



## **Cass County**

### **EMPLOYEE HANDBOOK**

**Effective Date 02/01/2016**

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## **MISSION STATEMENT**

The Mission of the Cass County Board of Commissioners:

1. To develop, approve and administer yearly budgets and set appropriate mill levies within statutory constraints.
2. To determine County policy and strategic planning decisions in conjunction with County functional directors to assure that County services mandated by statute, or determined by policy are provided equitably to the citizens of Cass County.
3. To assure that property tax assessment and collection is accomplished, as dictated by statute, and determined by service level in serving the citizens of Cass County.

In addition, the Commission shall manage and maintain all County property, purchase and dispose of such property and supervise the electoral process for the citizens of Cass County, and employs all non-elected personnel.

## **CODE OF ETHICS**

Cass County is committed to the highest standards of conduct by and among county personnel in the performance of their public duties. Individual and collective adherence to high ethical standards by public personnel is central to the maintenance of public trust and confidence in government.

While county personnel agree on the need for proper conduct, they may experience personal conflict or differing views of values or loyalties.

In such cases the principles contained in this Code of Ethics provide valuable guidance in reaching decisions which are governed, ultimately, by the dictates of the individual conscience of the public employee and his or her commitment to the public good.

Certain of these ethical principles are best expressed as positive statements: actions which should be taken; courses which should be followed; goals which should permeate both public and private conduct. Other principles are expressed as negative statements: actions to be avoided and conduct to be condemned.

The Code of Ethics for County Personnel has been created by and for county personnel. However, these principles apply to the day-to-day conduct of both elected and appointed officials and employees of county government.

Cass County recognizes that this Code of Ethics should serve as a valuable reference guide for all those in whom the public has placed its trust.

## **Ethical Principles**

The ethical county employee should:

- Properly administer the affairs of the county.
- Promote decisions which only benefit the public interest.
- Actively promote public confidence in county government.
- Keep safe all funds and other properties of the county.
- Conduct and perform the duties of the office diligently and promptly dispose of the business of the county.
- Maintain a positive image to pass constant public scrutiny.
- Evaluate all decisions so that the best service or product is obtained at a minimal cost without sacrificing quality and fiscal responsibility.
- Inject the prestige of the office into everyday dealings with the public employees and associates.
- Maintain a respectful attitude toward employees, other public personnel, colleagues and associates.
- Effectively and efficiently work with governmental agencies, political subdivisions and other organizations in order to further the interest of the county.
- Faithfully comply with all laws and regulations applicable to the county and impartially apply them to everyone.

The ethical county employee should not:

- Engage in outside interests that are not compatible with the impartial and objective performance of his or her duties.
- Improperly influence or attempt to influence other officials to act in his or her own benefit.
- Accept anything of value from any source which is offered to influence his or her action as a public official.

The ethical county employee accepts the responsibility that his or her mission is that of servant and steward to the public.

## ORGANIZATIONAL CHART

### **Cass County Commission**

- Five Commissioners Elected in Districts

### **Elected Department Heads**

- Auditor
- Recorder
- Sheriff
- State's Attorney
- Treasurer

### **Appointed Department Heads**

- County Administrator
- County Coroner
- Emergency Manager
- Extension Agent
- Highway Engineer
- Information Technology
- Social Services Director
- Tax Director
- Veterans Service Officer

### **Commission Appointed Boards**

- Cass County Social Services
- County Planning Commission
- Housing Authority
- SE Cass, North Cass, Rush River and Maple River Water Resource Districts
- Weed Control
- Vector Control

The County Commission appoints some members of various other boards and serves on additional boards themselves. The board also supports, through mill levies, Cass County Council on Aging, Fargo Senior Commission, Cass County Fair Association and Cass County Historical Society; however, the Commission does not appoint the members of these boards.

**COMMISSIONER PORTFOLIOS  
2016-2017**

Administrative Services  
(COMMISSIONER CHAD PETERSON)

Auditor  
Treasurer  
Tax Assessor  
County Recorder  
Information Technology  
County Administrator  
- Buildings and Grounds  
- Personnel  
- Coroner

Human Services  
(COMMISSIONER VERN BENNETT)

Social Services

Public Safety Services  
(COMMISSIONER RICK STEEN)

Sheriff  
- Jail & Juvenile Center  
- Emergency Management

Planning & Operation Services  
(COMMISSIONER ARLAND RASMUSSEN)

Roads and Bridges  
- Planning  
- Weed  
- Water Resource Boards  
- Vector

Legal Services  
(COMMISSIONER MARY SCHERLING)

State's Attorney  
Veterans Service  
Extension

**NATURE OF EMPLOYMENT 101***Effective Date: 02/01/2016*

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

**However, this handbook cannot anticipate every situation or answer every question about employment. It is not an employment contract and is not intended to create contractual obligations of any kind. Neither the employee nor Cass County is bound to continue the employment relationship if either chooses, at its will, to end the relationship at any time, with the exception of Social Services' employees who are subject to the State Merit System.**

In order to retain necessary flexibility in the administration of policies and procedures, Cass County reserves the right to change, revise, or eliminate any of the policies and/or benefits described in this handbook, except for its policy of employment-at-will. The only recognized deviations from the stated policies are those authorized and signed by the Administrator of Cass County.

This handbook supersedes and voids any prior oral or written policies, practices, or promises made by Cass County concerning its employees' terms and condition of employment. All previous employee handbooks are hereby revoked. Furthermore, this handbook supersedes any and all policies set within individual Cass County departments.

**EMPLOYEE RELATIONS & FAIR TREATMENT POLICY 102***Effective Date: 02/01/2016*

At Cass County we recognize that employees are the backbone of our success. Our achievements are due to the spirit and cooperation of our people who contribute. It is our goal to promote a work environment that encourages both teamwork and individual initiative.

**Cass County will do its best to:**

- provide a safe working environment;
- select and promote people on the basis of skill, training, ability, merit, attitude, and character without prejudice or discrimination;
- maintain competitive wages and benefits, appropriate with our philosophies;
- welcome employee input, ideas and constructive criticisms at all times;
- develop competent people who understand and meet our objectives, and who accept with open minds the ideas, suggestions, and constructive criticisms of fellow workers;
- dedicate ourselves to being the best and getting better;
- respect individual rights, and treat all employees with courtesy and consideration;
- maintain mutual respect in our working relationship; and

- do all these things in a spirit of friendliness and cooperation.

**Each of us, as employees, is responsible for:**

- regular and punctual attendance;
- reporting to work, ready to work with proper attire;
- good housekeeping skills (keeping self, work station, and surrounding areas as clean as possible);
- safe working practices and good work performance;
- cooperating with fellow employees to achieve the best results;
- mutual respect for those we work with;
- constructive participation in the operations and functions of the county by contributing your individual ideas and by becoming personally involved in opportunities as they may arise; and
- portraying a positive image of the county, both at work and while in the community.

We believe that the work conditions, wages, and benefits we offer to our employees are competitive with those offered by other employers in this area and in this industry. If employees have concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their supervisors.

Our experience has shown that when employees deal openly and directly with supervisors, the work environment can be excellent, communications can be clear, and attitudes can be positive. We believe that Cass County amply demonstrates its commitment to employees by responding promptly and effectively to employee concerns.

**Fair Treatment Policy**

It is the policy of the County to provide employees with a method by which they can voice their concerns when they feel they have been treated unfairly and their disputes have not been resolved, from the employee's perspective, through normal problem solving channels. Employees are encouraged to resolve informal complaints with the appropriate member of management. The County will attempt to resolve an informal complaint within seventy-two (72) working hours.

**STEP I**            Employee - An employee who has a complaint should make every effort to discuss the problem orally with his/her immediate supervisor. This initial contact should be made within a reasonable period from the time the incident occurs, usually five (5) working days.

Supervisor - It is the responsibility of the supervisor to address the problem. Supervisors should generally respond to the employee orally within five (5) working days from receipt of the complaint.

**STEP II**            Employee - If the employee is not satisfied with the results of Step I, he/she may state the complaint in writing and present the written complaint to his/her department head. This must be done within five (5) working days after Step I

has concluded. One copy of the form should be given to the department head, one to the Personnel Department, and the employee should keep one copy.

Department Head - It is the responsibility of the department head to address the problem. Department heads should generally respond to the employee within five (5) working days from receipt of the written complaint.

### **EQUAL EMPLOYMENT OPPORTUNITY 103**

*Effective Date: 02/01/2016*

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at Cass County will be based on merit, qualifications, and abilities. Cass County does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, pregnancy, sexual orientation, gender identity, citizenship, national origin, age, disability, military service, veteran status, genetic information, union membership, marital status, status with regards to public assistance, participation in lawful activity off the employer's premises during non-working hours (which is not in direct conflict with the essential business-related interest of the County) or any other characteristic protected by law. The County may provide hiring preference to veterans and disabled veterans, pursuant to N.D.C.C. §37-19.1.

Cass County will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. Cass County will not request or require a genetic test of any employee or applicant, nor will it collect or use any protected genetic information in connection with any employment-related decisions.

This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training. Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisors or the Human Resources Department. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

### **PERSONAL RELATIONSHIPS IN THE WORKPLACE 104**

*Effective Date: 02/01/2016*

The employment of relatives or persons involved in dating relationships in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships.

Although Cass County has no prohibition against employing relatives of other employees, or persons involved in dating relationships with other employees, we are committed to monitoring situations in which such individuals may work in the same area. Generally, relatives and persons involved in dating relationships will not be allowed to report to one another or otherwise work in a position that has control or influence over the other person's hiring, advancement, performance evaluation, discipline, or termination. In case of actual or

potential problems, Cass County will take prompt action. This can include reassignment or, if necessary, termination of employment for one or both of the individuals involved.

For the purposes of this policy, a relative is defined as a spouse, mother, father, sister, brother, children, grandparents, nieces, nephews, aunts, uncles, and persons bearing the same relationships to the employee's spouse.

## **EMPLOYEE MEDICAL EXAMINATIONS 105**

*Effective Date: 02/01/2016*

To help ensure that employees are able to perform their duties safely, as well as to comply with applicable state and federal laws, medical examinations may be required of employees in certain positions.

### **Pre-Employment Physical**

After an offer of employment has been made to an applicant entering certain designated job categories, a medical examination may be performed at Cass County's expense by a health professional of the County's choice. The offer of employment and assignment to duties is contingent upon satisfactory completion of the exam.

### **Current Employee Assessment**

Current employees may be required to take medical examinations under a variety of circumstances, including, but not limited to the following: to determine or update fitness for duty, the assessment of the ability to return to the workplace after a medical leave, or to comply with applicable state or federal laws. Such examinations will be scheduled at reasonable times and intervals and performed at Cass County's expense.

Information on an employee's medical condition or history will be kept separate from other employee information and maintained confidentially. Access to this information will be limited to those who have a legitimate need to know.

## **IMMIGRATION LAW COMPLIANCE 106**

*Effective Date: 02/01/2016*

Cass County is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with Cass County within the past three years, or if their previous I-9 is no longer retained or valid.

Employees with questions or seeking more information on immigration law issues are encouraged to contact the Human Resources Department. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

**CONFLICTS OF INTEREST 107***Effective Date: 02/01/2016*

Employees must avoid activities or relationships that conflict with Cass County's interests or adversely affect our reputation. No policy can describe every situation that may constitute a conflict of interest. The purpose of these guidelines is to provide general direction so that you can seek further clarification on issues related to conflicts of interest. Contact the Administrator if you have any questions about conflicts of interest.

A conflict of interest can generally be described as a situation in which your loyalty is, or may appear to be, divided between self-interest or the interests of a third-party and the interests of Cass County. The types of activities and relationships you must avoid include, but are not limited to:

- Accepting, agreeing to accept, or soliciting money or other tangible or intangible benefit in exchange for favorable decisions or actions in the performance of your job or that might appear to influence your decision-making or professional conduct;
- Accepting employment or compensation or engaging in any business or professional activity that might require disclosure of confidential information or trade secrets;
- Accepting employment or compensation that could reasonably be expected to impair your independent judgment in the performance of your duties;
- Accepting a kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving Cass County;
- Giving preferential treatment in business dealings to any person or company in which you, a relative or friend has a significant ownership interest or relationship.

This policy does not apply to elected officials seeking election contributions. Employees in the Social Service department are also subject to an additional policy based on guidelines from the North Dakota Department of Human Services.

You must disclose actual or potential conflicts or any relationships that may create the appearance of a conflict of interest to your supervisor as soon as you become aware of them so that safeguards can be established to protect all parties. Failure to make required disclosures or resolve conflicts of interest satisfactorily can result in discipline up to and including termination of employment.

**WHISTLEBLOWER PROTECTIONS 108***Effective Date: 02/01/2016*

The purpose of this Whistleblower Policy is to create an ethical and open work environment, to ensure that Cass County has a governance and accountability structure that supports its mission, and to encourage and enable employees of Cass County to raise legitimate concerns about the occurrence of illegal or unethical actions within the County instead of turning to outside parties for resolution.

This policy is intended to apply to employees who report activities they consider to be illegal, unethical, or dishonest to one or more of the individuals specified in this policy.

Whistleblowers should not feel responsible for formally investigating the activity or for determining fault or corrective measures. Instead, as discussed below, appropriate management officials are charged with these responsibilities.

Examples of illegal, unethical, or dishonest activities include, but are not limited to, such things as:

- Violations of federal, state or local laws
- Activities that potentially violate health care reform laws
- Theft or inappropriate removal or possession of property
- Unethical, immoral, or criminal conduct in or outside of the workplace
- Falsification of timekeeping records
- Violation of OSHA or other regulatory standards
- Sexual or other unlawful or unwelcome harassment
- Unauthorized disclosure of business “secrets” or confidential information

If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee is to contact his/her immediate supervisor or the Department Head. The Human Resources Department and Department Head will be responsible for investigating any concerns, as well as determining the proper course of corrective action. If an employee in the Human Resources Department is the subject of the whistleblower complaint, another member of senior management will become responsible.

Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. Cass County will not retaliate, nor permit retaliation against a whistleblower who brings forward a legitimate concern under this policy. Any whistleblower who believes he/she is being retaliated against must contact the Human Resources Department immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

Employees must exercise sound judgment to avoid baseless allegations. Employees who intentionally or recklessly file a false or baseless report of wrongdoing will be subject to discipline up to and including termination. Employees with any questions regarding this policy should contact their supervisors, or the Department Head.

## **CONFIDENTIALITY & NON-DISCLOSURE 109**

*Effective Date: 02/01/2016*

While much of Cass County’s business information is open to the public through public access laws, the County still has an interest in keeping certain information confidential. Confidential information includes electronic data or intellectual property owned by the County. To the extent information is confidential, as defined in this policy, or set forth by Department procedures, policies, or practices, or set forth in a confidentiality and non-disclosure agreement, employees are expected to protect the information from disclosure until such time

as Cass County specifically declares such information to be no longer confidential, except as required or provided by law.

Except as specifically directed by Cass County, employees shall not duplicate or otherwise copy any confidential materials or information. Immediately upon request from Cass County, employees shall return all confidential materials or information in their possession.

Nothing in this policy is intended to restrict employees from exercising legal rights under any state or federal law nor will employees be subject to discipline for engaging in legally protected activity. Employees who improperly use or disclose trade secrets, confidential business information, or other information protected by law will be subject to disciplinary action, up to and including termination of employment and legal action, even if they do not actually benefit from the disclosed information.

The County recognizes some of its information is open to the public. However, the County considers all materials, information, and electronic data to be the property of Cass County. Employees or former employees that want to access these records or copy these records must do so through an open records request.

#### **JOB POSTING 110**

*Effective Date: 02/01/2016*

Cass County provides employees an opportunity to indicate their interest in open positions and advance within the organization according to their skills and experience.

In general, notices of all job openings are posted, although Cass County reserves its discretionary right to not post a particular opening. Similarly, in the interests of trying to locate the strongest possible candidates for every position, we may post positions both internally and externally at the same time.

Job openings will typically be posted on the employee bulletin board, but posting depends on the Department. All positions are posted with North Dakota Job Services as well. To apply for an open position, employees should submit a job application to the Human Resources Department. Job openings for Social Services are posted in the State Merit system's website and applications should be submitted according to that website.

Cass County recognizes the benefit of developmental experiences and encourages employees to talk with their supervisors about their career plans. Supervisors are encouraged to support employees' efforts to gain experience and advance within the organization.

While Cass County prefers to fill open positions with current employees who express interest in the positions, Cass County may advertise open positions outside the organization at the same time as they are posted internally, and may choose to hire an external candidate over a current employee if Cass County, at its sole discretion, determines that the external candidate best meets the needs of the position.

#### **Promotions or Transfers**

Employees interested in promotion or transfer must submit a completed internal application form to be considered for a new position. Employees are not guaranteed a promotion simply because a vacancy may occur. Instead, promotions will be based on information documented by this performance evaluation process, including outstanding work performance, levels of skills and training, demonstrated reliability, the employee's current disciplinary status, as well as position availability, the qualifications of external candidates, if applicable.

Cass County reserves the right to transfer employees if it is in the best interest of the County. In the event an employee accepts a transfer, the employee must notify their current Department Head. The transfer will be negotiated between the Department Heads but will be delayed no longer than 30 days.

### **Posting jobs**

All vacant positions, including temporary positions, must have a staff requisition form signed by the Portfolio Commissioner and the Commission Chairman prior to advertising. When the Commission Chairman is the department portfolio, the staff requisition for vacant positions shall be signed by the Commission Chairman and Vice Chairman. If a temporary position is recruited through an employment agency, the Human Resources Department must be informed of the individual's name and length of employment.

Employees may be promoted from within the Department. However, the position must be posted within the County. In general, these vacancies are posted for 5 working days.

Before creating a staff requisition, employees should reference the Cass County Recruitment Guidelines handbook.

**EMPLOYMENT CATEGORIES 201***Effective Date: 02/01/2016*

It is the intent of Cass County to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and Cass County.

Each employee's position is classified as either NONEXEMPT or EXEMPT from state and federal wage and hour laws. NONEXEMPT employees are entitled to overtime pay and other benefits under the wage and hour laws, whereas EXEMPT employees are excluded from specific provisions of the laws, and don't receive overtime pay. Whether an employee's position is exempt or nonexempt is determined by whether the primary duties of his or her position falls within one of the exemption categories established by state and federal law.

