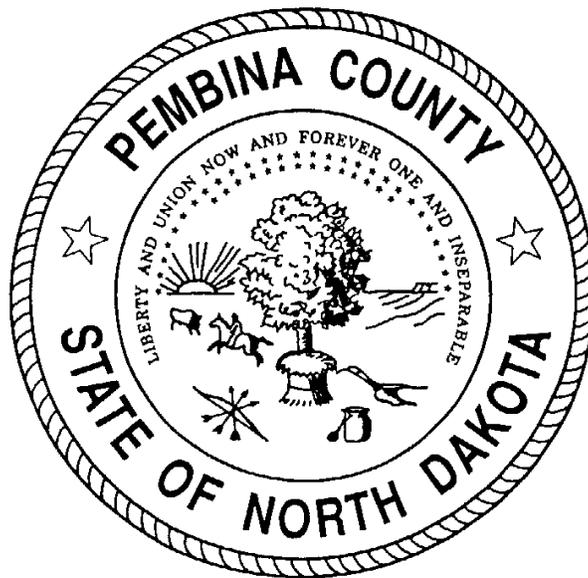


# ***PEMBINA COUNTY***

**EMPLOYEE POLICY MANUAL**

**Revised: April 2016**



PEMBINA COUNTY EMPLOYEE MANUAL

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## **101 WELCOME**

Welcome employee!

On behalf of your colleagues, we welcome you to Pembina 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  
Pembina County, North Dakota

## 102 INTRODUCTORY STATEMENT

Citizens of Pembina 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 authorized by the Commissioners

Employees are accountable to their Department Head 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 the County, and in certain circumstances under guidelines from the State of North Dakota.

This handbook is designed to acquaint you with Pembina 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 deem appropriate, in their sole and absolute discretion.

\*\*\*\*\*PLEASE NOTE\*\*\*\*\*

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

\*\*\*\*\*

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

\*\*\*\*\*

## **103 NATURE OF EMPLOYMENT**

This handbook is intended to provide employees with a general understanding of our personnel policies. Employees are encouraged to familiarize themselves with the contents of this handbook, for it will answer many common questions concerning employment with the County.

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

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.

## **104 EQUAL EMPLOYMENT OPPORTUNITY**

The 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 or physical or mental handicap except where specific age, sex or physical requirements are a bona fide occupational qualification

## 105 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.

- **NONEXEMPT** employees are entitled 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 employer's full benefit package, subject to the terms, conditions, and limitations of each benefit program.
- **REGULAR PART-TIME:** Employees who are not in a temporary or introductory status and who are regularly scheduled to work less than the full-time work schedule but at least 20 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.
- **SOCIAL SERVICES:** Due to Administrative requirements, Social Service employees are regarded as a separate category of employees. Within this category are **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 (40 hours or more per week) and **regular part-time employees** who are regularly scheduled to work 20 or more hours per week.
- **PART-TIME:** Employees who are not in a temporary or introductory status and who are regularly scheduled to work less than 20 hours per week. While they do receive all legally-mandated benefits (such as workers' 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

## PEMBINA COUNTY EMPLOYEE MANUAL

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 benefit programs.

## **106 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 Board of Commissioners.

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.

## **201 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.

## **202 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, termination of employment.

## **203 HIRING OF RELATIVES**

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 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 Chapter 11-10-25 on Nepotism includes Counties by providing that no county Department Head, whether elected or appointed, can appoint his/her spouse, son, daughter, brother or sister to any position under their control without prior approval of the County Commissioners.

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.

## **204 IMMIGRATION LAW COMPLIANCE**

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

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

## **205 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. In the case of Social Service employees, termination after the introductory period shall be on a “for cause” basis.

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 the absence. If the County determines that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee, the County may extend the introductory period for a specified period.

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 benefits provisions.

## **206 PROMOTIONS AND TRANSFERS**

All employees are encouraged to develop their particular skills, so as to better prepare themselves for potential opportunities and advancements which may be available. Persons who desire transfer or promotion are encouraged to make their wishes known to their department heads. Promotions will be made on the basis of current job performance, past performance record, length of service and qualification to handle the particular job for which the employee wishes to be considered. The department head reserves the right to evaluate job qualifications and ability. Transfers between departments are permitted with the approval of the department heads involved and the Board of County Commissioners. In the event of transfer, the employees sick leave and vacation accrual become the obligation of the department to which the employee transfers. Transfers within a job class shall be made without any loss of pay unless such loss is agreed upon by the employee and the department head in advance of the transfer.

## 207 VETERAN'S PREFERENCE

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

Veteran: a North Dakota resident who has served in the active military forces during a period of war, or who received the armed forces expeditionary or other campaign service medal during an emergency condition, and must have been released under honorable conditions.

Disabled veteran: a veteran who meets the requirements listed above who has a service-connected disability as determined by the United States Veterans Administration; the disability must exist at the time of application.

