper and safe working condition, to effectively perform the duties and tasks required by all departments.

513-2 USE OF EQUIPMENT AND VEHICLES

1. It shall be the responsibility of all County employees to advise the immediate supervisors whenever equipment is in such operating condition that it hinders their job or subjects the employee to a safety hazard.
2. Personal use of County equipment, property and/or facilities shall not be permitted.
3. No personal vehicles or property shall be serviced or stored in county-owned facilities.
4. Employees who use County equipment and/or facilities for personal use are subject to disciplinary action.

This policy applies to all County employees, including elected and appointed.

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

Employees are further required to report all moving violations, whether on or off the job, to the County Auditor within two (2) weeks of receiving the citation. Additionally, the driver's license status of all employees may be checked with the North Dakota Motor Vehicle Department annually.

LAMOURE COUNTY NON-SOCIAL SERVICE EMPLOYEES

515-1 COMPUTER, INTERNET, SOCIAL MEDIA & E-MAIL USAGE

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 strives to maintain a workplace sensitive to the diversity of its employees and free of harassment and discrimination. Therefore, the County prohibits the use of computers and the e-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 shall include, but not be limited to, displaying or transmitting messages that are or could reasonably be considered offensive to another on the basis of race, sex, age, sexual orientation, religious or political beliefs, national origin or disability. The use of e-mail to send or forward messages known as "chain letters" is also prohibited.

E-mail may not be used for the solicitation for funds, personal monetary gain, or to support/advocate for non-county related business or purposes. Use of LaMoure County's e-mail system for personal business profit or nonprofit organizations of any kind, is prohibited. Charitable endeavors such as the United Way may be communicated through electronic means provided they are endorsed and approved by the County Commission.

Incidental and occasional personal use of e-mail is permissible, but such messages will be treated no differently from other messages. It is important for all employees to understand that LaMoure County is subject to the North Dakota Open Records Law, and, as such, all accepted and unaccepted records, including information contained within the computer system, are subject to disclosure upon request of any citizen. The County may access e-mail messages within the County e-mail system of all individuals covered by this policy for any purpose not specifically prohibited by law. If practical, the employee will be notified in advance of the access. Where advance notice is not practical, the employee will receive notice within a reasonable time thereafter of the date of the access, the purpose of the access, the identity of the person(s) who accessed the information, and the information obtained.

Limited personal use of the internet by employees is allowed but is not to be used for any interest adverse to the County, must not subject the County to any potential liability, does not violate any term of this computer usage policy, and does not involve any offensive or inappropriate material. Participation in chat rooms, the introduction of viruses, or malicious tampering with any computer is expressly prohibited. The County reserves the right to block any internet site deemed inappropriate.

515-2 COMPUTER, INTERNET, SOCIAL MEDIA & E-MAIL

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.

Any infringing activity by an employee may result in the County being responsible. Therefore, the County may choose to hold the employee liable for his or her actions.

Virus Protection:

1. Computer viruses can cause potential major problems to hardware and software systems, not only for individual users, but also for the entire computer system and network. Virus protection software is available through the County, or network administrator. All imported files and file attachments are required to be checked prior to usage.
2. To prevent computer viruses from being transmitted, unauthorized downloading of software, shareware, or freeware from the internet and/or other sources is restricted, unless authorized.
3. Intentionally creating or spreading of a computer virus is a serious violation of LaMoure County's policy and may be cause for disciplinary action, up to and including termination.

The LaMoure County Commission and designated department heads shall approve the social media websites that may be suitable for use by employees.

The LaMoure County Commission will review specific department requests to use social media websites and may delegate this function to a department head.

The County Commission recognizes social media networks as a potential tool for the County to communicate and engage with multiple constituencies including the general public. The County Commission shall require the various department heads to oversee the use of social media networks with clear guidelines and limitations for employees, while keeping in mind that the County's Employee Policy Manual requires employees and department heads to observe high standards of business and personal ethics in the conduct of their roles and responsibilities on behalf of the County.

515-3 COMPUTER, INTERNET, SOCIAL MEDIA & E-MAIL

With that in mind, the following shall apply to any use of Social Media by County employees:

- A. The personal use of any social networking site (Facebook, Twitter, Myspace, etc.) shall not interfere with work commitments.
- B. Only a designated spokesperson for the County, and other employees specifically authorized by the County Commission, may post information to approved social media networks relevant to the County, subject to the provisions of this policy and the remainder of the Employee Policy Manual.
- C. Employees will follow these guidelines in their social media site activity:
 - 1. Employees should always use care when posting information to a social media site, recognizing that some members of the public may perceive the employee as speaking on behalf of the County even when that is not their intention.
 - 2. Employees may not make any posts that reveal confidential or proprietary County information.
 - 3. The County logo or other organizational images may not be used on personal social media sites without permission from the County Commission or their designee. The County's name may not be used to promote a personal cause, product, political party or candidate.
 - 4. Employees need to be respectful to the organization, other staff members, elected officials, vendors and business partners.
 - 5. Individuals who come across positive or negative remarks about the County or County related services that are perceived to be important, are asked to forward this information to their supervisor or the Auditor.
 - 6. Be conscious of mixing your business and personal lives. The internet is immediate and nothing posted is ever truly private, nor does it expire. Online, your personal and business personas are likely to intersect. The County respects the free speech rights of its employees, but asks you to remember that other organizations, colleagues, and business partners may have access to the online content you post.
 - 7. Employees are responsible for their own actions. Recognize that you are legally liable for anything you post online. Understand that anything you post that can potentially tarnish the County's image will ultimately be your responsibility. Be aware that your actions captured via posts, images or comments may reflect upon the County. While the organization does not discourage your participation in social media space, we urge you to do so properly, exercising sound judgment, common sense and good taste.

