

**WALSH COUNTY  
PERSONNEL POLICIES  
AND PROCEDURES  
MANUAL**

**October 2023**

**Please use the following Chapter Guide to reference the sections below:**

**Chapter 1 Purpose, Adoption, and Administration**

**Chapter 2 General Policies**

**Chapter 3 Compensation & Performance**

**Chapter 4 Benefits**

**Chapter 5 Separation**

**Chapter 6 Other related policies**

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## **SECTION 1.1: INTRODUCTION**

Personnel policies and procedures are developed to ensure fair, equitable, and uniform treatment of employees. The policies and procedures described herein are designed to aid in maintaining employee effectiveness, efficiency, and morale.

This manual is designed to furnish you with information about personnel administration and to answer questions that you may have concerning personnel-related issues. If you have any questions that this manual does not answer, don't hesitate to ask your department head for assistance.

This manual is provided as a guide and is not to be considered a contract. The Walsh County Commission has the authority to change policies, procedures, and other statements made in this handbook. However, any changes made to the policies and procedures set forth in this manual would require a first and a second reading by the Walsh County Commission whereon a majority of the Board present would have to approve said changes at separate board meetings. Said readings must be held at least 30 days apart from each other. The effective date of any change to this manual would begin the day following the second reading of said adopted policy change.

Walsh County is a complex organization with multi-faceted formal relationships with other state and county organizations (Walsh County Health Board, North Dakota Department of Human Services, etc). These relationships create instances where Walsh County departments/employees are required to follow the policies and procedures of dual entities. Department/entities that encounter this situation shall refer to their department head and/or the addendum provided in their handbook.

Should any part of this handbook be found to be unenforceable and invalid, such finding does not invalidate the entire handbook, but only the specific provision.

**This handbook does not alter the “at-will” relationship between employer and employee.**

The policies and procedures are effective as of the date indicated in each policy.

Review Dates:  
8/96, 4/04, 04/10  
Revision Date:  
5/03, 4/04, 04/10

## SECTION 1.2: DEFINITIONS

**Appointing Authority:** The department head, or with respect to non-elected department heads, the Board of County Commissioners.

**Commission:** The Board of Walsh County Commissioners.

**Department Head:** An appointed or elected official authorized and responsible to supervise the activities of a department or agency of the County.

**Elected Officials:** A person elected to office by the voters of Walsh County.

**NDCC:** North Dakota Century Code.

**Suspension:** A temporary forced leave of absence with or without pay.

**Termination:** Retirement, resignation, layoff, or dismissal of an employee.

**Veteran:** Any person who has served in the Armed Forces of the United States in accordance with NDCC 37-01-40.

### Employment Categories:

Every position/employee has one employment status defined as follows:

**Full-time:** An employee who regularly works forty (40) or more hours per week, or

**Part-time:** Any employee who regularly works less than 40 hours per week.

Every position/employee has one method of payment defined as follows:

**Hourly:** Any employee either full/part time who is paid a wage based on an hourly rate, or

**Salaried:** Any employee, either full/part time, who is paid a pre-determined rate.

Every position/employee has one employment class defined as follows:

**Standard:** Any employee who is filling a position which has been authorized and budgeted by the County Commission, not temporary, on call, or scheduled as needed, or

**Temporary:** Any employee appointed for a special project or for a designated period of time normally not to exceed 6 months.

Every position/employee has one FLSA description defined as follows:

**Exempt:** These include all classifications designed as executive, administrative or professional as defined by the Fair Labor Standards Act (FLSA) and the Code of Federal Regulations (CFR) or exempt by operation of law, or

**Non-Exempt:** These are all classifications, which are not exempt.

These four items are used to determine employee eligibility for all benefits provided by the County. Any change in employment categories must be reported to the Auditors Office by the fifteenth of each month.

Revision Dates:

August 1996

May 1998

September 1998

Mat 2003

July 2005

### **SECTION 1.3: MANAGEMENT RIGHTS AND PHILOSOPHY**

The Commission, principally through the budget process and limited by state and federal law, retains the right to operate and manage manpower, facilities, and equipment; to establish functions and programs; to set and amend budgets; to determine the utilization of technology; to establish and modify the organization structure; to determine the number of personnel; to establish operating hours; and to perform any inherent managerial functions.

Within this context of management rights, the Commission recognizes that excellence in County government depends on our mutual respect and cooperation, and on each of us making contributions to the County's objectives. The personnel policies contained herein are based on the belief that the successful administration and delivery of County government and services is primarily dependent on you, the County's employees.

The recognition of the importance of County employees includes granting to them the right to participate in the activities of employee organizations for the purpose of representation in all matters of employee-employer relations. They also have the right to refuse to participate in the activities of employee organizations and shall have the right to represent themselves individually in their employment relations with the County. The County shall not interfere with, intimidate, restrain, coerce, or discriminate against any employee because he/she has exercised these rights. This statement is not meant to imply that Walsh County employees are restricted from other employment. See Section 3.1.

Review Dates:

8/96

12/98

5/03

## **SECTION 2.1: EQUAL OPPORTUNITY EMPLOYER**

Walsh County is an equal opportunity employer. Walsh County practices a policy of non-discrimination in recruiting, hiring, and promoting all of its employees. Walsh County is committed to administering all personnel actions – demotion, transfer, use of facilities, treatment during employment, rates of pay or other forms of compensation, selection for training, lay off, or termination – without regard to race, color, national origin, religion, sexual orientation, sex, age, creed, marital status, veteran’s status, political belief or affiliation, or physical, mental, or medical disability unrelated to the ability to engage in activities involved with the job.

Walsh County does not discriminate on the basis of disability in admission or access to, or treatment or employment in its programs or activities; in accordance with Section 35.107 of the Department of Justice regulations. Information concerning the provisions of the American with Disabilities Act, and the rights provided hereunder, is available from the Auditor or Human Resources representative. Persons needing accommodations or who have questions or complaints regarding the provision of services according to this act may contact Human Resources or the County Auditor at Walsh County Court House, 701-352-2851.

Violations of this policy shall be addressed through the county’s Grievance Procedures; employees should refer to section 5.3 for more information.

We recognize that false accusations of discrimination can have serious effects on innocent women and men. Employees will be expected to act responsibly in order to establish a pleasant working environment free of discrimination. Employees who report incidents of discrimination will not be subject to retaliation in any form from supervisors or co-workers.

### **Review Dates:**

8/96

5/03

4/10

6/14

2/19

### **Revision Dates:**

4/10

4/19



## SECTION 2.2: HARASSMENT POLICY

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

1. It is the County policy that sexual and other unlawful harassment of its employees in any form is prohibited and that all employees shall be treated with respect. Actions, words, jokes, or comments based on an individual's sex, race, ethnicity, age, disability, religion, sexual orientation or any other legally protected characteristic shall not be tolerated.
2. Employees have the right, under Section 703 of Title VII of the Federal Civil Rights Act of 1964, to work in an environment that is free of conduct that can be considered sexually harassing or abusive. Any employee who engages in, who perpetuates or condones sexual or other unlawful harassment shall be subject to disciplinary action, up to and including dismissal.
3. The County, in recognizing its obligation to maintain a place of employment that is free of harassing, abusive, or disruptive conduct, shall take positive and prompt corrective action where necessary in accordance with this policy.

### Definitions:

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

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

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

- Submission to or rejection of such conduct is made, explicitly or implicitly, as a term or condition of employment or advancement;

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

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

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

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

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

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

representatives must recognize the seriousness and sensitive nature of any sexual, workplace or unlawful harassment complaint brought to their attention and need to follow the procedures outlined in this policy to assist in maintaining a workplace environment free of unlawful discrimination or harassment.

### **Complaint Procedures:**

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

1. An employee who feels that he/she has been subject to sexual, unlawful or workplace harassment should clearly state to the individual that his/her behavior is offensive to them.
2. If you are unable to confront your alleged offender or the behavior persists after confronting the alleged offender; go to your immediate supervisor who shall immediately notify the Department Head and Human Resources.
3. If the immediate supervisor is involved in the alleged harassment, the incident should be reported directly to the Department Head, who shall immediately notify Human Resources.
4. If the complaint involves the department head, the incident should be reported directly to the Human Resource Director and/or the portfolio commissioner.
5. If the complaint involves a member of Human Resources, the incident should be reported directly to the Department Head and/or designated portfolio commissioner.
6. If the complaint involves a member of the Board of Commissioners, the incident should be reported directly to the State's Attorney.
7. The Human Resource Director and/or State's Attorney 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.

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 Resource Department 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.

### **Protection against Retaliation and Reprisal**

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

2. Every employee has the right to report sexual harassment without fear of reprisal. Acts of reprisal against an individual should be reported immediately. Reprisal occurs if someone threatens an employee or his/her career, because the employee filed a complaint or discussed an issue with member of management.

3. Persons who are asked to cooperate and participate in a pending investigation shall be able to do so without fear of reprisal. Walsh County shall take disciplinary action up to and including termination of any employee or member of management who directly or indirectly:

a. Prevents an employee from cooperating, participating or talking with the parties conducting an investigation of a sexual harassment claim, or

b. Harasses an employee and/or creates a negative impact that affects an employee who has cooperated, participated or talked with the parties conducting an investigation.

### **Discipline**

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

2. Any employee who believes that they have been unfairly disciplined may follow the County Complaint Grievance procedure as outlined in the Walsh County Personnel Policy Handbook in Section 5.3.

### **Dissemination of Policy**

Prevention and education are the best tools for the elimination of workplace and sexual harassment. The County will take all steps necessary to prevent harassment in any form from occurring such as:

1. Conduct training for department heads, supervisors and employees to affirmatively raise the subject by reviewing policies, discussing behaviors to be mindful of, and a general awareness of intimidating, hostile, or offensive workplace environments and sexual harassment.
2. Informing all County employees of the policy.
3. Investigating all claims of harassment, hostile work environment, and/or any unwelcome conduct in a confidential manner.
4. Taking appropriate disciplinary action for the prevention or reoccurrence of sexual harassment.

#### Review Dates:

8/96  
12/98  
5/03  
4/10  
6/14  
2/19

#### Revision Dates:

4/10  
4/19

### SECTION 2.3: HIRING PROCEDURES

The County's employment objective is to select personnel who can demonstrate the skill, knowledge, and ability to perform the tasks as described in the job description. Prior to filling any vacancies, Department Heads should also refer to section 2.3B Veteran's Preference Policy. The following steps are to be followed when a position vacancy occurs:

- 1) Department Heads shall notify the Auditor's office, Human Resources and the Commission of the vacancy.
- 2) The Department Head shall discuss the vacancy and intent to hire with the Board of Commissioners. If time is a factor, the Department Head may seek approval to place the advertisement from their portfolio commissioner. Intent to hire must still be discussed with the entire Board.
- 3) The Department Head, with assistance from Human Resources as requested, shall post the job advertisement. All recruitment ads must include the following:
  - Position title
  - Explicit description of skills/knowledge required – must be descriptive enough to discern qualified vs. non-qualified applicants in the screening process
  - Information directing applicants where to obtain application and where to return the application (and resume if requested).
  - Application deadline
  - Statement designating Walsh County as an Equal Opportunity Employer
  - A summary of the benefits package offered by the County (if applicable)
- 4) At a minimum, all positions must be posted on the county website and with North Dakota Job Service. It is strongly recommended that all other departments utilize the Walsh County Employment Application available on the county website.
- 5) Screening of applicants shall be done by the Department Head (and others as requested by the department head). On a 100 point scale 5 points must be added for veterans and 10 points must be added for disabled veterans. The Department Head will then assemble an interview team and provide this team with the applications/resumes. A prescribed number of eligible individuals in rank order, from highest to lowest, based on the applicant's final scores, shall be presented to the interview team.
- 6) The position shall be filled from the group of eligible individuals based on interviews, background checks and skills testing (if appropriate). In accordance with NDCC 11-10-25, no head or executive of an administrative department or agency, either elective or appointive, of any county in this state, may appoint his or

her spouse, son, daughter, brother, or sister to any position under the control or direction of that official, unless the appointment has been previously approved by resolution of the Board of County Commissioners (nepotism). A variety of background checks may be conducted, depending on the position for which the applicant has applied; however, the use of social networking sites while conducting background checks is not recommended. It is desirable for the chosen applicant to be a resident of Walsh County.

- 7) The Department Head shall utilize the Walsh County Pay Range for the position being filled to determine an appropriate starting salary. The Department Head has the ability to negotiate the amount of credit given to the applicant for applicable previous experience. A general guideline is to give 50% credit for previous years of applicable experience. However, this is negotiable on a case by case basis. Factors to consider include the type of experience (and how applicable it is to the position for which they applied), the current conditions of the job market, and maintaining internal equity. Probationary increases are not allowed, so the time of year in which the hiring is completed should be taken into consideration when offering the starting salary. The Department Head must confer with Human Resources and the Portfolio Commissioner to receive approval prior to offering the position or the change in salary to a present employee.
- 8) Upon acceptance of the position, the Department Head shall present the new employee to the Commission at the next scheduled meeting for introductions. Department Head must provide a list of all applicants to Human Resources, highlighting the individual chosen for the position. All other applicants must be notified that the position has been filled. Applicants who claimed veteran's preference on their application must be notified via certified letter. More information is provided in section 2.3B.