Eligible spouse: the unremarried spouse of a deceased veteran (as defined above) who died while in service, or later died from a service-connected cause or causes; or the spouse of a disabled veteran as defined above, who because of his or her disability is unable to exercise his or her right to employment preference.

Wartime: Current uniform period of service dates for periods of armed conflict include:

- a. The period beginning December 7, 1941, through December 31, 1946, known as World War II;
- b. The period beginning June 27, 1950, through January 31, 1955, known as the Korean War;
- c. The period beginning August 5, 1964, through May 7, 1975, known as the Vietnam War;
- d. The period beginning August 2, 1990, through January 2, 1992, known as the Gulf War; and
- e. The period beginning September 11, 2001, and ending on a date prescribed by presidential proclamation or by Congress as the last day of Operation Iraqi Freedom or Operation Enduring Freedom, whichever occurs later.

Minimum Qualifications: the qualifications required for the position for which the veteran has applied, as determined by the hiring authority. Qualifications required may be educational or by way of prior experience; applicant must be physically and mentally able to perform the duties of the position to meet the minimum qualifications.

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

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

### **301 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, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the County's group rates plus an administration fee. The County provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the County's health insurance plan. This notice contains important information about an employee's rights and obligations.

## **302 BENEFITS OVERVIEW**

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 employees:

- Auto (County Owned Vehicles)
- Auto Mileage
- Benefit Conversion at Termination
- Bereavement Leave
- Disability Insurance
- Employee Assistance Program
- Holidays
- Jury Duty Leave
- Life Insurance
- Maternity Related Leave
- Medical Insurance
- Military Leave
- Retirement Plan
- Sick Leave
- Uniform Allowance
- Vacation Benefits
- Witness Duty Leave

Some benefit programs require contributions from the employee.

### **303 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 may be provided to eligible employees in the following classification(s):

**Regular full-time employees**

**Introductory employees**

**Regular part-time employees (pro-rated in relation to full-time regular)**

**Social Service employees**

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, to a limit of eight (8) hours per day.

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, grandparents and grandchildren; the employee's spouse's parent, child, sibling, grandparents or grandchildren; son-in-law and daughter-in law.

## 304 EARLY RETIREMENT

It is the policy of the County that they will offer an early retirement package to elected officials and employees under the "Rule of 85" as defined by NDPERS with the following requirements:

1. When an employee reaches the target of 84 (which represents the years of service and the age of the employee) the employee shall have the option of submitting a request to the Board of County Commissioners indicating their desire to retire or not retire from employment when they reach the Rule of 85.
2. If the employee elects to accept the early retirement benefit, it shall include the following provided by Pembina County:
  - Payment of all accumulated, but unpaid vacation based on the employee's current pay rate.
  - Payment of \$5.00 per hour of any accrued sick leave.
  - One time cash payment of \$4000.00.
  - Optional payment of package over a period of 5 (five) years.

This retirement package is subject to Federal Social Security/Medical from both the employee and the employer and all state and federal taxes. The employee and the Board of County Commissioners shall execute a written agreement.

## 305 FAMILY/MEDICAL LEAVE

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

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

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

- 1) The employee must have worked for the company for 12 months or 52 weeks.
- 2) The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence (time spent on paid or unpaid leave does not count).
- 3) The employee must work in a worksite where 50 or more employees are employed by the company within 75 miles of that office or worksite. The distance is to be calculated by using available transportation by the most direct route.

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

- 1) The birth of a child and in order to care for that child.
- 2) The placement of a child for adoption or foster care and to care for the newly placed child.
- 3) To care for a spouse, child or parent with a serious health condition (described below).
- 4) The serious health condition (described below) of the employee.
  - An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.
  - A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care **or** a condition that requires continuing care by a licensed health care provider.
  - This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

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5) Qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.

- An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: 1) short-notice deployment, 2) military events and activities, 3) child care and school activities, 4) financial and legal arrangements, 5) counseling, 6) rest and recuperation, 7) post-deployment activities and 8) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.
- "Covered active duty" means:
  - (a) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and
  - (b) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.
- The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.

6) Military caregiver leave (also known as covered servicemember leave) to care for an injured or ill servicemember or veteran.

- An employee whose son, daughter, parent or next of kin is a covered servicemember may take up to 26 weeks in a single 12-month period to care for that servicemember.
- The term "covered servicemember" means:
  - (a) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
  - (b) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

**Amount of Leave:** An eligible employee can take up to 12 weeks for the FMLA circumstances (1) through (5) above under this policy during any 12-month period. Pembina County will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the company will

## PEMBINA COUNTY EMPLOYEE MANUAL

compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time. An eligible employee can take up to 26 weeks for the FMLA circumstance (6) above (military caregiver leave) during a single 12-month period. If a husband and wife both work for the company and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for the company and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave.

**Employee Status and Benefits During Leave:** While an employee is on leave, the company will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. Under current policy, some employees pay a portion of the health care premium, or other optional benefits, out of their payroll. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premiums. While on unpaid leave, the employee must continue to make these payments, either in person or by mail. The payment must be received in the Auditor's Office within 30 days of the due date. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave.