515-4 COMPUTER, INTERNET, SOCIAL MEDIA & E-MAIL

The State’s Attorney shall review this policy with the County Commission on a periodic basis and discuss any developments in the law regarding use of social media networks that could prompt changes to this policy.

Depending on the severity of the violation, employees violating the Social Media Policy may be subject to disciplinary action up to and including termination.

The County reserves the right to inspect or otherwise monitor an employee’s computer system for violations of this policy.

I HAVE READ LAMOURE COUNTY’S COMPUTER, INTERNET, SOCIAL MEDIA AND E-MAIL USAGE POLICY AND AGREE TO ABIDE BY ITS TERMS AS CONSIDERATION FOR MY CONTINUED EMPLOYMENT WITH THE COUNTY. I UNDERSTAND THAT I HAVE NO REASONABLE EXPECTATION TO PRIVACY IN E-MAIL OR OTHER COMMUNICATIONS USING THE COUNTY’S SYSTEM, AND I CONSENT TO THE MONITORING OF SUCH COMMUNICATIONS PURSUANT TO THIS POLICY. I FURTHER UNDERSTAND THAT A VIOLATION OF THIS POLICY MAY RESULT IN DISCIPLINARY ACTION, UP TO AND INCLUDING DISCHARGE FROM EMPLOYMENT.

Signature of Employee/User

Date

Printed name of Employee/User

517 VISITORS IN THE WORKPLACE

To provide for the safety and security of employees and the facilities at the County, only authorized visitors are allowed in the workplace. Restricting unauthorized visitors helps maintain safety standards, protects against theft, ensures security of equipment, protects confidential information safeguards employee welfare and avoids potential distractions and disturbances.

Visitation of employees by friends or family during business hours is strongly discouraged. Should the need arise for such a visit, the employee is requested to schedule that visit for a rest break and limit it to ten (10) minutes or less. In the event of an emergency, please consult your supervisor/department head.

All visitors should enter the Courthouse at the main entrances. Authorized visitors will receive directions or be escorted to their destination. Employees are responsible for the conduct and safety of their visitors.

If an unauthorized individual is observed on the County's premises, employees should immediately notify their supervisor or, if necessary, direct the individual to the appropriate person or place.

601-1 FAMILY/MEDICAL LEAVE

Purpose

The purpose of the Family and Medical Leave Policy is to provide job-protected leave to employees when personal or family medical situations or military service requirements result from their absence from work. LaMoure County's policy is to comply with the Family Medical leave Act by providing up to 12 workweeks of employment-protected unpaid family and medical leave to eligible employees, under the following circumstances:

1. Because of the birth of a son or daughter;
2. Because of the placement of a son or daughter with the employee for adoption or foster care;
3. To care for a spouse, child or parent or the employee whose serious health condition requires the associate's absence from work;
4. Because of an employee's own serious health condition which renders the employee unable to perform the functions of their position;
5. Because of any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed forces in support of an contingency operation: or
6. **MILITARY CAREGIVER LEAVE:** In addition, and subject to the certification requirements spelled out below, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member shall be entitled to a total of 26 workweeks of leave during a 12 month period to care for the service member. This leave shall only be available during a single 12 month period that begins on the first day of such leave. If a leave qualifies as both service member family leave and leave to care for a family member with a serious health condition, the leave will be designated first as Military Caregiver leave.

601-2 FAMILY/MEDICAL LEAVE

A. ELIGIBILITY:

- I. Active employees who have been employed by the County for at least 12 months and who have worked at least 1,250 hours during the previous 12 months are eligible for leave pursuant to this Policy. The 12 months of employment need not be continuous and shall include time spent on military service covered by USERRA. Employment periods prior to a break in service of 7 years or more shall not count toward the 12 months unless the break in service was due to service in the National Guard or Reserves. If an employee who is otherwise eligible for FMLA reaches the 12 month mark while on leave, the period of leave prior to meeting the 12 month threshold is non-FMLA and the period of leave after the 12 month threshold is FMLA leave.

- II. An employee's eligibility is measured as of the date Leave will begin. Employees will be required to use accrued paid sick leave for eligible situations and may use vacation leave to cover some or all of the FMLA. Any leave which exceeds the combination of sick and/or vacation leave shall be unpaid pursuant to FMLA. The employer is responsible for designation if such paid leave counts as FMLA leave.

B. LENGTH/FREQUENCY OF FAMILY LEAVE

- I. Leave will be available for the period of time certified by the physician and approved by the County, but not to exceed 12 workweeks in the 12 month period beginning on the first day FMLA is taken. Military Caregiver leave shall not exceed 26 workweeks in a single 12 month period beginning on the first day of such leave. The method used to calculate a leave year will be the 12 month period measured forward from the date the employee first takes FMLA leave. This method entitles an employee to 12 weeks of leave during a year that begins on the first day FMLA leave is taken. After completion of 12 months

601-3 FAMILY/MEDICAL LEAVE

from that date, the next 12-month period begins the next time FMLA is used.