**Exceptions to this policy:**

- Emergency employees hired by Social Services shall follow hiring policies as defined by the State Personnel Manual. All other departments needing to hire emergency employees must confer with Human Resources and their portfolio commissioner.
- It is acknowledged that the ND Century Code (section 11-10-11) allows for elected officials to appoint deputy(s) in their department; however, the Walsh County Commission reaffirms its desire that all openings be advertised. The Commission requests that Commissioner(s) participate in the interview process, again recognizing the statutory authority of the Elected Department Head.
- When a new position is being created within the county, the Department Head shall first contact Human Resources to review the criteria for the position and to create a job description and salary range. Upon completion of these steps the Department Head may proceed with Step 2 in the procedure.
- For a promotion or change in job description for present employees, Department Heads are asked to notify the Commission, the Auditor and Human Resources. Salary determination shall be made in the manner described above in Step 7.

## SECTION 2.3B: VETERAN'S PREFERENCE

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

Veteran: An individual who:

a. Is a veteran as defined in NDCC subsection 1 of section 37-01-40: An individual who has served on continuous federalized active military duty for one hundred eighty days or the full period for which the individual was called or ordered to active military duty for reasons other than training, and who was discharged or released under other than dishonorable conditions. A discharge reflecting "expiration of term of service" or "completion of required service" or words to that effect qualifies the shorter term of service as making the individual a veteran.;

*or*

b. Has been honorably discharged from the national guard or a reserve unit located within North Dakota and:

(1) Has completed a minimum of twenty years of service; or

(2) Served in a combat zone.

Disabled veteran: a veteran who meets the requirements listed above who is found to be entitled to a service-connected disability rating as determined by the United States veterans' administration at the time of application.

Eligible spouse: the un - remarried 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.

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 the examination of applications, no distinction or discrimination may be made because the applicant may be 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.



Revision Dates: 8/96 5/98 5/04 4/10 6/11 9/12 5/15 10/19

**SECTION 2.4: CONDUCT AND APPEARANCE**

Employees are required to dress and conduct themselves in an appropriate manner. Employees are expected to be courteous as they serve the general public, whether in person or by phone. Prompt and courteous answering of all calls is essential. Personal use of telephones is discouraged except for emergencies. Any complaints will be investigated and disciplinary action will be taken if necessary. Employee conduct off the job that is in direct conflict with essential business is cause for disciplinary action.

Review Dates:

8/96

5/03

## **SECTION 2.5: INTRODUCTORY PERIOD**

The introductory period is a temporary period that gives the new employee an opportunity to discover if he/she enjoys working for the County and wants to continue. It gives the County the chance to evaluate the employee's interest in the position and his/her ability to perform the job-related requirements of the work. In no case should the successful completion of the introductory period be considered to entitle the employee to permanent employment, nor does it affect his/her ability to resign from the County at any time.

A new employee shall serve an introductory period of six (6) months. The Sheriff's Department and Correctional Center (excluding clerical) shall have an introductory period of twelve (12) months. Introductory employees are entitled to appropriate benefits upon hire; refer to benefits section for more details.

During the introductory period, Deputies in the Sheriff's Department and Correctional Center may be required to take and pass tests or physical exams. Such exams shall be paid for by the County in accordance with NDCC 34-01-15.

Review Dates:

8/96

10/19

## **SECTION 2.6: POLITICAL ACTIVITY**

As citizens of the United States, employees have the right to vote as they please; no employer may deny the right or attempt to influence an employee. No public employee may engage in political activities while on duty or in uniform as per NDCC 44-08-19.

The Hatch Act is a federal statute that prohibits any employee, whose principal employment is in connection with an activity that is financed in whole or part by federal funds, from taking an active part in partisan politics while on duty. Employees are responsible for determining whether they are subject to the Hatch Act.

The employee subject to the Hatch Act may not:

- 1) Use official authority or influence for the purpose of interfering with or affecting the outcome of an election or nomination for office.
- 2) Directly or indirectly coerce any employee to pay anything of value to a political party for any purpose.
- 3) Be a candidate for a publicly elective office in a partisan election (candidacy for non-partisan office is not prohibited).

The employee subject to the Hatch Act may:

- 1) Express his or her opinion on political subjects and candidates (when not representing the County in any capacity).
- 2) Take part in political management and political campaigns on their own time, outside of work requirements.

Review Dates:

8/96

10/19

## SECTION 2.7: TOBACCO USE POLICY

### Purpose

To provide a safe and healthy environment for our employees, students, clients, visitors and all others who work, visit, or receive services at our facilities/on our grounds as relates to tobacco use and the exposure to harmful chemical by products of smoke.

### 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.

### POLICY

- Tobacco use is prohibited within any county owned building.
- Tobacco use is prohibited within twenty feet of entrances, exits, operable windows, air intakes, and ventilation systems of enclosed buildings.
- Tobacco use, including smoking is prohibited in all county vehicles including all county shop vehicles.
- When transporting clients/fellow employees in private vehicles while on county business, use of tobacco is prohibited.
- “No tobacco use” signs will be clearly posted in every county owned vehicle and building.
- All ashtrays/butt containers will be removed except those located in designated smoking areas listed below:

Courthouse: 20 feet from the east side of the building with a butt container located at the site.

Chase Building: Across the parking lot on the east side and the south side of the building.

Law Enforcement Center: Southeast side of the building in the cage for employees only. (This site is chosen so that dispatchers can be easily contacted if needed).

The Walsh County Fair Building/Shop 7 grounds allow tobacco use **only in personal vehicles**. Signage for this area indicates “Smoking and use of tobacco products in personal vehicles only”.

The remaining county properties do not have designated smoking sites (ashtrays), but must comply with the policies listed above.

### ENFORCEMENT

Enforcement of this policy is a shared responsibility of all county employees. If a difficulty arises with non-compliance, employees should notify their supervisor for assistance. All employees are authorized and encouraged to communicate this policy with courtesy, respect and diplomacy, especially with regard to clients and visitors. Supervisors may contact the Health District for assistance with enforcement, education, or cessation information for employees. Noncompliance by an employee may result in disciplinary action up to and including termination.

## **SECTION 2.8: DRUG AND ALCOHOL FREE WORKPLACE POLICY**

The manufacturing, use, possession, sale, offer to buy or sell, transfer, purchase or condition of being under the influence of alcoholic beverages, other intoxicants or illegal substances by employees at any time on Walsh County premises or while on county business is strictly prohibited and will result in immediate disciplinary action up to and including termination. For purposes of this policy, “illegal substances” include but are not limited to prescriptions which have not been lawfully prescribed for the employee using them. Employees must not report for duty or otherwise be on or use county property while under the influence of, or having in their possession, any alcoholic beverage, drug paraphernalia, other intoxicant or illegal substance.

If an employee is using any medications prescribed by a doctor or purchased over the counter that may adversely impact their ability to do their job, that employee should inform their supervisor of the use of that medication. The supervisor may reassign the employee, modify the employee’s job to ensure the safety of the employee, coworkers, and the public, or relieve the employee of their duties until such time the medication no longer affects their performance.

DOT employees who operate vehicles classified as commercial and have a commercial driver’s license must comply with the 1991 Omnibus Transportations Employee Testing Act and any state mandates for drug and alcohol testing. Specific policy/procedures for DOT employees are provided in Section 2.8B.

Walsh County recognizes that employees may wish to seek professional assistance in overcoming alcohol or drug problems. Please contact the County’s EAP (Employee Assistance Program) at 1-800-627-8220 for more information about benefits and or referral sources available. Licensed professionals must follow the rules of their respective licensing board.

Employees should bring suspected issues relating to or involving drug and or alcohol use or possession to the attention of their department supervisor immediately. It is the department supervisor’s duty to take appropriate steps to address the situation.

Walsh County will require an employee to submit to an alcohol or drug test when the County has reasonable suspicion to believe the employee has violated the alcohol or drug policy. Reasonable suspicion is the belief that the employee has violated the alcohol or drug prohibitions, based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. Drug and/or alcohol testing as a result of reasonable suspicion is authorized only if the observations are made during, just before, or just after the period of workday the employee is required to be in compliance.

County Employees who are involved in a vehicle accident involving department and/or personal vehicles must undergo post-accident alcohol and controlled-substance testing if one of the following conditions applies:

- a.) the accident involved bodily injury to a person who, as a result of the injury, receives medical treatment away from the scene of the accident, or

- b.) the accident required the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle. (The exception to this provision would be a deer/car collision.)

The employee and/or supervisor must contact the testing coordinator in the County immediately to make arrangements with the testing vendor. The testing vendor will attempt to conduct the post-accident alcohol test within 2 hours after an accident requiring a test. However, if conditions prevent the test from being completed within the 2-hour time frame, attempts will be made to have the test administered within 8 hours of the accident. After 8 hours, no test will be performed. The employee's supervisor must document the reason for the delay and lack of testing. If it is not possible to meet the 2-hour time frame, it is acceptable to have the alcohol test performed by law enforcement at the scene of the accident. Appropriate documentation must be maintained.

Employees must remain at work, but must not perform safety-sensitive functions, until the post-accident alcohol test is administered or until 8 hours after an accident requiring a test.

The testing vendor will, if possible, also administer a post-accident controlled-substance test within 32 hours after all accidents requiring a test. If the controlled-substance test is not administered within 32 hours, no test will be given, and the supervisor must file and maintain records stating the reason for the delay and lack of testing.

Documentation regarding the alcohol test, the controlled-substance test, or lack of either test shall be forwarded to the appropriate person in Human Resources and Risk Management for retention.

Following the drug and alcohol policy is to be considered a condition of employment with Walsh County. Failure to abide by this stated policy will be considered a breach of that condition of employment and subject the person in violation to disciplinary action, including suspension and possible termination. Any employee who is convicted of unlawful manufacture, distribution, dispersion, possession, or use of a controlled substance or other criminal drug or alcohol statute is required to notify his/her Department Head not later than five (5) working days after such conviction. In these circumstances the department head must evaluate if the conviction impacts the employees ability to carry out their job responsibilities; and if so may result in disciplinary action up to and including termination. Failure to notify the appropriate official of an alcohol/drug related conviction shall be grounds for disciplinary action up to and including termination.

All employees of Walsh County must complete a training annually related to workplace substance abuse. Supervisors must complete a training annually related to substance abuse prevention for supervisors to include annual training on reasonable suspicion. Walsh County Human Resources Staff/Safety Officer will determine course work that meets the training expectations.

Upon hire all employees will be given a copy of the agency Policy and Procedure manual that includes the Drug/Alcohol Free Workplace Policy.

As required by state law, some employees will be required to complete pre-employment drug

and/or alcohol testing.

Revised: 11/12

Revised: 10/13

Revised: 11/15

Revised: 6/2021

## **SECTION 2.8B REQUIRED TESTING**

*(THIS POLICY APPLIES TO REQUIRED ALCOHOL AND SUBSTANCE ABUSE TESTING AS IT RELATES TO THOSE WHO POSSESS A COMMERCIAL DRIVER'S LICENSE (CDL))*

In an effort to prevent injuries and deaths due to drug or alcohol impaired drivers operating commercial vehicles, the United States Congress enacted the Omnibus Transportation Employee Testing Act of 1991 (the "Act"). This federal law mandates drug and alcohol testing for certain classes of transportation employees.

All Walsh County employees who, as a requirement of their job, operate vehicles classified as commercial and have a commercial driver's license, are considered to be in "safety-sensitive positions" and are subject to the Act. Provisions for disciplinary actions are based on the independent authority of the Department.

This personnel policy concerns only employees subject to the Act and describes Department implementation of the Act. Employees in the classes below are subject to the alcohol and controlled-substance requirements of the Act.

Equipment Operators (I, II, III)  
Shop Foremen  
Bridge Foremen  
Other employees operating commercial vehicles  
Temporary employees operating commercial vehicles

### **Alcohol Prohibition**

Employees must:

1. Test when requested.
2. Not use alcohol, in any form, on the job (including mouthwash or cough syrup containing alcohol).
3. Not have even part of one drink fewer than 4 hours before work duties begin.
4. Not work under the influence of alcohol.
5. Not remain on work duty if a test result reflects a breath-alcohol concentration (BAC) of .02 or greater.
6. Not use alcohol within 8 hours after an accident or until undergoing a post-accident alcohol test.



The Act requires that covered employees be available to be tested for alcohol while on duty and just prior to, just after, or while performing a safety-sensitive function. Employees who refuse to be tested or to cooperate in testing, or who attempt to alter test results, are subject to discharge procedures.

### **Controlled-Substance Prohibition**

Employees must:

1. Test when requested.
2. Not use illegal controlled substances.
3. Not use prescription drugs containing controlled-substances contrary to a physician's instructions.

The Act requires that employees be available to be tested while on duty.

The Act requires that covered employees be available to be tested for controlled-substances while on duty regardless of the tasks being performed.

Employees who refuse to be tested or to cooperate in testing, or who attempt to alter test results, are subject to discharge procedures.

## **ALCOHOL AND CONTROLLED-SUBSTANCE TESTS**

All applicants and employees who undergo Department-mandated tests must be notified if the test result is positive.