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

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

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

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

**Procedure for Requesting FMLA Leave:** All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to their immediate supervisor. Within five business days after the employee has provided this notice, the supervisor will provide the

## PEMBINA COUNTY EMPLOYEE MANUAL

employee with the DOL Notice of Eligibility and Rights. When the need for the leave is foreseeable, the employee must provide the employer with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day.

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

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

### 306 HOLIDAYS

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

- New Year's 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)
- Day after Thanksgiving
- Christmas (December 25) – please see schedule below

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.

Shall the County Commission decide that the offices will be closed for any other day not listed above it shall be considered a holiday.

The Christmas holiday schedule shall be as follows: When Christmas Day falls on a weekday; the day(s) listed below shall be the holiday:

<u>Monday</u>	<u>Tuesday</u>	<u>Wednesday</u>	<u>Thursday</u>	<u>Friday</u>
Monday	Monday & Tuesday	Tuesday noon & Wednesday	Wednesday noon & Thursday	Thursday noon & Friday

According to applicable restrictions, the County will grant paid holiday time off to all eligible employees immediately. For employees who are receiving a paid day off, 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, to a limit of eight (8), ten (10), or twelve (12) hours per day (dependent upon the position). Continuous-shift personnel who regularly work ten (10) hours shifts will receive a limit of 10 hours per holiday. Eligible employee classification(s):

- **Regular full-time employees**
- **Introductory employees**
- **Regular part-time employees (pro-rated in relation to full-time regular)**
- **Social Service employees**

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

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Essential personnel who are required to work on a recognized holiday will receive wages at his or her straight time base pay rate for the hours worked on the holiday plus holiday pay for the hours they work (essentially receiving double-time pay). For purposes of this policy holiday hours begin at 7 am on the actual calendar date of the holiday and end at 6:59 am the following day.

If a recognized holiday falls during an eligible employee's paid absence (e.g., vacation), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

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

## **307 JURY DUTY**

The County encourages employees to fulfill their civic responsibilities by serving jury duty when required. Employees in an eligible classification may request paid jury duty leave. Jury duty pay will be calculated on the employee's base pay rate, minus any jury fee paid by the court, unless they are on approved vacation leave. Employee classifications that qualify for paid jury duty leave:

**Regular full-time employees**

**Introductory employees**

**Regular part-time employees (pro-rated in relation to full-time regular)**

**Social Service employees**

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.

### **308 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 requests will be made and evaluated in accordance with the medical leave policy provisions outlined in this handbook and in accordance with all applicable federal and state laws.

Requests for time off associated with pregnancy, adoption and/or childbirth (apart from medical disabilities associated with these conditions) will be considered in the same manner as any other request for an unpaid leave.

### **309 MILITARY LEAVE**

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

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

### **310 NURSING MOTHERS PROVISION**

Employees who are nursing will be provided with reasonable unpaid breaks to express breast milk as frequently as needed for up to one year after the birth of a child. Pembina County will provide a place for the break, other than a bathroom, that is shielded from view and free from intrusion. Employees will not be retaliated against for exercising their rights under this policy.

## **311 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**  
**Social Service employees**

Employees may request personal leave only after having completed 365 days of service in an eligible employment classification. Personal leave may be granted for a period of up to 30 calendar days, per calendar year, beyond the time allowed by the policy governing FMLA leave. Pending the supervisor's approval, employees may 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 continue to provide its normal portion of insurance benefits until the end of the personal leave.

Accruals for benefit calculations, such as vacation, sick leave, or holiday benefits, will be suspended during the taking of non-paid 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.

## 312 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 in relation to full-time regular)**

**Social Service employees**

Eligible employees will accrue sick leave benefits at the rate of 12 days per year (1 day per month). Introductory employees will accrue sick leave from their first day of employment, but must complete the introductory period prior to using sick leave. Sick leave must be taken in increments of no less than one-half (1/2) hour.

An eligible employee may use sick leave benefits for an absence due to illness or injury sustained by either that employee or a family member, (as defined in **Section 303**).

Employees who are unable to report to work due to an illness or injury should notify their supervisor before the scheduled start of their shift if possible. The supervisor should also be contacted each additional day of absence. If an employee is absent for 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.

Unused sick leave benefits will accumulate without limit. 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 for 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 appointments and office visits to the Doctor, Dentist, Optometrist, etc. be scheduled for non work 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.

## PEMBINA COUNTY EMPLOYEE MANUAL

### GIFTING OF SICK LEAVE:

Employees may gift up to 160 hours of 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 and sick leave, 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.

### 313 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 (pro-rated in relation to full-time regular)**

**Social Service employees**

Vacation begins accruing from the date an employee is hired into an eligible employment category. 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 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 to their supervisors 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-half (1/2) hour.