- II. Part-Time Employees (For purposes of calculating available leave under this policy only):
 - a. Regularly scheduled part time employees.
 - i. For a continuous (non-intermittent) Leave, the employee is eligible for up to 12 weeks of Leave (or 26 weeks, where applicable), based on their normal part time workweek.
 - ii. For intermittent or reduced schedule leave, multiply the number of hours in the employee's normal part-time workweek by 12 (or 26 where applicable) to determine the maximum number of Leave hours available.
 - b. Varied schedule part-time employees. For continuous, intermittent or reduced schedule Leave, average the number of hours worked in the 12 months prior to the start of Leave. Multiply that number by 12 (or 26, where applicable) to determine the maximum number of Leave hours available.
 - c. A Parenting FMLA leave shall be taken in a continuous block of days, unless advance written approval is obtained from the County to allow parenting leave to be taken in more than a single continuous block of days. If such Leave is requested and granted, it must be in full day increments. When such leave is requested and approved, the employee may be required to transfer temporarily to an alternate position with equivalent pay and benefits. Parenting

601-3 FAMILY/MEDICAL LEAVE

FMLA Leave must end within 12 months of the birth or placement of the child.

- d. Leave due to an employee's own serious health condition or that of the employee's spouse, child or parent may be taken on an intermittent or reduced leave schedule when medically necessary. The minimum length of each period of Leave is one hour. The County may require those taking intermittent leave to transfer temporarily to an alternative position with equivalent pay and benefits. In addition, those using intermittent leave must make a reasonable effort to schedule leave so as not to unduly disrupt County operations.
- e. If an employee notifies the County that they do not intend to return to work after their Leave, their termination date will be the end of the Leave period.
- f. The aggregate number of workweeks of Military Caregiver leave to which a husband and wife may be entitled if they both are County employees may be limited to 26 workweeks during a single 12 month period if the Leave is all Military Caregiver leave or is a combination of Military Caregiver leave and any other type of leave authorized by this policy.

NOTICE OBLIGATIONS

1. Timing

- A. Foreseeable Leave: Where the need for Leave is foreseeable, the employee must provide at least 30 days' notice to the County before the leave is to begin. If the Leave is to begin in less than 30 days, the employee must notify the County as soon as practicable. Failure to comply with this notice requirement may result in the delay or denial of Leave. For leaves due to qualifying exigency, notices must be provided as soon as practicable

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regardless of how far in advance leave was foreseeable.

- B. Unforeseeable Leave: Where the need for Leave is unforeseeable, the employee must give notice to the County immediately, absent extenuating circumstances. Failure to comply with this notice requirement may result in the delay or denial of Leave. This requirement should not be confused with any required call-in procedures for reporting absences, which is a separate obligation.
- 2. Contact: The employee must comply with the established process for Leave for each department and contact the Department Head or appropriate supervisor.
- 3. Retroactive Designation: The County will retroactively designate an employee's absence where, in the County's opinion, circumstances make such a designation appropriate.

COMMENCEMENT/STATUS WHILE ON FAMILY LEAVE

- 1. Leave due to childbirth will generally begin on the date of the birth but may begin at any time before or after 12 months of the child's birth. Leave due to adoption, placement, or for the care of the associate, their spouse, parent, or child with a serious health condition will generally begin as outlined in the Notice and Certifications portions of this policy.
- 2. Parenting FMLA Leave cannot extend beyond 12 months after the birth or placement of the child.

CONTINUATION OF PAY AND BENEFITS

- 1. Vacation-All benefits accrued before, and not used during an employee's leave, will remain.
- 2. Use of Paid Leave-Employees will be required to use sick leave during FMLA and may use vacation to complete an FMLA leave.

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3. Other Leaves-Available paid Leave under sick leave or worker's compensation will run concurrently with FMLA and may not be used to extend leave under this policy.
4. Benefits-Benefits generally continue in accordance with applicable provisions for each benefit plan. Any changes in plan provisions or costs will apply to individuals on Leave in the same manner as they do to active employees.

PROCEDURE TO OBTAIN AN FMLA

1. An employee requesting Leave should obtain and complete the necessary leave forms and attach the required certifications and submit them to their Department Head within the designated amount of time.
2. Failure to give 30-days advance notice for a foreseeable leave, failure to give timely notice for unforeseeable Leave, or failure to produce requested certification(s) within the time designated may result in the delay or denial of the Leave.

CERTIFICATION AND REPORTING REQUIREMENTS

1. A Certification is required for Leave. The employee requesting the leave is responsible for ensuring the County's receipt of the Certification within the designated amount of time. The County may deny or delay Leave for failure to submit the Certification on a timely basis.

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2. If the Certification received by the County is vague or incomplete, the employee will be given an opportunity to cure those deficiencies. If the employee is unwilling or unable to do so, leave will be denied.

3. The County may require a second medical opinion as to the need for Leave. If the Certification and second opinions differ, the County may require a third medical opinion. The third opinion care provider will be binding. This paragraph does not apply to Military Caregiver Leave.

4. The County may require periodic recertification of the continuing need for Leave. The County may refuse or delay further Leave until the recertification is received. The recertification must be completed by the health Care Provider and may not be a copy of a form previously submitted. Recertification may also be required if the employee requests a Leave extension. This paragraph does not apply to Military Caregiver Leave.