The testing vendor (the firm the Department contracts with to handle the testing process) will follow specific procedures if an alcohol-test is positive. The procedures are required by federal guidelines and are intended to make sure that the test result is a true positive.

Tests required by the Department, except for pre-employment tests and return-to-duty tests, are considered a duty assignment. Time for travel and time spent in providing the specimen at the collection site for duty assignment tests will be with pay.

### **Definition of Positive Alcohol Test**

Alcohol tests will be considered positive if the breath-alcohol test indicates an alcohol presence of .04 or greater. If the test results are positive, the employee and supervisor will be notified before the employee leaves the test site.

If a breath-alcohol test indicates an alcohol concentrations of at least .02, but less than .04, the test is considered negative, but the driver will be taken out of service for 24 hours. The Department will hold an informal oral pre-action hearing before the driver is taken out of service.

### **Testing Vendor Responsibilities in Alcohol Tests**

If the initial test results are .02 or greater, the testing vendor will wait 15 minutes and then issue a retest or confirmation test. During the 15-minute waiting period before the confirmation test, the employee will be given a set of instructions (for example, no eating or drinking) that must be followed. If the employee does not follow these instructions, it may be considered an attempt to alter the test results. If the confirmation test result confirms the initial test result, the disciplinary action process will be initiated.

### **Definition of Positive Controlled-Substance Test**

A controlled-substance test will be considered positive if the test indicates the presence of a controlled substance and the medical review officer determines there is no legitimate explanation for its presence.

### **Testing Vendor Responsibilities in Controlled-Substance Tests**

Controlled-substance tests must use proper laboratory procedures.

If a test is positive, it will be reviewed by the physician serving as the testing vendor's medical review officer (MRO). The MRO will follow specific procedures required by the federal guidelines. These procedures are intended to make sure that the test result is true. The MRO will call the employee who has tested positive or altered, discuss what might have caused the test result to be positive or altered, and make sure of the result before notifying the Department. If the test remains positive or altered, the employee may request, at the Department's expense, that a second independent analysis be performed on the untested portion of the sample.

### **Pre-Employment Tests**

New employees will be hired for safety-sensitive positions on the condition they submit a negative drug test (administered after being chosen but before being hired) and a drug-testing record from previous employers that shows no drug use for at least the previous two years and successful treatment if applicable.

Department job announcements will say whether the position is safety-sensitive and requires pre-employment drug-testing.

### **Post-Accident Tests**

Drivers are responsible for notifying the Department as soon as practicable of any commercial motor vehicle accident that occurs on the job.

If an accident results in a death, all Department drivers performing safety-sensitive functions at the scene must undergo post-accident alcohol and controlled-substance testing.

Department drivers who are cited for moving traffic violations arising from accidents involving Department vehicles must undergo post-accident alcohol and controlled-substance testing if one of the following conditions applies:

- c.) the accident involved bodily injury to a person who, as a result of the injury, receives medical treatment away from the scene of the accident, or
- d.) the accident required the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

The testing vendor will attempt to conduct the post-accident alcohol test within 2 hours after an accident requiring a test.

However, if conditions prevent the test from being completed within the 2-hour time frame, attempts will be made to have the test administered within 8 hours of the accident. After 8 hours, no test will be performed. The employee's supervisor must document the reason for the delay and lack of testing. If it is not possible to meet the 2-hour time frame, it is acceptable to have the alcohol test performed by law enforcement at the scene of the accident. Appropriate documentation must be maintained.

Employees must remain at work, but must not perform safety-sensitive functions, until the post-accident alcohol test is administered or until 8 hours after an accident requiring a test.

The testing vendor will, if possible, also administer a post-accident controlled-substance test within 32 hours after all accidents requiring a test.

If the controlled-substance test is not administered within 32 hours, no test will be given, and the supervisor must file and maintain records stating the reason for the delay and lack of testing.

Documentation regarding the alcohol test, the controlled-substance test, or lack of either test shall be forwarded to the appropriate person in Human Resources for retention.

### **Random Tests**

A minimum number of alcohol tests, equal to 10 percents of the average number of Department drivers covered under the Act, will be performed each year. The vendor will select drivers using a computerized random-selection program. Drivers selected will be tested only while the driver is on duty and just prior to, just after, and while performing safety-sensitive functions.

A minimum number of controlled-substance tests, equal to 50 percent of the average number of drivers, will be performed each year. Tests may be performed at any time the driver is on duty, regardless of the duties being performed at the time of testing.

Employees may potentially be tested at any time, even if there has been a recent previous test.

The Department shall notify the employee just before testing procedure as directed by the testing agency.

Once an employee is notified of the testing, he or she must report according to the time given by the Department to the testing site.

The coordinator shall note the time of contact and anticipated arrival time on the alcohol and controlled-substance test reporting form. All alcohol and controlled-substance forms will be directed to Human Resources. Forms will be retained in a confidential file for five years.

### **Reasonable-Suspicion Tests**

A supervisor must require and a driver must undergo alcohol or controlled-substance testing when the driver's supervisor has reason to believe that the driver has used alcohol or controlled-substances in violation of the Act or this policy. An alcohol test may be administered just prior to, just after, or while the driver is performing a safety-sensitive function.

A supervisor will be given adequate training to make judgments about a reasonable suspicion of drug or alcohol use. The supervisor's judgment must be based on specific observations relating to appearance, behavior, speech, or body odors, including indications of the chronic and withdrawal effects of controlled-substances. The supervisor must document the observations fully upon notifying the employee that testing is required. Supervisors will be trained regarding physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled-substances.

The testing vendor will administer the reasonable suspicion alcohol test within 2 hours following the supervisor's observation. However, if conditions prevent the test from being completed within the 2-hour time frame, attempts will be made to have the test administered within 8 hours following the supervisor's observation. After 8 hours, no test will be performed. The supervisor must document the reason for the delay and lack of testing.

Employees must remain at work, but must not perform safety-sensitive functions, until the reasonable suspicion test is administered or until 8 hours after the reasonable suspicion was determined.

The testing vendor will administer a reasonable suspicion controlled-substance test within 32 hours following the supervisor's observation.

If the controlled-substance test is not administered within 32 hours, no test will be given, and the supervisor must file and maintain records stating the reason for the delay and lack of testing.

All employees, including non-supervisory employees, may call their Department to state their suspicions about another employee, including a supervisor. The caller must give his or her name.

**Return-to-Duty Tests**

If any alcohol test result is positive and the course of treatment recommended by the Employee Assistance Program (EAP) has been completed, the employee must submit to a return-to-duty alcohol test prior to resuming duties. The return-to-duty alcohol test must indicate a breath-alcohol concentration of less than .02.

If an employee is discharged as a result of a positive controlled-substance test and that discharge is appealed and overruled, the employee will be required to submit to a return-to-duty controlled-substance test. The return-to-duty controlled-substance test result must be negative.

**Follow-up Tests**

Unannounced follow-up tests are required for any employee who, after a positive test result, is determined by a Substance Abuse Professional (SAP) to need help with alcohol or controlled-substance abuse.

**Disciplinary Action**

The charts in the following section show the typical action required for controlled-substance tests, alcohol tests, and prohibited conduct. Any employee who commits any of the acts where the required actions says “discharged” will typically lose employment with the Department.

However, in order to determine the appropriate progressive disciplinary action, all other violations – such as situations where the employee will be evaluated and treated under the EAP – will be evaluated based on their severity, the degree of danger to other employees and the general public, and the frequency of occurrence.

All action involving suspension, demotion, or discharge of regular employees who have completed probation shall be taken only if the employee has had a chance to respond to the charges and shall be subject to appeal.

**Test Results – Typical Required Action**

**CONTROLLED-SUBSTANCE TEST**

<u>Results</u>	<u>Employee Status</u>	<u>Required Action</u>
Positive	Applicant	Not hired
Positive	Regular employee Probationary Employee	Referred to EAP and discharged

## ALCOHOL TEST

<b><u>Results</u></b>	<b><u>Employee Status</u></b>	<b><u>Required Action</u></b>
.02-.039	Regular employee Probationary employee Temporary employee	Taken out of service for 24 hours without pay (may take annual leave if available)
.04+	Probationary employee Temporary employee (employment conditional upon negative test)	Taken off duty; referred to EAP and discharged
.04+	Regular employee	Taken off duty; referred to EAP for evaluation and treatment; subject to Department discipline up to and including discharge
.08+	Regular employee	Referred to EAP and discharged

## OTHER PROHIBITED CONDUCT – REQUIRED ACTION

<b><u>Prohibited Conduct</u></b>	<b><u>Employee Status</u></b>	<b><u>Required Action</u></b>
Refusing to be tested	Applicant	Not hired
Refusing to be tested	Regular employee Probationary employee Temporary employee	Discharged
Reporting for duty fewer than 4 hours after having a drink	Regular employee Probationary employee Temporary employee	Taken off duty; referred to EAP and treatment; subject to Department disciplinary action, up to and including discharge
Possessing or consuming alcohol, i.e. beverage as defined in Title V of the North Dakota Century Code, on the job	Regular employee Probationary employee Temporary employee	Taken off duty; referred to EAP and discharged
Possessing or consuming	Regular employee	Taken off duty; referred to

cough syrup, mouthwash, or any other substance containing alcohol while on the job	Probationary employee Temporary employee	EAP for evaluation and treatment; subject to Department discipline, up to and including discharge
Possessing or using a controlled-substance without a doctor's prescription	Regular employee Probationary employee Temporary employee	Taken off duty; referred to EAP and discharged
Performing a safety-sensitive function while using a prescription containing a controlled-substance	Regular employee Probationary employee Temporary employee	Taken off duty; referred to EAP for evaluation and treatment; subject to Department discipline, up to and including discharge

**Conditions for Returning to Work:**

If an employee is retained following a positive test the employee must do the following:

- Submit to drug/alcohol evaluation by a qualified Employee Assistance Program (EAP) or a Substance Abuse Professional (SAP).
- Employee must set up his/her own appointments by calling Employee Assistance Program @ 800-627-8220.
- Once the SAP has completed the evaluation, the employee MUST comply with the recommendations of the counselor.
- If the counselor clears the employee to return to duty, they must agree to the following conditions: (It is at the discretion of the department head if the employee will be allowed to return to duty or to be terminated).
  1. Submit to a return to duty test that MUST be less than .04 blood-alcohol content and negative for all controlled substances (unless prescribed).
  2. The employee will be on probation for FIVE years.
  3. Terms of probation include, but are not limited to, the employee submitting to random drug/alcohol testing (in addition to the normal drug/alcohol test pool) as requested by the employer at any time during the probationary period.
  4. If any test during the probationary period comes back greater than .04 blood-alcohol content or positive for controlled substances, the test result will be grounds for immediate dismissal.

Approved: 11-15

## **SECTION 2.9: DRESS CODE POLICY**

It is important that employees of Walsh County give a positive impression of themselves and others, as well as having pride in representing the County during working hours.

Employees should be properly attired for the office environment, meetings, and other interactions with the public by maintaining a neat, well-groomed, and professional appearance at all times. It is anticipated the employees will be able to utilize their own discretion in determining suitable clothing for the workplace.

Exceptions to the dress code guidelines are recognized for those employees required to participate in manual or physical labor situation, and for other unique situations, including law enforcement officials.

In situations where guidance is required, the supervisor is responsible for communicating proper standards and to notify his/her employee if their appearance does not meet these standards.

Reviewed:

11/04

Approved:

1/05



## **SECTION 2.10 WORK PLACE LACTATION**

Breastfeeding mothers are allowed to breastfeed or express milk during work hours using their normal breaks and meal times. For time that may be needed beyond the usual break times, employees may use flex time/comp time or may make up the time as negotiated with their supervisor or department head. The schedule will be worked out and agreed upon by the mother and the department head.

### **Employer responsibilities**

State and federal laws exist to protect nursing mothers and their right to continue nursing their child. Regulations require:

- The provision of a clean, private room or space shielded from view, and free from any intrusion from coworkers and the public. A space has been dedicated.
- A space temporarily converted into a space for expressing milk or made available when needed by the nursing mother is sufficient.
- The space may not be a toilet stall or restroom.
- A convenient place for temporary storage of human milk (such as a refrigerator or cooler will be allowed), but will not be purchased by the agency.

Regulations require that the location be functional as a space for expressing breast milk.

Guidelines for functionality include:

- Enough space available to be adequate for the breastfeeding employee
- Accessible electrical outlets for an electric breast pump
- A comfortable chair
- A small table
- A clean water source close at hand.

### **Employee Responsibilities**

- Maintain adequate communication with the supervisor. Mothers who breastfeed or wish to express milk during the work period shall keep supervisors informed of their needs so that appropriate accommodations can be made to satisfy the needs of both the employee and the department.
- Maintaining the milk expression area. This includes keeping milk expression areas clean, using antimicrobial wipes to clean the pump and the area around it. Employees are also responsible for keeping the space clean for the next user, and working out reasonable schedules with other users of the room.
- Storing milk properly. Employees shall label all milk, expressed with their name and date collected so it is not inadvertently confused with another employee's milk. Each employee is responsible for proper storage of her milk when using an office refrigerator or personal storage coolers.
- Employees expressing milk in the work place are expected to do so in a discrete and professional manner.