Employees are strongly encouraged to take earned vacation during the benefit year of its accrual. Employees are allowed to accrue a maximum of 30 days (240 hours) vacation as of December 31<sup>st</sup> of each year. Throughout the year, employees are allowed to exceed 240 hours accrued, so long as the balance is brought to 240 hours or less as of December 31<sup>st</sup>. Any hours in excess of 240 as of December 31<sup>st</sup> will be lost. 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 full-time regular employees.

**Vacation Benefits Eligibility Table**

<b>LENGTH OF SERVICE</b>	<b>ACCRUAL RATES</b>	
	<b>DAYS PER MONTH</b>	<b>DAYS PER YEAR</b>
0 thru 3 years	1 day (8 hrs.)	12 days (96 hrs.)
4 thru 7 years	1 1/4 days (10 hrs.)	15 days (120 hrs.)
8 thru 12 years	1 1/2 days (12 hrs.)	18 days (144 hrs.)
13 thru 18 years	1 3/4 days (14 hrs.)	21 days (168 hrs.)
19 years and over	2 days (16 hrs.)	24 days (192 hrs.)

### **314 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**
- **Introductory employees**
- **Regular part-time employees (pro-rated in relation to full-time regular)**
- **Social Service employees**

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

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

## **315 WORKERS' COMPENSATION INSURANCE**

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.

Any employee who sustains a work-related injury or illness, as defined by law, should inform his or her supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible. **If work breaks are used to conduct non-work related activities away from the County premises, no workers compensation coverage is available.**

**FAILURE TO PROVIDE A WRITTEN REPORT OF INJURIES AND/OR NEAR MISSES TO THE RISK MANAGER WITHIN 24 HOURS MAY RESULT IN LOSS OF BENEFIT.**

## **401 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 scheduled payday.

In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the County 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.

## **402 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 termination of employment.

## **403 CAMPAIGNING DURING WORK HOURS OR WHILE CONDUCTING COUNTY BUSINESS**

Engaging in campaigning activities of any type, including but not limited to campaigning related to state, legislative, county, city, township or school district offices is strictly prohibited during work hours or while conducting county business.

Campaigning activities include but are not limited to: making speeches for or against a particular candidate or issue, the wearing of campaign buttons conspicuously placed on clothing during work hours, seeking signatures for any type of political activity during work hours, the use of any county service (including telephones, postage, photocopy machines, etc.) or county property for solicitation of votes for or against a particular candidate or issue.

This policy is not intended to violate any rights conferred on employees to exercise their rights of free speech, but is intended to ensure that work hours and county property are not improperly used by employees or elected officials for the benefit of any political campaign, candidate or issue.

## **404 CONFLICTS OF INTEREST**

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

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

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

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

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

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

## **405 DRESS CODE**

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.

Fridays are designated Jean Days; those working in office environments may choose to donate one dollar for the chance to wear blue jeans; this money is then donated to a worthy cause in the County.

## 406 GRIEVANCE PROCEDURES

The purpose of this internal grievance policy and procedure is to provide a fair and effective opportunity to resolve work-related problems for current employees by using a series of interactive and progressive steps.

Definitions for the purpose of this policy:

- a. **Working Days** – the work days of Monday through Friday, excluding holidays
- b. **Reduced to writing** -- a concise statement outlining the nature of the grievance and the relief requested.
- c. **Harassment-related** – any grievance related to violation of section 604 of this handbook.

**Scope:** This policy applies to the County Commission and all departments, elected officials, and employees of Pembina County. Social Services employees are covered by the North Dakota merit system; these employees may choose to utilize this internal grievance procedure but are not required to do so prior to using the grievance procedure established by the state for merit system employees.

### **All grievances shall be handled in the following manner:**

**STEP 1.** When an employee has a grievance, he/she shall always attempt first to resolve the matter informally by directly addressing the individual involved. In harassment-related grievances, employees are not required to deal directly with an offending individual(s) in seeking resolution.

### **STEP 2.**

**Harassment-related grievances:** If you are unable to confront your alleged offender or the behavior persists after confronting the alleged offender; go to your immediate supervisor and/or Department Head, who shall immediately notify Human Resources and the State's Attorney. If the complaint involves the department head, the incident should be reported directly to Human Resources and/or the State's Attorney. If the complaint involves Human Resources and/or the State's Attorney, the incident should be reported directly to the portfolio Commissioner. The State's Attorney and/or Human Resources shall be responsible for conducting an investigation in a fair, prompt and complete manner as outlined in the nature and scope of investigation.

### **Nature and Scope of Investigation:**

1. Any investigation of a complaint of sexual, workplace or unlawful harassment shall be limited to an inquiry of the truth or falsity of a specific complaint.
2. Interviews of all relevant witnesses will be conducted, in confidence to the extent permitted by law, and summaries of witnesses' statements and the investigator findings shall be in writing.