5. Legal certification may be required for adoption or foster care.

6. Employees on Leave may be required to periodically report on their status and intention to return to work.

7. When Leave is due to the employee's own serious health condition, a fitness for duty certification (FFD) may be required before the employee can return to work. Failure to timely provide such certification may eliminate the employee's right to reinstatement under the FMLA. If the employee is using intermittent leave, and reasonable safety concerns exist regarding the employee's ability to perform their duties, a FFD certificate may be required as frequently as every 30 days during periods where the employee has used intermittent leave. If the FFD is vague or incomplete, the employee will be given an opportunity to cure those deficiencies. This paragraph does not apply to Military Caregiver Leave.

601-8 FAMILY/MEDICAL LEAVE

REINSTATEMENT

1. Assuming an employee has not exhausted his or her FMLA Leave time, eligible employees will return to their former position or its equivalent following a Leave.
2. Employees who do not return to work following Leave and who are not approved for continued leave under any other policy will have voluntarily resigned their employment.

ACTIVITIES PROHIBITED DURING FMLA

1. While on Leave, an employee may not engage in activities (including employment) which have the same or similar requirements and essential functions as that of the employee's current position. Doing so is a voluntary resignation of employment.
2. An employee on Leave shall not engage in any activity that conflicts with the best interests of the County. Such conduct will result in disciplinary action up to and including termination of employment.

ADMINISTRATION

1. To the extent that state law may in the future provide a greater benefit than the FMLA, the eligible employee will be entitled to the more generous benefit.
2. The County reserves the right to deny or restrict coverage to any employee who meets the exclusionary requirements described under the Family and Medical Leave Act of 1993.
3. The County reserves the right to interpret, amend, modify and administer this policy in accordance with federal and state laws.
4. The County reserves the right to designate any qualifying time away from work as FMLA leave, regardless of whether or not the employee has requested FMLA.
5. Where applicable, FMLA will run concurrently with worker's compensation and/or other types of leave for which the employee qualifies.

603 PERSONAL LEAVE (WITHOUT PAY)

In accordance with the guidelines set forth in this policy, the County may provide unpaid personal leave to eligible employees who wish to take time off from work duties to fulfill personal obligations. The employee classification(s) eligible for personal leave:

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

Employees may request personal leave only after having completed 365 days of consecutive service in an eligible employment classification. Personal leave may be granted for a period of up to 30 calendar days, per calendar year. Pending approval by the County Commission, employees must take any available vacation leave prior to the effective date of the personal leave of absence.

Requests for personal leave will be evaluated based on a number of factors, including anticipated operational requirements and staffing considerations during the proposed period of absence.

The County will determine whether or not to provide insurance benefits at the time of granting any leave of absence without pay. Accruals for benefit calculations, such as vacation, sick leave, or holiday benefits, will be suspended during the taking of personal leave.

To the extent possible, employees returning from personal leave will be returned to their former position or will be offered the first available comparable position for which they are qualified.

If an employee fails to report to work at the expiration of the approved leave period, the County will assume that the employee has resigned.

605-1 MILITARY LEAVE

ND State Law Provisions:

All employees of this State or political subdivision who:

1. Are members of the National Guard
2. Are members of the Armed Forces Reserve of the United States of America
3. Shall be subject to call in for Federal Service by the President of the United States: or
4. Shall volunteer for such service;

When ordered by proper authority to active non-civilian employment, employees shall be entitled to a leave of absence from such civil service without loss of status or efficiency rating. If such individuals have been in the continuous employ of the State or political subdivision (LaMoure County) for ninety days immediately preceding the leave of absence, they shall receive twenty workdays each calendar year without loss of pay. In addition, any leave of absence necessary by a full or partial mobilization of the reserve and national guard forces of the United States of America, or emergency state active duty, shall be without loss of pay for the first thirty days thereof less any other paid leave of absence which may have been granted during the calendar year pursuant to this section. However, if leave is required for weekend, daily or hourly periods of drill for military training on a day in which an employee is scheduled to perform their County work, the employee must be given the option of time off with a concurrent loss of pay for the period missed or must be given an opportunity to reschedule the work period so that the reserve or national guard weekend, daily or hourly drill or period of training occurs during time off from work without loss of status or efficiency rating.

NDCC 37-01-25

The Uniformed Services Employment and Re-employment Rights Act (USERRA)

Employees returning from a military leave of absence shall be reinstated in accordance with the law and County policy. To be eligible for reinstatement under this policy, the employee must have been absent as a result to a call to duty in the United States uniformed forces on a voluntary or involuntary basis under competent authorization (for example, was enlisted, drafted, called to Active Duty from a reserve status) and meets the following requirements:

605-2 MILITARY LEAVE

1. Has provided advance notice, either written or oral, of the need for the leave, unless notice is unreasonable or impossible;
2. Has received an honorable discharge;
3. Has taken a total of less than five years of military leave during the time of employment with the County.
4. Has applied for reemployment or reported back to work in a timely manner, depending on the length of the leave:
 - a. Less than 31 days: must report back to work not later than the first regular work day following discharge and an eight-hour period allowing for safe transportation from place of service to the employee's residence.
 - b. More than 30 but less than 181 days: must reapply for employment within 14 days of discharge;
 - c. Over 180 days: must reapply for employment within 90 days of discharge.
Note: if ongoing medical treatment is necessary, the period for reinstatement may be longer depending upon the treatment.

The right to return to a particular position depends on the length of the leave:

1. Less than 91 days: the position to which the employee would have been in had they remained continuously employed.
2. Over 90 days: the position he/she would have been in had they remained continuously employed, or a position with like seniority, status and pay.