Approved 1/9/18

## **SECTION 3.1: WORK WEEK**

### **Regular Work Week:**

The standard work week for county employees is 40 hours. The work week begins Monday at 7:00 a.m. through the following Monday at 6:59 a.m. so that overtime pay may be correctly calculated for non-exempt employees. The Sheriff's Office is covered under a separate provision of FLSA, and therefore all non-administrative positions in the Sheriff's office operate on a standard 28-day work cycle. The Highway Department will begin their work week Monday at 12 a.m. and will end Sunday at 11:59 p.m. Departments are responsible for scheduling each employee's work hours, including any flex scheduling policies.

### **Standard Work Day:**

Standard workdays are:

Court House Employees:	8:00 a.m. to 4:30 p.m.
Administration Bldg Employees	8:00 a.m. to 4:30 p.m.
Extension Bldg Employees	8:00 a.m. to 4:30 p.m.
Social Services Employees	8:00 a.m. to 4:30 p.m.
Law Enforcement (admin staff)	8:00 a.m. to 4:30 p.m.

A standard workday shall consist of a one half (1/2) hour unpaid lunch period in which the employee is completely relieved of duty. A standard workday will also provide for a fifteen (15) minute rest period in the morning and again in the afternoon. If a rest period is not taken, the rest time is forfeited. Those minutes may not be taken later or carried over or added into any type of leave time. Rest periods are paid and are considered hours worked.

Employees are expected to work a full shift unless leave time is taken. All absences must be approved by a Supervisor or Department Head. Unexcused absences and tardiness are reasons for disciplinary action.

### **Flexible Scheduling:**

Departments may use flexible scheduling to meet seasonal demands or to accommodate needs of the employees. Each department will set their own guidelines. The basics of a 40 hour week, 30 minute lunch break, and two 15 minute breaks will remain the same.

Flexible scheduling is not a form of "comp time". Compensatory time off is alternative to overtime pay and is addressed in Section 3.4.

### **Outside Employment:**

Employees may engage in outside employment provided that employment does not interfere with the performance of the employee's position or is not a job which is in direct competition with or which negatively impacts the essential business of the County.

### **SECTION 3.2: INCLEMENT WEATHER**

Inclement conditions that prevent employees from reporting to work are situations over which the County has no control. In those situations the following guidelines will be followed:

1. Only those employees who report to work during these inclement conditions will be paid. Anyone who does not report to work must take annual leave time or will not be paid.
2. If employees are allowed to go home early during inclement conditions, but County offices remain open, employees who are paid by the hour will be paid only for the hours worked. Employees must take annual leave time for the missed hours. Exempt employees will not be subject to salary reduction if they worked any hours on a storm day.
3. If employees are sent home early by the County, they will be paid for all hours they were scheduled to work on that day.
4. If the County offices are closed because of inclement conditions, all employees will be paid for the hours they were scheduled to work.
5. An employee not scheduled to report for work on a day the agency is closed due to inclement weather may not be provided additional compensation or time off due to the agency closing. However, an employee who had previously been granted leave for time off on a day the agency closes due to inclement weather shall not be charged leave for that day.

### **CLOSURE OF COUNTY OFFICES**

In the event of hazardous weather, the Sheriff or his designee may delay the opening or close the County Offices. If closure of the County offices for a full day is deemed prudent, the Sheriff or his designee will contact a County Commissioner, preferably the Chair or Vice Chair (if available), and upon their concurrence the Sheriff or his designee may close the County offices except for the Sheriff's Office, the County Highway Department, 911 Center, Emergency Management and the Correctional Center.

### **NOTICE TO THE PUBLIC:**

When the Sheriff has delayed opening or closed County offices, the following local media should be notified.

Radio: KXPO

Television: WDAZ

**NOTE:** In the event of delayed opening or closure for the full day, notice should be given by 7:00 a.m., if possible.

Storm Policy Definitions:

Non-Essential Personnel – Any employee who is in a position that can be left unattended if County Offices would close during a normal workday, due to weather conditions.

Essential Personnel – Any employee who is in a position that cannot be left unattended or is subject to duties as the need arises.

Snow Emergency – Any time the County Offices are closed due to severe weather conditions or the weather is such that a blizzard has been declared by the National Weather Service. The closing will be determined by the appropriate person as defined in the county policy manual. When the snow emergency will no longer be in effect will also be determined by the appropriate person defined by the county personnel policy.

In the event that the Walsh County Offices are closed during inclement weather, all non-essential employees will be told to go home. No one will be allowed to stay and work to accrue time to be used at a later time.

Essential employees will stay on the job and continue to work. Essential employees, who are not on duty but scheduled to work, will be required to make the necessary arrangements to get to work or provide enough notice to their supervisor to ensure that their position is covered. If an essential employee is required to work, that employee would receive an extra hour of pay for every hour worked during a snow emergency. If an essential employee works in a department that allows compensation time, it will be at the discretion of the department head to determine which form of compensation is allowed. On the rare occasion when a storm is declared and the essential employee is already receiving wages greater than their normal rate of pay (i.e. holidays or overtime), the maximum compensation received will be “double-time”, or two times the normal rate of pay.

Example: The courthouse closes at noon due to a snow emergency. All essential employees working past that time until the storm is over would receive extra pay. If the storm is over at 7:00 AM the next day, the storm emergency would end and no extra pay would be given after 7:00 AM. This will include weekends when the County Offices are normally closed.

Review Dates: 3/96

Approved 2/97

Revised: 4/14

**SECTION 3.3: CLASSIFICATION AND COMPENSATION PLAN**

All full-time positions (each classification) in the county (and most part-time) have a unique associated Pay Range. These Pay Ranges are created through market studies of comparable positions and are updated every three years. Cost of living increases are proposed annually based on the Consumer Price Index for our size and region.

The procedure for determining starting salaries or salaries for individuals receiving a promotion can be found in section 2.3 Hiring Procedures. Pay increases are provided only in January of each year. Probationary increases (sometimes given after the successful completion of the introductory period) are not allowed.

Each pay range is designed as a 3-tier system:

<b>Tier 1</b>	<b>Tier 2</b>	<b>Tier 3</b>
Years 1-5	Years 6-15	Years 16-20
2 % increase	1.5% increase	2% increase

An employee’s salary should fall anywhere within the appropriate tier based on their years of service with Walsh County plus any years of credit given for previous applicable experience. Performance evaluations shall help to determine movement within each tier. Salary increases should not be automatic but shall be based upon approved budget allocation, performance evaluations and/or (less commonly) position reclassifications. Department Heads shall provide proposed salaries for all employees to Human Resources by July 1<sup>st</sup> of each year, to receive final approval from the Commission during the budgeting process. Following the final approval during the budgeting process any salary adjustments take effect on January 1<sup>st</sup>. Permission to move an employee outside of their designated tier must be specifically approved by the Commission during the budgeting process. Those employees that exceed 20 years of service will receive a cost of living increase (to be determined by the Commission each year).

The pay ranges shall be re-evaluated every three years and updated as needed to reflect current market conditions. In the situation where the scope of responsibility and essential duties has changed to merit a review of the market data used, a request shall be submitted to Human Resources by July 1<sup>st</sup> for review of the position.

**Differential Pay**

Non-exempt employees working in the law enforcement, corrections and dispatch departments between the hours of 10:00 pm and 6:00 will receive an additional \$1.00/hour for those hours worked.

**Bonus Pay**

Correctional Officers, Law Enforcement Deputies and Dispatchers hired after September 1<sup>st</sup> of 2022 will be eligible for a sign-on bonus worth a total of \$3,000, to be paid out in \$1,000 increments at the completion of each of the first 3 years of employment.

ALL county staff are eligible for referral bonuses in the amount of \$500 if they refer anyone to any open position within the County after September 1<sup>st</sup> of 2022; payment will be provided at the completion of the new employee's first year of employment. Recipient must be a current employee of Walsh County at the time of payment.

Department heads are responsible for tracking hire dates and submitting vouchers for differential pay and all bonuses.

Approved 10/04  
Revised 5/15  
Revised 8/15  
Revised 10/19  
Revised 12/22

## **SECTION 3.4: COMPENSATORY TIME AND OVERTIME PAY**

Elected Officials are considered exempt employees.

### **Compensatory Time**

Compensatory time off work is an alternative to receiving overtime pay. Instead of receiving payment of time and one-half for hours worked over 40 per week, the county may choose to provide “comp time” at the rate of time and one-half. (NCCC 35-06-04.1) Employees must receive permission prior to doing work above and beyond normally scheduled hours; compensatory time and/or overtime **may only be accrued when the workload makes it necessary to do so**. Each department has the right to set lesser limits on comp time than the limits provided below.

All county departments, with the exception of the Sheriff's Department, Communication Center and the Highway Department, are encouraged to use flex time (please refer to section 3.1 regarding flexible scheduling within the work week) or compensatory time in lieu of overtime pay.

Compensatory time accrual is limited to 40 hours. Upon reaching the limit, an employee will earn overtime pay and must use the compensatory time before accruing additional time. All compensatory time must be used within ninety (90) working days of earning it.

Employees must use compensatory time before they use annual leave. Compensatory time is accrued and used only at the discretion of the department head, when the work load allows or demands, so that it does not interrupt the normal work flow of the office.

### **Overtime**

Over time is defined as the number of hours worked over 40 in the previously defined seven day work period. Overtime will be paid at a rate of time and one-half the regular hourly rate. Only hours actually worked will be included in overtime hours; time spent on sick leave, annual leave, holidays, or other types of leave are not included in the calculation.

Overtime pay for salaried employees will be calculated by dividing the annual salary by 2080 hours to arrive at an hourly salary. The hourly salary will then be calculated at a rate of one and one-half times for any hours in excess of 40 in a work week. Under certain conditions, exempt employees may be paid overtime when:

1. The overtime is reimbursed to the county by another agency; and

2. The overtime work is separate and distinct from the exempt employees regular duties and responsibilities and the overtime does not interfere with the exempt employees regular duties and responsibilities. Approved: 5/96, Revised: 1/08, 5/19, 10/19

### **SECTION 3.5: PAY DISTRIBUTION**

Walsh County pays employees via direct deposit. Direct deposit is a process by which an individual's net pay is electronically transmitted to the employee's account at a financial institution. The county does not require or recommend the use of any particular financial institution, however, the financial institution must be a member of the Automated Clearing House (ACH). Upon initial employment, an employee must provide the payroll office with a completed Authorization for Direct Payroll Deposit form and a copy of a voided check (or appropriate documentation of the bank account and routing numbers).

Since a pre-notification must be processed through the ACH before actual funds are transmitted, the first payment to a new employee may be a paper check, which can be picked up in the Auditor's Office on payday.

Changes to direct deposit distributions and bank account information may be made at any time by submitting a new form with appropriate documentation to the payroll office. The account that an employee provides for the direct deposit must be in the employee's name.

Payday shall be the day before the last working day of the month or in accordance with departmental procedures. A direct deposit advice slip will be mailed to employees at least one day before payday. Like a pay-stub, the advice slip includes pay rates, hours worked, total earnings, taxes withheld, deductions and net pay.

Approved Dates:

3/96

Revised:

3/99

12/04



## **SECTION 3.6: PAYROLL TAXES AND WAGE GARNISHMENTS**

### **Federal Income Tax:**

All salaries are subject to federal income tax. Each employee must file a W-4 form with the Auditor's Office.

### **State Income Tax**

All North Dakota residents are subject to withholding of state income tax.

### **Social Security Tax:**

All salaries are subject to the social security tax.

### **Wage Garnishment:**

All employers are required by law to accept legal assignments or garnishments against the wages of employees in satisfaction of legal judgments and/or obligations.

Review Dates:

3/96

3/99

## **SECTION 3.7: PERFORMANCE APPRAISALS**

Supervisors are encouraged to provide support and feedback to their employees everyday. Ordinarily each department will conduct performance appraisals annually. There may be circumstances when that does not happen. Each department will conduct employee performance evaluations in a manner best suited to their department. Employees are welcome to request formal or informal evaluations when they feel the need for input or feedback.

When formal employee performance evaluations are conducted, they will be completed by the appropriate supervisor. The employee will have an opportunity to review and discuss the evaluation. They will be asked to sign the form to indicate they have participated in the process. Their signature does not indicate their agreement, simply their acknowledgement that they have participated in the process. The form will then be placed in the employee's personnel file.

Recommended situations for conducting a formal employee performance evaluation are:

1. Two weeks prior to completion of an employee's probationary period.
2. One month prior to anniversary date each year for non-temporary employees.
3. When corrective and disciplinary action is indicated.
4. Upon special request.

Reviewed: 3/96  
Approved 5/99

### **SECTION 3.8: PERSONNEL RECORDS**

Personnel records for each employee will be kept in the Auditor's Office and will include the following:

1. Employee's full name and Social Security number.
2. Home address, including zip code and phone number.
3. Emergency contact and phone number.
4. Date of birth.
5. Gender.
6. Job title.
7. Rate of compensation.
8. An accurate record of accumulated annual leave, sick leave, overtime hours, and leave of absence without pay. This data is recorded quarterly (Except elected officials.)

Employees may review their files.

It is the employee's responsibility to report all changes in address, phone, etc. to their Department Head and the Auditor.