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3. To the extent permitted by law, investigations shall be conducted in a confidential manner; the knowledge of a pending investigation, nor the contents and/or findings of an investigation will not be shared except with the appropriate parties, or otherwise required by law.
4. Persons who are asked to cooperate and participate in a pending investigation shall only be informed that a harassment complaint has been brought and that information being sought from the individual is a necessary part of the investigation. Written contents and findings of investigations are done pursuant to the complaint process and shall be maintained by the Human Resources and/or State's Attorney in a secure place. However, it must be noted by all employees, that records of the County are public, except certain confidential records in accordance with NDCC 44-04-18.1.

**All other grievances:** If informal attempts at resolving the matter are not successful, the grievance shall be reduced to writing within 10 working days of the grieved incident and presented to the Department Head and the State's Attorney. If the matter directly involves the Department Head it may be presented only to the State's Attorney. If the matter directly involves the State's Attorney it must be presented to the Auditor. Failure to file the grievance in writing within 10 days of the incident forfeits the right the appeal any employer action.

**STEP 3.** Once the grievance has been presented to the State's Attorney (or Auditor, in the case of the grievance being filed against the State's Attorney), it shall be presented to the Commission at their next regularly scheduled meeting (unless the meeting is scheduled within 3 days, in such case it will wait until the following regularly scheduled meeting).

**STEP 4.** The Commission may elect to hear the grievance or to contract a hearing officer to hear or review the grievance. Once the Commission has made an initial determination, the employee shall be notified in writing of the method, time and place of a hearing.

- If the Board elects to hear the grievance, they will establish the terms for hearing the grievance, either by requesting all parties submit information in writing, verbally, or combine both options.
- Once the Board has either heard the grievance or received a recommendation from a contracted source, the Board will then make a final decision. The Board's decision will be final\* and will be provided to the employee in writing within 15 days after making a determination. (\*It should be noted that although the Board may provide a recommendation, elected Department Heads retain the right provided to them in Century Code to manage their department as they see fit.)

An employee who is a party to a work-related grievance proceeding may be accompanied, advised, and represented throughout the proceeding by another employee or by a representative chosen by the employee involved in the proceeding according to NDCC 34-11.1-04.2 All representatives must conduct themselves in a respectful and professional manner during the grievance procedure.

**Non-grievable items:** There are various departments and offices of Pembina County with a small number of employees. In order to provide needed assistance to another department, an employee

## PEMBINA COUNTY EMPLOYEE MANUAL

may be transferred, permanently or temporarily, to another department so long as it does not decrease the salary and benefits of employees affected. Such action does not constitute a grievance. Additionally, the following items are also non-grievable:

- Issues that are pending or have been concluded by direct appeal to the County Commission or through other administrative or judicial procedures.
- Relocation or transfer of an employee within the department that results in no change of pay, benefits, and/or classification.
- Temporary work assignments.
- Budget and organizational structure, including the number of assigned employees within any department.
- The manner and method of performing work assignments, including performance evaluations, unless in the case of discrimination.
- Benefits.

Approved 4-5-16

## **407 INCLEMENT WEATHER**

A decision to close the County offices (other than the Sheriff's Office) due to inclement weather shall be at the discretion of the Sheriff, in communication with the County Commissioners and the Auditor, who will make the necessary arrangements to notify employees. The decision to close the Sheriff's Office is at the sole discretion of the Pembina County Sheriff and his decision is applicable to all the Sheriff's Office employees.

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. A decision to close the County offices is made with regard to the safety and well-being of employees, therefore employees are not allowed to stay at work to accrue comp time that could be used at a later time.

Non-exempt, non-continuous-shift employees who are required to work during an official storm closing shall be provided flex time for those hours. For example, if the county offices close at noon and an employee is required to work until 5 pm, that employee would receive 5 hours of flex time to be used at a later date. If the employee is unable to use the time prior to the end of the work period in which it was accrued, the time shall be converted to compensatory time.

## **408 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.

## **409 OVERTIME/COMPENSATORY TIME**

When operating requirements or other needs cannot be met during regular working hours, non-exempt employees may be scheduled to work overtime hours. All non-exempt employees shall be eligible for overtime compensation or compensatory time. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive the supervisor's prior authorization. Department heads will have the authority to handle overtime within the allotted budget and within the policies adopted by the Commission. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work, and shall be defined, for the purposes of Pembina County, as all hours worked in excess of eight (8) per day. For personnel engaged in law enforcement activities in the Sheriff's Department overtime shall be defined as all hours worked in excess of 171 hours within a 28-day period.

Overtime compensation is paid to all nonexempt employees in accordance with federal and state wage and hour restrictions. Overtime shall be paid either by paying the employees one and one-half his or her regular rate of pay for all overtime hours, or permitting the employee to take compensatory time for all overtime hours worked at a rate of one and one-half hours for each hour of overtime worked. For budgeting purposes, the supervisor has the authority to choose whether to pay overtime or grant compensatory time. A maximum of 25 hours may be accrued for all non-continuous-shift personnel, and must be used within 30 days of accrual. Continuous shift personnel (those positions in the Sheriff's Department, Dispatch, and Corrections for which there is a person on duty 24/7) may accrue up to 50 hours of compensatory time. Any hours earned in excess of these maximum limits must be paid as overtime. Employees are required to use compensatory time prior to utilizing vacation leave. Overtime and/or compensatory time *must* be reported on employees' timesheets when accrued and/or used.