In most cases, NONEXEMPT employees are paid on an hourly basis, while EXEMPT employees are paid on a salary basis. Employees will be notified individually of their exempt or nonexempt status. An employee's exempt or nonexempt classification may be changed only upon written notification by Cass County's management. However, the County reserves the right to treat positions as NONEXEMPT during emergencies, as defined by the County.

In addition to the above categories, each employee will belong to one or more of the following employment categories:

**FULL-TIME** employees are those who are not temporary and who are regularly scheduled to work Cass County's full-time schedule of at least 40 hours per week. Generally, they are eligible for Cass County's entire benefit package, subject to the terms, conditions, and limitations of each benefit program.

**PART-TIME** employees are those who are not temporary and who are regularly scheduled to less than 40 hours per week. Part-time employees may be eligible for some benefits sponsored by Cass County, subject to the terms, conditions, and limitations of each benefit program.

**MANAGERS** and **DEPARTMENT HEADS** are exempt employees whose primary duties involve managing a division of the County and directing the work of at least two full-time employees or equivalents. Among other duties, managers are responsible for hiring, firing, and disciplining employees.

**FOREMEN** are non-exempt employees who direct the work of employees. Foremen have no authority to hire, fire, or discipline employees.

**TEMPORARY** employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project and typically are employed for six months or less. However, employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change. While temporary employees hired directly by Cass County receive all legally mandated benefits (such as workers' compensation insurance and Social Security), they are ineligible for all of Cass County's other benefit programs.

**ACCESS TO PERSONNEL FILES 202***Effective Date: 02/01/2016*

Cass County maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals and salary increases, and other employment records.

Personnel files are the property of Cass County, and access to the information may be limited. N.D.C.C. §44-04-18.1(2) exempts certain confidential personal information from public review. Disclosure of personnel files will be made upon request and pursuant to public access law and pertinent exemptions. However, employees will be informed in writing whenever anyone outside of their supervisor or manager reviews their records. Medical information will be kept separate and will not be released without written consent of the employee.

Employees who wish to review their own file should contact the Human Resources Department. With advance notice, employees may review their own personnel files. The files may be reviewed in Cass County's offices and in the presence of an individual appointed by Cass County to maintain the files.

**BACKGROUND CHECKS 203***Effective Date: 02/01/2016***Background Checks**

To ensure that individuals who work for Cass County are well qualified and have a strong potential to be productive and successful, Cass County may, at our sole discretion, conduct background and reference checks at a few critical junctures of the employment process. These critical junctures include, but are not limited to, the following:

- In connection with the application and hiring process;
- In connection with being given access to restricted or confidential items, information, or data;
- In connection with assignment to a particular project; and
- In connection with other significant employment events (such as promotions).

The types of checks we conduct may include such inquiries such as criminal history, credit history, degree confirmation, employment references, and licensure confirmation. The information we obtain via such inquiries will be considered in light of the needs and concerns underlying the check, and may take into account such things as client directives or restrictions, the recency of the conviction, and the relevance of the information to the work to be performed.

Cass County retains the sole discretion to determine what impact the acquired information may have on the applicant or employee in question, including discontinuation of the application process, removal from client assignment, denying access to restricted items / information / and data, and even termination of employment. Decisions are made on an individualized basis.

## **Driving Records**

The County's insurance carrier may conduct a motor vehicle record (MVR) check at least annually for all employees listed as drivers of County vehicles. An employee's driving privileges may be suspended if an employee does not have a current, valid driver's license. Upon review of the MVR, the County may revoke driving privileges, reassign, reprimand, suspend, and/or terminate the employee, at the sole discretion of the County.

## **PERSONNEL DATA CHANGES 204**

*Effective Date: 02/01/2016*

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

## **EMPLOYMENT APPLICATIONS 205**

*Effective Date: 02/01/2016*

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

## **PERFORMANCE EVALUATION 206**

*Effective Date: 02/01/2016*

Supervisors and employees are strongly encouraged to engage in a course of regular, day-to-day interactions that should provide the opportunity to discuss job tasks, encourage and recognize strengths, identify areas for improvement, and discuss positive, purposeful approaches for meeting goals.

Newly hired employees may receive a formal progress evaluation before the first year of employment. During this period, both the employee and the supervisor will be expected to engage in an ongoing dialogue about the needs of the job, as well as the standards and expectations associated with the new position.

Annual performance evaluations are generally scheduled to take place on or near the employee's anniversary date each year. More frequent evaluations may take place.

The basis for determining the employee's performance shall be the comparison of the employee's actual performance against accountabilities established for each position. Supervisors or department heads shall work with employees in establishing accountabilities, based on the duties, responsibilities and standards of the position. The performance evaluation process should be a cooperative process and employee participation is encouraged through all phases of the process. Goals and objectives should be jointly established by the supervisor or department head and the employee for the next review period.

**STATUS DATE 207***Effective Date: 02/01/2016*

The purpose of this policy is to explain the method used for determining an employee's anniversary date upon which step salary adjustments become effective. It is recognized each employee has two distinct anniversary dates – a "hire anniversary" and an "in grade" or "status" date.

A "hire anniversary" date reflects the date the employee begins employment with Cass County and is useful in determining benefits such as sick leave, annual leave and years of service. The "hire anniversary" date remains constant throughout an employee's uninterrupted employment regardless of promotions, demotions or transfers within the County. A "hire anniversary" date may be adjusted to compensate for a leave of absence or some other similar interruption to employment.

An "in grade anniversary" or "status" date reflects the actual date an employee assumes a particular position within a pay grade. Upon an employee's start of employment, the "hire anniversary" and "in grade anniversary" will be identical and remain as such, until the employee is promoted or demoted, and then a new "in grade anniversary" date will be established. "In grade anniversary" dates are not established for lateral transfers.

It is the responsibility of each department head to ensure that any change of an employee's "in grade anniversary" date or "status" date accurately reflects the date upon which employee is promoted or demoted to a different employment position. This is done by completing the appropriate paperwork, including a staff requisition form, vacancy notice, and salary request form, and submit it to the Human Resources Department at the time of salary change.

**DEMOTIONS 208***Effective Date: 02/01/2016*

On occasion, during the course of the employment relationship, demotions will be appropriate. Demotions may occur as a result of an employee's request or as a result of management's decision that an employee's skills and abilities more closely fit the requirements of another position. Any type of demotion must go through the Department Head and Human Resources.

When an employee is assigned to a job requiring less skill, knowledge, etc. than his/her present job (regardless of whether this new assignment results from employee choice or management decision), the employee's compensation will typically be adjusted to reflect the rate of pay appropriate to the position with credit for years of service. Any new pay rate will go into effect at the beginning of the first payroll period on or following the assumption of the duties of the new job.

Either the employee or the Department Head may request an exception to Human Resources.

**EMPLOYEE BENEFITS 301**

*Effective Date: 02/01/2016*

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

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

The following benefit programs are available to eligible employees:

- Annual Leave
- Dental Insurance
- Dependent Care & Medical FSA
- Funeral Leave
- Holidays
- Jury Duty Leave
- Medical Insurance
- Medical Leave
- Military Leave
- Personal Leave
- Retirement
- Sick Leave
- Supplemental Life Insurance
- Uniform & Uniform Maintenance

Some benefit programs require contributions from the employee or are unpaid (such as some of our leave programs), while others may be fully paid by Cass County. All benefits are subject to the terms and conditions described in the foregoing policies or summary plan description, insurance certificate, or plan document for that plan.

**ACTING PAY 302**

*Effective Date: 02/01/2016*

When an employee is temporarily assigned for non-training purposes to a classification with a higher pay range for more than four (4) consecutive normal work weeks, the employee will be paid at the entry or minimum level of the higher classification, or 5% above current salary, whichever is greater. All such requests must have the approval of the Commission.

**HOLIDAYS 303**

*Effective Date: 02/01/2016*

Cass County will grant holiday time off to all employees on the holidays listed below:

- New Year's Day (January 1)
- Martin Luther King Jr. Day (third Monday in January)
- Presidents' Day (third Monday in February)
- Good Friday (Friday before Easter)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Veterans' Day (November 11)
- Thanksgiving Day (fourth Thursday in November)
- Christmas Day (December 25)

A recognized holiday that falls on a Saturday will usually be observed on the preceding Friday. A recognized holiday that falls on a Sunday will usually be observed on the following Monday. Christmas will be observed as follows:

<b>Christmas falls on a....</b>	<b>Christmas will be observed on...</b>
Monday	Monday
Tuesday	Monday & Tuesday
Wednesday	Tuesday afternoon & Wednesday
Thursday	Wednesday afternoon & Thursday
Friday	Thursday afternoon & Friday
Saturday	Preceding Friday
Sunday	Following Monday

Employees are expected to report to work on the day after Thanksgiving, and the Friday after Christmas where Christmas falls on a Thursday, unless they request and use annual leave, subject to our policy. Department heads are strongly encouraged to comply with all reasonable annual leave requests, keeping in mind the requirements of the department. If a Department chooses to close a department, the phones must be forwarded and messages must be posted referring customers to other open county departments.

Cass County will normally grant paid holiday time off to all eligible employees. Eligible employees include full-time employees and part-time employees working more than 20 hours per week. Holiday pay will be calculated based on the full-time employee’s straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day (up to a maximum of 8). Part-time employees will receive pro-rated holiday pay, based on their straight-time pay. If an eligible employee is not otherwise scheduled to work on a holiday, he/she will receive holiday pay as outlined above or compensable time (up to a maximum of 8 hours).

Eligible exempt employees who have been authorized to work on a recognized holiday will normally be given an alternate paid day off. Eligible non-exempt employees who have been authorized to work on a recognized holiday will normally receive their hours worked, in addition to holiday pay or compensable time on an hour for hour basis. If non-exempt employees must work due to an emergency call-out on a holiday, they will receive 1 ½ times their normal rate of pay for hours worked.

With the exception of pre-approved annual leave, in most cases, employees will be expected to work both their normally scheduled days before and after the holiday in order to be eligible for holiday pay. Calling in sick or taking unpaid time on either of those days may jeopardize an employee’s ability to be paid for the holiday. If a recognized holiday falls during an eligible employee’s paid absence (such as annual leave), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied. However, employees taking unpaid leaves of absence will not be paid for holidays that occur during their unpaid leaves.

Paid time off for holidays will not be counted as hours worked for the purposes of determining whether nonexempt employees are entitled to overtime for the week in which the holiday falls.

**WORKERS' COMPENSATION INSURANCE 304***Effective Date: 02/01/2016*

Cass County provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance may also provide wage replacement benefits after a short waiting period.

Employees who sustain work-related injuries or illnesses should inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible. Failure to promptly report workplace injuries or illnesses may be cause for discipline, up to and including termination of employment.

Employees must use accumulated sick leave, followed by accumulated annual leave, while receiving workers' compensation benefits. However, employees will only receive the difference between their worker's compensation benefit and their gross salary, and leave banks will be deducted only for the proportion of hours paid out. The combination of paid leave and workers' compensation benefits shall not exceed the employee's gross salary. Employees must send copies of workers' compensation checks to Human Resources so the employee's salary may be adjusted accordingly. Employees who have exhausted all paid leave must request an unpaid leave of absence.

**Light Duty/Transitional Work**

Where appropriate, employees receiving workers' compensation benefits that are unable to perform their regular work duties on a temporary basis will be assigned to light duty work. Cass County reserves the sole discretion to determine when light duty work will be assigned.

When an employee is unable to perform the regular functions of their job due to an occupational disability, the employee will notify the Department Head and Human Resources Department in writing as to the nature and extent of the disability and the reason why they are unable to perform the job duties. This notice must be accompanied by a physician's report containing a diagnosis, current treatment plan, expected length of disability and any work restrictions relating to a compensable workers' comp claim. The County may require an independent evaluation, at the expense of the County, to verify medical information.

The circumstances of each employee under a light duty or transitional work program will be reviewed every 30 days.

Refusal to accept a transitional job duty assignment approved by a medical provider may result in wage loss benefit.

**FUNERAL LEAVE 305***Effective Date: 02/01/2016*

Employees who wish to take time off due to the death of an immediate family member should notify their supervisors immediately.

The following amounts of paid funeral leave will be provided to full-time employees, except those in Social Services, for the death of the following individuals:

- **Up to 32 consecutive working hours** for the employee's spouse, parent, child, sibling; grandparents or grandchildren, at the discretion of the Department Head.
- **Up to 16 consecutive working hours** for extended family, which includes the employee's spouse's parents, siblings, and grandparents, foster parents, foster children, the employee's child's spouse, or any other person whose association with the employee was similar to any of the previously listed individuals, at the discretion of the Department Head.

Part-time employees are eligible for leave, as outlined above, but on a pro-rated basis. Eligible employees in the Social Services department receive funeral for the death of the following individuals:

- **Up to 24 consecutive working hours** for the employee's spouse, parent, stepparent, child, sibling; employee's spouse's parent, stepparent, child, sibling; foster parent or foster child; grandparents or grandchildren.

Employees may, with their supervisors' approval, use any available annual leave for additional time off as necessary.

Employees will only be paid for hours for which they would normally have been scheduled.

**JURY DUTY 306***Effective Date: 02/01/2016*

Cass County encourages employees to fulfill their civic responsibilities by serving jury duty when required. An employee called to jury duty shall be granted time off with pay, less the amount of fees received for jury service. A maximum of twenty (20) working days per calendar year will be granted for those employees who have been continuously employed for a period of ninety (90) calendar days or more.

Jury duty pay will be calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence. Cass County may require the employee to sign over any compensation the employee may receive from the court for serving jury duty as a condition of receiving pay under this policy. Employees who take annual leave will not be required to sign over any compensation.

Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. Of course, employees are expected to report for work whenever the court schedule permits. Where court rules permit jurors to call in the night before to find out whether they have to come into the

courthouse the next day, employees may have to provide written confirmation from the court that they actually were called in on the day in question in order to be eligible for jury duty pay under this policy.

Either Cass County or the employee may request an excuse from jury duty if, in Cass County's judgment, the employee's absence would create serious operational difficulties.

Cass County will continue to provide health insurance benefits until the employee ceases to be eligible under the terms, conditions, and limitations of any applicable plans. At that time, employees will become responsible for electing COBRA continuation and paying the full costs of these benefits if they wish coverage to continue. When the employee returns from jury duty, benefits will again be provided by Cass County according to the applicable plans.

### **WITNESS DUTY 307**

*Effective Date: 02/01/2016*

Cass County encourages employees to appear in court for witness duty when subpoenaed to do so.

If employees have been subpoenaed or otherwise requested to testify as witnesses by Cass County, they will receive paid time off for the entire period of witness duty.

Unless a law would require otherwise, employees will be granted unpaid time off to appear in court as a witness when requested by a party other than Cass County. Employees are free to use any available paid leave benefit to receive compensation for the period of this absence.

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

### **BENEFITS CONTINUATION (COBRA) 308**

*Effective Date: 02/01/2016*

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

Under COBRA, the employee or beneficiary pays the full cost of coverage at Cass County's group rates plus an administration fee of up to 2%. Cass County provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under Cass County's health insurance plan. The notice contains important information about the employee's rights and obligations.

**LICENSE FEES 309**

*Effective Date: 02/01/2016*

If a professional license or certificate is required for the performance of job duties, then the County will pay the following license fees:

- For full-time employees, the County will pay 100% of the license fee.
- For part-time employees, the County will pay a pro-rated share of the license fee.

For purposes of this policy, a determination as to full-time or part-time will be made as of the start of the calendar year.

The County will pay dues in a single state/national association for each County department, as approved in the annual budget.

**ANNUAL LEAVE 310**

*Effective Date: 09/06/2016*

Cass County provides annual leave to enable employees to maintain a better work-life balance, so that employees can rest, rejuvenate, and come back into the workplace reinvigorated. It is meant to function as wage replacement for times that employees choose to be away from work for personal reasons, and is not considered to be compensation.

Employees eligible to accrue and use annual leave as described in this policy include full time and part time employees. Elected officials, temporary, per diem, and emergency employees are not eligible.

The amount of annual leave employees receive each calendar year increases with the length of their employment as shown in the following schedule:

**ANNUAL LEAVE ACCRUAL SCHEDULE**

<b>Years of Eligible Service</b>	<b>Annual Leave Days Each Year</b>	<b>Annual Leave Hours Each Month</b>
Years 0 - 5	12 Days	8 Hours
Years 6 - 14	18 Days	12 Hours
15 Years +	24 Days	16 Hours

The accrual schedule set forth in the table above is based on an employee working our regular full-time schedule of at least 40 hours per week. Part-time employees will have their accruals pro-rated accordingly.

Under special circumstances, for positions that are difficult to fill, the department head may submit a request to the County Administrator to consider an exception. Typically, an exception would involve starting a new employee at the 6-14 year accrual level where they would remain until they have completed their 14<sup>th</sup> year of employment. This request must be submitted by the department head to the County Administrator and be approved before offered to the potential employee.

### **Usage and Rollover**

Employees will not be “advanced” annual leave, which means that at no time may employees use annual leave before it has accrued. Any time off taken in excess of an employee’s accrual balance will be considered unpaid time off, and may be subject to discipline if misused.

Annual leave is paid at the employee’s base pay rate at the time of absence. It does not include overtime or any special forms of compensation such as incentives, commissions, bonuses, or shift differentials.

In the event that available annual leave is not used by the end of the calendar year, employees may carry up to 240 hours of unused time forward into the next calendar year. Any unused time beyond 240 hours will be forfeited on January 15<sup>th</sup> of the following calendar year. Except in the event of extreme hardship or emergency, and with advance approval from the Department Head, employees may be allowed to carry over additional amounts, but any additional amount above 240 hours must be used within 90 days.

To schedule annual leave, employees should request approval in advance from their supervisors. All departments must be appropriately staffed to meet the needs of Cass County’s customers and clients. This means that annual leave may not be granted in all circumstances, and such requests will be approved or denied solely at the discretion of the employee’s supervisor, based upon current workloads, staffing levels, and the employee’s disciplinary status.

When one or more employees in the same area request annual leave for the same time periods (for example, around popular vacation times such as summer or holidays), priority may be given to the employee whose request was submitted first.

### **End of Employment**

Employees who transfer departments may transfer annual leave. Years of service credit will be for continuous years of employment with a break of less than one year.

Upon the cessation of employment, employees are typically paid for unused annual leave that has been accrued through the last day of work. However, subject to any applicable state laws, unused annual leave will not be paid out where an employee is employed for less than one year, voluntarily resigns, and provides less than five days’ notice. While annual leave may be used during any resignation period, the employee’s last day of employment may not be annual leave.