See Section 6.1 regarding confidentiality issues.

Review Dates:

3/96

3/99

### **SECTION 3.9: EMPLOYEE DEVELOPMENT AND TRAINING**

Employees are encouraged to maintain a high degree of efficiency, secure the best training available, and maintain awareness of advanced programs reflecting technical and professional changes within their fields. All employees, with Department Head approval, are encouraged to attend conventions and educational seminars that will benefit operations of County government. Employees shall be required to attend all training necessary to maintain licensing for their job classification.

Out-of-state travel extending beyond 150 miles of the state border with over-night stay requires approval from the Commission.

Review Dates:

8/96

3/99

### **SECTION 3.10: EXPENSE REIMBURSEMENT**

Employees who are authorized to travel at County expense are required to submit a detailed record of travel expense on a travel reimbursement voucher. Reimbursement is set by state law. However, the Commissioners have approved the paying of higher per diem rates for meals, if necessary, while County employees are at conferences. Current reimbursement rates are available at the Auditor's office.

Prior approval from the Commission is required for out-of-state travel, except in the performance of normal duty. Department Heads will be reimbursed for travel only outside of designated work site. Mileage to and from work is not reimbursable. Persons submitting expense vouchers shall assure that the expenses are not being reimbursed by any other governmental agency or business.

\*At the December 4, 2001 Commissioners Meeting, Accountants Phil Condit and Ann Pohanka called in regards to taxing of meals not involved in overnight travel. Both were of the opinion that meals reimbursed to County employees were not taxable. Commission approved to continue reimbursement of meals to County employees when away from their normal workplace to include non-overnight travel.

8/96

Approved 4/99

Approved 12/01

**SECTION 4.1: ANNUAL LEAVE**

Annual leave is a benefit granted to full time and part time employees. Employees are encouraged to use their annual leave on a regular basis so as to provide time for rest and relaxation away from the work environment.

The department head and/or designee must approve annual leave in advance. The Department Head may disapprove requests for leave.

Employees will accrue annual leave from the first day of work. If employee works 40 hours a week, he/she will accrue at the schedule below. Standard part-time employees who work 20 hours or more per week will accrue annual leave on a prorated basis.

Annual leave is accrued based on the following schedule:

<u>Years of Service</u>	<u>Per Month</u>	<u>Per Year</u>
1 <sup>st</sup> through 3 <sup>rd</sup>	8 Hours	12 Days
4 <sup>th</sup> through 7 <sup>th</sup>	10 Hours	15 Days
8 <sup>th</sup> through 12 <sup>th</sup>	12 Hours	18 Days
13 <sup>th</sup> through 18 <sup>th</sup>	14 Hours	21 Days
19 and over	16 Hours	24 Days

Your date of employment is your leave anniversary (calculation) date. Years of service credit will be for continuous years of employment with a break of less than one year.

For the purpose of record keeping, annual leave time will be prorated for any time short of a full month – rounded to the nearest quarter hour.

All new employees must complete sixty (60) days of satisfactory service prior to using annual leave.

A maximum of 200 hours (25 days) may be carried beyond January 15<sup>th</sup> of each year. Hours in excess of 200 hours on January 16<sup>th</sup> will be lost.

Annual leave over 200 hours may be carried beyond January 15 in cases of extreme hardship of emergency with prior approval from the County Commission. Any annual leave over 200 hours must be used within 90 days. This procedure may not be used two consecutive years.

The Auditor and Human Resources representative will periodically review departmental vacation records (monthly accrual rates, usage and annual leave accumulations) for accuracy and completeness.

At the time of resignation, retirement, dismissal or death, the unused annual leave will be paid to the employee or beneficiary.

If a paid holiday occurs while an employee is on approved annual leave, that day will not be charged against annual leave.

If an employee has any compensatory time, this time will be used prior to the use of annual leave.

Vacations shall be scheduled in such a manner as to not hamper the normal operations of the Department.

Generally, scheduled leave should not exceed two consecutive weeks in length.

Leave can be transferred from one department to another within Walsh County. New employees who come to Walsh County from other counties or Merit Systems within the state will not be able to carry over their vacation time from their past employer; however, leave accrual rates for employees transferring from another county or state agency may be negotiated. *We have allowed this in the past but it has never been explicitly outlined in policy*

Revision Dates:

Oct 1998

June 2000

March 2005

September 2005

October 2019

## **SECTION 4.2: SICK LEAVE**

Sick leave is a privilege granted to all employees of Walsh County, except temporary employees. A new County or Merit System Employee transferring from another county or agency will be allowed to carry 50 hours of sick leave to Walsh County. Use of sick leave is allowed only in case of actual sickness or disability of the employee or for the employee to schedule dental, eye, and physical examinations or counseling appointments for themselves or an immediate family member. As part of their sick leave, employees may take sick leave because of an immediate family member requiring hospitalization or bed care at home due to illness. Immediate family is defined as the husband, wife, son, daughter, father, mother, stepparents, brother, sister, step-sibling, grandparents, grandchildren, stepchildren, foster parents, foster children, mother-in-law, father-in-law, daughter-in-law, and son-in-law. Abuse of sick leave is grounds for disciplinary action or dismissal.

Employees earn sick leave at the rate of one working day per month. Sick leave may be accumulated without limit. 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, and each consecutive day of absence thereafter. Department Heads have the discretion to request a written statement by a physician certifying the employee's or family member's illness or ability to return to work. When the employee returns from sick leave, he/she must fill out a sick leave form and give it to the Department Head.

Additional long-term medical leave may be available pursuant to Section 4.3 and the Family and Medical Leave Act of 1993.

Employees will not be reimbursed for unused sick leave upon termination.

### **Absentee Reports:**

All Department Heads must keep current and accurate records of any absences. At the end of every quarter (March 31, June 30, September 30, and December 31) the department head must turn in a photocopy of the annual charts to the County Auditor's Office for county and state audit review.

## **DONATING SICK LEAVE**

**Eligibility** – A county employee, who is considered a benefited employee, who has exhausted or who will exhaust all of their sick leave, annual leave, and compensatory time, may be eligible to receive donated leave.

County employees may transfer sick leave hours to another county employee who has used all of his/her leave and needs additional time because of a personal serious illness or to care for a family member with a serious illness. The afflicted person must be “suffering from an extraordinary or



severe illness, injury, impairment, physical or mental condition that has caused or is likely to cause the employee to take leave without pay or terminate employment.” “These terms do not include conditions associated with normal pregnancy.” The employee must provide a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the condition.

Requests for donated leave should be sent to the Walsh County Auditor. They are approved/disapproved by the Walsh County Auditor.

Once the “Leave Donation Request Form” is received and approved, the Auditor’s Office will notify all county staff members so they can donate as they are willing. This notification will take place through posting, emails, and word-of-mouth. The name of the requester may or may not be revealed, according to their wishes.

Employees wishing to donate sick leave will complete the Sick Leave Donation Form and forward it to the Auditor’s Office. Donating employees must also notate donated time on their quarterly leave reports. All donated leave is donated anonymously; the names of those who have donated their time are not disclosed.

Employees must have a minimum balance of **one-hundred and sixty (160)** hours of sick leave to be eligible to donate. Employees cannot donate more than 5% of their accumulated sick leave within a calendar year. Leave must be donated in eight (8) hour increments.

**DURATION OF CONDITION** – This determines how long an employee can be on donated leave. If the doctor has a timeframe, such as 4-6 weeks, a medical update will be requested after 4 weeks if the employee has not returned to work. The employee’s use of donated leave cannot exceed 12 weeks in any 12 month period. Part-time employees’ leave entitlement will be determined on a pro rata or proportional basis. Walsh County uses the 12 month rolling backwards method. Each time an employee uses donated leave, the department looks back 12 months to determine the amount of donated leave entitlement.

## **DEFINITIONS –**

“Severe” or “extraordinary” means serious, extreme or life threatening.

“Relatives” is limited to spouse, child, stepchild, foster child, grandchild, grandparent, stepparent, or parent of employee.

Transfer only enough donated leave to cover the timeframe the employee is gone. Work with Department Head/Director to determine length of time away.

All forms will be filed in the Auditor’s Office in compliance with employment laws.

Approved 5/98  
Approved 6/00 & 8/00  
Approved 3/04

Revised 1/08  
Revised/Approved 11/13  
Revised/Approved 6/21

### **SECTION 4.3: FAMILY AND LONG TERM MEDICAL LEAVE**

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

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

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

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

- 1) The birth of a child and in order to care for that child.
- 2) The placement of a child for adoption or foster care and to care for the newly placed child.
- 3) To care for a spouse, child or parent with a serious health condition (described below).
- 4) The serious health condition (described below) of the employee.
  - An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.
  - A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care **or** a condition that requires continuing care by a licensed health care provider.
  - This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health

condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

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

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

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

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

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

**Employee Status and Benefits During Leave:** While an employee is on leave, the company will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. Under current policy, some employees pay a portion of the health care premium, or other optional benefits, out of their payroll. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premiums. While on unpaid leave, the employee must continue to make these payments, either in person or by mail. The payment must be received in the 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 servicemember over a 12-month period), and all intermittent leave schedules must be pre-approved.

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

**Procedure for Requesting FMLA Leave:** All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to their immediate supervisor. Within five

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

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

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

**Other Terms and Conditions:** Other terms and conditions as set forth in the Family and Medical Leave Act can be obtained through Human Resources.

Affective Date: 8/96

Review Date: 3/99

Review Date: 6/08

Review Date: 11/08

Review Date: 2/10

#### **SECTION 4.4: FUNERAL LEAVE**

Absence from work because of a death in the immediate family of an employee or employee's spouse may be excused without loss of pay to a maximum of four working days per occurrence. "Immediate Family" of the employee or the employee's spouse is defined as the husband, wife, son, daughter, father, mother, stepparents, brother, sister, step-sibling, grandparents, grandchildren, stepchildren, foster parents, foster children, daughter-in-law, and son-in-law. To be eligible for paid funeral leave, the employee must attend the funeral of the deceased relative.

Funeral leave may be granted at the discretion of the Department Head for persons not listed above. For the death of a relative or friend not covered by the funeral leave policy (or approved under supervisor discretion), it is appropriate to request and use annual leave.

The number of days of leave granted for funeral leave will depend on the location of the funeral and the relationship to the employee. This will be at the discretion of the Department Head. Any amount over four days will be considered annual leave or be taken as leave without pay.

Revised: 10-6-98

Revised: 3-08

Revised: 4-19

## **SECTION 4.5: MILITARY LEAVE**

An employee who:

- 1) is a member of the National Guard;
- 2) is a member of the Armed Forces Reserve of the United States;
- 3) is subject to call into the Federal Service;
- 4) has volunteered for service upon National request;

when ordered by proper authority to active non-civilian employment, shall be entitled to a leave of absence for the period of such active service without loss of status.

If such persons have been in continuous employ of the County for ninety (90) days immediately preceding the leave of absence, they shall receive a maximum of thirty (30) work days each calendar year without loss of pay. In addition, any leave of absence necessitated by a full or partial mobilization of the Reserve and National Guard forces of the United States or emergency State active duty, shall be without loss of pay for a maximum of thirty (30) days.

Active duty includes "summer camp" for National Guard and Reserves. However, if leave is required for other military training on a day that a public officer or employee is scheduled to perform work for the County, the employee must be given the option of time off with a concurrent loss of pay for the period missed or must be given the opportunity to reschedule the work period so the Reserve or National Guard weekend, daily, or hourly drill or period of training, occurs during time off from work without loss of status (NDCC 37-01-25).

**Return From Military Leave** – Upon return from military service, employees must provide notice of or submit an application for reemployment in accordance with the following schedule:

- If served for less than 31 days or have reported for a fitness to serve examination, employee must provide notice of reemployment at the beginning of the first full regular schedule work period that starts at least 8 hours after he/she has returned from the location of service.
- If employee has served for more than 30 days, but less than 181 days, he/she must submit an application for reemployment no later than 14 days after completing period of service, or, if this deadline is impossible or unreasonable through no fault of their own, then on the next calendar day when submission becomes possible.
- If employee has served for more than 180 days, he/she must submit an application for reemployment no later than 90 days after the completion of the uniformed service.
- If employee has been hospitalized or is recovering from an injury or illness incurred or aggravated while serving, he/she must report to their Department Head, at the end of the necessary recovery periods, which may not exceed two years.

If employee's military service was for more than 30 days, he/she must provide documentation within two weeks of their return (unless documentation does not yet exist or is not readily available) showing the following (i) the application for reemployment is timely; (ii) the period of service has not exceeded five years; and (iii) that he/she has received an honorable or general discharge.

#### **SECTION 4.6: JURY AND WITNESS LEAVE**

Any employee called to jury duty shall be granted time off with pay less the amount of fees received for jury service. Jury fees may be retained if the employee is on authorized vacation leave.

When county personnel are called as witnesses in a criminal case as a result of matters arising out of official duties and services for the County, they shall not be subject to any loss of time or pay. If they receive reimbursement for travel and/or room and board from the County they shall not collect witness fees or mileage as a witness. The term witness includes "expert witness".

Should an employee be called as a witness when the department does not reimburse such employee for mileage, the employee may collect witness fees and mileage from the proper party and retain same without loss of time or pay.