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

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

### **ADDITIONAL COMPENSATION FOR EXEMPT EMPLOYEES**

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

## **410 PAYDAYS**

Employees shall be paid on or around the 25<sup>th</sup> of each month. Each paycheck will include earnings for all work performed through the end of the current/most recent payroll period. For salaried employees, the pay period shall start on the first of each month and commence on the last day of the month (i.e. paycheck received on the 25<sup>th</sup> of September covers September 1<sup>st</sup> through September 30<sup>th</sup>). For hourly employees, the payroll period shall start on the 21<sup>st</sup> of the previous month and commence on the 20<sup>th</sup> of the current month (i.e. paycheck received on the 25<sup>th</sup> of September covers August 21<sup>st</sup> through September 20<sup>th</sup>). Payroll will be accomplished through direct deposit for all employees.

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.

## **411 PAY ADVANCES**

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

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

Pay set offs involve pay deductions taken by the County, usually to help pay off a debt or obligation to the employer or others.

## **413 PERFORMANCE EVALUATIONS**

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Formal performance evaluations are conducted at the end of an employee's 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. Beyond the initial evaluation at the conclusion of the introductory period, formal performance reviews are to be conducted annually for all employees. This allows 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. Performance reviews must be completed in order to submit a request for a compensation and/or classification review. You cannot assume that you will necessarily receive a wage or salary increase each time your performance is reviewed.

## **414 PERSONNEL DATA CHANGES**

It is the responsibility of each employee to promptly notify the 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.

## **415 REST AND MEAL PERIODS**

Each work day, full-time nonexempt employees may be provided with two rest periods. Supervisors will advise employees of the regular rest period length and schedule. To the extent possible, rest periods will 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. If breaks are used to conduct non-work related activities away from the County premises, no workers compensation coverage is available.

All full-time employees are provided with a meal period each work day. 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.

## 416 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-site** performing assigned duties. **All off-site work time must be accounted for through timesheets specifying a summary of the off-site work performed. Employees will not be compensated for time that has not been accounted for.**

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.

## **417 TITLE VI AND NON-DISCRIMINATION**

Pembina County is committed to compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and all related regulations and statutes. Pembina County assures that no person or groups(s) of persons shall, on the grounds of race, color, national origin, sex, age, disability, and income status\*, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by the County, regardless of whether those programs and activities are federally funded or not.

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

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

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

\*Title VI of the Civil Rights Act of 1964 governs race, color, and national origin. Related Nondiscrimination Authorities govern sex, 23 U.S.C. 324; age, 42 U.S.C. 6101; disability, 29 U.S.C. 790; and low income, E.O. 12898.

## **418 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, ensure security of equipment, protects confidential information, safeguards employee welfare and avoids potential distractions and disturbances.

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.

## **419 WORK SCHEDULES**

The work week for all County employees, except the Sheriff's Department, shall be defined as beginning at 12:01 a.m. on Monday and ending at 12:00 midnight the following Sunday. Office hours for the Courthouse, Emergency Management office (under normal conditions), and Social Services shall be 8:00 a.m. to 5:00 p.m. Monday through Friday, Labor Day through Memorial Day (employees receive a 1 hour lunch break). From Memorial Day to Labor Day the office hours for the Courthouse, Emergency Management (under normal conditions), and Social Services shall be 8:00 am to 4:30 pm Monday through Friday (employees receive ½ hour lunch break). The offices will be open and staffed (with at least one staff member) during these times. The hours for other departments vary (due to the season, workload, and/or shift-work). Work schedules for all employees vary throughout the County. Supervisors will advise employees of their individual work schedules. It is the responsibility of all Supervisors to ensure that their offices are staffed during open hours. The Board of Commissioners shall authorize any changes to the above work schedule.

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.

## **501 ACCEPTABLE USE OF ELECTRONIC COMMUNICATION DEVICES**

Pembina County provides Electronic Communication Devices (ECDs) and an IT infrastructure designed to facilitate business communications among state government, educational entities, political subdivisions and their business contacts. These devices may include (but are not limited to) cell phone, telephone, facsimile (fax) machines, all computer and network-related hardware, software, and/or peripheral devices (including email and internet). These devices may be connected to the County's IT infrastructure and as such, public scrutiny and/or disclosure of usage must not damage the reputation of Pembina County, nor jeopardize the system's integrity.

Unless exempted by law, all electronic communication devices shall follow North Dakota's Open Records Law. It is Pembina County's intent to provide access to ECDs for the purpose of conducting official business. However, users may be permitted to utilize ECDs for personal use if reasonable in time, duration, and frequency; personal usage is of nominal cost or value; and usage does not interfere with the performance of the user's public duties, or the public duties of any other representative of Pembina County. Use of "streaming" audio and video for non-official business (including internet radio, stock/news tickers, and software such as Weather Bug, etc.) must be limited.