**LEAVE DONATION 311***Effective Date: 11/07/2016*

Employees can donate some of their accrued annual leave to a leave bank established by Cass County for employees who would otherwise need to take unpaid leave due to a serious health condition. All requests must be solicited through and approved by the Department Head, the Human Resources Director, and one other Department Head. The maximum number of hours contained in the leave bank may not exceed 1000 hours.

Employees eligible to receive donated leave must have otherwise exhausted all paid leave and must either be suffering from a serious health condition, as defined under federal Family and Medical Leave Act, or the employee's spouse, parent, or child is suffering from a serious health condition. Employee's use of shared leave may not exceed four months in any 12-month period.

Employees eligible to receive donated leave may request solicitation of leave from their Department Head. Employees may not solicit donations on their own. Department Heads may provide basic information to solicit donations from the employees of the same department. Employee's use of donated leave may not exceed 480 hours (12 weeks) in any 12-month period. Employees receiving donated leave will have 365 days from the time of the request to use the donated leave. Donated leave not used within the 365 day timeframe will be moved from the employee balance to the County Donated Leave bank.

Information about the employee needing to borrow leave will be reviewed with the employee before it is publicized. Further, an employee's names will be withheld on request, although Cass County provides no assurance that co-workers will not reveal an employee's name if they have figured out who the employee is—for example, based on the timing of an employee's absence.

To make a donation, employees should submit a signed statement or e-mail indicating the number of accrued vacation hours the employee wishes to donate to the Department Head, who will then provide to the Human Resources Department. The donations must be in full hour increments. Once leave is donated, it is not returnable. Employees wishing to donate vacation hours must do so on a strictly volunteer basis.

**SICK LEAVE 312***Effective Date: 02/01/2016*

Cass County provides paid sick leave benefits to all eligible employees for periods of temporary absence due to illnesses or injuries. Employee classifications eligible for sick leave include full time and part time employees. Elected officials, temporary, per diem, and emergency employees are not eligible.

Eligible full-time employees will accrue sick leave benefits at the rate of 8 hours per month, 12 days per year. Sick leave benefits are prorated for part-time employees.

An eligible employee may use sick leave benefits for an absence due to his or her own illness or injury, or for medical and dental appointments. Employees will cease accruing benefits, including sick, vacation, and holiday pay, after 30 calendar days of continuous unpaid leave.

Eligible employees may also use sick leave to care for certain family members who are ill or need assistance obtaining medical or health services. For the purposes of this policy, eligible family members include the employee's spouse, parent, child (natural, adoptive, foster, or step), and any other family member financially or legally dependent upon the employee or who resides with the employee for the purpose of the employee providing care to the family member. Employees can use up to 160 hours per year for Family Sick Leave. Advance approval will be required by the County Administrator and the employee's Department Head to use more than 160 hours for Family Sick Leave.

Employees who are unable to report to work due to illness or injury should notify their direct supervisors before the scheduled start of their workdays if possible. The direct supervisor must also be contacted on each additional day of absence. In general, calls from friends or family members are not acceptable. If an employee is absent for three or more consecutive days due to illness or injury, or at the employer's discretion, a physician's statement may be required to verify the disability and its beginning and expected ending dates. Such verification may be requested for other sick leave absences as well and may be required as a condition to receiving sick leave benefits.

Sick leave benefits will be calculated based on the employee's base pay rate at the time of absence.

Unused sick leave benefits will be allowed to accumulate until the employee has accrued a total of 960 hours' worth of sick leave benefits. If the employee's benefits reach this maximum, employees will receive monetary compensation for 50% of all hours accumulated over 960 at the employee's hourly rate of pay. This compensation will occur annually in December or upon termination. Social Service employees, pursuant to North Dakota state policy, are not subject to this cap or to payout.

Sick leave benefits are intended solely to provide income protection in the event of illness or injury, and may not be used for any other absence, except where specifically provided for in this handbook. Employees should use their sick leave only for legitimate illnesses and injuries, and employees should keep in mind that if they are out of sick leave and/or annual leave, then any other absences will be unpaid, may be considered unexcused, and may subject the employee to disciplinary action up to and including termination of employment. In rare circumstances unpaid time off may be permitted if approved in advance by the employer. Note that unpaid time off will not count against an employee if it is approved under another leave policy within this handbook.

Sick leave is transferable from one department to another. However, Social Service employees may only transfer up to 960 hours of sick leave to a Cass County Government department. If a Social Services employee is going from one Human Service Agency to another, they may transfer their entire sick leave balance.

Years of service credit will be for continuous years of employment with a break of less than one year. Employees subjected to a layoff, who return within 12 months of layoff, will receive years of service credit for continuous years of employment.

**RETIREMENT 313***Effective Date: 02/01/2016*

All new non-elected employees employed twenty hours or more per week, for more than five months per year, are required to participate in the North Dakota Public Employees Retirement System (NDPERS). Elected officials may apply for membership.

Cass County pays a portion of the employee's gross monthly salary on the employee's behalf. Employees are required to contribute a percentage on a pre-tax basis. NDPERS provides for invested retirement benefits after three years of service.

The NDPERS Portability Enhancement Provision (PEP) allows employees to vest in the employer contribution by participating in an approved pre-tax Deferred Compensation Program. This means that if an employee leaves employment does not wish to draw a pension, they have the opportunity to take both the employee contribution and employer contribution out of the NDPERS system.

If an employee terminates employment with the County prior to being vested (three years), he/she may be required to receive a refund. If an employee terminates employment with the County after becoming vested, he/she should work with Human Resources and NDPERS.

A temporary or part-time employee employed less than 20 hours per week may elect to participate in NDPERS. The employee shall pay monthly to the fund an amount equal to the applicable percentage as defined times the present monthly salary. The employee may continue to participate as a temporary or part-time employee in the public employee's retirement system until termination of employment or classification of the employee as a standard employee.

Refer to the appropriate North Dakota Public Employees Retirement System handbook for more details.

Employees who began employment prior to the mandatory date (May 1971) for NDPERS enrollment are not required to participate in NDPERS. At that time, employees had the option to enroll under the NACo Deferred Compensation Program. Under NACo, Cass County contributes a portion of employee's gross monthly salary as a benefit.

Elected officials may choose either NDPERS or NACo.

**DEFERRED COMPENSATION 314**

*Effective Date: 02/01/2016*

Deferred Compensation is a tax-deferred supplemental retirement program that allows public employees to contribute a portion of their salary before taxes to a retirement account. Employees may defer pre-tax earnings (subject to limitations set annually by the IRS) into a tax sheltered retirement account. Employees may also choose to participate in a Roth 457 plan, in which the amount is taxed at the same time it is taken out of the employee paycheck. Check with the Human Resources Department for current IRS limits.

It is a voluntary program for standard employees. The employee's contributions are 100% vested at all times. The employee may discontinue or change their contributions at their discretion.

Because an employee's contribution is automatically deducted from pay before federal and state tax withholdings are calculated, employees save tax dollars now by having their current taxable amount reduced. Deferred income is taxable upon receipt of the benefits.

Contact the Human Resources Department for more information about the deferred compensation program.

**TIMEKEEPING 401**

*Effective Date: 02/01/2016*

Accurately recording time worked is the responsibility of every nonexempt employee. Federal and state laws require Cass County to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties. Exempt employees are expected to keep accurate records of all leaves. Elected officials are not required to keep time records.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

Nonexempt employees should report to work no more than seven minutes prior to their scheduled starting time nor stay more than seven minutes after their scheduled stop time without expressed, prior authorization from their supervisor.

Employees are responsible for certifying the accuracy of all time recorded. Supervisors will review and verify before submitting it for payroll processing. In addition, if corrections or modifications are made to the time record, both the employee and the supervisor must verify the accuracy of the changes to the time record.

**PAYDAYS 402**

*Effective Date: 02/01/2016*

All employees are paid monthly on the last working day of the month. Exempt employees' paycheck will reflect pay for the entire calendar month, less any annual leave, sick, or compensatory time entered prior to the 15<sup>th</sup> of the month. Non-exempt employees' paychecks will include earnings for all work performed through the 15<sup>th</sup> of each month (Human Resources may develop an alternate pay method for seasonal employees).

Employees are required to have their pay directly deposited into their bank accounts. Employees will receive an itemized statement of wages when Cass County makes direct deposits. All employees will receive a paper check for their first and final paycheck.

**ADMINISTRATIVE PAY CORRECTIONS 403**

*Effective Date: 02/01/2016*

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

In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the Human Resources Department so that corrections can be made as quickly as possible.

**DEDUCTIONS FROM PAY 404***Effective Date: 02/01/2016*

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

Cass County offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their pay checks to cover the costs of participation in these programs.

Additionally, Cass County may be required to make deductions to pay off a debt, loss, or other obligation to Cass County or to a third party (such as garnishments, liens, or child support orders). In order to reimburse or pay back Cass County for the types of debts or losses listed above, employees may be required to sign a payroll deduction authorization form and/or enter into some other sort of pay back or reimbursement agreement. Employees leaving employment may be required to sign such authorizations or agreements regardless of the circumstances underlying their separation from employment.

Upon the recommendation of the Department Head, Human Resources Department and Auditor, the Commission may authorize deductions for equipment needed by employees to function in their positions. This relates to equipment to be used exclusively for work purposes. The initial purchase of the equipment will be made by Cass County which will maintain ownership until such time as the repayment through payroll deduction is complete. The employee must sign a payroll deduction authorization form prior to receipt of the equipment.

If you have questions concerning why deductions were made from your pay check or how they were calculated, your supervisor can assist in having your questions answered.

**WAGE AND SALARY ADMINISTRATION 405***Effective Date: 07/05/2016*

Cass County shall maintain wage and salary administration system for all employees. Annually, as part of the budget development cycle, the Board of County Commissioners shall set the specific structure for pay administration plan based on the financial condition of the County, changing personnel needs/concerns that are identified through Department reviews, and the changing community pay standards. The Commission may choose to distribute salary adjustments based on cost of living increases, merit, changes in the grades/classification, and/or changes in community salary standards.

Every three years, Cass County will conduct a comprehensive system review that includes both a review of all positions and a market study to determine the base for the County salary scale. Between studies only special adjustments will be considered based on documented significant changes.

Each department head is accountable to forecast and control salary expenditures within the approved annual salary budget. Salary adjustment increases outside the annual pay administration schedule shall be initiated by the request of the department head, approved by the County Commission and administered by the Personnel Office.

Overview of the Classification System: All positions within Cass County have been assigned a Decision Band Method (DBM) rating by the County's professional consultant. These ratings are the current structure for the pay and classification system. A Position Analysis Questionnaire (PAQ) or Position Information Questionnaire (PIQ) for Social Services are filed in the Human Resources Department for all standard positions. These positions will all be assigned a position number. PAQs are to be completed by the employee and to be reviewed by supervisor and department head. Each PAQ/PIQ designates essential functions according to the Americans with Disabilities Act.

Certain designated positions have specific training and/or experience requirements related to their DBM rating/classification. When an employee meets those specific requirements the positions classification (DBM rating) is adjusted. Currently, this policy applies to Sheriff's Staff, State's Attorneys, and Social Services financial workers. The specific criteria for each position's adjustment procedures are as follows:

**DBM RATING CLASSIFICATION SYSTEM****SHERIFF'S STAFF****CORRECTIONAL OFFICER I (New Employee)**

This position is entry level with no experience and is not of deputy status. This position is responsible to Jail Shift Commander.

**A. DUTIES**

1. Abide by all jail rules.
2. Issue clothing and bedding.
3. Monitor inmate conduct and maintain jail security.
4. Perform other duties as assigned with general supervision.

**B. QUALIFICATIONS**

1. Must pass physical and psychological exam.
2. Must meet and pass all department requirements.

**CORRECTIONAL OFFICER II**

This position may be of limited deputy status and shall have acquired the necessary Correctional schools required to be certified. This position is responsible to Jail Shift Commander.

**A. DUTIES**

1. Abide by all jail rules.
2. Issue inmate clothing and bedding.
3. Assist in completing booking entry, personal descriptions, property envelope, and fingerprinting.
4. Conduct criminal check on inmates and checks department files for warrants or other charges.
5. Monitor inmate conduct and maintain security.
6. Insure safety of jail visitors.
7. Assist in prisoner releases and complete necessary release forms.
8. Perform routine duties as assigned with general supervision.

**B. LIMITED JAIL DEPUTY RESTRICTIONS:**

Limited Jail Deputies will wear the uniform while on duty only and may carry an issued weapon while on duty outside the jail. Limited Deputies are empowered to enforce court orders or laws pertaining to prisoners within the confines of the jail or while guarding or transporting prisoners.

### C. MINIMUM QUALIFICATIONS

1. FULL-TIME EMPLOYEE: Must meet and pass all state and department requirements. Must be proficient in use of all assigned equipment. Must be certified to do CPR. Attend jail schools.
2. PART-TIME EMPLOYEE: Must meet and pass all state and department requirements. Must be certified to do CPR. Attend jail schools.

### REGULAR OR LIMITED DEPUTY POSITIONS JAIL

#### DEPUTY/CORPORAL

This position shall be of regular deputy status and have completed the Law Enforcement basic training required of regular deputies. This position is responsible to the Jail Shift Commander.

#### A. DUTIES

1. Abide by all jail rules.
2. Process prisoners brought into the jail.
3. Issue inmate clothing and bedding.
4. Complete booking entry, personal characteristics, property envelope, and fingerprinting.
5. Conduct criminal check on each inmate and check department files for warrants and other charges.
6. Monitor inmate conduct and maintain jail security.
7. May transport prisoners to various destinations, such as court, the hospital, or state institutions, and provide security in court, hospitals, and other sites where prisoners are held.
8. Serve meals and administer prescribed medication to prisoners.
9. Administer prisoner commissary.
10. Insure safety of jail visitors.
11. Supervise visits from relatives, friends, attorneys, ministers, counselors, and probation personnel.
12. Process prisoner releases and complete necessary release forms.
13. Supervise clean-up and maintenance duties as required.
14. Perform routine daily tasks with general supervision.

#### B. MINIMUM QUALIFICATIONS

Must meet and pass all state and department requirements. Must hold ND Peace Officer License and be proficient in the use of all assigned equipment. Must be certified to do CPR.

STATE'S ATTORNEYS

## SENIOR ATTORNEY

This is a professional position for attorneys with at least one year experience in a prosecutor's office. Although occasionally an experienced prosecutor may be hired into the Senior States Attorney classification (DBM D62A), typically this position will be a natural progression from the Attorney I classification (DBM C44). It is intended that new hires with no relevant experience would enter as an Attorney I and progress in salary via annual professional adjustments to the entry level of Senior Attorney when recommended by the State's Attorney and following a satisfactory performance appraisal. Thereupon, they would immediately be reclassified as a Senior Attorney. Years of service are cumulative.

SOCIAL SERVICES - FINANCIAL WORKERS

## FINANCIAL WORKER I

Occasionally, Social Services is unable to recruit an individual employee who meets the minimum requirements for the position (one year of specific job-related experience). At that time, the position will be underfilled at the Financial Assistance Specialist level (B22) until the employee meets the minimum qualifications of a Financial Intake Representative (B23).

Policies for Adding New Positions

Prior to the addition of any positions, the department head will be responsible for writing a PAQ describing the proposed duties and recommending a DBM rating/classification and title to the Personnel Office, which will also review and concur or disagree. The Personnel Office and department head will then present a recommendation(s) to the Personnel Overview Committee.

Department heads must submit PAQs for new regularly budgeted positions for review by May of each year. If a position is added in the middle of the year, a temporary DBM rating/classification will be assigned by the Personnel Overview Committee with full review by the County's professional consultant as part of the annual review process, if needed.

The PAQ/PIQ and recommendation will be reviewed by the Personnel Overview Committee:

1. If the position is similar to an existing position, a DBM rating/classification title may be assigned by the Personnel Overview Committee, if there is agreement with the department head's recommendation.
2. If the position is not similar to an existing position, the Personnel Office will review the information to ensure that it is complete, and then submit it to the County's professional consultant for assignment of a DBM rating and classification/title.

### Re-Classification Procedures

In the event there is a permanent and significant (more than 25%) change in duties, an employee and/or immediate supervisor may request a re-classification. Re-classification requests will require that a current PAQ be submitted with written documentation from both the employee and the department head stating the reasons for the request with a list of similar positions. Re-classification requests will be considered once each year prior to budget preparation. Requests must be submitted no later than the first Monday in May of each year to the Personnel Office.

All reclassification requests will be reviewed by the Personnel Overview Committee to ensure that all relevant information is provided and to identify other County positions that could be affected by the positions. The Personnel Overview Committee will then send all material to the County's professional consultant for final recommendation.

Re-classifications will then be appropriately budgeted for and will become effective the first of the following year, unless there is an emergency reason for immediate change.

If a position has been re-classified at a higher grade, the employee's salary will be placed at least at the minimum of the range. When an employee's position is reclassified to a lower grade because re-evaluation indicates reduced duties, no salary reduction should occur. If the employee's salary is above the maximum of the new grade:

1. No new salary increment or general structure increases will apply until the maximum for the new grade equals or exceeds the employee's salary.
2. If there has not been a substantial change in duties, classification review can only be done as part of the overall structure review (every three years) or once per position between comprehensive reviews.

### Starting Salary/Promotional Adjustments

New employees, other than seasonal employees, are generally hired at the minimum of the salary range. Seasonal employees are paid at 92% of the full DBM salary. New employee salaries will commence on the first day of actual work.

In some unusual instances, employees may be hired above the minimum of the salary range. Justification for hiring a new employee at a step above the minimum includes but is not limited to:

1. Market conditions that create recruitment difficulties for certain skill sets.
2. Availability of a candidate whose qualifications significantly exceed the position's minimum qualifications if it is determined that it is in the County's best interest to hire the exceptionally qualified candidate over other candidates that meet the minimum qualifications.
3. Consideration should be given to maintaining internal equity within the department.

4. Department heads may hire new employees at step 2 through 5 with the approval of both the County Administrator and Portfolio Commissioner. In the event that either or both the County Administrator and Portfolio Commissioner are not in agreement with the department head request, the department head may request that the matter be placed on the Commission agenda for consideration by the entire board. Hiring above step 5 must be approved by the full County Commission. Requests to hire above step 5 will be submitted by the department head to the Human Resources Office with written justification. The County Administrator will forward the request to the County Commission with a disposition recommendation.