An employee who is personally interested in or a party to a criminal or civil action or who voluntarily appears as a witness must charge his/her absence against earned annual leave or leave without pay.

Approved 8/99, 10/19



#### **SECTION 4.7: LEAVE OF ABSENCE WITHOUT PAY**

Leave without pay may be granted by a Department Head, the County Board of Commissioners or other appropriate Appointed Board, to employees with good service records as follows:

- 1) All accrued annual leave must be taken prior to the effective date of any leave without pay.
- 2) Written request stating the purpose and duration of said leave shall be approved by the Department Head.
- 3) No benefits accumulate during leave of absence without pay.
- 4) The employee will be given the option to pay for certain benefits, such as health insurance, on his or her own.

## SECTION 4.8: HOLIDAYS

The official holidays for Walsh County are to mirror the ND State Holidays. North Dakota Century Code provides the following holidays:

New Years Day	Independence Day
Martin Luther King Day	Labor Day
President's Day	Veteran's Day
Good Friday	Thanksgiving Day
Memorial Day	Christmas Day

In addition, the county will observe any other holiday as declared by the Governor of the State of North Dakota.

Full time employees will be given eight (8) hours paid holiday time for each of the holidays listed above. Standard part time employees who work 20 hours or more hours per week will receive prorated holiday time.

All non-exempt employees who are scheduled to work or called out to work on any of these days will be paid straight time for all hours worked, plus holiday hours or time off on an hour for hour basis. If the holiday occurs on a day, which is a regularly scheduled day off for the employee, he/she will receive additional pay for that workweek equal to eight (8) hours pay at straight time or eight (8) hours of comp time. Part time employees who work under twenty (20) hours per week are not eligible for holiday pay.

Exempt level personnel required to work on a holiday will receive an additional day off with pay at straight time to be taken at a later time.

Department heads are encouraged to comply with all reasonable annual leave requests, keeping in mind the requirements of the department.

When a holiday falls on a Saturday, the preceding Friday shall be designated a substitute holiday and observed as the official holiday for that year. When a holiday falls on a Sunday, the following Monday shall be designated a substituted holiday and observed as the official 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> - Monday	<u>Thursday</u> - Wednesday Noon & Thursday
<u>Tuesday</u> - Monday & Tuesday	<u>Friday</u> - Thursday Noon & Friday
<u>Wednesday</u> - Tuesday Noon & Wednesday	

Revision Dates:

September 2005	October 2019
November 2010	January 2022
March 2019	

## **SECTION 4.9: HEALTH INSURANCE**

Walsh County provides group health insurance for all full and part time standard employees. Part time employees who work at least 20 hours per week will receive benefits in proportion to their full time equivalent. Employees are eligible for coverage on the first of the month following hire date. The County currently covers a single health insurance policy in full and 75% of a single plus dependent plan or a family plan. Employees pay the remaining cost of the premium for single plus dependent and family plans through payroll deduction. Premium rates are provided to new employees upon hire and can be requested from the Auditor's office at any time. These premiums can be paid for by pre-tax dollars (See flexible benefits policy 4:13). Employees must be utilizing the County's health insurance plan in order to receive this benefit.

The group health insurance plan is currently administrated by Blue Cross / Blue Shield of North Dakota. Insurance applications and enrollment forms must be completed by eligible employees in their personnel office. Employees shall notify personnel of any personal changes that may affect their need for insurance coverage. Employees who wish to change or discontinue insured benefits at any time must submit a written request to their personnel office. For medical plan monthly rates please see the Group Health Handout.

Walsh County employees (and their dependents) who resign, are terminated or laid off must be offered the option to continue their group health plan coverage for up to 18 months under the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA). Health care continuation coverage must also be extended to employees whose work hours have been reduced to the point where they no longer would be covered by the employer's group health plan and to employees' dependents for up to 36 months following certain "qualifying events" such as divorce or death of an employee, that cause the dependent to lose coverage under the employer's plan. The total premium plus an additional 2% administration fee may be charged.

### Revision Dates:

January 1998  
September 2005  
June 2008  
April 2010  
April 2012  
April 2014  
May 2015

## **SECTION 4.10: WORKFORCE SAFETY & INSURANCE**

It is the policy of the County to maintain a safe and healthful working environment. It is recognized that minimizing the risk of injury in the workplace will require the mutual cooperation of all employees.

Employees shall be covered by Worker's Compensation as provided by North Dakota state law for lost time and/or medical expenses that may result from injuries which have been sustained on the job or illness related to their work. If work breaks are used to conduct non-work-related activities away from the County premises, no workers compensation coverage will apply during that time.

Worker's compensation protects the employee's income in case of injury on the job. The premium for coverage is paid by the employers.

An employee who is injured in the course of employment may use accumulated sick leave or annual leave while receiving worker's compensation benefits, however, the combination of benefits shall not exceed the employee's gross salary.

To ensure coverage, employees injured while on the job should report the injury to their department head or supervisor and risk manager within 24 hours. If necessary, the employee shall seek appropriate care and inform their supervisor of their actions. You must see the risk manager to complete the appropriate paperwork, who, in turn, will submit this to Workforce Safety & Insurance. If unable to see the risk manager within 24 hours of the accident, you must phone the risk manager to inform him/her of your accident or injury so the appropriate paperwork can be filed within 24 hours.

Revision Dates:

January 2006

May 2015

## **SECTION 4.11: UNEMPLOYMENT COMPENSATION**

Employees are protected by the State Unemployment Insurance Program for partial loss of wages due to separation from County employment. The amount will be based on the wages earned from the County in the qualifying period and as determined by the State Job Service, Job Insurance Division. Disqualification for benefits will result when circumstances of leaving the County's employ are voluntary, leaving without good cause attributable to the County, or when a person is discharged for gross misconduct.

Upon the Walsh County Auditor's receipt of a notice of unemployment request, the department head will complete the notice, keep a copy and return it to Job Service.

The Department shall pursue its responsibility to oppose all claims of former employees who have been separated under conditions believed to be disqualifying.

## **SECTION 4.12: RETIREMENT PLAN**

Walsh County employees are covered by the North Dakota Public Employee's Retirement System (NDPERS). All non-temporary full-time and non-temporary part-time employees who work more than 20 hours per week must participate in NDPERS. Contribution details are provided to new employees upon hire and can be requested from the Auditor's office at any time.

NDPERS provides for vested retirement benefits after 3 years of service. Should an employee terminate County employment prior to becoming vested, they will receive only the money they have contributed plus any earned interest paid by NDPERS.

Revised 5/2015

## **SECTION 4.13: FLEXIBLE BENEFITS**

Under Section 125 of the Internal Revenue Code, county employees are entitled to pay for selected benefits with pre-tax salary dollars. Under the Flexible Benefits Program, the following benefits can be pre-taxed:

- Employee Contributions toward medical related insurance premiums.
- Medical, dental and health-care related supplies and services not covered by insurance.
- Daycare for dependent child, disabled spouse or dependent parent.

Adoption Date:  
July 2005

#### **SECTION 4.14: LIFE INSURANCE**

Eligible employees (refer to Section 1.2) will receive a basic term-life insurance plan under the North Dakota State Retirement System in the sum of \$7,000. The employee has the option to purchase additional coverage at their own expense.

Additional policies available at the employee's expense are:

- 1) Whole Life Insurance
- 2) Cancer Insurance
- 3) Intensive Care Insurance
- 4) Special Event
- 5) Accident/Disability
- 6) Hospitalization
- 7) Dental

Employees should contact the Auditor's Office for more information.

Revised October 2019

#### **SECTION 4.15: TELECOMMUTING POLICY**

Telecommuting arrangements allow Team Members to work in a Remote Work Location, outside of the Primary Work Location. The County believes that it is imperative to remain visible and accessible to the taxpayers of Walsh County. However, under limited circumstances organizational



demands and/or Team Member needs may require the use of a work environment outside of the Primary Work Location. The Short-Term Telecommuting Agreement fills that void by creating a cooperative arrangement between Team Members and Supervisors, which offers flexibility in how and where the work is accomplished. Telecommuting does not include department heads/supervisors who work off-site outside of the normal business hours in order to complete their required tasks.

Department Heads are encouraged to work alongside Human Resources to discuss and plan out telecommuting needs within each department; however, it is to be understood that telecommuting is to be used under limited circumstances in order to maintain continuity of operations when the worksite is inaccessible or the employee is unable to be present at the worksite.

Telecommuting is a benefit and privilege of employment, not a right. Team Members must have an approved Short-Term Telecommuting Agreement under this policy prior to formally telecommuting. Although this policy outlines the organization's expectations for telecommuting, departments may have additional requirements, guidelines, procedures that Team Members may be required to follow. Please be sure to discuss those departmental needs prior to formalizing the telecommuting agreement.

- Telecommuting may not adjust or modify the duties, obligations, responsibilities, or the terms and conditions of a Team Member's employment.
- Team Members who are telecommuting must comply with all County policies, practices, and instructions.
- Telecommuters must perform work activities, during the business hours, outlined in the Telecommuting Agreement. Team Members may not participate in activities, during work hours, that would not be allowed at the Primary Work Site such as child, elder, or other dependent care.
- A Team Member, Supervisor, or the Human Resources Department may deny, end, or modify a telecommuting agreement for any business reason that is not arbitrary or capricious.
- Team Members will be unable to participate in the telecommuting program if they do not comply with the terms of their telecommuting agreement
- The Telecommuting Program is intended to be a cost neutral program to where the County is not required to provide telecommuters with materials or supplies needed to establish computer, software, cell phone, fax, copier, etc. The County assumes no responsibility for set-up or operating costs at an alternate worksite (telephone or discretion to provide equipment, software, or supplies.)
- All County rules regarding the use of computers and the internet apply while a Team Member is telecommuting.

### **Eligibility**

Eligibility for telecommuting is based on both the position and the Team Member. Not every job or every Team Member is well-suited for telecommuting.

### **A. Position Eligibility**

A Team Member's position may be suitable for telecommuting when the job duties align with the following:

- Independent in nature
- Primarily knowledge-based
- Lend themselves to measurable deliverables
- Infrequent in-person customer interaction
- Immediate presence is not required for coverage
- Not essential to on-site workflow both the position and the Team Member.

### **B. Team Member Eligibility**

A Team Member may be suitable for telecommuting when their characteristics, as determined by the supervisor, align with the characteristics below.

- Dependable and responsible;
- Effective communicator;
- Demonstrated motivation;
- Ability to Work independently;
- High Rate of productivity;
- High level of skill and knowledge of the position;
- Ability to prioritize work effectively;
- Excellent organizational and time-management skills.

Team Members that have any documented performance deficiencies may not be eligible to commute.

### **Agreement**

Telecommuting agreements may occur on an occasional basis. Occasional telecommuting means a Team Member works away from the office on an infrequent, one-time, or irregular basis. This option provides an ideal arrangement for Team Members who generally need to be in the office, but who sometimes have projects, assignments, or other circumstances that meet the eligibility criteria.

### **Information Technology**

For IT-related needs, IT will not come to a team member's home location. It will be the team member's responsibility to bring equipment onsite for repair if remote IT is unable to resolve concerns. The County is not responsible for the temporary loss of telecommuting days due to equipment malfunction. The County assumes no responsibility for repair, maintenance, or replacement of personally-owned equipment used for telecommuting. IT support may provide general documentation but will not troubleshoot connectivity issues.

Approved 12/22

## **SECTION 5.1: RESIGNATIONS**

Employees who intend to terminate employment with the County are encouraged to provide the County with written notice of their intended termination date at least two weeks prior to the actual termination.

All employee benefits normally end with termination of employment. Therefore, terminating employees should, if possible, consult with the Auditor at least two weeks prior to termination in regard to conversion or extension of privileges connected with health and life insurance programs, plus pension rights.

**Note:** Failure to return to work on the expiration of a personal leave of absence, annual leave, military leave, sick leave, or any other approved leave, unless medical or other acceptable evidence has been submitted to the department head, will be recorded as a voluntary termination dated the first day of the unapproved leave.

## **SECTION 5.2: TERMINATION OR DISCIPLINE**

Although the County recognizes the theory of progressive discipline, management retains discretion to take disciplinary action appropriate to the particular circumstances. Policy violations or performance problems may result in disciplinary measures that, depending upon the circumstance and at the discretion of the County, may include verbal or written warnings, suspension (with or without pay), or immediate discharge. These disciplinary measures do not constitute an exclusive list of possible actions and may be taken in any order. They are intended merely as a guide to the employee and are not intended to create a contract or modify the employee-at-will relationship.

Suspension is an action reserved for critical employment or work related issues. However, it can be costly for the County and causes inconvenience for supervisors and co-workers. As such, supervisors may choose an alternative form of suspension whereupon suspension days will not be a day off schedule, but will suspend accrual of vacation leave. The employee will continue to work all scheduled shifts during the suspension. During the time of alternative suspension, the employee will cease to accrue additional vacation hours until the suspension has been satisfied. Example: An employee works 12 hour shifts and has been suspended for two days. This employee accrues 8 hours vacation leave per month; the accrual of vacation leave will be suspended for a period of three months (24 hours – equivalent to two 12 hour shifts).

All employee discharges, demotions or suspensions without pay should be reviewed and approved by human resources.