Added: September 2008

## **502 COMPUTER AND 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 free of harassment and sensitive to the diversity of its employees. 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. The County reserves the right to monitor employee computer/inter-net/e-mail usage to preserve this policy.

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

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.

## **503 USE OF EQUIPMENT AND VEHICLES**

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

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

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

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

All employees who drive or operate county vehicles or equipment are further required to report all moving violations, whether on or off the job, to the Auditor within 2 weeks of receiving the citation. Additionally, the drivers license status of all employees (of employees who drive or operate county vehicles) may be checked with the North Dakota Motor Vehicle Department annually.

## **504 USE OF PHONE, FAX, AND MAIL SYSTEMS**

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

Employees who, on occasion, use their personal cell phone for county business, will receive reimbursement according to the state OMB (Office of Management & Budget) policy for reimbursement rates. Employees requesting reimbursement are required to submit a copy of their bill; reimbursement will be provided for the actual amount of usage for the county, up to the rates listed above.

Department heads are given the discretion to determine who is eligible for county-issued cell phones. Generally, those eligible for a county-issue phone are those who are frequently away from the office. “Smart” phones will be provided for those that have the need to read and/or respond to county emails while they are away from the office; departments will work with county IT personnel to set up this function.

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

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

## 601 EMPLOYEE CONDUCT AND WORK RULES

**Role of Employees:** 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 "employers"). 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.

To assure 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 termination of 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 operating employer-owned vehicles or equipment
- 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

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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 termination. 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 and with or without advance notice, within the provision of state and federal law. Social Service employees enjoy the status of “for cause” termination.

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

## **602 RESIGNATION**

Resignation is a voluntary act initiated by the employee to terminate employment with the County. Although advance notice is not required, the County requests at least two weeks written resignation notice from all employees.

## **603 RETURN OF PROPERTY**

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

## **604 SEXUAL AND OTHER FORMS OF IMPERMISSIBLE HARASSMENT**

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

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

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

Sexual flirtations, touching, advances, etc.

Verbal abuse of a sexual nature.

Graphic or suggestive comments about an individuals dress or body.

Sexually degrading words to describe an individual.

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

It is important to note that harassing conduct also includes:

Explicitly or implicitly making submission to the conduct, a term or condition of an individual's employment.

Using submission or rejection of the conduct as a basis for employment decisions.

The conduct substantially interferes with the individual's work performance or creates an intimidating, hostile or offensive work environment.

Any employee who believes that the actions or words of any employee or fellow employee constitute unwelcome harassment, has a responsibility to report this behavior, preferably in writing, as soon as possible according to the Grievance Procedures in section 406 to the County Auditor, County Commissioners or States Attorney.

All complaints of harassment will be investigated promptly in a confidential manner. In all cases, the employee will be advised of the investigation's conclusions.

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

## 605 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 provision of state and federal law. However, due to federal merit system guidelines, Social Service employees, once they complete their Introductory Period, are subject only to “for cause” termination. The condition and procedures related to this status are available from the Director of Social Services. 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.

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

**LAYOFF** - 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.

The County will generally schedule exit interviews for terminating exempted employees. The exit interview will afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to the County, or return of County-owned property. Suggestions, complaints, and questions can also be voiced.

## 701 DRUG AND ALCOHOL USE

Drug and alcohol use is highly detrimental to the safety and productivity of employees in the work place. No employee may be under the influence of any illicit drug or alcohol while in the work place, while on duty, or while operating a vehicle or equipment owned or leased by The County. Possessing, distributing, transferring, purchasing, selling, using, or being under the influence of alcoholic beverages or controlled substances while on the County's property, while attending business-related activities, while on duty, or while operating a vehicle or machine leased or owned by the County may also lead to disciplinary action, including suspension without pay or discharge. Any location at which the County's business is conducted, whether at this or any other site, is declared to be a **drug-free workplace**.

Controlled substances will be defined in the Controlled Substances Act (CSA) as passed in 1970 as Title II of the Comprehensive Drug and Abuse Prevention and Control Act of 1970 and in the North Dakota Century Code (NDCC) under Chapter 19. The CSA and NDCC are federal and state statutes under which the manufacture, importation, possession, use and distribution of certain drugs are regulated. The federal Controlled Substance Act (CSA) and North Dakota Century Code (NDCC) will supersede any jurisdictions that may have state or local laws contradicting the above mentioned statutes. The CSA and NDCC will also take precedent over any international law for the purposes on this policy.

Any employee violating the above policy is subject to discipline, up to and including termination, for the first offense. The County reserves the right to offer employees convicted of violating a criminal drug statute in the workplace participation in an approved rehabilitation or drug abuse assistance program as an alternative to discipline. If such a program is offered, and accepted by the employee, then the employee must satisfactorily participate in the program as a condition of continued employment. To assist employees in overcoming drug abuse problems, the County may offer the following help:

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

Any employee convicted of violating a criminal drug statute in this workplace must inform the County of such conviction (including pleas of guilty and nolo contendere) within **five days of the conviction occurring**. Failure to so inform the County subjects the employee to disciplinary action, up to and including **termination for the first offense**.