Starting step for appointed department heads will be determined by the County Commission.

The starting salary for newly elected officials will generally be the minimum of the County pay scale for that position. Salaries for County Commissioners shall be established at the rate allowed by state law.

In recognition of increased duties and responsibility, any employee who has been promoted will be granted a salary increase to the first even step that is at least 5% over the current salary, assuming that this promotional adjustment does not adversely impact any other County employee by creating an internal inequity. If an inequity among employees within a DBM rating will be created by a 5% adjustment, the department head and Personnel Office will recommend a fair salary adjustment using the criteria established in the starting salary policy.

#### Lateral Transfers

If an employee is transferred or transfers to a class of comparable value or worth as determined by the DBM rating method, he or she will not receive an adjustment in pay, and the employment status date will not change.

#### Salary Increases

All salary increases are contingent on satisfactory performance of assigned duties and responsibilities as documented through annual performance evaluations and subject to County Commission approval. Employment status date will change.

**SAFETY 501***Effective Date: 02/01/2016*

To assist in providing a safe and healthful work environment for employees, customers, and visitors, everyone at Cass County must be involved and committed to safety. This must be a team effort. Together, we can prevent accidents and injuries.

The County Administrator has responsibility for implementing, administering, monitoring, and evaluating safety. Cass County provides information to employees about workplace safety and health issues through new hire orientation, regular internal communication channels such as bulletin board postings, newsletters, or other written communications.

Employees and supervisors receive periodic workplace safety training. The training covers potential safety and health hazards and safe work practices and procedures to eliminate or minimize hazards. Employees are expected to become familiar with the County's safety, fire prevention and disaster programs and the particular role they must play.

**Employee Conduct and Responsibilities**

Employees are expected to perform the functions of their positions in a safe manner. We believe that we are only truly efficient when high productivity is achieved with safe work habits. No job is so important, nor any service so urgent, that time cannot be taken to perform the work safely. The use of proper safety devices and tools and equipment, as well as the donning of appropriate clothing and footwear is essential.

Horseplay at work is inappropriate. No matter how playful or well intentioned, horseplay is by its nature unpredictable, and may inadvertently result in accident, injury, or unsafe conditions. As a result, employees engaging in horseplay may be subject to discipline, up to and including termination of employment.

Each employee is expected to take ownership of his or her surroundings, to obey safety rules, and to exercise caution in all work activities. This includes being familiar with and observing all rules and policies for health, safety, and preventing injuries while at work. Employees must immediately report any unsafe condition or near miss to the Department Head. Repairs are secured by placing a maintenance request via e-mail or phone with the Human Resources Department.

In the case of accidents that result in injury to a visitor, employees shall find proper assistance and follow established incident reporting procedures for their Department. In the case of accidents that result in injury to an employee, regardless of how insignificant the injury may appear, employees should immediately notify the Department Head or the appropriate supervisor. If necessary, the employee shall seek appropriate care and inform their supervisor of their actions. A written report of the incident must be made and submitted to the Department Head within 24 hours, who will provide this report to the Human Resources Department. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures.

Employees who violate safety standards, who cause hazardous or dangerous situations, who work beyond their restrictions, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination.

**WORK SCHEDULES & ON CALL 502***Effective Date: 09/19/2016*

Work schedules for employees vary throughout our organization. The normal work week for all Cass County employees (excluding designated law enforcement personnel in the Sheriff's Office) shall be forty (40) hours. A work week shall begin at 12:01 a.m. on Saturday through midnight on Friday. Supervisors will normally advise and/or authorize employees of their individual work schedules. For employees performing work in the office, office hours are usually 8:00 a.m. - 5:00 p.m., Monday through Friday. In addition, employees may be asked to be "on call" periodically. Department Heads may establish adjusted work hours, i.e. summer flex time, providing all County offices remain open between the hours of 8:00 a.m. - 5:00 p.m., Monday through Friday, and provided departments are sufficiently staffed to handle the needs of the public and other County offices.

Staffing needs, operational demands, and individual workloads may necessitate variations in starting and ending times, as well as variations in the total hours that may need to be worked each day and week. This can be particularly true with respect to exempt employees, who, although they are normally expected to be available during our core business hours and work at least 40 hours per week, may find that the jobs they are performing require additional time over and above the regular work week.

Under certain circumstances a department head may permit job-sharing by allowing two part-time employees to be assigned to the same job equivalent as one full-time employee. The position is shared between the two employees as an alternative work schedule and must ensure continuity of the work being done. Employees that are job-sharing will use the same workstation with the two individuals working as a team to accomplish one full-time position's duties.

Failure to consistently be at work during scheduled work hours, or not adequately managing and completing necessary workloads from week to week, can lead to discipline, up to and including termination of employment.

**ON-CALL**

The on-call policy applies to employees in the following departments: Information Technology, State's Attorney, Sheriff, Social Services, Buildings and Grounds.

On-call employees are those employees who are required by management to be available to provide a specific essential county function outside of their regularly assigned duties or work schedule. All non-exempt on-call employees shall receive, at the discretion of the Department Head, either:

- a) An additional salary base of \$100.00 for each week served on-call. Any non-exempt employees required to be on-call during a county paid holiday will receive an additional salary base of \$100.00 for that week. In addition, non-exempt employees shall be paid for actual time worked (excluding travel time) at the appropriate FLSA rate dependent on the employees weekly work schedule. These workers shall receive a minimum of two (2) hours of pay for each call that requires them to travel to work; or
- b) Four (4) hours of compensation time for each week on-call and four hours for each county paid holiday worked. In addition, non-exempt employees shall receive compensation time equal to the actual hours worked while on-call.

Exempt employees will not receive additional pay for being on-call. An exempt employee required to be on-call may receive time off at the discretion of the Department Head.

If a non-exempt employee who is not on-call is called back to work for an emergency, he/she will be entitled to pay according to the FLSA and dependent on the employee's weekly work schedule. Employees who are called back to work shall receive a minimum of three hours pay or comp time.

**EMERGENCY CLOSINGS 503***Effective Date: 02/01/2016*

On occasion, it may be necessary for Cass County to close down for emergencies or extreme weather.

Unless an emergency closing is announced, all employees are expected to report to work in a timely manner and in accordance with applicable policies. In the event of inclement weather, employees are urged to use their own discretion in deciding whether they can commute safely to work. Employees who anticipate being late to work due to inclement weather and resulting road conditions, will be required to follow the call-in and notice procedures set forth by the Department.

**Decisions to Close and Communication**

In the event of hazardous weather or emergency closings, the Sheriff or his designees may delay opening of County offices or announce an early closing. Where it appears that closure of County offices for the full day is prudent, the Sheriff or his designee will contact at least two Commissioners, one of whom shall be the Chairman or Vice Chairman if available, and upon their concurrence, the Sheriff or his designee may close County offices. When the Sheriff has delayed opening for the day, he shall notify local media prior to 6:30 a.m. Information shall also be posted on the county website and all employees are solely responsible for obtaining the information regarding inclement weather and emergency closings.

For protection and safety reasons, employees are not allowed to work at county offices during any periods of closure unless work has been approved by their department head.

**Inclement Weather**

Inclement weather can cause transportation problems or locally hazardous conditions. Regionally, conditions can vary widely, with some localities experiencing much more weather-related disruption than others. Severe weather may result in some business or school closures even as the Cass County remains open for regular business. This can affect an employee's ability to report to work.

Personal safety is an important consideration when evaluating the ability to commute to work during severe weather.

**Leave Use and Compensation**

Where the decision to close is made prior to the start of the workday, including for inclement weather, employees will typically be paid for the day, except hourly employees, who may use annual leave. Employees scheduled off will not be entitled to any change in compensation. Where an employee is required to work when the County is closed, the employee may receive compensatory time, at the discretion of the Department Head.

Where the decision to close is made during the workday, employees who work all of the hours the County remains open, will receive full pay. Otherwise, employees may be required to use annual leave. In the event the day is less than five hours, no lunch hours are allowed.

If weather conditions prevent an employee from working as scheduled when the County remains open, leave taken due to inclement weather is charged to annual leave or leave without pay. The county storm line phone number is 241-5880.

## **PHONES & ELECTRONIC DEVICES 504**

*Effective Date: 07/05/2016*

### **In the Workplace**

Cass County recognizes that employees may occasionally need to place or receive personal phone calls during the course of the workday. Employees should try to confine such calls to nonworking times such as breaks or meal periods. The placing or receipt of telephone calls should not interfere with an employee's ability to effectively perform in his or her position, or interrupt the work performed by coworkers. This policy applies equally to personal cell phones.

Additionally, unless necessary for work purposes, employees should generally not be reading or sending e-mails, text messages, instant messages, or accessing the Internet from their cell phones or other wireless devices during working times.

### **Electronic Devices and Driving**

Employees should limit as much as possible the use of cell phones while driving for work purposes. Inattention and distractions are the leading causes of accidents on our roadways, and cell phone usage can be very distracting. Therefore, to the extent that employees feel the need to use cell phones while driving for work purposes, they should either pull off the roadway and park their vehicles for the duration of the call, or limit their conversations to the minimum time necessary and utilize head-sets or other hands-free devices to minimize the impact on their ability to control the vehicle and focus on driving.

Additionally, employees are prohibited from reading or sending e-mails, text messages, instant messages, or accessing the Internet from their cell phones or other wireless devices while operating a motor vehicle at any time the vehicle is in motion, part of traffic (e.g., while sitting at a stop sign or stop light), or is anything other than parked. Similarly, for safety and legal reasons, employees should generally not be using electronic devices while driving for work purposes, unless the devices are connected to the vehicle's sound system and do not require headphones. The Sheriff's Office and Highway Department may apply supplemental policies that will supersede application of this policy to licensed law enforcement and highway maintenance employees.

### **Consequences of Policy Violation**

Employees who fail to follow any provision within this policy will be subject to discipline, up to and including termination of employment.

## **SMOKING 505**

*Effective Date: 02/01/2016*

In keeping with Cass County's intent to provide a safe and healthful work environment, smoking is prohibited throughout the workplace. All County buildings and vehicles shall be smoke-free.

Employees who smoke will not be permitted any greater number of breaks than those who do not. As a result, such employees should only smoke before or after work, or during designated breaks or meal periods. North Dakota law requires smokers to be at least 20 feet away from building entrances and exits.

Violations of this policy may result in discipline, up to and including termination of employment. This policy applies equally to all employees, customers, and visitors.

**REST & MEAL PERIODS 506**

*Effective Date: 02/01/2016*

Each workday, regular full-time nonexempt employees are provided with one unpaid meal period, the length of which is determined by the Department Head. In general, shifts exceeding five hours of work require a minimum 30-minute uninterrupted break between the 3<sup>rd</sup> and 5<sup>th</sup> hour. Exceptions may be made where approved by the Department Head and where the employee voluntarily agrees. Employees may be permitted two paid rest periods of 15 minutes in length. To the extent possible, rest periods will be provided in the middle of work periods.

Employees are generally required to take an unpaid meal period of at least 30 minutes, and are not permitted to perform work during this time (unless specifically authorized by a supervisor). Similarly, employees are strongly encouraged to take their breaks, and not to perform work while on break. Typically, employees are not allowed to combine their breaks, take them with their meal periods, or use them to leave early with pay. Since break time is counted and paid as time worked, employees must not be absent from their work stations beyond the allotted rest period time.

**BREAKS FOR NURSING MOTHERS 507**

*Effective Date: 01/17/2017*

Cass County will provide reasonable break time each day to employees who need to express breast milk for their infant children. Break time under this policy will generally run concurrently with any meal and/or break times that may already be provided to the employee. Employees who have a need to express milk for their infant children will be provided with a location (other than a bathroom), that is shielded from view and free from intrusion, where they may express milk in privacy. A clean and safe water source with facilities for washing hands and rinsing breast pump equipment is located near the designated lactation rooms. Refrigerators are available so breast milk can be stored appropriately. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk.

To ensure all employees who have a need to express milk may be accommodated under this policy, employees shall work with their supervisor or Department Head to ensure minimal disruption of the work schedule. Cass County reserves the right to deny additional break time where doing so would unduly disrupt Cass County's business operations or would result in undue hardship.

**OVERTIME & COMPENSATORY TIME 508***Effective Date: 02/01/2016*

When operating requirements or other needs cannot be met during regular working hours, employees may need to work overtime hours. Sometimes overtime may be necessary for a group of employees due to workload and project needs, while at other times individual employees may have a specific need to work extra hours. Regardless, all overtime work must receive the supervisor's prior authorization. Overtime worked without prior authorization from the supervisor may result in disciplinary action.

Employees may request compensatory time off by requesting leave from the Department Head. Leave will typically be granted, subject to the Department Head's discretion and the department being appropriately staffed so as not to unduly disrupt operations. Employees are required to use compensatory time before using any accrued annual leave.

**Non-Exempt Employees**

Overtime compensation is paid to all nonexempt employees in accordance with federal and state wage and hour restrictions. Overtime pay is based on **actual hours worked**, and will typically be paid for time worked over 40 hours in the workweek. Employees in the Sheriff's Office engaged in law enforcement activities typically receive overtime only after working 171 hours in a 28-day cycle (or 139 hours within a 24-day cycle for patrol officers). Time off on annual leave, holidays, or any leave of absence will not be considered hours worked for purposes of performing overtime calculations. Cass County defines the workweek as the seven-day period starting at 12:01 on Saturday morning, and continuing through midnight the following Friday.

Overtime shall be paid, at the discretion of the employee, by either paying 1½ times the employee's regular rate of pay for all overtime hours or permitting the employee to take compensatory time at a rate of 1½ hours for each hour of overtime worked. Each employee shall select a method of compensation at the time of their initial employment, which will stay in effect until a new authorization is submitted to the Department Head. Changes will only be processed once per year in January. In the event no election is made, employees will receive payment. Where the County declares a disaster, all overtime accrued subsequently will be paid out (as opposed to accruing compensatory time).

Employees may accrue up to a maximum of 12 hours of compensatory time (18 compensable hours). Any hours earned in excess of these maximum limits must be paid as overtime. Employees must use accrued compensatory time by December 15<sup>th</sup> each year. Any unused time after December 15<sup>th</sup> will be paid out to the employee. Any overtime accrued after December 15<sup>th</sup> will be used in the following calendar year.

**Exempt Employees**

Exempt employees typically are not eligible for overtime. However, exempt employees may occasionally be rewarded compensatory time by Department Heads. In addition, when the Commission officially declares an emergency, exempt employees will receive overtime under this policy. Use of compensatory time is subject to this policy.

Exempt employees may not accrue more than 160 hours of compensatory time and must use

all accrued time by the end of the calendar year or forfeit any such remaining hours. Exempt employees leaving County employment will not receive cash payment for any unused compensatory time.

## **USE OF VEHICLES & EQUIPMENT 509**

*Effective Date: 02/01/2016*

Employees may be required to use equipment or drive as part of performing their job duties. Any equipment or vehicles we provide tends to be expensive and may be difficult to replace, and any driving employees perform can expose Cass County to liability in the event of accident or injury. Thus, when using property or equipment, or while driving for work purposes, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Employees must adequately maintain the cleanliness of any vehicles they may drive for work purposes. Please notify a supervisor if any equipment, machines, tools, or vehicles appear to be unclean, damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. Supervisors can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

Employees should use credit cards issued for purchases of fuel from the appropriate County vendor. Purchase orders will be utilized for parts, and emergencies such as batteries, or tire repair necessary for operation of the vehicle.

Employees are expected to obey all traffic laws and all safety rules concerning the safe operation of motor vehicles while driving County vehicles or driving their own vehicles for work purposes. Employees who use County vehicles, or drive their own vehicles for work purposes, must participate in a defensive driving course prior to the operation of a County vehicle, and repeated every three years or after any subsequent accident.

Drivers shall possess a valid driver's license, which must be kept with the driver at all times during operation of the vehicle and be of the appropriate class for the vehicle being operated. Employees may not place unauthorized bumper stickers or equipment in or on a county-owned vehicle.

Employees are expected to follow the restrictions on the use of cell phones described in our phone use policy, including the prohibitions on reading or sending e-mails, text messages, instant messages, or accessing the Internet from their cell phones or other wireless devices while operating a motor vehicle at any time the vehicle is in motion, part of traffic (e.g., while sitting at a stop sign or stop light), or is anything other than parked.

Employees driving vehicles for work purposes may be required to notify Cass County of any moving violations they receive (whether received during working or nonworking hours). Cass County will not pay the costs of any parking tickets or traffic violations that employees may incur, regardless of whether they occur while work is being performed. In the event of overweight fines, employees are responsible for the first \$50.

Employees driving their own vehicles for work purposes must adequately insure the vehicle, and provide Cass County with proof of insurance upon request.

Employees are expected to use County property, including County vehicles, for business use only and not for personal use. Occasional personal use while traveling for work purposes may be permitted. Drivers should not transport hitchhikers, but non-employees (such as guests and family members) may be passengers if reasonable to transport the non-employee. However, County insurance may not cover the transportation of non-employees.

In the event of an accident that results in damage of any kind, the employee involved in the accident may be required to obtain a police report before leaving the scene of the accident, and must immediately report the accident to his or her Department Head. An accident form must be completed and filed with the Auditor for insurance purposes.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, or the failure to report damage, defects, or the need for repairs, can result in disciplinary action, up to and including termination of employment.

**LOBBYING 510**

*Effective Date: 02/01/2016*

Any employee, other than an elected official, who is involved in lobbying at the State Legislature, in a personal capacity, shall take annual leave for such activities unless such lobbying has been approved by the County Commission. If the Commission is not in session, such lobbying shall be approved by the Commissioner holding that portfolio and reported at the next Commission meeting.

**BUSINESS TRAVEL EXPENSES 511**

*Effective Date: 12/19/2016*

Cass County will reimburse employees for reasonable business travel expenses incurred while on assignments away from the normal work location. The reimbursement rate is set by the County Commission and follows the state reimbursement rate or the federal reimbursement rate, whichever is greater. All business travel must be approved in advance by the Department Head.

When approved, the costs of travel, meals, lodging, and other expenses directly related to accomplishing business travel objectives will be reimbursed by Cass County. Employees are expected to limit expenses to reasonable amounts. The County will provide per diem for meals where employees are away from their normal place of employment for a minimum of four hours. Notwithstanding the four-hour requirement, meals within the County, while attending formal meetings required by the Department Head or attending conferences directly related to the County business, and the employee is restricted from leaving the meeting or conference shall be reimbursed. Employees may not claim a meal for reimbursement if it was provided for them or if they were not away from their work base for a minimum of four hours. Reimbursement for in-county meals shall be actual expenses, not to exceed the state rate.