For the benefit of each employee and to protect the integrity, efficiency, and productivity of the County, all employees must observe certain rules. Engaging in any of the following examples of unacceptable conduct may result in the disciplinary actions listed above. These examples are intended only as a guide and are not all-inclusive.

1. Discussing any confidential matters with anyone outside County government or with unauthorized County employees.
2. Deliberately or willfully violating the County's equal employment opportunity or sexual harassment regulations.
3. Stealing or attempting to steal funds or property of the County.
4. Intentionally destroying County property or equipment.
5. Carrying concealed weapons on County property or concealing a weapon on County property.
6. Bringing intoxicants or drugs (other than drugs prescribed by a physician for a specific employee) on County premises, or reporting to work under the influence of intoxicants or drugs.
7. Falsifying County records (i.e., employment application blank, time cards, etc.).

8. Being insubordinate or failing to carry out any reasonable order of a superior.
9. Being absent or tardy without notification or reason.
10. Conducting personal business during working hours.
11. Gambling while on the job.
12. Failing to follow sound safety practices while on the job.
13. Leaving work early without permission
14. Displaying conduct unbecoming of a County employee.
15. Personal use of County property without the express, prior permission of a supervisor.
16. Engaging in any other business or employment that conflicts with or interferes with your responsibilities to the County.
17. Criticism of the County, its personnel or policies to current or prospective customers, employees, vendors or other business partners.
18. Inability or refusal to work cooperatively and harmoniously with other employees.
19. Failure to work efficiently or produce satisfactorily results.
20. Smoking or chewing tobacco in an unauthorized area.
21. Failure to provide prior notice that you are taking medications, which may affect your work performance or create a safety risk.
22. Committing a misdemeanor, felony or serious regulatory offense, or any similar act or omission, whether on or off duty, which adversely affects the County by bringing the County into disrepute, exposing the County to the risk of liability or expense, undermining the employee's ability to effectively perform his or her duties or reducing public or co-employee confidence in the employee.

Walsh County maintains an employment at will relationship and employees may be terminated with or without cause.

\*Social Service employees will follow the disciplinary procedures as established by the State Personnel's Boards Administrative Rules.

Revision Dates:

1/98, 7/05, 9/06, 10/19

## **SECTION 5.3: GRIEVANCE PROCEDURES**

The purpose of this internal grievance policy and procedure is to provide a fair and effective opportunity to resolve work-related problems 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 2.2 of this handbook.

**Scope:** This policy applies to the County Commission and all departments and employees of Walsh 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.**

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 to 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.

At any time through the grievance process, either the employee and/or supervisory level may request alternative dispute resolution or mediation services. All parties involved must agree to the use of mediation prior to using this method.

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 Walsh County with a small number of employees. In order to provide needed assistance to another department, an employee 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.

Revised: 4-19

\*Social Service employees are encouraged to first utilize the County's grievance procedures policy, however there are no *requirements* to do so before utilizing the State Merit System grievance procedures policy.



## **SECTION 5.4: LAYOFFS**

If it is necessary to achieve a reduction of the work force, the Department Head, with Commission approval, may separate any employee due to lack of funds, diminished workload, organizational or procedural changes, or other circumstances. Employees separated through no fault of their own shall be placed on the re-employment list for one year for their class position (see also Section 6.5 of this Personnel Policies Manual).

The employee concerned shall be given at least two weeks written notice of the layoff. In event of an emergency layoff, such as a serious fire, employees will be given two weeks pay in lieu of two weeks notice. A copy of the employee's layoff letter shall be sent to the Board via the Auditor's office.

In making layoffs, consideration will be given to the length of service and quality of work of those affected employees.

## **SECTION 5.5: CONFLICT OF INTEREST**

No department head or employee should engage in other employment activities or enterprises for private gain that could constitute a conflict of interest. In determining whether such outside employment or activities for private gain constitute a conflict of interest with public duties or are inconsistent or incompatible with public employment, the following shall be considered:

1. The use of County time, facilities, equipment, supplies, badge, uniform, prestige, or influence of County employment for private gain.
2. Receipt or acceptance by the employee of money or other consideration for an activity which would be required or expected in the regular course of County employment.
3. An activity which may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement by such employee or department.

## **SECTION 6.1: KEEPING OF RECORDS**

County government is subject to the Open Records Law (NDCC 44-04-18). Specific information on open records and meetings can be found in the Attorney General's Open Records and Meetings Manual. This can be accessed at [www.ag.state.nd.us](http://www.ag.state.nd.us) and then proceed to Open Meetings and Record Section. This law states that all records of public or governmental bodies are open and accessible for inspection unless otherwise specifically provided by law.

There are three classes of records, open, exempt, and confidential. Exempt records allow an entity, such as county government, to have the discretion as to what information to release, should there be a request. Confidential records may not be released without proper authorization. Section 44-04-18.1 was amended to add an exception to the Open Records Law that pertains to personal information regarding a Public Employee contained in an employee's personnel file during the course of employment. The personal information that is exempt from open records includes: the person's home address, home telephone number, medical information, motor vehicle operator identification number, social security number, payroll deduction information, date of birth, the social security number of any dependent, emergency contact, any credit debit or electronic fund transfer card number, and any account number at a bank or other financial institution.

Medical records that are obtained as a result of enrollment in the uniform group insurance plan are confidential, as are any record of public employees medical treatment or use of an employee assistance program (NDCC 54-52.1-12; 1997 ND OP Att'y Gen 26( Sept 10 to Sparb Collins), NDCC 44-04-18.1(1)).

Minutes and Recordings of Executive Session are not an open record and remain closed to the public even if the underlying statutory basis for the executive session no longer applies. (NDCC 44-04-19.2(5), 1998 ND Op Att'y Gen )-132(Nov 24 to Douglas Schauer)).

Other information which is not open to the general public, includes juvenile records in the Sheriff's Office and client information in county Social Service Board Offices. As a result of the confidential information that County government must safeguard, the following policy guidelines have been established for confidentiality.

### **CONFIDENTIALITY**

As a county employee, your job may require you to have access to what is referred to as confidential information. Confidentiality has to do with trust and keeping personal private affairs safe. Confidential information is considered to be valuable, sensitive, and in many cases, protected by law. Confidential information will be used, only as necessary, to accomplish the task at hand. If information needs to be shared with someone, either within the organization or with someone outside of the organization, as a result of such things as an Authorization or a matter of law, only what is reasonably necessary or if it is Protected Health Information, minimum necessary to accomplish the task is disclosed.

As a county employee, your position may allow you to have access to client or personnel records. Your responsibility is to maintain the confidentiality of the protected information. Confidentiality has to do with keeping the designated information private and using the minimum necessary information.

Various departments of county government may have information, which is considered to be confidential. Each department head is to identify, based on statute, what information is confidential and who is to have access to this confidential information or the “need to know”. For social service matters, please refer to Service Chapter 110: Chapter 01: Policies of Department of Human Services Confidentiality. NDCC Section 50-06-15.

Each county employee is to be careful not to divulge, copy, release, sell, loan, review, alter, or destroy any information known to be confidential, in any way, except as properly authorized. An employee may not use this confidential information except as authorized, and must safeguard this confidential information.

In the performance of your duties, you may be given certain access codes, such as passwords to computers, which are not to be left in an area for someone else to have access to and must also be regarded as confidential.

There will be times when protected health information, as defined in the Health Insurance Portability and Accountability Act (45 CFR Parts 160 and 164) which is considered confidential, may need to be disclosed to other county departments. That information continues to remain confidential after it is received by another department. You have an obligation to report activities by individuals or other entities the county may work with that you suspect may compromise the confidentiality of the county’s records to the county privacy officer. Immediate action will be taken.

Each employee will be responsible for their misuse or wrongful disclosure of confidential information and for their failure to safeguard access. Any failure to comply with Walsh County’s confidentiality policies will result in disciplinary action. Chapter 12.1-13-10 also states that a public servant that knowingly discloses any confidential information is guilty of a Class C felony. It is further understood that the obligation to keep information confidential extends even after termination of employment with Walsh County.

Revised 10/19

## **SECTION 6.2: NEWS RELEASES**

When requests for information other than matters of public record are made of County employees, the official position of the County shall be stated by the appropriate department head or an employee with department head approval. This provision shall not restrict the rights of the individual employee to comment on any public matter in his or her capacity as a private citizen.

### **SECTION 6.3: COUNTY VEHICLE OPERATION**

All County employees who drive County vehicles must possess a valid driver's license. The license must be presented for verification to the department head. County-owned vehicles cannot be used for personal use, except commuting directly to and from the work site (with prior approval).

County employees using County vehicles are responsible for such vehicles at all times. Employees must remain WITH the flow of traffic at all times, particularly if there is ever a need to pull over on the side of the roadway. Any county employee travelling in a county vehicle or in a personal vehicle for work purposes must keep a reflective vest readily available at all times in case of emergency. Please refer to section 6.4B Personal Protective Equipment for more information. It is understood that law enforcement must follow pre-established safety protocols that are appropriate for the situation for which they are responding.

County employees using their own vehicles for County business should be able to provide proof of insurance coverage to the Auditor's Office.

County Employees who are involved in a vehicle accident involving department and/or personal vehicles must undergo post-accident alcohol and controlled-substance testing if one of the following conditions applies:

- a.) the accident involved bodily injury to a person who, as a result of the injury, receives medical treatment away from the scene of the accident, or
- b.) the accident required the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle. (The exception to this provision would be a deer/car collision.)

The employee and/or supervisor must contact the testing coordinator in the County immediately to make arrangements with the testing vendor. The testing vendor will attempt to conduct the post-accident alcohol test within 2 hours after an accident requiring a test. However, if conditions prevent the test from being completed within the 2-hour time frame, attempts will be made to have the test administered within 8 hours of the accident. After 8 hours, no test will be performed. The employee's supervisor must document the reason for the delay and lack of testing. If it is not possible to meet the 2-hour time frame, it is acceptable to have the alcohol test performed by law enforcement at the scene of the accident. Appropriate documentation must be maintained.

Employees must remain at work, but must not perform safety-sensitive functions, until the post-accident alcohol test is administered or until 8 hours after an accident requiring a test.

The testing vendor will, if possible, also administer a post-accident controlled-substance test within 32 hours after all accidents requiring a test. If the controlled-substance test is not

administered with 32 hours, no test will be given, and the supervisor must file and maintain records stating the reason for the delay and lack of testing.

Documentation regarding the alcohol test, the controlled-substance test, or lack of either test shall be forwarded to the appropriate person in Human Resources and Risk Management for retention.

Revised 10/19

Revised: 6/21

### **SECTION 6.3B: SEAT BELT POLICY**

Walsh County has enacted a seat belt policy in order to increase employee safety. Seat belts are the best protection against injury or death in a crash. We are committed to employee safety, and recognize that the simple act of buckling up reduces the chance of serious injury or death by 40% to 60% and can save money for our County.

Walsh County recognizes that seat belts are extremely effective in preventing injuries and loss of life. We care about our employees, and want to make sure that no one is injured or killed in a tragedy that could have been prevented by the use of seat belts.

It will be Walsh County policy that seat belts shall always be used by both drivers and passengers while traveling on official company business. Employees are strongly encouraged to use their seat belts off the job as well. The purpose of this policy is to establish mandatory belt use as an organizational priority and designate responsibility for implementation and enforcement.

- Following the seat belt policy is to be considered a condition of employment with Walsh County. Failure to abide by this stated policy will be considered a breach of that condition of employment and subject the person in violation to disciplinary action, including suspension and possible termination.



Adopted 9/12

### **SECTION 6.3C: DISTRACTED DRIVING POLICY**

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

- County employees may not engage in distracting activities while operating a vehicle – whether the vehicle is in motion or stopped at a stop sign or traffic light.
- The County understands that employees may need to use their phones while operating a vehicle. When possible, it is recommended that County employees pull over safely to the side of the road or another safe location until the call is complete. This is highly recommended when road conditions are not optimum due to weather or other factors (mud on roadway, etc.), therefore requiring the employees' complete attention.
- Additionally, County employees are asked to:
  - Consider modifying voice mail greetings to indicate that you are unavailable to answer calls or return messages while driving.
  - Inform clients, associates and business partners of this policy as an explanation of why calls may not be returned immediately.
- Following the Distracted Driving Policy is to be considered a condition of employment with Walsh County. Under the discretion of supervisors, failure to abide by this stated policy may result in disciplinary action, up to and including suspension and possible termination.

Approved 10/13

## **SECTION 6.4: SAFETY**

All County employees have a responsibility for the safety of citizens visiting County premises and their fellow employees. This responsibility can be met only by working together continuously to promote safe working practices, observing all safety rules and regulations, and consistently maintaining property and equipment in safe working order. If you observe any condition you feel is unsafe, report it immediately to your supervisor.

It is the County's responsibility to provide a safe and healthful environment for all its employees. Employees are expected to help in this endeavor. It is, in fact, demanded of them. Be alert for accident and/or health hazards, and report any such conditions to your immediate supervisor at once. If you are involved in an accident or become ill on the job, no matter how minor it may seem, report it to your supervisor.

See Section 4.10 Workforce Safety & Insurance for additional information.