The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace. It is a violation of this policy for any employee to use prescription drugs illegally, i.e., to use prescription drugs that have not been legally obtained or in a manner or for a purpose other than as prescribed. Supervisors must be notified immediately if employees are informed by their medical provider that the legal use of prescribed drugs may affect their ability to perform their job effectively.

Employees who voluntarily admit to having drug or alcohol problems that have not resulted in

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disciplinary action may be eligible for unpaid time off to participate in a rehabilitation program. Such a leave will be granted if the employee abstains from use of the problem substance while on leave, abides by all the County's policies, rules, and prohibitions relating to conduct in the work place, and if the County suffers no "undue hardship" as a consequence of granting the leave.

### DRUG TESTING POLICY

\*\*This policy applies to all of our employees and parallels DOT/FHWA and FTA regulations and guidelines.

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

- Safety sensitive employee defined as employees who are required to possess a CDL (commercial driver's license) for their line of work; employees who perform "safety-sensitive" functions, and those employees who are regularly authorized to drive any County-owned vehicle or equipment. Safety sensitive functions related to "on duty" time include:
  1. All time waiting to be dispatched, unless relieved from duty
  2. All time performing inspections of equipment
  3. All driving time
  4. All time, other than driving time, in or upon any commercial motor vehicle
  5. All time loading or unloading a vehicle
  6. All time spent performing activities related to accidents
  7. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

### IMPLEMENTATION SCHEDULE

Testing will occur at various periods of time.

- All candidates for hiring will be required to participate in drug testing as a pre-qualification test prior to employment. No candidate for hiring with a positive drug test will be employed.
- A qualified supervisor can institute a drug or alcohol test on the grounds of reasonable cause or suspicion of drug or alcohol usage. Reasonable suspicion is the belief that the employee has violated the alcohol or drug prohibitions, based on specific observations concerning the appearance, behavior, speech or body odors of the employee.

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- A random testing program will also be utilized, 50% of the employees are tested randomly per year for drugs and 25% of the employees are tested randomly for alcohol per year.
- Following a reportable accident while on the job, the employee may be asked to undergo testing.

### ACCESS TO TESTING RESULTS AND CONFIDENTIALITY

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

### RESULTS OF A POSITIVE TEST

Following the first positive test, the County reserves the right to immediately terminate the employment of that employee and/or make a referral to the Employee Assistance Program.

## 702 FRAUD PREVENTION AND INVESTIGATION

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

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

Any employee who suspects fraud, impropriety, or irregularity shall report their suspicions immediately to his/her immediate supervisor and/or the Auditor. The Auditor shall have primary responsibility for any necessary investigations and shall coordinate investigative efforts with the County's legal counsel, auditing firm, and other internal or external departments and agencies, including the State's Attorney and law enforcement officials, as the Auditor may deem appropriate.

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

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

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

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

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10. Failure to cooperate fully with any financial auditors or investigators.
11. Any other dishonest or fraudulent act involving county monies or resources.

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

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

## **703 SAFETY**

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

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

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

The County 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 a restricted entry, i.e. the vault, parts storage, etc. Unauthorized entry into these restricted areas may result in disciplinary action up to and including termination.

## **705 TOBACCO**

In keeping with the County's intent to provide a safe and healthful work environment, use of tobacco in the work place is prohibited. Tobacco is expressly prohibited in all buildings and vehicles owned or leased by the County. Per NDCC 23-12-10 tobacco use is prohibited within twenty feet of entrances, exits, operable windows, air intakes, and ventilation systems of enclosed buildings. When transporting clients/fellow employees in private vehicles while on county business, use of tobacco is prohibited. Employees are asked to use designated smoking areas only.

This policy applies equally to all employees, customers, and visitors.

### **TOBACCO DEFINITION**

For purposes of this policy, tobacco use is defined as using cigarettes, e-cigarettes, pipes, cigars, chewing or spit tobacco, or any other like product that contains a warning from the surgeon general or that has not been approved by the FDA for smoking cessation.



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**EMPLOYEE ACKNOWLEDGMENT FORM**

I acknowledge that I have received a hard copy or an electronic copy of the Pembina County Employee Policy Manual, dated \_\_\_\_\_, and that I have read and understand its provisions.

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

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

I understand that the County reserves the right to change, suspend, or eliminate any or all matters contained in this manual and all other policies, rules, and procedures at any time, without prior notice and without my consent.

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

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

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

I acknowledge the receipt of the Pembina Employee Policy Manual # \_\_\_\_\_. (“E” if received electronically)

\_\_\_\_\_  
EMPLOYEE’S SIGNATURE

\_\_\_\_\_  
DATE

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