When travel is completed, employees should submit completed travel expense reports within 60 days or by December 31<sup>st</sup>, whichever is sooner. Reports should be accompanied by receipts for all individual expenses, other than for meals, which will be paid for using the per diem. Failure to submit timely receipts and completed expense reports will result in denial of any reimbursement.

If an employee can save substantial transportation costs by incurring additional meals/lodging, the employee is encouraged to travel at the lowest overall cost. If an employee chooses to travel in an alternative method, he/she will be responsible for the payment of the difference of any costs incurred and any additional travel time will need to be reported as annual leave.

Employees traveling for business purposes can be accompanied by family, a spouse, or a significant other, so long as the presence of any such individuals does not interfere with the accomplishment of the business purposes underlying the trip. Employees will also be responsible for any costs associated with any such travel companions.

Employees who are involved in an accident while traveling on business must promptly report the incident to their Department Head.

Employees should contact their supervisor for guidance and assistance on procedures related to travel arrangements, expense reports, reimbursement for specific expenses, or any other business travel issues.

Employees submitting expense vouchers shall assure that the expenses are not being reimbursed by any other governmental agency or business. Payment of travel expenses over \$100 will be reimbursed as soon as vouchers are processed. Payment under \$100 will be done monthly. Abuse of this business travel expenses policy, including falsifying expense reports to reflect costs not incurred by the employee, can be grounds for disciplinary action, up to and including termination of employment.

### **Training Time**

All time spent in training that is both required and approved by the employee's supervisor is considered as time worked for non-exempt employees. Travel to and from such required training will be considered compensable by the County, if located outside the Fargo/Moorhead area.

## **VISITORS IN THE WORKPLACE 512**

*Effective Date: 02/01/2016*

To provide for the safety and security of employees and the facilities at Cass County, only authorized visitors are allowed in certain areas of the County. All persons with the exception of law enforcement and Cass County employees wearing identification badges are subject to screening when entering the Courthouse or Annex. The hours of regular security operation in the Courthouse and Annex are 8:00 a.m. through 5:00 p.m. Monday through Friday. Visitors conducting business after hours will be escorted through the facilities by the employee assisting that person.

When Department Heads authorize deliveries, they are asked to notify the security desk. If

they fail to do so, a representative from that department must come to the security desk to verify delivery. Employees that request food delivery are asked to meet the vendor at the security desk to accept delivery.

If an unauthorized individual is observed on Cass County's premises, employees should immediately notify their supervisors or, if necessary, escort the individual to the security area.

## **ELECTRONIC COMMUNICATION DEVICES & SERVICES 513**

*Effective Date: 12/19/2016*

Electronic communication devices and services are provided by Cass County to assist employees in completing their work, improving their efficiency and obtaining work-related data and technology. The following policies have been established to help ensure responsible and productive computer usage.

### **Definitions**

Electronic communication devices include desk phones, cell phones, computers, laptops and tablets, copiers, printers and other peripheral devices. Electronic communication services include local and long distance calling, voicemail, e-mail, instant messaging, software applications, tablet and cell phone apps, file storage systems such as SharePoint or OneDrive, network shared or personal drives and Internet access. This non-exhaustive list of technology devices and services is meant to include all forms of electronic communications, devices and services provided by Cass County. As new technologies are obtained and implemented by Cass County, those items will also be included in this policy.

All electronic communication devices and access to network services furnished to employees in the performance of their duties are the property of Cass County, and are intended for business use only. As a result, employees have no right to privacy for any uses, business or personal, to which they may be using the electronic communication devices and services provided to them. Cass County reserves the right to monitor at any time any and all uses of our equipment, network resources and Internet activity regardless of whether the use is personal in nature or occurs during non-working times, which includes breaks and lunch periods.

### **Personal Use of Electronic Devices and Services**

While usage of the County's electronic communication devices and services are intended for job-related activities, incidental and occasional brief personal use may be permitted within reasonable limits. The personal use of electronic communications devices and services shall NOT be a substitute for keeping your business and personal e-mail, files, videos, movies, pictures and internet activity strictly separate. As such, all personal related email, files and digital media shall be conducted or stored on personally owned email accounts, devices or online services.

Cass County employees are strictly prohibited from using their County provided email or website addresses for their personal use to register or subscribe for any services including but not limited to any social media sites, online newsletters or journals, personal finance websites,

public or private schools, religious or sporting activities, health services, household bills and utilities, hotel and travel sites or any online shopping or shipping services without prior approval from the IT Department.

Cass County strictly prohibits using our Internet services for the personal use of streaming video, audio, internet radio or music and using electronic devices or services for the storage, viewing or playing of personal pictures, videos, music and other personal files. Do not connect personal cell phones, iPods, other music players or playing of CD or DVD disks on county owned electronic devices.

The electronic communication devices and services provided to Cass County employees remain at all times the property of Cass County. To ensure compliance with this policy, Cass County reserves the right to monitor Internet traffic, and retrieve and read any data composed, sent, received or stored on devices or services. All data that is composed, transmitted, received or stored on our computer system is considered to be part of the official records of Cass County and, as such, is subject to open records disclosure to law enforcement or other third parties.

Employees must comply with all applicable laws (e.g., industry regulations, harassment laws, copyright restrictions, contractual obligations or restrictions, etc.) every time they use Cass County's electronic communication devices and services for any purpose, as well as during any occasion they may be using their own personal computer networks, systems, or equipment in ways that may directly or indirectly be associated with Cass County.

### **Computer Security**

Employees should take all security precautions available to them and prescribed by Cass County. Employees should not attempt to bypass or disable any security precautions installed on Cass County computers. Similarly, employees shall protect the integrity of electronic communication devices and services at all times, which includes logging off or locking systems when not in use or away from your workspace.

Employees using electronic devices offsite, including home, hotels or other public locations shall take all precautions to protect County owned equipment. Employees shall maintain positive control of devices when in public locations and take necessary precautions when connecting to public Internet or Wi-Fi connections.

Employees who check out or are provided County resources for working off-site are prohibited from allowing non-employees, including family members, to use the electronic communication devices and services.

Passwords and user IDs to access any system shall not be written down or shared with other employees at any time and users shall not login to a system for the purposes of allowing another user access. This includes, but is not limited to, computers, servers, state applications, or online business accounts.

Employees shall not transfer, copy, upload or forward any County email, documents, or files to personally owned devices or services, including but not limited to, USB flash drives,

portable hard drives, CD/DVD drives, personal email accounts or any online storage services such as Dropbox, iCloud, OneDrive, or Google Drive, without permission from the IT Department.

When required, employees should only send confidential, sensitive and/or proprietary information using County approved encryption or secure email methods. Similarly, when receiving emails, employees should encourage outside clients, vendors and business partners to send any confidential, sensitive and/or proprietary information using appropriate safeguards, including encryption or secure email methods.

### **Prohibited Usage**

The following behaviors are examples of previously stated or additional actions and activities that are prohibited and can result in disciplinary action up to and including termination of employment:

- Sending or posting discriminatory, harassing, or threatening messages or images
- Using the organization's computer or services for personal gain. E-mail may not be used to solicit others for commercial ventures, religious or political causes, outside organizations, or other non-business matters.
- Sending or posting confidential material, trade secrets, or proprietary information outside of the organization (such information includes, but is not limited to, non-public information, internal documents, memorandums, announcements, financial information, prospect and customer lists, pricing and preferences)
- Failing to observe licensing agreements
- Engaging in unauthorized transactions that may incur a cost to the organization or initiate unwanted Internet services and transmissions
- Viewing or exchanging pornography or obscene materials
- Attempting to break into the computer system of another organization or person
- Refusing to cooperate with a security investigation or obstructing a security investigation
- Sending or posting chain letters or advertisements not related to business purposes or activities
- Using the computer for gambling of any sort
- Jeopardizing the security of the organization's electronic communications systems
- Sending or posting messages that disparage other organizations
- Passing off personal views as representing those of the organization
- Sending anonymous e-mail messages
- Using electronic devices or services, including email or Internet for the purposes of seeking other employment or preparing or posting a resume
- Loading software without permission

- Engaging in any other illegal activities
- Engaging in any other computer related activity determined by Cass County to be inappropriate or unacceptable

Cass County strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Therefore, Cass County prohibits the use of electronic communication devices and services in ways that are disruptive, offensive to others, discriminatory, obscene, threatening, harassing, intimidating, or harmful to morale. For example, the display or transmission of sexually explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, gender-specific comments, off-color jokes, or anything that may be construed as harassment, bullying or showing disrespect for others.

Cass County purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, Cass County does not have the right to reproduce or install such software for use on more than one computer. Employees may only use software on local area networks or on multiple machines according to the software license agreement. Cass County prohibits the illegal duplication of software and its related documentation.

The unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material on the Internet is expressly prohibited. As a general rule, if an employee did not create material, does not own the rights to it, or has not gotten authorization for its use, it should not be put on the Internet or transmitted through the e-mail system.

Employees are required to sign an acknowledgement form for Cass County's Appropriate Use of Electronic Communication Devices and Services.

### **Consequences for Policy Violations**

Abuse of the electronic communications devices and services provided by Cass County may result in suspension of Internet/e-mail privileges, and/or disciplinary action, up to and including termination of employment. Employees may also be held personally liable for any violations of this policy. Employees should notify their immediate supervisors or any member of management upon learning of violations of this policy.

## **SOCIAL NETWORKING WEBSITES AND ONLINE COMMUNICATIONS 514**

*Effective Date: 02/01/2016*

### **Social Networking Websites**

Social networking sites including, but not limited to, Facebook, YouTube, Twitter, LinkedIn and online journals and blogs, present unique opportunities for employees to communicate with friends, family, colleagues and the general public. However, these websites also pose a significant risk to distract employees, reduce productivity and waste County resources where access is permitted during work time. Employees are prohibited from using their Cass County email account to register for personal social media sites and for the purposes of receiving regular email notifications of postings. Accordingly, Cass County will only allow access for

those employees with a legitimate business reason to access any such site during working hours or via any County owned equipment.

### **Online Code of Conduct**

To the extent employees access these sites during the employee's own time, employees should keep in mind that the information on such sites is posted in a global forum and, therefore, there is no guarantee of privacy or ability to restrict receipt of posted information. Accordingly, employees should exercise the same judgment and discretion in posting to social networking sites as they would when engaging in any conduct in a non-private setting. Employees must also understand they are solely responsible for what they post or endorse online.

The following conduct relative to online communications are examples of previously stated or additional conduct and activities, which **are prohibited** and can result in disciplinary action up to and including termination of employment:

- Sending or posting discriminatory, defamatory, harassing, bullying or threatening messages or images (including photographs or videos) regarding any current or former employee
- Making any defamatory, slanderous or derogatory reference or post against any prospect, client, customer, vendor or business partner that may harm or interfere with the County's working relationships or current contracts with third-parties
- Posting any confidential, proprietary or non-public Cass County information or documents, including but not limited to internal memoranda, reports, announcements, policies or other internal business-related communications, client lists or preferences, or financial data
- Posting any confidential information pertaining to employees or clients, which may otherwise be protected under state and federal laws such as state privacy and disability laws, Red Flag Regulations, ADA, HIPAA or GINA
- Disclosing any information protected by attorney-client privilege, legal hold or spoliation order
- Representing (or otherwise giving the impression) you are speaking on behalf of Cass County
- Failing to use proper disclaimers where Cass County is involved, such as "postings on this site are my own and do not represent Cass County's opinions, philosophies or business strategies"
- Posting photographs, videos or other images of other employees without proper authorization, or failing to remove such images when requested by another employee
- Unlawfully gaining access to another employee's social networking website or profile
- Demanding or otherwise requiring candidates or colleagues to relinquish any social networking password

### **Resolving Conflict**

When communicating online, employees are encouraged to be fair and courteous to current and former employees, customers, clients and vendors. Work-related issues are more likely to

be resolved by speaking directly with employees or going to Department Heads where employees feel comfortable speaking freely.

Should employees decide to post complaints or criticisms, employees should avoid using statements, photographs, videos or audio that reasonably could be viewed as malicious, obscene, harassing, threatening, intimidating, bullying, or that disparages customers, clients or vendors. Failure to follow these guidelines may result in disciplinary action, or legal action initiated by a third-party.

### **Monitoring and Consequences for Policy Violations**

While Cass County has no general practice of reviewing employees' personal profiles on such sites, employees should be aware that if such profiles contain information suggesting conduct that violates this or any Cass County policy, such information may form the basis for an appropriate investigation and/or discipline. Employees may also be held personally liable for any violations of this policy, which also violates a state or federally protected right.

**Nothing in this policy prohibits employees from exercising any legal right under any state or federal law nor will employees be subject to discipline for any posts that are legally protected.** However, employees should be aware that not all posts to a personal social networking site outside of work time are entitled to legal protection and any such posts may result in disciplinary action up to and including termination of employment, if they violate this or any other County policy.

Employees who believe they have been the subject of online harassment or bullying should notify their Department Head or the Human Resources Department upon learning of violations of this policy without fear of reprisal or retaliation.

### **WORKPLACE MONITORING 515**

*Effective Date: 02/01/2016*

Workplace monitoring may be conducted by Cass County to ensure quality control, employee safety, security, and customer satisfaction.

Employees with County-owned cell phones may have their telephone conversations or text messages monitored.

Electronic communication devices and services (including phones, computer and network-related hardware, fax and copy machines, printers, scanners, other peripheral devices, phone systems, e-mail system, Internet access, voicemail, instant messaging, and access to network services furnished to employees) are the property of Cass County, and are intended for business use. As a result, employees have no right to privacy for any uses to which they may put the electronic communication devices and services we have provided them. Similarly, Cass County reserves the right to monitor any and all use to which our equipment, networks, or resources may be put, regardless of whether the use is personal in nature, or occurs during non-working time.

Cass County may conduct video surveillance of non-private workplace areas. Video

monitoring is used to identify safety concerns, maintain quality control, detect theft and misconduct, and discourage or prevent acts of harassment and workplace violence.

Cass County may also utilize GPS units and/or other monitoring devices (for speed, braking, etc.) on vehicles employees are using for work purposes. The use of GPS units is intended to help us track the times, locations, and routes employees may drive in connection with work, for safety, efficiency, and compliance purposes.

Because Cass County is sensitive to the understandable privacy expectations of employees, reasonable efforts will be made to guarantee that workplace monitoring is done in an ethical and respectful manner.

## **WORKING FROM HOME 516**

*Effective Date: 02/01/2016*

Employees who believe that working from home (in whole or in part) can enhance their ability to get their jobs done should submit a written request to their managers proposing how it will benefit Cass County and themselves. The request should explain how they will be accountable and responsible, what equipment is necessary, and how communication barriers will be overcome.

The decision to approve a telecommuting arrangement will be based on factors such as position and job duties, performance history, related work skills, technical limitations, and the impact on the organization. The employee's compensation, benefits, work status, work responsibilities, and the amount of time the employee is expected to work per day or per pay period will not change due to participation in the telecommuting program (unless otherwise agreed upon in writing).

The employee's at-home work hours will conform to a schedule agreed upon by the employee and his or her supervisor. If such a schedule has not been agreed upon, the employee's work hours will be assumed to be the same as they were before the employee began telecommuting. Changes to this schedule must be reviewed and approved in advance by the employee's supervisor.

During working hours, the employee's at-home work space will be considered an extension of Cass County's work space. Therefore, workers' compensation benefits may be available for job-related accidents that occur in the employee's at-home work space during working hours. All job-related accidents will be investigated immediately.

Cass County assumes no responsibility for injuries occurring in the employee's at-home work space outside the agreed-upon work hours. The employee agrees to maintain safe conditions in the at-home work space and to practice the same safety habits as those followed on Cass County's premises.

In the case of an injury while working at home, the employee should immediately report the injury to the Department Head to get instructions for obtaining medical treatment.

The employee should not undertake to provide primary care for a young child during at-home

working hours. If a young child will be home during the employee's at-home working hours, some other individual should be present to provide primary care. However, if a young child is ill, the employee may, on a temporary basis, provide primary care for that child subject to approval of the employee's supervisor. Similarly, while working at home, the employee also should not undertake to provide primary care for an elderly adult, who would otherwise require the care of a nurse.

Telecommuting is an alternative method of meeting the needs of the organization and is not a universal employee benefit. As such, Cass County reserves the right to refuse to make telecommuting available to any given employee, as well as to terminate a telecommuting arrangement at any time.

**FAMILY AND MEDICAL LEAVE 601***Effective Date: 02/01/2016***A. General Provisions**

It is the policy of Cass County to grant up to 12 weeks (or 26 weeks, if leave is taken to provide care for qualifying family member injured during active military service) of family and medical leave during any 12-month period to eligible employees, in accordance with the Family and Medical Leave Act (FMLA).

**B. Eligibility**

In order to qualify to take family and medical leave under this policy, the employee must meet all of the following conditions:

1. The employee must have worked for Cass County at least 12 months (these 12 months need not have been consecutive);
2. The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave would begin; and
  - This calculation includes only actual hours worked, and will not include any holiday, annual leave, or other forms of paid leave that may occur during the relevant 12-month review period, regardless of whether such time is counted as hours worked for overtime purposes
  - This calculation includes all periods of absence from work due to or necessitated by military service (active duty and reserve) under Cass County's Military Leave policy.
3. The employee must work in an office or worksite where 50 or more employees are employed and work at a location where the County employs 50 or more employees within 75 miles. (Remote employees with no fixed office or who work out of their home, will be treated as though they work in the office to which they report.)

**C. Reasons for Leave**

In order to qualify as FMLA leave under this policy, the employee must be taking the leave for one of the reasons listed below:

1. The birth of a child;
2. The adoption of a child, or the placement of a child with the employee for foster care;
3. The employee's own serious health condition (a "serious health condition" is a condition that requires inpatient care at a hospital, hospice, or residential medical care facility, or a condition that requires continuing care by a licensed health care provider as defined in applicable Department of Labor regulations, and in the case of an employee, makes the employee unable to perform the functions of the employee's position.);

4. To care for a spouse, child or parent with a serious health condition;
5. Due to a “qualifying exigency” for the spouse, children, or parents of individuals who are on, or are about to be on, “covered active duty”;
 

(A “*qualifying exigency*” includes attending certain military events, arranging for alternative child care, addressing certain financial and legal arrangements, attending certain counseling sessions, attending post-deployment reintegration briefings, and care for a military member’s parent who is incapable of self-care when the care is necessitated by the member’s covered active duty, as defined in applicable Department of Labor regulations)

(“*Covered active duty*” means members of either the regular or reserve components of the Armed Forces and National Guard who have been deployed to a foreign country)
6. To provide care for a “covered service member” with a serious injury or illness incurred or aggravated in the line of duty while on active duty (employees eligible to take military caregiver leave include the spouse, children, parents and next of kin of military personnel).