Approved 8/99

## SECTION 6.4B: PERSONAL PROTECTIVE EQUIPMENT

All Walsh County employees working within a roadway easement, **parked on or near a roadway for any reason**, or on a Walsh County project site, must have available, and wear, properly fitting outerwear, footwear, eyewear, headwear and any other safety equipment as determined appropriate by a project supervisor and in accordance with the county dress code, and as follows:

1) Long- or short-sleeve shirts (sleeveless shirts are not acceptable), or jackets or coats, with high-visibility reflective striping and meeting all current safety standards\* shall be worn at all times. The reflectivity of the apparel must be maintained to consistently meet minimum reflectivity standards. Apparel that no longer meets those standards is not acceptable and must be replaced.

County-provided reflective vests, meeting the same standard, are an acceptable alternative. Employees shall properly wear and maintain their vests and shall have them readily available for use at all times. This applies equally to all employees; any county employee travelling in a county vehicle or in a personal vehicle for work purposes must keep a reflective vest readily available at all times in case of emergency. When vests no longer meet the reflectivity standards, they must be replaced.

2) Leather work gloves for use when handling rough, sharp or abrasive materials, or in other situations where hand protection is necessary. The county will provide gloves for specialized activities and applications.

3) County-provided hardhats, meeting current safety standards\*, shall be worn when working within a work zone with the potential for overhead hazard (impact, or falling or flying objects), including cranes, excavators, backhoes (trenching, lifting), tree and brush removal, or as directed by a project supervisor. Hardhats will be provided to each employee. The employee shall properly wear, store and maintain the hardhats and shall have them readily available for use whenever project conditions warrant.

4) County-provided hearing protection (disposable earplugs - meeting current safety standards\*) shall be used when working in areas of elevated occupational noise levels. Additional, or secondary, protection may be required in certain areas or during certain activities.

5) County-provided safety glasses (with side shields), safety goggles and/or face shields (meeting current safety standards\*) shall be worn when exposed to potential airborne hazards. Some work activities require the use of specifically designed protective eyewear. Employees should contact a project supervisor to determine which eyewear is required. Prescription (personal) eyewear, properly worn and meeting the same standards, may be used; however, the county will not compensate employees for damages to their eyewear.

6) County-provided protective chaps meeting current safety standards\* shall be worn while operating power saws.

7) County-provided waders (boots) should be worn when working in water. Waders are available at department garages and shall be returned there after use and hung up to dry. Employees should not work alone when working near water or working on bridges and culverts carrying moving water. County-provided floatation devices, U. S. Coast Guard approved life jackets or buoyant work vests, shall be worn. Restraint devices, as determined appropriate by a project supervisor, shall also be used.

8) County-provided Fall Arrest Systems or Positioning Devices (meeting current safety standards\* and as determined appropriate by a project supervisor) shall be worn when working at stations elevated, generally, six (6) feet or greater, or as determined appropriate by a project supervisor.

9) County-provided respiratory protection (filters, respirators, or ventilation) meeting current safety standards\*, and as determined appropriate by a project supervisor, shall be used whenever the potential for atmospheric contaminants or irritants are present. Given the wide range of potential contaminants, a supervisor will determine the appropriate device.

10) County-provided protective headwear, such as ATV helmets or tactical gear helmets (meeting current safety standards and as determined appropriate by supervisor) shall be worn when riding or driving an ATV or UTV.

Other personal protective and safety equipment or systems, as provided by the county, shall be worn or used by employees as directed by a supervisor.

Employees shall report to work fully prepared and equipped to begin work each day. If personal protective equipment is applicable only on an occasional or intermittent basis employees must maintain the proper equipment with them at all times. Failure to wear required safety apparel may result in disciplinary action.

Employees shall appropriately use and maintain county-provided equipment, return it after use, and report any damage, excessive wear or other deficiency.

\*Current Safety Standards derived from the following, where applicable:

ANSI = American National Standards Institute

NIOSH = National Institute for Occupational Safety and Health

ASTM = American Society for Testing and Materials

Approved: 6/21

## **SECTION 6.4C: STOP WORK AUTHORITY**

In the interests of the health and safety of all employees, this County has adopted a **Stop Work Authority** policy.

Stop Work Authority (SWA) establishes the responsibility and authority of any employee to stop work when an unsafe condition or act could result in an undesirable event. In general terms, the SWA process involves a stop, notify, correct, and resume approach to resolving the situation or condition.

This policy is applicable to any situation involving unsafe conditions, actions, inactions, omissions, or mistakes that may cause harm. Any employee is empowered to challenge any other person about work behaviors or work conditions regardless of position or seniority if that employee determines that a situation exists where the potential for injury or other adverse impacts exists.

There will be no adverse actions taken against an employee for taking such action. SWA should be used immediately upon recognition of an unsafe situation. If this process does not immediately remedy the unsafe practice employees are to notify a supervisor.

Approved: 6/21

## **SECTION 6.5: RE-EMPLOYMENT BENEFITS**

Employees, who have held full-time non-temporary positions from which they were laid off for reasons not attributable to them or from which they resigned in good standing, may request the Auditor's office in writing to have their name placed on the re-employment list for one year.

If re-employed within a one year time frame to their prior position, they will be placed at their former step on the pay scale and shall be given credit for prior months worked.

Any former employee returning after more than one year will be treated as a new employee, with no benefits credited.

Credit for previous years of service through PERS must follow PERS policies and is the responsibility of the employee.

Approved 8/99

## **SECTION 6.6: RETURN OF PROPERTY**

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. Employees must immediately return all property of the county that is in their possession or control in the event of termination of employment, resignation, layoff or retirement.

## **SECTION 6.7: ACCEPTABLE USE OF ELECTRONIC COMMUNICATION DEVICES**

### **Scope and Purpose:**

Walsh 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 Walsh County, nor jeopardize the system's integrity.

### **Use of Electronic Communication Devices:**

Unless exempted by law, all electronic communications shall follow North Dakota's Open Records Law. It is Walsh 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 Walsh 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.

Approved 4-08



## **SECTION 6.8: DISPOSAL OF COUNTY SURPLUS PROPERTY**

It is the policy of Walsh County to maintain functional and efficient tools, equipment, technology and furniture. In furtherance of this policy, there may, from time to time, be used property available for sale. It is the express policy of Walsh County government that all sales of used property are subject to the following procedures and conditions:

- Walsh County specifically reserves the right to sell, auction, or dispose of used property in the manner that will most likely to result in the greatest benefit to the County. All used property available for sale will be sold/disposed using the method deemed most appropriate by the seller. It is recognized that estimated value of the item, likelihood of selling and cost of advertising/disposal will all have an effect on the method chosen to dispose of the property. Walsh County reserves the right to establish minimum sales amounts and the right to reject any or all bids submitted.
- A detailed description of the property being sold must be made available, upon request, by the department disposing of the property.
- All used property made available for sale will be made available for inspection upon request of an interested party.
- All confidential county information must be removed before property is disposed.
- All used property is specifically sold “AS IS”. There shall be no warranties, either express or implied, provided by Walsh County government or anyone else.
- Walsh County shall provide no support service of any kind to the purchaser of used property.
- All property sold/disposed must be reported to the County Auditor for inventory purposes.

Approved 10/13

## **SECTION 6.9 CREDIT CARD POLICY & PROCEDURES**

### **Authority**

The County Auditor is designated to be responsible for Walsh County's credit card issuance, accounting, monitoring, retrieval, and for general oversight of compliance with this Credit Card Use Policy.

### **Responsibility**

Only those who are authorized and who have signed the Credit Card User Agreement may use County credit cards. Credit cards shall only be used to purchase goods or services for the official business of Walsh County.

All authorized users of County credit cards shall submit documentation detailing the goods or services purchased the cost of goods or services, the date of the purchase and the official business for which it was purchased.

Authorized employees issued a credit card are responsible for its protection and custody and shall immediately notify the County Auditor if the credit card is lost or stolen.

Employees issued County credit cards shall return the credit card immediately upon termination of his or her employment or service with the County.

### **Internal Accounting Controls**

A current list of all credit cards, authorized users, and credit limits shall be kept on file. The Department Supervisor for the Department wherein the credit card purchase was made shall review and approve all invoices received for payment prior to the submission to the County Commission for approval of payment. The balance including interest due on an extension of credit, under the credit card arrangement shall be paid within sixty (60) days of the initial statement date.

The total combined authorized credit limit of all credit cards issued by Walsh County shall not exceed five (5) percent of the total budget for the current fiscal year.

Any employee or elected official of the County who violates the provisions of this policy shall be subject to dismissal and appropriate criminal and/or civil action.

Approved 3/21/05

## **SECTION 6.10: SOCIAL MEDIA POLICY**

Walsh County respects the right of employees to use social media tools as a means of personal self-expression and as a means to further the organization's interests. It is important that employees be aware of the implications of engaging in social media and online communications.

### When using Social Media:

- Adhere to the Acceptable Use of Electronic Communication Devices policy.
- Do not post confidential or proprietary information about the organization, our staff members, elected officials, clients or business partners. It is important to protect this information.
- The County logo or other organizational images may not be used on personal social media sites without permission from the County Commission or their designee. The County's name may not be used to promote a personal cause, product, political party or candidate.
- County computers and time on the job are reserved for organizational business as approved by management and in accordance with the Acceptable Use of Electronic Communication Devices policy and other work related policies.
- Be respectful to the organization, other staff members, elected officials, vendors and business partners.
- If you come across positive or negative remarks about the County or County related services that you believe are important, please forward this information to your supervisor or another county official.
- Be conscious of mixing your business and personal lives. The internet is immediate and nothing posted is ever truly private, nor does it expire. Online, your personal and business personas are likely to intersect. The organization respects the free speech rights of its staff members, but asks you to remember that other organizations, colleagues, and business partners may have access to the online content you post.
- Employees are responsible for their own actions. Recognize that you are legally liable for anything you post online. Understand that anything you post that can potentially tarnish the County's image will ultimately be your responsibility. Be aware that your actions captured via posts, images or comments may reflect upon the County. While the organization does not discourage your participation in social media space, we urge you to do so properly, exercising sound judgment, common sense and good taste.

The County reserves the right to monitor content on the Internet. Staff members who violate this policy may be subject to disciplinary action, up to and including termination.

## Posting in an Official Capacity

Social media content provider conduct will be consistent with Walsh County's values and professional standards. Social media content providers will:

- Use all reasonable efforts to keep social media interactions factual and accurate, providing only verifiable facts;
- Strive for transparency and openness and never seek to use information for personal gain;
- Provide links to credible sources of information when possible to support interactions;
- Wherever possible, links to more information should direct users back to Walsh County's official website for more information, forms, documents or online services;
- Publicly correct any information communicated that is later found to be in error;
- Be honest about relationships, opinions and identity;
- Protect privacy and not share confidential or non-public information;
- Respect the public's opinion, whether positive or negative, provided it is topical and not offensive, denigrating or completely out of context.

County social media profiles will not contain any political information or used for political activity. Social media content providers are prohibited from exchanging any form of material that is:

- Prohibited by federal, state or local law; or County policies, specifically including this policy;
- Threatening, obscene, vulgar, offensive, abusive, derogatory, discriminatory, disparaging, defamatory, harassing or that constitutes personal attacks of any kind;
- Involves sales or solicitation or facilitates any for-profit non-County business activity, including the sale of personal goods.
- Used for any political advocacy efforts or any non-County activity that would cause the County to incur any liability.

Approved 5/15

Revised 10/23

## Walsh County Credit Card User Agreement

Requirements for use of credit card:

1. The credit card is to be used only to make purchases for the legitimate business of Walsh County.
2. The credit card must be used in accordance with the provisions of the Credit Card Policy and Procedures established by Walsh County.

Violation of these requirements will result in disciplinary measures up to and including dismissal, appropriate criminal and/or civil action.

I have read and understand Walsh County's Credit Card Policy and Procedures and I agree to adhere to them.

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Signature

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Date

**HANDBOOK ACKNOWLEDGEMENT**

I, \_\_\_\_\_, acknowledge receipt of this manual and that I am responsible for knowing its contents and keeping it up-to-date. I also acknowledge that it is my responsibility to ask for clarifications if there are issues that I do not understand.

I further understand that this manual does not create a contract with Walsh County for any purpose, that my employment relationship is at-will and that the provisions of this manual may be modified or eliminated at any time.

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

*This document is to be retained in the employee's official personnel file*

# Walsh County Employee Sick Leave Donation Form

Name of Donating Employee: \_\_\_\_\_

I wish to donate sick leave to: \_\_\_\_\_

Sick days available as of this date: \_\_\_\_\_  
(I understand that I must have a minimum balance of 160 hours to be eligible to donate)

Number of days I wish to donate: \_\_\_\_\_  
(I understand there is a 1 day minimum)

Signature of Donating Employee: \_\_\_\_\_

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

Complete this form and forward to the Auditor's Office.

**NOTE:** You should also indicate these hours on your quarterly leave report form. You should highlight /flag these hours so Payroll can distinguish them from regularly used Sick Leave Hours.

<b><i>PAYROLL'S USE ONLY</i></b>			
Pay Date deducted: _____			
Q1	Q2	Q3	Q4
Year: _____			
<input type="checkbox"/>	Form filed in Employee File		