For employees who are members of the national guard or reserves, there are no limits to the amount of training time the employee may take during the year, regardless whether ordered to do so or if the employee volunteers for such training.

The employee may not be penalized or treated adversely in any way for exercising this right.

A veteran, who is not otherwise eligible for reinstatement under this policy, may be considered for employment with the County as any other similarly situated former employee.

Following a period of military service of 31 days or more, the returning employee must at the County's request, be able to provide documentation that establishes the length

605-3 MILITARY LEAVE

and type of military leave, and timeliness of the application for re-employment as outlined above.

Reinstated veterans who have served the longest tour of active duty are to receive preference in case of conflict in selection of jobs available.

DISCHARGE OR DEMOTION

A reinstated veteran with more than 180 days continuous active military service may not be discharged or demoted except for cause within one year after the date of reinstatement from military leave.

A reinstated veteran with a period of active duty for training of more than 30 days may not be discharged or demoted without cause within six months after the date of reinstatement from military leave.

607 MATERNITY RELATED ABSENCES

The County will not discriminate against any employee who requests an excused absence for medical disabilities associated with a pregnancy. Such leave 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 an unpaid leave.

701-1 EMPLOYEE CONDUCT AND WORK RULES

Role of Employee: You are expected each day to remember that, as an employee of the County, you serve the public and, specifically, the citizens of the County (your real “employer”). Your actions in this capacity reflect favorably or unfavorably upon you, your supervisor(s) and County government as a whole. We expect that you will maintain favorable visibility with the public, that you will act responsibly within the means of your position in meeting the needs of the public and that you will be accountable for your actions in this capacity.

Getting Started: You have been carefully selected to perform an essential service for the County. To help you get started, your supervisor will provide you with a description of your job and will discuss your duties with you. If you have any questions about your job, don’t hesitate to ask your supervisor. Your supervisor is just as concerned about your success on the job as you are and will do everything possible to see that you receive the help you need.

Orientation and Introduction: As soon as possible after employment, the employee should go to the Auditor’s Office to complete the various fringe benefit program forms, tax table status and any other forms deemed necessary for their employment.

Dress Code/Appearance: Appearance and dress should be in keeping with the job being performed, both for safety reasons and to reflect a positive image for the county. Should an employee arrive for work wearing clothing or accessories which, in the opinion of their supervisor, is inappropriate, they may be required to go home and change prior to commencing work. Attempts should be made to cover tattoos as well, and an employee may be asked to change prior to commencing work should a tattoo be deemed inappropriately displayed at work.

Rules of Conduct: To ensure orderly operations and provide the best possible work environment, the County expects employees to follow rules of conduct that will protect the interests and safety of all employees and the employer. It is not possible to list all the forms of behavior that are considered unacceptable in the work place, but the following are examples of infractions of rules of conduct that may result in disciplinary action, including suspension or discharge from employment.

- Theft or inappropriate removal or possession of property
- Falsification of timekeeping records
- Working under the influence of alcohol or illegal drugs
- Possession, distribution, sale, transfer, or use of alcoholic or illegal drugs in the work place, while on duty, or while operation employer-owned vehicles or equipment

701-2 EMPLOYEE CONDUCT AND WORK RULES (continued)

- Fighting or threatening violence in the work place
- Boisterous or disruptive activity in the work place
- Negligence or improper conduct leading to damage of employer-owned or customer-owned property
- Insubordination or other disrespectful conduct
- Violation of safety or health rules
- Smoking in prohibited areas
- Sexual or other unlawful harassment
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the work place
- Excessive absenteeism or any absence without notice
- Unauthorized absence from work station during the work day
- Unauthorized use of telephones, mail system or other employer-owned equipment
- Violation of personnel policies
- Unsatisfactory performance or conduct

Misconduct can occur either on or off the job. Examples of misconduct on the job are cited above. Examples of misconduct off the job include, but are not limited to involvement in criminal activity or activity involving moral turpitude which, in the judgment of the County, reflects adversely on the image or standing of the County. Employee drivers arrested or cited for driving under the influence or reckless driving, on or off the job, are subject to disciplinary action up to and including immediate discharge.

Employment with the County is at the mutual consent of the County and the employee, and either party may terminate that relationship at any time, with or without cause, within the provisions of state and federal law.

Grievance and disciplinary procedures for employees of the County shall be in accordance with the provisions of the North Dakota Century Code.

702 INCLEMENT WEATHER

A decision to close the County offices due to inclement weather shall be at the discretion of the County Commission, with the assistance of the Sheriff, Road Superintendent and County Auditor, who will make the necessary arrangements to notify employees.

If the decision is made to close County offices, non-exempt employees shall be required to use annual leave or incur loss of pay. If an employee has permission to leave early or arrive late, the employee will be required to use annual leave, incur loss of pay, or flex the time accordingly when possible. Should an employee choose not to attend work due to inclement weather when the County offices are still open, that employee will have that time off charged to either vacation or leave without pay.

Exempt employees are required to deduct annual leave when the offices are closed due to inclement weather.

703-1 DRUG AND ALCOHOL USE

Purpose and Goal

LaMoure County is committed to protecting the safety, health and well-being of all employees and other individuals in our workplace. We recognize that alcohol abuse and drug use pose a significant threat to our goals. We have established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment.

- This organization encourages employees to voluntarily seek help with drug and alcohol problems.