Leave that qualifies for annual leave, sick leave, workers’ compensation, short-term disability, or other wage replacement benefits may also qualify as FMLA leave and, if so, the time off will also be counted as FMLA leave. Employees with questions about whether their leave needs may be covered under this FMLA policy are encouraged to consult with the Human Resource Department.

#### **D. Duration of Leave**

##### *12 Weeks*

For all FMLA covered leaves other than leave taken to provide care for wounded military personnel, eligible employees can take up to 12 weeks of leave under this policy during any 12-month period. Cass County will use a rolling 12-month period measured backward from the date an employee uses any leave under this policy to determine whether an employee has exhausted his or her 12 weeks of leave. Each time an employee takes leave, Cass County will compute the amount of leave the employee has taken under this policy for any form of FMLA leave in the last 12 months and subtract that amount from the employee’s 12 weeks of available leave; the balance remaining is the amount the employee is entitled to take at that time.

##### *26 Weeks*

For all FMLA covered leaves taken to provide care for wounded military personnel, eligible employees can take up to 26 weeks of leave under this policy during any single 12-month period. This single 12-month period begins on the first day the employee takes FMLA leave to provide care for wounded military personnel. Any FMLA time taken for any other reason listed in paragraph C. during this single 12-month period shall count against the 26 weeks of leave available to care for wounded military personnel. Similarly, any FMLA time taken to care for wounded military personnel shall count against the 12 weeks of leave available to the employee for any other reason under paragraph C.

*Spouses*

Spouses who both work for Cass County are limited to a combined total of 12 weeks of leave for the birth of a child, adoption or placement of a child in foster care, to care for a parent with a serious health condition. Similarly, spouses who both work for Cass County are limited to a combined total of 26 weeks of leave to care for a covered member of the military who is injured in the line of duty.

**E. Employee Benefits During Leave**

While an employee is on leave Cass County will continue the employee's medical, dental, and other benefits (except life insurance, cancer insurance and retirement benefits) during the leave period at the same level and under the same conditions as if the employee had continued to work. While on a paid leave, Cass County will continue to make payroll deductions as normal to collect the employee's share of the premium. Life insurance and cancer insurance benefits may continue, but the employee becomes responsible for the entire premium. Employees must pay the premium by the 1<sup>st</sup> of each month. Failure to continue paying the premium may result in cancellation and the employee will be have to reapply for life or cancer insurance (and undergo any medical underwriting) when eligible upon return. All retirement contributions stop during FMLA.

Cass County will continue to provide health insurance benefits until the employee ceases to be eligible under the terms, conditions, and limitations of the applicable plans. Employees will continue to be responsible for their share of the insurance premiums, and will be required to make monthly payments while out on unpaid leave. Premium payments must be received in the Human Resources Department by the 30<sup>th</sup> day of each month. If the payment is more than 30 days late, the employee's health and other coverage may be dropped for the duration of the leave.

If the employee chooses not to return to work, for reasons other than a continued serious health condition, Cass County may require the employee to reimburse Cass County the amount it paid for the employee's health insurance premium during the leave period.

**F. Use and Accrual of Paid and Unpaid Leave**

FMLA leave is unpaid. However, Cass County requires that employees use sick leave and all annual leave during any FMLA leave, except where the employee is receiving worker's compensation, short-term disability, or similar wage replacement benefits.

Benefit accruals, such as annual leave, sick leave and holiday pay, will be suspended after 30 calendar days of continuous unpaid leave, and will resume upon return to active employment.

**G. Intermittent Leave or a Reduced Work Schedule**

In addition to taking leave in consecutive blocks of time, eligible employees may be allowed to take time off intermittently (i.e., reduced workweeks or reduced workdays) if needing leave for one of the following reasons:

1. The employee's serious health condition;

2. The serious health condition of a spouse parent or child;
3. To provide care for a “covered service member” with a serious injury or illness incurred or aggravated in the line of duty while on active duty; or
4. Due to a “qualifying exigency” for the spouses, children, or parents of individuals who are on, or are about to be on, covered active duty.

To qualify for intermittent leave, the employee must show that the intermittent leave is medically necessary or related to a “qualifying exigency.” If leave is taken on an intermittent or reduced leave schedule due to foreseeable leave needs (other than qualifying exigencies), Cass County may temporarily transfer an employee to an alternative position with equivalent pay and benefits.

### **H. Certification of the Need for Leave**

Cass County may ask for certification to verify the need for leave for the reason requested by the employee. 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 the leave. Cass County may also require recertification during the leave to verify the status of the need for leave.

Cass County may directly contact the health care provider or other third-party to verify and clarify information contained in the certification. Employees are responsible for signing or obtaining any authorization necessary to permit the health care provider or other third party to provide Cass County with the required information.

Cass County has the right to ask for a second opinion of a certification of a serious health condition. Should we choose to do so, we will pay for the employee to get a certification from a second health care provider, which we will select. If it is necessary to resolve a conflict between the original certification and the second opinion, we will require the opinion of a third health care provider. Cass County and the employee will jointly select the third doctor, and we will pay for the opinion. This third opinion will be considered final.

### **I. Returning From Leave**

Employees taking leave under this policy will be returned to the same jobs they held when their leaves began. If this is not feasible, employees will be returned to a position that entails substantially equivalent skill, effort, responsibility and authority as the position they had previously held. The only exceptions to this rule will be in circumstances of layoffs or reorganizations, where the employees’ positions would have been eliminated even if they had not been on leave. Employees returning from a leave of absence for their own serious health condition may be required to provide a fitness for duty assessment.

### **J. Procedure for Requesting Leave**

When an employee plans to take leave under this policy, the employee must give Cass County 30 days notice. If it is not possible to give 30 days notice, the employee must give as much notice as is practicable. An employee undergoing planned medical treatment is required to

make a reasonable effort to schedule the treatment to minimize disruptions to Cass County's operations. If an employee fails to provide 30 days notice of foreseeable leave, the leave request may be denied until at least 30 days from the date we received notice.

All employees requesting leave under this policy must submit the request in writing to their immediate supervisors, with a copy to the Human Resources Department. Where the need for leave is not foreseeable, employees must verbally notify their supervisors of the need for leave as soon possible, and follow Cass County's normal call-in procedures for unexpected absences. Failure to follow our normal call-in procedures under such circumstances will be treated like any other violation of our call-in procedures, and may result in discipline or termination, even though the leave itself may be covered by the FMLA. Employees may be required to confirm their need for FMLA leave in writing after giving verbal notice.

While on leave, employees may be required to periodically report to Cass County regarding the status of their intent to return to work.

### **K. Rights, Remedies, and Additional Information**

Cass County fully complies with the provisions of the FMLA. Accordingly, any employee who has questions regarding this policy is encouraged to contact the Human Resources Department. Further information on your rights and remedies under the FMLA can be located on our FMLA poster (which can be found in break areas), or online on the Department of Labor's website at: <http://www.dol.gov/esa/whd/fmla/>.

### **PREGNANCY-RELATED CONDITIONS 602**

*Effective Date: 02/01/2016*

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

Upon request, Cass County will consider providing reasonable accommodations for health conditions related to pregnancy or childbirth in accordance with state and federal law. Depending on the accommodation requested, employees may be required to provide medical substantiation of the need for accommodation. Similarly, if the requested accommodation would present an undue hardship to the performance of the employee's position, Cass County may not be able provide the accommodation.

Requests for time off associated with pregnancy and/or childbirth, such as bonding and child care, not related to medical disabilities for those conditions will be considered in the same manner as other requests for unpaid family or personal leave.

**UNPAID PERSONAL LEAVE 603***Effective Date: 02/01/2016*

Cass County may provide unpaid leaves of absence to employees who wish to take time off from work to fulfill personal obligations that aren't covered by other types of leave that we offer. Eligible employees that may take leave under this policy include full time and part time employees. In general, unpaid personal leave may not be used to extend leaves of absence taken under other policies in this handbook.

To schedule personal leave, employees should request as much advance approval from their supervisors as possible. The request must be in writing and provide the nature of the leave and time requested. All departments must be appropriately staffed to meet the needs of Cass County's customers and clients, and Cass County reserves the sole discretionary right to determine whether or not to grant personal leave under this policy, as well as the amount of time that may be made available. This means that personal leaves may not be granted in all circumstances, and such requests will be approved or denied at the discretion of the Department Head, based upon current workloads, staffing levels, and the employee's disciplinary status. The County reserves the right to request documentation relating to the request as often as it is deemed necessary during the period of leave.

Employees may be eligible to take up to 45 working days of personal leave in a year. Employees taking approved leave will be required to use any available paid leave as part of the approved period of leave (annual leave or sick leave, where applicable). Employees will not be eligible for holiday pay, and annual leave and sick leave accruals will cease, during any unpaid portions of a personal leave taken under this policy.

Cass County will continue to provide health insurance benefits until the employee ceases to be eligible under the terms, conditions, and limitations of the applicable plans. In order to maintain benefits while eligible, employees will still be responsible for paying their portion of any insurance premiums. Employees must pay the premium by the 1<sup>st</sup> of each month. Failure to continue paying the premium may result in cancellation of benefits. Once benefits eligibility is lost, employees wishing to continue their insurance benefits will be required to elect COBRA and pay up to 102% of the full cost of insurance coverage (i.e., both the employer and employee portions of the premium).

When a personal leave ends, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified. However, Cass County cannot guarantee reinstatement in all cases. If an employee fails to report to work promptly (or is unable to return to work) at the expiration of the approved leave period, Cass County will consider the employee to have resigned employment. Employees who are unable to return to work due to an ongoing medical condition are encouraged to reapply for any positions that may be open at such time that they are released to return to work.

**MILITARY LEAVE 604***Effective Date: 02/01/2016*

A military leave of absence will be granted to Cass County employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Cass County also complies with North Dakota Century code 37-01-25 and 37-01-25.1. Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

Employees taking military leave shall be granted time off with pay. A maximum of twenty (20) working days per calendar year will be granted for those employees who have been employed continuously for a period of ninety (90) calendar days or more. Military leave pay will be calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence, up to a maximum of 8 hours per day.

**ACTIVE DUTY ASSIGNMENTS:** Up to twenty (20) days paid leave. This includes training periods which are defined as active duty periods only. For leaves exceeding 30 days, or at Cass County's discretion, written confirmation of assignment to active duty will be required prior to activation, if possible, or post activation within to (2) weeks of return to work.

**NON-ACTIVE DUTY TRAINING:** This includes training periods which are defined as non-active duty periods only. Employees may request to use annual leave to pay for this time; may request leave without pay; or may request a schedule change if applicable with the employee's job position.

During military leave of less than 31 days, an employee is entitled to continued group health plan coverage under the same conditions as if the employee has continued to work. For military leave of more than thirty (3) days, the employee may elect to continue his/her health coverage for up to 24 months of uniformed service and shall be required to pay all of the premium for continuation of coverage. (NOTE: employees and/or dependents who elect to continue their coverage may not be required to pay more than 102% of the full premium elected for coverage. The premium is to be calculated in the same manner as that required by COBRA).

Employees on military leave for up to thirty (30) days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with USERRA and all applicable state laws.

Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service.

Contact the Human Resources Department for more information or questions about military leave.

**EMPLOYEE CONDUCT AND WORK RULES 701***Effective Date: 02/01/2016*

To ensure orderly operations and provide the best possible work environment, Cass County expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization. While it is not possible to list all the forms of behavior that are considered unacceptable in the workplace, the following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- Theft or inappropriate removal or possession of property
- Unethical, immoral, or criminal conduct in or outside of the workplace
- Dishonesty or misrepresentation including, but not limited to, falsification of timekeeping records, misrepresentation on employment applications, or dishonesty in an investigation
- Working under the influence of alcohol or illegal drugs
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating tools and equipment
- Fighting or threatening violence in the workplace
- Boisterous or disruptive activity in the workplace
- Negligence or improper conduct leading to damage of employer-owned property
- Insubordination or other disrespectful conduct
- Violation of safety or health rules
- Failure to comply with written doctor restrictions or statements
- Failing to report injuries timely
- Smoking in prohibited areas
- Sexual or other unlawful or unwelcome harassment
- Excessive absenteeism or any absences without notice
- Unauthorized absence from work station during the workday
- Unauthorized use of computers, telephones, mail system, or other employer-owned equipment or networks
- Unauthorized disclosure of business “secrets” or confidential information
- Inappropriate words, actions, or conduct, inside or outside of the workplace that may reflect poorly upon, or cause harm to, Cass County. This prohibition applies even to employees’ words, actions, or conduct that occur completely on personal time, including on Internet social networking sites.
- Unsatisfactory performance or conduct
- Violation of personnel policies

In short, good conduct is expected of Cass County employees both in and outside of the office. It is the responsibility of each employee to maintain his/her own positive image as well as that of Cass County. Dignity, poise and respect, especially in the presence of customers and co-workers is just good common sense and should be maintained to enhance our image as a public agency.

Employment with Cass County is at the mutual consent of Cass County and the employee, and either party may terminate that relationship at any time, with or without cause, and with or without advance notice.

Social Service employees will follow the disciplinary procedures as established by the North Dakota Human Resources Department's Administrative Rules.

### **DRUG AND ALCOHOL FREE WORKPLACE 702**

*Effective Date: 02/01/2016*

It is Cass County's desire to provide a healthful and safe workplace that is free from the impacts of improper drug or alcohol use. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

While on Cass County premises and while conducting business-related activities off Cass County premises, no employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. However, the consumption of moderate amounts of alcohol may occasionally be permitted at conferences or with the express approval of management. Employees consuming alcohol under such circumstances must drink responsibly, and must not become intoxicated. Employees may not operate County vehicles while under the influence.

The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

Employees with questions or concerns about substance dependency or abuse are encouraged to use the resources of the Employee Assistance Program.

Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment. Such violations may also have legal consequences.

Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their supervisors or the Human Resources Department without fear of reprisal.

**DRUG & ALCOHOL TESTING 703***Effective Date: 02/01/2016*

Cass County is committed to providing a safe, efficient, and productive work environment for all employees. Using or being under the influence of drugs or alcohol on the job may pose serious safety and health risks. To help ensure a safe and healthful working environment, employees in safety sensitive positions may be asked to provide body substance samples (such as urine and/or blood) to determine the illicit, illegal, or impermissible use of drugs and alcohol. Refusal to submit to drug testing may result in disciplinary action, up to and including termination of employment.

There are a variety of circumstances under which Cass County might test for drugs or alcohol, including, but not limited to, post-accident, randomly, with reasonable suspicion, and on applicants to whom a conditional job offer has been made.

A lengthier and more detailed policy setting forth the various steps and procedures involved in Cass County's drug testing program for those in a safety-sensitive position can be found in Appendix A.

The Employee Assistance Program (EAP) provides confidential counseling and referral services to employees for assistance with such problems as drug and/or alcohol abuse or addiction. It is the employee's responsibility to seek assistance from the EAP prior to reaching a point where his or her judgment, performance, or behavior has led to imminent disciplinary action. In most cases, participation in the EAP after the disciplinary process has begun will have no effect on any current or pending disciplinary action, up to and including termination of employment (even if the problems being addressed through discipline or termination were somehow related to drug and/or alcohol abuse).

Questions concerning this policy or its administration should be directed to the Human Resources Department.

**SEXUAL AND OTHER UNLAWFUL HARASSMENT 704***Effective Date: 02/01/2016*

Cass County is committed to providing a work environment that is free of discrimination and unlawful harassment. Cass County prohibits discrimination and harassment on the basis of race, color, religion, sex, pregnancy, citizenship, national origin, age, disability, military service, veteran status, genetic information, union membership, marital status, status with regards to public assistance, participation in lawful activity off the employer's premises during non-working hours (which is not in direct conflict with the essential business-related interest of the County) or any other characteristic protected by law.

Any employee who **engages** in harassment; **who permits** employees under his/her supervision to engage in such harassment; **or who retaliates or permits retaliation** against an employee who reports such harassment is guilty of misconduct and shall be subject to immediate remedial action that may include discipline or termination of employment.

**Employee Rights and Responsibilities:**

Employees are entitled to timely resolution of any complaints about harassing or inappropriate behavior. In addition, employees are protected from retaliation for making a complaint or exercising other rights protected by law.

**It is an employee's responsibility and obligation to report harassing or inappropriate behavior, whether it is directed at them or is something they have seen or heard that was directed at someone else. Any manager or supervisor who learns of or observes harassing or inappropriate behavior, or receives a complaint about this kind of behavior, should immediately report the behavior or complaint to the Human Resources Department or a Department Head.**

Cass County will investigate the situation and take timely and appropriate action to correct it. Every employee must cooperate fully during any fact-finding initiated by Cass County, providing honest and complete information. Employees cannot choose to "stay out of it" if they are asked for information that they have or have access to.

Failure to participate fully and honestly in the investigative process, or in any fact-finding process initiated by Cass County, is a serious violation of County policy and grounds for corrective action, which may include termination from employment.

**What is Harassment?**

Harassment is offensive physical conduct, verbal comments, or written comments including, but not limited to, electronic communications, such as online posts or text messaging, due to another person's protected category status if that conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment, unreasonably interferes with an individual's work performance or opportunities, or otherwise affects the terms and conditions of employment.

**Definition of Sexual Harassment**

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, comments (verbal or written), or physical conduct of a sexual nature when:

1. Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual; or
3. The conduct has the purpose or effect of unreasonably interfering with an individual's work performance; or
4. The conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment.

## Examples of Harassment

Examples of harassment include, but are not limited to:

- Unwanted sexual advances.
- Offering employment benefits in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.
- Leering or making sexual gestures.
- Displaying or circulating sexually suggestive objects, pictures, cartoons, e-mails or posters.
- Displaying or circulating offensive objects, pictures, cartoons, e-mails or posters based on a legally-protected characteristic such as race, religion or sexual orientation.
- Making or using derogatory comments, epithets, slurs, or jokes.
- Electronic communications, such as online posts or text messaging, which are offensive or derogatory in nature about an individual due to their membership in a protected class.
- Graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes, or invitations.
- Unwelcome physical conduct including touching, assaulting, impeding or blocking movements, and threatening and intimidating behavior.

## Reporting Procedure

Employees who believe they have experienced or witnessed sexual or other unlawful harassment in the workplace, whether by employees or non-employees, should take the following steps:

- Take immediate action rather than ignoring the problem and waiting for it to go away;
- Tell the offending person, if they feel comfortable doing so, that his or her actions or comments are unwelcome, that the behavior is offensive and it must stop immediately;
- Report the incident as soon as possible to a supervisor, the Human Resources Department, or a Department Head; and
- Remember that Cass County will *not* tolerate any retaliation against you for reporting concerns about harassing behavior or conduct.

Employees who are *witness* to harassment or inappropriate behavior should:

- Take the incident(s) seriously;
- Refuse to condone or participate in the behavior;
- Encourage the victim to speak with his or her supervisor, the Human Resources Department, or a Department Head; and
- Express suspicions or concerns to the appropriate supervisor, the Human Resources Department, or a Department Head so that we can be alerted to any possibly harassing situations.

Employees who *may be engaging in* harassing or inappropriate behavior must:

- Stop the behavior immediately;
- Listen to the person complaining about the behavior; and
- Learn from the experience and do not repeat it.

Any supervisor or manager who becomes aware of possible sexual or other unlawful harassment must immediately report the harassment to the Human Resources Department or a Department Head so it can be investigated in a timely manner.

All charges of harassment will be promptly investigated by Cass County. All complaints will be handled as discreetly as possible, although Cass County cannot guarantee absolute confidentiality. Strict confidentiality is not possible, since the alleged harasser is entitled to answer the charges, particularly if discipline or termination is a possible outcome. However, reasonable efforts will be made to respect the confidentiality of the individuals involved. Corrective action will be taken consistent with the results of Cass County's investigation.

All employees are expected to cooperate with harassment investigations. An employee who refuses to participate in the investigation, provides untruthful statements to the investigator, or otherwise obstructs the investigation process is subject to discipline, up to and including termination of employment.

### **Retaliation**

Cass County will not tolerate any retaliation against any employee who reports an incident of alleged harassment on inappropriate workplace behavior or provides information during an investigation, and will take measures to protect all such employees from retaliation. *Engaging in retaliatory behavior is a violation of this policy, and is grounds for corrective action, up to and including termination of employment.*

### **Off-Site Events**

On occasion, employees may have the opportunity to participate in off-site County-sponsored events such as social gatherings, planning sessions, retreats, meetings, or conferences. These settings, which may be more informal than our workplace, can facilitate new learning, creative thinking and camaraderie among employees and colleagues. We expect that employees will demonstrate the same professional standards of behavior at these events as they would in the workplace. Two specific guidelines should be kept in mind:

- If alcoholic beverages are served, they must be consumed in moderation
- Harassment in any form will not be tolerated

### **Liability for Harassment**

Any Cass County employee who is found to have violated this policy is subject to disciplinary action, up to and including termination from employment. Employees may also be subject to personal legal liability for violation of this policy. Employees wanting more information about our harassment policy or complaint process should contact a supervisor, the Human Resources Department, or a Department Head.

**PERSONAL APPEARANCE 705**

*Effective Date: 02/01/2016*

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image Cass County presents to customers and visitors.

During business hours or when representing Cass County, you are expected to present a clean, neat, and tasteful appearance. You should dress and groom yourself according to the requirements of your position and accepted social standards. This is particularly true if your job involves dealing with customers or visitors in person. Where necessary, reasonable accommodation may be made for employees with disabilities, or who have legitimate religious needs.

Your supervisor or the Department Head is responsible for establishing a reasonable dress code appropriate to the job you perform. If your supervisor feels your personal appearance is inappropriate, you may be asked to leave the workplace until you are properly dressed or groomed. Under such circumstance, you will not be compensated for the time away from work. Consult your supervisor if you have questions as to what constitutes appropriate appearance. Repeated violations of this policy can result in discipline, up to and including termination of employment.

**RETURN OF PROPERTY & ID BADGES 706**

*Effective Date: 02/01/2016*

Employees are responsible for items issued to them by Cass County or in their possession or control, including, but not limited to, the following:

- Cell phones
- Computers / laptops
- Credit cards
- Customer data & information
- Equipment
- Identification badges
- Keys
- Manuals
- Protective equipment
- Security passes
- Tools
- Uniforms
- Written materials

Employees must return all Cass County property immediately upon request or upon termination of employment. Department Heads will report terminations to the Information Technology service desk and the Sheriff's Office.

It is mandatory that all Cass County employees wear their identification badge when in any county buildings during business hours or elsewhere in the county while county duties are being performed. If employees forget their identification badges during non-business hours, no entrance to county buildings shall be allowed. Employees must retrieve their own card to

gain access to county buildings

Employees must report lost or stolen keys and badges to their Department Head, the Sheriff's Office, and the Information Technology service desk immediately.

### **PERSONAL PROPERTY IN THE WORKPLACE 707**

*Effective Date: 02/01/2016*

Any employee bringing personal property onto work premises—whether in a parking area, or in a building or workspace—is solely responsible for such property. Therefore, Cass County cannot be responsible for any damage to, theft, or loss of personal property, and does not have insurance to cover any such loss, damage, or theft. As a result, employees who are concerned about the safety of their personal items should leave them at home and not bring them to work.

Employees should report all thefts of personal belongs to their immediate supervisor, documenting the item taken, and location of the item before the theft, the approximate time of the theft and description of the item taken. The supervisor will report the theft to the Department Head. However, it is the employee's responsibility to report the theft to the Sheriff's Department or appropriate law enforcement agency.

### **WEAPONS 708**

*Effective Date: 02/01/2016*

The purpose of this policy is to ensure the safety and security of county employees and the general public in all county facilities. This policy is in addition to NDCC 62.1-02-09, which makes it a felony for a person, other than a law enforcement officer, to possess certain weapons in government buildings without express written consent.

Any employee carrying a weapon shall be a peace officer licensed by the State of North Dakota who has met all of the requirements for continuing education as mandated by the peace officers board.

All employees must also be "qualified" with the weapon that is carried on duty and must "qualify" with the same ammunition that is carried for duty. The Cass County qualification procedures are to be the same standards that are established by the State of North Dakota. The County Sheriff, or his/her designee, as entrusted by the Commission, is the qualifications administrator.

For this policy, weapons include, but are not limited to, any gun (loaded or unloaded), stun gun, BB gun, CO<sub>2</sub> gun, air gun, machete, sword, knife (with blades of 5 inches or more), bow & arrow, spear, any martial arts weapon, or any other device intended to cause bodily harm to another person.

**SECURITY INSPECTIONS 709**

*Effective Date: 02/01/2016*

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

Vehicles, desks, lockers, and other storage areas may be provided for the convenience of employees but remain the sole property of Cass County. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of Cass County at any time, either with or without prior notice.

Cass County likewise wishes to discourage theft or unauthorized possession of the property of employees, Cass County, visitors, and customers. To facilitate enforcement of this policy, Cass County or its representative may inspect not only vehicles, desks, and lockers but also persons entering and/or leaving the premises and any packages or other belongings. Any employee who wishes to avoid inspection of any articles or materials should not bring such items onto Cass County's premises.

Employees that are not wearing an identification badge are subject to screening when entering any county building. Any items being brought in are subject to inspection and search.

**SOLICITATION & BULLETIN BOARDS 710**

*Effective Date: 02/01/2016*

In an effort to ensure a productive and harmonious work environment, persons not employed by Cass County may not solicit or distribute literature in the workplace at any time for any purpose.

Cass County recognizes that employees may have interests in events and organizations outside the workplace. However, employees may not solicit or distribute literature concerning these activities during working time, unless approved by the County Commission. Employees are allowed to leave information in a designated location and should check with their supervisor. (Working time does not include lunch periods, work breaks, or any other periods in which employees are not on duty.)

Examples of impermissible forms of solicitation include:

- The collection of money, goods, or gifts for community groups
- The collection of money, goods, or gifts for religious groups
- The collection of money, goods, or gifts for political groups
- The sale of goods, services, or subscriptions outside the scope of official organizational business.
- The circulation of petitions
- The distribution of literature not approved by the employer
- The solicitation of memberships, fees, or dues

Employees are allowed to leave information in a designated location and should check with their supervisor.

In addition, the posting of materials or electronic announcements are permitted only with approval from the Human Resources Department.

### **Intranet Bulletin Board**

The County intranet bulletin board is provided as a service to county employees. The County does not endorse and is not responsible for the content posted. Employees may post advertisements on that electronic bulletin board, subject to the following:

1. Postings are used to sell or give away personal items.
2. Soliciting and fundraising is prohibited.
3. Advertising firearms or any type of weapon is prohibited.
4. Any activity on the bulletin board, including posting or responding to advertisements, must take place before or after work. Employees are prohibited from using the bulletin board during lunch or break times.
5. Items will be advertised using text only (no photos).
6. Items will be posted for two weeks and then automatically deleted.

The County reserves the right to remove a post at any time or eliminate the use of the intranet bulletin board without advance notice.

### **PROGRESSIVE DISCIPLINE 711**

*Effective Date: 02/01/2016*

The purpose of this policy is to state Cass County's position on administering equitable and consistent discipline for unsatisfactory conduct in the workplace. The best disciplinary measure is the one that does not have to be enforced and comes from good leadership and fair supervision at all employment levels.

Cass County's own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform, and impartial. The major purpose of any disciplinary action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future.

Although employment with Cass County is based on mutual consent and both the employee and Cass County have the right to terminate employment at will, with or without cause or advance notice, Cass County may use progressive discipline at its discretion.

Disciplinary action may call for any of four steps – verbal warning, written warning, suspension with or without pay, or termination of employment – depending on the severity of the problem and the number of occurrences. There may be circumstances when one or more steps are bypassed. Social Service employees will follow the disciplinary procedures as established by the North Dakota Human Resources Department's Administrative Rules.

Cass County recognizes that there are certain types of employee problems that are serious enough to justify either a suspension, or, in extreme situations, termination of employment, without going through the usual progressive discipline steps.

While it is impossible to list every type of behavior that may be deemed a serious offense, the Employee Conduct policy includes examples of problems that may result in immediate suspension or termination of employment. However, the problems listed are not all necessarily serious offenses, but may be examples of unsatisfactory conduct that will trigger progressive discipline.

By using progressive discipline, we hope that most employee problems can be corrected at an early stage, benefiting both the employee and Cass County.

## **EMPLOYMENT RESIGNATION & TERMINATION 712**

*Effective Date: 07/05/2016*

Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated:

RESIGNATION - voluntary employment termination initiated by an employee.

DISCHARGE - involuntary employment termination initiated by the organization.

LAYOFF - involuntary employment termination initiated by the organization for non-disciplinary reasons.

Since employment with Cass County is based on mutual consent, both the employee and Cass County have the right to terminate employment at will, with or without cause, at any time, with the exception of Social Services, which is subject to the North Dakota Human Resources Department's Administrative Rules. Employees will receive their final pay in accordance with applicable state laws.

Employees who are terminated will receive two weeks of pay unless the Department Head documents to the Human Resources Department a good reason to deny pay. Furthermore, an employee who is terminated will receive annual leave accrued through the last day of work on the final paycheck. Benefits, including holiday pay, will end on last day the employee is at work. Employees terminated due to a reduction in force will be paid for a holiday that occurs on the last day of the month if they work through the preceding day.

### **Resignation**

Resignation is a voluntary act initiated by the employee to terminate employment with Cass County. Resigning employees must put their resignation notices in writing. To help manage workload and other transition issues, Cass County requests at least 2 weeks' written resignation notice from all employees. We expect management employees to provide 1 month notice. Employee's last day at work must physically be at work; an employee cannot use annual leave or sick leave for the last day of employment.

Resigning employees will be provided pay for their last day worked on the next regular pay day, as well as accrued but unused annual leave.

Prior to an employee's voluntary departure, an exit interview may be scheduled to discuss the reasons for resignation and the effect of the resignation on benefits.

### **HEALTH INSURANCE PORTABILITY & ACCESSIBILITY ACT (HIPAA) 713**

*Effective Date: 02/01/2016*

The Cass County HIPAA policies contained herein shall apply to each and every affected Department in Cass County relevant to the storage and dissemination of Individuals Identifiable Health Information ("IIHI") (hereinafter "Privacy Regulation").

It is the policy of Cass County to provide for enhanced security and privacy of individual health information and standardize data interchanges between Cass County and healthcare organizations, the State of North Dakota or other business associates.

#### **Appointment and Duties of Data Privacy Officer**

The Cass County Administrator, Auditor and Social Services Director shall serve as the Privacy Officers for Cass County (hereinafter "Privacy Officers"). The Privacy Officers shall carry out and implement the policies stated herein and otherwise required under applicable Federal, State, and local laws.

The Privacy Officers shall receive requests or complaints and should provide information about matters covered by HIPAA. The Privacy Officers need to be familiar with privacy regulations. Delegation of some of these duties may be given by the Privacy Officer to those whom they may designate within their departments. The County Administrator is the point person for implementation of these policies in Cass County, as a whole.

#### **Minimum Necessary Policies**

Cass County will make reasonable efforts to limit the use and disclosure of IIHI. Release will be to accomplish the intended purpose of the use or disclosure. In general, release policies do not apply in the following circumstances:

- Disclosures for treatment;
- Use or disclosures made to the individual subject of the data;
- Disclosures made to DHS, Office of Civil Rights;
- Use or disclosure as required by law or court order;
- Use or disclosure required for compliance with the privacy regulation.

For the appropriate uses, Cass County will provide access to IIHI only to those employees on a "need to know" basis. Employees will only be given information that the employee needs to have in order to accomplish a given function and only for proper administration of HIPAA. Cass County will limit the amount of IIHI disclosed to the amount reasonably necessary to achieve the purpose of the disclosure on a case-by-case basis. For appropriate uses, Cass County will release non-routine IIHI when it is determined that the request constitutes a valid request and IIHI to be disclosed will be limited to the amount reasonably necessary to accomplish the purpose of the disclosure.

Cass County may rely on a reasonable request as the minimum necessary for the stated purpose(s) when:

- The disclosure is to a public official as allowed in the social responsibility reporting found in § 45 CFR 164.512;
- The information is requested by another covered entity;
- The information is requested by an employee or business associate of Cass County;
- The disclosure is for research purposes and the County has documented a waiver approval as required by 45 CFR 164.512(1).

### **Access to Designated Record Set**

Individuals have a right to access any protected health information that is used to make decisions about the individual subject of the data, including information used to make healthcare decisions or information used to determine whether a claim will be paid. The individual has a right to access their "designated record set." The right of access also applies to healthcare clearinghouses, healthcare providers that create or receive protected IIHI other than as a business associate of Cass County.

For Cass County's purposes, the following is defined as a "designated record set:"

- A group of records maintained by Cass County that is: a) the medical records and billing records about individuals; b) the enrollment, payment, claims adjudication and case management record systems maintained by Cass County; c) used, in whole or in part, by or for Cass County to make decisions about individuals.
- The term "record" means any item, collection, or grouping of information that includes protected IIHI data and is maintained, collected, used or disseminated by the County.

Cass County will permit any individual to request access to inspect or copy the designated record set applicable to that individual for as long as it is maintained by Cass County, with the following exceptions:

- Psychotherapy notes;
- Information compiled in reasonable anticipation of a civil, criminal or administrative action or proceeding;
- Information held by clinical laboratories if access is prohibited by the Clinical Laboratory Improvements Amendment of 1988 (42 USC 263a);
- Any data that North Dakota State Law classifies as "confidential" or protected non-public.

Cass County will require that any individual requesting access to present that request in writing. This is in conformity with Cass County's basic data practices protocol. A Release of Information document must be completed.

Requests for access to IIHI will be handled by the Privacy Officer in the affected department or their designees. Requests should be sent to one of the following:

**Cass County Auditor**

211 9th Street South  
Fargo ND 58103

**Cass County Personnel**

211 9th Street South  
Fargo ND 58103

**Cass County Social Services**

1010 2nd Avenue South  
Fargo ND 58103

If Cass County provides access to IIHI, it will act on the request within thirty (30) calendar days. One thirty (30) day extension will be allowed. Cass County will charge a reasonable, cost-based fee that will only include the cost of copying, postage and preparation of an agreed-upon summary or explanation of the IIHI.

If Cass County denies access to IIHI, Cass County will provide a timely, written denial that states the basis for the denial and the procedures for making a complaint to the County Administrator. The individual has a right to a review of the denial of access by the County Administrator who did not participate in the original decision to deny access. In some situations, the individual would have the right to review a denial by a designated licensed health professional who did not participate in the original decision. Those scenarios include, but are not limited to, the following:

- A licensed healthcare professional has determined, in the exercise of professional judgment, that the access requested is reasonably likely to endanger the life or physical safety of the individual or another person.
- The protected IIHI makes reference to another person (unless such other person is a healthcare provider) and a licensed healthcare professional has determined, in the exercise of professional judgment, that the access requested is reasonably likely to cause substantial harm to such other person.
- The request for access is made by the individual's personal representative and a licensed healthcare professional has determined, in the exercise of professional judgment, that the provision of access to such personal representative is reasonably likely to cause substantial harm to the individual or another person.

Some information maintained by Cass County is not used to make healthcare decisions, such as management information systems that are used for quality control or peer review analysis. In accordance with the privacy regulations, Cass County is not required to grant an individual access to protected IIHI maintained in these types of information systems.

Cass County will provide upon request, a six (6) year accounting of disclosures made of the individual's IIHI, except for disclosures:

- To carry out treatment, payment or healthcare operations;
- To the individual data subject;

- To facility directories or to persons involved in the individual's care or other notification purposes [45 CFR 164.510(b)];
- For national security or intelligence purposes;
- To corrections officials or law enforcement personnel when the individual is in custody [45 CFR 164.512(k)(5)]; or
- Which were made before the compliance date.

In certain circumstances involving health oversight agencies or law enforcement agencies, Cass County may temporarily suspend the individual's right to receive an accounting of disclosures.