Covered Workers

Any individual who conducts business for the County, is applying for a position, is conducting business on the County's property, or is using any of the County's equipment or vehicles is covered by our drug-free workplace policy. Our policy includes, but is not limited to full-time employees, part-time employees and interns.

Applicability

Our drug-free workplace policy is intended to apply whenever anyone is representing or conducting business for the County. Therefore, this policy applies during all working hours, whenever conducting business or representing the County, while on call, paid standby, while on organization property and at County-sponsored events.

Prohibited Behavior

It is a violation of our drug-free workplace policy to use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs or intoxicants.

Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of his/her job. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty, notify supervisor, notify company doctor) to avoid unsafe workplace practices.

703-2 DRUG AND ALCOHOL USE

The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of our drug-free workplace policy to intentionally misuse and/or abuse prescription medications. Appropriate disciplinary action will be taken if job performance deterioration and/or other accidents occur.

Notification of Convictions

Any employee who is convicted of a criminal drug violation in the workplace must notify the County in writing within five calendar days of the conviction. The County will take appropriate action within 30 days of notification. Federal contracting agencies will be notified when appropriate.

Drug Testing

To ensure the accuracy and fairness of our testing program, all testing will be conducted according to Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines where applicable and will include a screening test; a confirmation test; the opportunity for a split sample; review by a Medical Review Officer, including the opportunity for employees who test positive to provide a legitimate medical explanation, such as a physician's prescription, for the positive result; and a documented chain of custody.

All drug-testing information will be maintained in separate confidential records.

Each employee, as a condition of employment, will be required to participate in random, post-accident and reasonable suspicion testing upon selection or request of a department head or supervisor.

The substances that will be tested for are include, but are not limited to:

- Amphetamines
- Cannabinoids (THC)
- Cocaine
- Opiates
- Phencyclidine (PCP)
- Alcohol.
- Misuse of prescription drugs

Testing for the presence of alcohol will be conducted by analysis of breath. Testing for the presence of the metabolites of drugs will be conducted by the analysis of urine, hair, saliva and sweat.

703-3 DRUG AND ALCOHOL USE

Any employee who tests positive will be immediately removed from duty and may be referred to a substance abuse professional for assessment and recommendations or terminated. An employee shall be terminated immediately if he/she tests positive a second time or violates the Return-to-Work Agreement.

An employee will be subject to the same consequences of a positive test if he/she refuses the screening or the test, adulterates or dilutes the specimen, substitutes the specimen with that from another person or sends an imposter, will not sign the required forms or refuses to cooperate in the testing process in such a way that prevents completion of the test.

Consequences

One of the goals of our drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates the policy, the consequences are serious.

In the case of applicants, if he or she violates the drug-free workplace policy, the offer of employment can be withdrawn. The applicant may reapply after six months and must successfully pass a pre-employment drug test.

If an employee violates the policy, he or she will be subject to progressive disciplinary action and may be required to enter rehabilitation. An employee required to enter rehabilitation who fails to successfully complete it and/or repeatedly violates the policy will be terminated from employment. Nothing in this policy prohibits the employee from being disciplined or discharged for other violations and/or performance problems.

Return-to-Work Agreements

Following a violation of the drug-free workplace policy, an employee may be offered an opportunity to participate in rehabilitation. In such cases, the employee must sign and abide by the terms set forth in a Return-to-Work Agreement as a condition of continued employment.

Assistance

LaMoure County recognizes that alcohol and drug abuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success of rehabilitation.

703-4 DRUG AND ALCOHOL USE

To support our employees, our drug-free workplace policy:

- Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.
- Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.
- Offers all employees and their family members assistance with alcohol and drug problems through the Employee Assistance Program (EAP).

Employee Assistance Program (EAP)

LaMoure County supports the drug-free workplace program by offering an Employee Assistance Program (EAP). The EAP is designed to assist employees with personal concerns that may impact their job performance. These concerns include but are not limited to health, emotional, alcohol abuse and drug use. We believe that all of us, at one time or another, have serious problems to deal with. It is important to seek help for such problems. Your EAP can help assess the problem, offer guidance and provide a referral to quality care.

We consider the abuse of alcohol and prescription drugs and the use of illegal drugs to be treatable conditions. We encourage employees to seek assistance for these problems on a confidential self-referral basis.

Participation in the EAP, on a voluntary basis, will not jeopardize an employee's opportunities for promotion or employment. Employees can contact the EAP directly. Their contact, participation in the EAP and any recommended treatment is confidential and will not be disclosed to the organization.

Employees may be referred to the EAP by their supervisor on the basis of job performance problems. When the employee follows through with the referral, the supervisor will be notified that the employee has made contact, but the exact nature of the problem will not be disclosed.

An employee who tests positive on an alcohol and/or drug test may be referred to the EAP for assessment and rehabilitation recommendations. The employee's decision to participate in the recommended treatment, successful completion of the program and additional treatment recommendations will be communicated to the organization.

703-5 DRUG AND ALCOHOL USE

Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

Confidentiality

All information received by the County through the drug-free workplace program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

Shared Responsibility

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play.

All employees are required to not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or other drugs.

In addition, employees are encouraged to:

- Be concerned about working in a safe environment.
- Support fellow workers in seeking help.
- Use the Employee Assistance Program.
- Report dangerous behavior to their supervisor.