Cass County will permit an individual to request that Cass County amend IIHI. Cass County will require that the request be in writing and that a reason be stated for the amendment. Cass County will so inform any individual of this expectation. All requests to amend IIHI data should be sent to the County Administrator. Cass County will have up to sixty (60) calendar days to act on the request. One thirty (30) day extension is allowed. The subject of the data's written request will become a part of any case file maintained on the subject.

If Cass County decides to accept an amendment, Cass County will:

- Make the appropriate amendment to the protected IIHI or record that is the subject of the request for amendment by, at a minimum, identifying the records in the designated record set that are affected by the amendment and appending or otherwise providing a link to the location of the amendment.
- Timely informing the individual that the amendment is accepted. Cass County will obtain agreement from the individual to allow Cass County to share the amendment with individuals or entities identified by the individual and Cass County.
- Make reasonable efforts to inform and provide the amendment within a reasonable time to: a) persons identified by the individual as having received protected IIHI about the individual and needing the amendment; and b) persons, including business associates that Cass County knows have the protected IIHI that is the subject of the amendment and that may have relied, or could foreseeably rely, on such information to the detriment of the individual.

If Cass County denies all or a part of the requested amendment, Cass County will:

- Provide the individual with a timely, written denial. The denial will use plain language and contain: a) the basis for the denial; b) the individual's right to submit a written statement disagreeing with the denial and how the individual may file such a statement; c) a statement that, if the individual does not submit a statement of disagreement, the individual may request that Cass County provide the individual's request for amendment and the denial with any future disclosures of the protected IIHI that is the subject of the amendment; and d) a description of how the individual may complain to Cass County or to the Office of Civil Rights.
- Permit the individual to submit a written statement disagreeing with the denial of all or part of a requested amendment and the basis of such agreement.
- Prepare a written rebuttal to the individual's statement of disagreement.

- Identify the record or protected IIHI in the designated record set that is the subject of the disputed amendment and append or otherwise link the individual's request for an amendment, Cass County's denial of the request, the individual's statement of disagreement, if any, and Cass County's rebuttal, if any, to the designated record set.
- If the individual has submitted a statement of disagreement, Cass County must include the material appended, or an accurate summary of any such information, with any subsequent disclosure of the protected IIHI to which the disagreement relates.

If Cass County is informed by another covered entity of an amendment to an individual's IIHI, Cass County will amend the protected IIHI in designated record sets. Amendments will be made in a reasonable time period, as expeditiously as possible.

### **Business Associate Relationships and Amending Business Associate Contracts or Agreements**

A "business associate" is a person or entity who is not a member of Cass County's workforce and who performs a function for Cass County which requires it to use, disclose, create, or receive IIHI. Cass County may disclose IIHI to another entity if it receives satisfactory assurances, provided in a written contract, that the business associate will appropriately safeguard the IIHI. If Cass County and business associate are both governmental entities, a memorandum of agreement will provide satisfactory assurances.

The requirement for business associates does not apply to:

- Disclosures made to a provider for treatment;
- Disclosures made to a health-plan sponsor; and
- Use or disclosures by a health plan that is a government program providing public benefits, if eligibility for, or enrollment in, the health plan is determined by an agency other than the agency administering the health plan, or if the protected IIHI used to determine enrollment or eligibility in the health plan is collected by an agency other than the agency administering the health plan, and such activity is authorized by law, with respect to the collection and sharing of IIHI for the performance of such functions by the health plan and the agency other than the agency administering the health plan.

A contract or other written arrangement will provide satisfactory assurances to Cass County that the business associate will comply with HIPAA requirements necessary to protect the protected IIHI shared by Cass County. The contract or other written arrangement will establish permitted and required uses and disclosures and will also require the business associate to:

- Appropriately safeguard the IIHI;
- Report any misuse of IIHI;
- Secure satisfactory assurances from any subcontractor;
- Grant individuals access and ability to amend their IIHI;
- Make available an accounting of disclosures;
- Release applicable records to Cass County, if requested; and
- Upon termination, return or destroy all IIHI.

The contract or other written arrangement will authorize termination if the business associate violates its terms. If Cass County knows of a pattern of non-compliance with HIPAA by the business associates, Cass County realizes it will be found to be non-compliant unless Cass County took reasonable steps to cure the breach or end the violation, as applicable, and, if such steps were unsuccessful:

- Terminate the contract or arrangement, if feasible; or
- If termination is not feasible, report the problem to the Privacy Officer.

### **Verification Policies**

Before disclosing IIHI, Cass County will verify the identity of the person requesting the IIHI and the authority of that person to have access. Cass County may rely on written statements, if such reliance is reasonable. For public officials, Cass County may rely on an identification badge or a letter written on government letterhead. Cass County will treat a personal representative as the individual for purposes of the privacy regulations:

- A personal representative is someone who has, under applicable law, the authority to act on behalf of an individual in making decisions related to health care.
- Cass County will abide by special provisions for unemancipated minors, deceased individuals, and abuse-neglect and endangerment situations.

Cass County will accommodate all reasonable requests from individuals to receive communication of protected IIHI by alternative means or at an alternative location, provided the individual clearly states that disclosure of all or part of that information could endanger the individual.

Cass County will not retaliate against any person for exercising a right under the HIPAA privacy regulations, or for filing a complaint, participating in an investigation, or opposing any lawful act relating to the privacy regulations.

Cass County will reasonably safeguard protected IIHI from any intentional or unintentional use or disclosure that is in violation of the HIPAA privacy standards. Records stored in Cass County will be kept secure at all times, and IIHI will not be stored or kept in unsecured areas.

### **Training**

Cass County will train all members of its workforce in the policies and procedures adopted by Cass County necessary to comply with the HIPAA privacy regulations. Department staff will receive initial training at the time of implementation of the privacy regulations. Additional training will be provided to each new member of Cass County's work force at the time of hire, and each member of the workforce whose functions are affected by a material change in the required policies or procedures.

Cass County will apply appropriate disciplinary sanctions to employees who fail to comply with Cass County's privacy policies or procedures or who fail to comply with the HIPAA privacy regulations.

## EMPLOYEE ACKNOWLEDGEMENT FORM

The employee handbook describes important information about Cass County, and I understand that I should consult the Department Head regarding any questions not answered in the handbook. I have entered into my employment relationship with Cass County voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or Cass County can terminate the relationship at will, with or without cause, at any time, so long as there is no violation of applicable federal or state law, with the exception of Social Services, which is subject to the North Dakota Human Resources Department's Administrative Rules.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur, except to Cass County's policy of employment at-will. I acknowledge that the handbook is maintained on the Cass County website and that I have been shown how to view it and print it, if desired. Only the County Administrator or the Cass County Commission has the ability to adopt any revisions to the policies in this handbook. All such changes may be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. I understand a new Employee Acknowledgement Form may not be obtained for any subsequent changes.

Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document. I have received access to the handbook, and I understand that it is my responsibility to read and comply with the policies contained in the handbook and any revisions made to it.

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*Employee's Signature*

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*Date*

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*Employee's Name (typed or printed)*

## *APPENDIX A*

### **REQUIRED ALCOHOL AND CONTROLLED-SUBSTANCE TESTING OF EMPLOYEES IN SAFETY-SENSITIVE POSITIONS**

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 Cass 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. Employees in the following job categories are subject to this policy:

Equipment Operators  
Highway Foremen  
Temporary employees operating commercial vehicles

This policy applies at all times when an employee is on duty, regardless of the task the employee is performing. Employees are subject to alcohol testing requirements only just prior to, just after, or when performing safety-sensitive functions. Provisions for disciplinary actions are based on the independent authority of the County.

#### **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 one drink fewer than 4 hours before work duties begin.
4. Not work under the influence of alcohol.
5. Not remain on work duty with a breath-alcohol concentration (BAC) of .02 or greater.
6. Not use alcohol within 8 hours after an accident or until undergoing 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 termination 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 the physician's instructions.
4. Notify their supervisor if using a prescription containing a controlled substance. The driver must also provide documentation that use of the drug does not adversely affect the driver's ability to operate a commercial motor vehicle.

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

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

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

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

The vendor will follow specific procedures if an alcohol-test result 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 County, 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 collecting site will be with pay.

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

Alcohol tests will be considered positive if the breath 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 an alcohol test indicates an alcohol concentration 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 driver must use annual leave or leave without pay. Supervisor will explain the employee's options.

### **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 tests results. The confirmation test result is used to make decisions about employment and treatment.

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

A test will be considered positive if controlled substance for which no legitimate explanation is determined by the medical review officer is found in the urine specimen.

### **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 a true positive. The MRO will call the employee who has tested positive, discuss what might have caused the test result to be positive, and make sure of the result before notifying the County. If the test remains positive, the employee may request, at his or her 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 of a negative drug test (administered after being chosen but before starting safety-sensitive tasks) and a drug-testing record from previous employers that shows no drug use for the previous two years or successful treatment followed by a lengthy nonuse time period.

County 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 County of any vehicle accident.

1. In an accident resulting in a death, all County drivers working at the scene must undergo post-accident testing.
2. In an accident which does **not** result in a death, but in which the County driver is cited for a moving traffic violation, and (A) if the accident involved bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene, or (B) when one or more motor vehicles incur disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

A driver who is subject to post-accident testing shall remain readily available for 8 hours for such testing or may be deemed to have refused to submit to testing. Post-accident breath alcohol tests must be completed within eight hours of the accident or it should not be done. The drug test should be completed within 32 hours of the accident or it should not be done. Employees must be tested for alcohol within two hours and controlled substances within 32 hours after all accidents resulting in a death or where the driver is cited for a moving violation. If the alcohol test is not administered within two hours, the supervisor must file and maintain records stating why. If no alcohol test is administered within 8 hours of the accident, no test will be given, and the supervisor must file and maintain records stating the reason for the delay and the lack of testing.

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

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 the lack of testing.

### **Random Tests**

A minimum number of alcohol tests, equal to 25 percent of the average number of County 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 a safety-sensitive function.

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.

Drivers may potentially be tested at any time, even if there is a recent previous test. Once a driver is notified of the testing, he or she must report immediately to the testing site.

### **Reasonable-Suspicion Tests**

A driver must undergo alcohol or controlled-substance testing when his or her 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, just after, or while the employee is performing a safety-sensitive function.

All supervisors 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.

If the alcohol test is not administered within two hours following the supervisor's observation, the supervisor must file and maintain records explaining the reason for the delay. If the alcohol test is not administered within eight hours following the supervisor's observation, no tests will be given, and the supervisor must file and maintain records explaining the reason for the delay and the lack of testing. Employees must remain at work, but must not perform safety-sensitive functions, until the reasonable suspicion test is administered or eight hours after the reasonable suspicion was determined.

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 the lack of testing.

All employees, including non-supervisory employees, may call their supervisor or the testing vendor to ask any questions about the program, or to state their suspicions about another

employee, including a supervisor. The caller must give his or her name, but the names will be kept confidential to the extent possible under the open records law.

### **Return-to-Duty Tests**

If any test result is positive and the course of treatment recommended by a licensed addiction counselor has been completed, the driver must submit to return-to-duty alcohol or controlled-substance tests prior to resuming duties.

The return-to-duty alcohol test must indicate a breath-alcohol concentration of less than .02. Controlled-substance test results must be negative.

### **Follow-up Tests**

Unannounced follow-up tests are required for any driver who, after a positive test result, is determined by a licensed addiction counselor to need help with alcohol or controlled-substance abuse.

### **Controlled Substance Test**

Results	Employee Status	Required Action
Positive	Applicant	Not hired
Positive	Employee Temporary Employee	Taken off duty; referred to a licensed addiction counselor for evaluation and treatment; Subject to County discipline, up to and including termination

### **Alcohol Test**

Results	Employee Status	Required Action
.02 - .039	Employee Temporary Employee	Taken out of service for 24 hours without pay (may use annual leave if available); Subject to County discipline, up to and including termination
.04 - .99	Employee	Taken off duty; referred to a licensed addiction counselor for evaluation and treatment; Subject to County discipline, up to and including termination
.04 - .99	Temporary Employee	Taken off duty; referred to a licensed addiction counselor for evaluation and treatment; and terminated

.1+	Employee Temporary Employee	Taken off duty; referred to a licensed addiction counselor for evaluation and treatment; and terminated
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### Other Prohibited Conduct & Required Action

Prohibited Conduct	Employee Status	Required Action
Refusing to be tested	Applicant	Not hired
Refusing to be tested	Employee Temporary Employee	Terminated
Reporting for duty fewer than 4 hours after having a drink	Employee Temporary Employee	Taken off duty; referred to a licensed addiction counselor for evaluation and treatment; Subject to County discipline, up to and including termination
Unless the test is complete within 8 hours after reasonable suspicion occurrence or accident in which there was a fatality or citation for moving violation	Employee Temporary employee	Taken off duty; referred to a licensed addiction counselor for evaluation and treatment; Subject to County discipline, up to and including termination
Possessing or consuming alcohol, i.e. beverage as defined in Title V of the ND Century Code, on the job	Employee Temporary Employee	Taken off duty; referred to a licensed addiction counselor for evaluation and treatment; Subject to County discipline, up to and including termination
Possessing or consuming cough syrup, mouthwash, or any other substance containing alcohol while on the job	Employee Temporary Employee	Taken off duty; referred to a licensed addiction counselor for evaluation and treatment; Subject to County discipline, up to and including termination
Possessing or using a controlled substance without a prescription	Employee Temporary Employee	Taken off duty; referred to a licensed addiction counselor for evaluation and treatment; Subject to County discipline, up to and including termination

Performing a safety sensitive function while using a prescription containing a controlled substance when a physician has not instructed the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle	Employee Temporary Employee	Taken off duty; referred to a licensed addiction counselor for evaluation and treatment; Subject to County discipline, up to and including termination
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**Evaluation of Employees with Positive Test Results**

Any employee who has a positive test result or engages in prohibited conduct as described in this policy will be referred to a licensed addiction counselor for an evaluation to determine what help is necessary. If a rehabilitation program is prescribed, the licensed addiction counselor will determine whether the driver has followed the program. All costs of employee assistance will be at the employee's expense.

If an employee receives a positive test result on an alcohol test, the licensed addiction counselor will recommend the frequency of follow-up testing, (However, if an employee receives a positive test result on a drug test, the MRO recommends follow-up testing.) Follow-up testing will consist of at least 6 unannounced tests in the first 12 months. These follow-up tests are in addition to any random tests that the employee might happen to be chosen for. No follow-up testing will be conducted more than 60 months after the driver's return to duty. However, potential random tests will continue to be administered for which the employee may be randomly selected.

**Out-of-Service Request**

All drivers are subject to call for emergency duties. However, if the driver has had even one drink in the four hours prior to the call or suspects that he or she may have a breath-alcohol concentration .02 or above, the driver must take himself or herself out of service. No disciplinary measures will be taken when the driver requests to take him or herself out of service. However, repeated work absences due to repeated out of service requests could result in a determination of unsatisfactory attendance and work performance.

**Disciplinary Action**

The charts above show the required action required for controlled-substance tests, alcohol tests, and prohibited conduct. Any employee who commits any of the acts where the required actions says 'terminated' will automatically lose employment with the County.

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 a licensed addiction counselor will be evaluated based on their severity, the degree of danger to other employees and the general public, and the frequency of occurrence.

### **Self-Referral to a Licensed Addiction Counselor**

All drivers who feel they have a problem with the use of alcohol or controlled substances may refer themselves for evaluation and any needed rehabilitation through a licensed addiction counselor. No employee will be subjected to disciplinary action for self-referral.

### **Supervisors' Responsibilities**

Supervisors include:

- Foremen
- Superintendent
- Design and Construction Supervisor
- County Engineer

No County supervisor of employees in safety-sensitive positions will permit any driver to violate this policy. All supervisors must require reasonable-suspicion testing of any employee who would appear to be in violation of this policy. Failure to carry out supervisory duties under this policy will result in disciplinary action up to and including dismissal.

All responsible administrators and supervisors will receive the training necessary to perform their supervisory duties. The training will cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

All supervisors and administrators are bound by the rules of confidentiality. No information may be released except as provided in this policy or expressly authorized by 49 CFR 382.405. No administrator or supervisor responsible for implementing random testing may give any notice or information about upcoming test requirements. Any violation of these confidentiality requirements will result in disciplinary action up to and including termination.

### **Program Administration**

The Association of Counties will be the County's coordinator for the program, responsible for implementing and overseeing the program. Duties will include managing the vendor contract, responding to inquiries from the U.S. Department of Transportation, and relaying information on positive test results directly from the vendor to the county contact personnel.

The County Engineer will be the local coordinator for the program. In the absence of the County Engineer, the Maintenance Superintendent will be responsible for relaying information on positive test results.

### **Required Records**

The County, acting through any vendors providing services under this section, will maintain necessary records at the primary vendor's place of business. In all cases, information must be available at the County within 24 hours if requested by officials of the U.S. Department of Transportation responsible for the testing program.

### Record retention schedule:

#### Retain for five years

1. Results of driver-alcohol tests indicating an alcohol concentration of .02 or greater
2. Results of positive controlled-substance tests
3. Documentation of refusals to submit to tests
4. Calibration documentation
5. Driver evaluation and referrals
6. Annual summary

#### Retain for two years

1. Records related to the alcohol and controlled-substance process.
2. Training.

#### Retain for one year

1. Records of negative and canceled controlled-substance test results and alcohol-test results with a concentration of less than .02.

Each year, the vendor will prepare an annual summary, in the format prescribed by the County, of the program results for previous calendar year. The summary will be retained 5 years.

All testing information about individual drivers is confidential and is not in the public domain and will be maintained in the same manner as other county medical records. Such information may not be released except as required by law or expressly authorized by 49 CFR 382.405.

### **County Requirements to Inquire with Previous Employers**

The County must inquire with previous employers at the time of hiring someone to fill a safety-sensitive position. Applicants must sign a release of information allowing County officials to inquire with previous employers about the applicant's drug-testing history during the previous two years. Information that may be requested includes:

- Previous test dates
- Positive test results
- Refusals to test
- Evaluation and rehabilitation results

### **County Requirements to Inform Prospective Employers**

If asked, and the proper release of information is provided, the County will disclose the following information to any potential future employers of drivers covered under the County's alcohol-and drug-testing programs:

- Results of any tests which a driver took

- Any referral for evaluation and rehabilitation
- The results of any such referral

**County Requirements to Notify Employees About This Policy**

New employees will be notified about this policy after they are hired but before they report to work with the County. They must sign off, indicating that they have read and understood the policy, before they begin work duties with the County.