It is the supervisor's responsibility to:

- Inform employees of the drug-free workplace policy.
- Observe employee performance.
- Investigate reports of dangerous practices.
- Document negative changes and problems in performance.
- Refer employees to the Employee Assistance Program.
- Clearly state consequences of policy violations.

Communication

Communicating our drug-free workplace policy to both supervisors and employees is critical to our success. To ensure all employees are aware of their role in supporting our drug-free workplace program, all employees will receive a written copy of the policy.

LAMOURE COUNTY NON-SOCIAL SERVICE EMPLOYEES

703-6 DRUG AND ALCOHOL USE

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 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 the County suffers no “undue hardship” as a consequence of granting the leave.

ALL EMPLOYEES ARE ASKED TO ACKNOWLEDGE THAT THEY HAVE READ THE ABOVE POLICY AND AGREE TO ABIDE BY IT IN ALL RESPECTS. BY LAW, THIS ACKNOWLEDGMENT AND AGREEMENT ARE REQUIRED OF YOU AS A CONDITION OF CONTINUED EMPLOYMENT.

Signature of Employee

Date

Printed name of Employee

**705-1 SEXUAL AND OTHER FORMS OF
IMPERMISSIBLE HARASSMENT**

Statement of Philosophy: It is the policy of LaMoure County to provide a positive work environment that is free of discrimination, and all forms of harassment. This policy is a measure to ensure that all employees will enjoy a safe work place free from unreasonable interference, intimidation, hostility, or offensive behavior on the part of the commissioners, department heads, supervisors, co-workers, vendors, business partners or visitors. All employees are responsible for compliance with this guideline, as LaMoure County will not tolerate unlawful discrimination or harassment.

1. It is the County policy that sexual and other unlawful harassment of its employees in any form is prohibited and that all employees shall be treated with respect. Actions, words, jokes, or comments based on an individual's sex, race, ethnicity, age, disability, religion, sexual orientation or any other legally protected characteristic shall not be tolerated.
2. Employees have the right to work in an environment that is free of conduct that can be considered sexually harassing or abusive. Any employee who engages in, or who perpetuates or condones sexual or other unlawful harassment shall be subject to disciplinary action, up to and including dismissal.
3. LaMoure County, in recognizing its obligation to maintain a place of employment that is free of harassing, abusive or disruptive conduct, shall take positive and prompt corrective action where necessary in accordance with this policy.

Definitions

Unlawful harassment is defined as verbal or physical behavior which relates to an individual's race, color, national origin, religion, gender, age, sexual orientation and/or disability when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Workplace harassment is defined as any unwelcome conduct, whether verbal, physical, visual, or innuendos that are derogatory, abusive, disparaging, bullying, threatening or disrespectful types of behavior, even if unrelated to a legally protected status; when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

**705-2 SEXUAL AND OTHER FORMS OF
IMPERMISSIBLE HARASSMENT**

Sexual harassment is defined as any verbal or physical conduct of a sexual nature such as, but not limited to, sex-oriented remarks or jokes, pressures or demands for sexual favors, implied or overt promises or threats, or any unwelcome conduct with sexual or demeaning overtones when:

- Submission to or rejection of such conduct is made, explicitly or implicitly, as a term or condition of employment or advancement.
- Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or sexually offensive working environment.

Unacceptable Conduct Defined: Sexual harassment is a serious offense and is a form of employee misconduct. Sexual harassment does not refer to the occasional non-sexual compliment, but to behavior of a sexual nature that is not welcome, is personally offensive and impairs an employee's work effectiveness or is behavior that creates an intimidating, hostile or offensive work environment.

The following are types of conduct and examples of harassment, which are prohibited. These examples do not necessarily represent all ways in which sexual or workplace harassment may occur and are not intended to limit the definition of sexual harassment.

1. Verbal comments and gestures of a sexual nature including any suggestive remarks, pictures, jokes and catcalls.
2. Explicit or implicit promises of career advancement or preferential treatment in return for sexual favors. Such promises or preferential treatment may include but are not limited to: hiring, promotion, training opportunities, work schedule, leave approval, performance evaluations and pay increases.
3. Explicit or implicit threats that an employee shall be adversely affected if sexual demands are rejected. Such threats include but are not limited to: lower performance evaluations, denial of promotions, punitive transfers, terminations and altered/increased work assignments.
4. Unsolicited and repeated touching of any kind including: touching, patting or pinching of another person, or repetitive brushing against a person's body.

**705-3 SEXUAL AND OTHER FORMS OF
IMPERMISSIBLE HARASSMENT**

5. Derogatory remarks about a person's national origin, race, language, accent; disparaging or disrespectful comments.
6. Use of computer's, cell phones or other electronic devices to send messages of intimidation or sexual innuendos.

Responsibilities of Employees, Elected Officials, Department Heads and Supervisors:

1. All employees have a responsibility to conduct themselves in a manner, which ensures the proper performance of their job responsibilities and maintains the public's confidence. Employees who experience or witness any type of sexual, workplace or unlawful harassment should follow the steps outlined in the Complaint process to assist in maintaining a workplace environment free of sexual, workplace or unlawful harassment.
2. Department Heads and other department supervisors have a responsibility to act immediately and take corrective action when they observe behavior that violates this policy. All management representatives must recognize the seriousness and sensitive nature of any sexual, workplace or unlawful harassment complaint brought to their attention and need to follow the procedures outlined in this policy to assist in maintaining a workplace environment free of unlawful discrimination or harassment.

Complaint Procedures

An employee who feels that he/she has been subject to workplace harassment, sexually harassed or has witnessed harassment has several avenues of reporting the behavior and is encouraged to use the County procedure to resolve any sexual or other unlawful harassment. If unreported, the County is severely limited in maintaining a workplace free of sexual or other unlawful workplace harassment. Employees are not required to deal directly with an offending individual(s) in seeking resolution.

1. An employee who feels that he/she has been subject to sexual, unlawful or workplace harassment should clearly state to the individual that his/her behavior is offensive to them.
2. If you are unable to confront your alleged offender or the behavior persists after confronting the alleged offender; go to your immediate supervisor who shall immediately notify the Department Head.

**705-4 SEXUAL AND OTHER FORMS OF
IMPERMISSIBLE HARASSMENT**

3. If the immediate supervisor is involved in the alleged harassment, the incident should be reported directly to the Department Head and/or the Board of LaMoure County Commissioners.
4. If the complaint involves the Department Head, the incident should be reported directly to the Board of Commissioners.
5. If the complaint involves a member of the Board of Commissioners, the incident should be reported directly to the State's Attorney.
6. The Board of Commissioners will assign a committee or designate an appropriate individual to conduct an investigation in a fair, prompt and complete manner.

Protection against Retaliation and Reprisal

It is unlawful to retaliate against an employee for filing a complaint of sexual harassment or for cooperating in an investigation of a complaint for sexual harassment. LaMoure County will not tolerate reprisal against an individual who in good faith, reports or provides information in an investigation about behavior that may violate this policy. Intentionally providing false information however is grounds for dismissal.

Discipline

An employee who is found to have engaged in sexual, workplace or unlawful harassment or retaliation, or who is found to have knowingly condoned, encouraged, or perpetuated an act or acts of sexual, workplace or unlawful harassment or retaliation, shall be subject to disciplinary action; including but not limited to, suspension, loss of salary increment, demotion and termination.

707 ATTENDANCE AND PUNCTUALITY

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 discharge from employment.

709 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 all property of the County that is in their possession or control in the event of discharge from employment, resignation or layoff.

711 RESIGNATION

Resignation is a voluntary act initiated by the employee to terminate employment with the County. The County requests at least two weeks written resignation notice from all employees. The written resignation should also clearly state the reason for termination. The County has the right to accept an employee's resignation at an earlier date than requested by the employee.

713 SECURITY AND INSPECTIONS

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, computers, removable electronic data storage devices, cellular phones and other storage devices may be provided for the convenience of employees, but remain the sole property of the County. Accordingly, they, as well as any articles found within the 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 his or her own locking mechanism or device to secure the above.

The County likewise wishes to discourage theft or unauthorized possession of the property of employees, the County, visitors or customers. To facilitate enforcement of this policy, the County or its representative may inspect not only desks and lockers, but also packages and persons entering and/or leaving the premises. Additionally, 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", i.e. the vault, parts storage, etc. Unauthorized entry into these restricted areas may result in disciplinary action up to and including discharge from employment.

**801 EMPLOYMENT STATUS OF INDIVIDUALS
 WITH LIFE-THREATENING ILLNESSES**

The County recognizes that employees with life-threatening illnesses, such as cancer, heart disease and AIDS may wish to continue their normal pursuits, including work, to the extent that their condition allows. The decision to continue work will be based on the ability to meet normal performance standards and on the receipt of satisfactory medical evidence that the employees do not present an immediate threat to themselves or others. Evaluation of the potential dangers presented by individuals with life-threatening diseases will occur on a case-by-case basis and will consider existing medical and scientific evidence.

It is the intention of the County to comply with the Americans with Disabilities Act (ADA) by making reasonable accommodation to any employee with a disability or life threatening illness, otherwise qualified to perform their job. This includes disabilities and life threatening illnesses that arising after employment has commenced.

803 SOLICITATION

Purpose:

In order to preserve the safety, security and productivity of the workplace, solicitation and distribution is strictly regulated and limited as described within this policy.

Objective:

The objective of this policy is to provide guidelines for all employees to ensure the continued productivity and efficiency of the County while allowing charitable support and good community relations.

Employee Guidelines:

1. Solicitation and distribution by employees is prohibited at all times during working time. This rule applies to all workplace solicitation or distribution, whether charitable (e.g. American Cancer Society), educational (e.g. school car washes, Girl Scout cookies), fraternal (e.g. Elks, Lions, unions), commercial (e.g. Tupperware), or any other kind of solicitation or distribution.
2. For purposes of this policy, (working time” is defined as all hours between an associate’s scheduled start and stop times, except authorized breaks and lunch periods or other time when the employee is relieved of work duties.
3. Employees may not engage in distribution in the working areas of the business. “Working areas” includes, but is not limited to, all general office and operational areas where business is conducted which normally only excludes the break room, parking lots, and other non-working areas of the facility.
4. The use of the County’s communications systems (email, phone, fax, etc.) for solicitation or distribution is prohibited.
5. The only exceptions to the above rules are for employee solicitations for County sponsored charitable events, such as the United Way.

Non-Employees

1. Solicitation and/or distribution by non-employees on County property is prohibited at all times.
2. The County Commission may approve solicitation and/or distribution by charitable community organizations from time to time, provided that such activities are non-disruptive and contribute to the County’s image or goodwill interests.

Individuals who have questions regarding this policy should contact their Department Head.