

BILLINGS COUNTY EMPLOYEE HANDBOOK

2018 REVISION

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BILLINGS COUNTY

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Welcome to Billings County!

On behalf of your colleagues, we welcome you to Billings County and wish you every success in your new position.

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

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

Should you have any questions regarding the content of the manual, please discuss with your supervisor or the Auditor's office.

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

Sincerely,

Board of County Commissioners
Billings County, North Dakota

INTRODUCTORY STATEMENT

This policy manual is designed to acquaint you with the County and provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with all provisions of the handbook. It describes many of your responsibilities as an employee and outlines the programs developed by the employer to benefit employees. The written policies are intended to present a clear expression of this County's desire to provide fair and equitable treatment for all employees past, present, and potential. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

No employee handbook can anticipate every circumstance or question about policy. It is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described. For that reason, if you have any questions concerning eligibility for a particular benefit or the applicability of a policy or practice, you should address your question to an immediate supervisor or Department Head. As the County continues to grow, the need may arise, and the County reserves the right to revise, supplement, or rescind any policies or portion of the handbook from time to time as it deems appropriate, in its sole and absolute discretion.

PLEASE NOTE

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

THE SOCIAL SERVICES DEPARTMENT IS ACCOUNTABLE TO THE BILLINGS & GOLDEN VALLEY COUNTY SOCIAL SERVICE BOARD AND THE BOARDS OF BILLINGS AND GOLDEN VALLEY COUNTIES. SOCIAL SERVICE EMPLOYEES ARE COVERED BY THE NORTH DAKOTA MERIT SYSTEM AND IN ADDITION TO COUNTY POLICIES, WILL ADHERE TO THE NORTH DAKOTA ADMINISTRATIVE CODE. WHENEVER THERE IS A CONFLICT BETWEEN COUNTY AND STATE REGULATIONS, THE STATE REGULATIONS SHALL TAKE PRECEDENCE. THE INTENT OF THIS POLICY HANDBOOK IS TO CLARIFY POLICIES AND PRACTICES TO THE BENEFIT OF ALL EMPLOYEES. THE DIRECTOR OF SOCIAL SERVICES IS EMPOWERED TO MAKE INTERPRETATIONS AS MAY BE NECESSARY TO ADMINISTER THESE POLICIES, AND ARE SUBJECT TO THE REVIEW OF THE BILLINGS & GOLDEN VALLEY COUNTY SOCIAL SERVICE BOARD AND THE BILLINGS AND GOLDEN VALLEY COUNTY COMMISSIONERS.

DISCLAIMER

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

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

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

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

EQUAL EMPLOYMENT OPPORTUNITY

The County is an equal opportunity employer. It is the policy of the County to recruit, hire, train and promote employees without discrimination because of race, color, religion, sex, age, creed, status of marriage or public assistance, national origin, genetic information or physical or mental disability except where specific age, sex or physical requirements are a bona fide occupational qualification. No discrimination of any nature will occur in the recruitment, placement, promotions, transfers, demotions, advertisements, or solicitations for employment, training during employment, rates of pay or other forms of compensation, selection for training, layoff or termination, or any related function.

The County will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship.

Billings County will also give consideration to amnesty or status as a covered veteran in accordance with applicable federal, state, and local laws. Qualified veterans shall receive preferential status for employment with the County as set forth in the North Dakota Century Code.

Any person who believes he or she has been discriminated against for any reason should contact their supervisor or the States Attorney (please refer to the grievance section of this manual). 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.

EMPLOYEE CONDUCT AND WORK RULES

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

Dress Code/Appearance. Appearance and dress should be in keeping with the job being performed, both for safety reasons and to reflect a positive image for the County. Should an employee arrive for work wearing clothing or accessories which, in the opinion of their supervisor, are inappropriate, they may be required to go home and change prior to commencing work.

Inclement Weather. A decision to close the County offices due to inclement weather shall be at the discretion of the Commission Board Chairperson and the Sheriff. They will discern who will make the necessary arrangements to notify employees. Should an employee choose not to attend work due to inclement weather when the County offices are still open, that employee will have that time off charged to either vacation or leave without pay. If it is NECESSARY for an employee to work when County offices are closed due to inclement weather, they will be compensated by receiving either the amount of those hours in additional pay or vacation hours, whichever is the employee’s preference. Any hours worked during a period when the County offices are closed need to be pre-approved by a supervisor in order to be compensated.

Reprisal. The Public Relations Act, as provided for in State Law, provides that an employee may, without fear of reprisal, report in writing to the employee’s Department Head, or other related County official, the existence of a job-related violation of state or federal law or rules or misuse of public resources. Any employee who intentionally furnishes false information is subject to disciplinary action, including suspension or dismissal.

Appearances of Impropriety. Billings County employees and officials should avoid any action which would result in or create an appearance of using public office for private gain, giving preferential treatment to any business or person, losing independence or impartiality making decisions outside official channels, or adversely affecting public perception of the integrity of Billings County or any of its departments or programs.

Prohibited Activities. Billings County employees may not engage in conduct that violates local, state, or federal law, or applicable standards of conduct that has or could have a direct effect

on the employee's ability to carry out his or her duties and responsibilities. In addition, officials, managers and supervisors may not engage in any business activity with subordinates that could compromise a working relationship.

Employee Conduct. Billings County considers a consistently positive, cooperative, self-motivated, courteous, and professional attitude to be an essential function of every position. Employees have an obligation to serve the public in a fair, impartial and respectful manner. Each employee must understand that when in contact with the public, the employee projects an image of Billings County and its employees. Instances where the public has been offended will be reported to the supervisor. Employees whose conduct shows a lack of respect or professionalism will be disciplined. Even while off-duty an employee should remember that as an employee of Billings County, the employee's activities may reflect upon Billings County and may affect the employee's ability to perform their job.

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

- Theft or inappropriate removal or possession of property
- Falsification of timekeeping records
- Working under the influence of alcohol or illegal drugs
- Possession, distribution, sale, transfer, or use of alcoholic or illegal drugs in the work place, while on duty, or while operating employer-owned vehicles or equipment
- Fighting or threatening violence in the work place
- Boisterous or disruptive activity or horseplay in the work place
- Negligence or improper conduct leading to damage of employer-owned or customer-owned property
- Insubordination or other disrespectful conduct
- Violation of safety or health rules
- Smoking in prohibited area
- Sexual or other unlawful harassment
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace
- Excessive absenteeism or any absence without notice
- Unauthorized absence from work station during the work day
- Unauthorized use of telephone, mail system, or other employer-owned equipment

- Inappropriate use of computer equipment relating to non-county business or to access unprofessional, pornographic or demeaning websites
- Unauthorized disclosure of confidential information or violation of personnel policies
- Unsatisfactory performance or conduct

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

Employment with the County is “at-will” of the County and the employee, and either party may terminate that relationship at any time, with or without cause and with or without advance notice, within the provision of state and federal law.

DISCIPLINARY ACTION

Disciplinary action by a Department Head or his/her designee may be taken against an employee who has failed to conduct themselves appropriately or failed to meet performance expectations. The nature and severity of the disciplinary action will be determined by the Department Head, or in a severe case, jointly by the Department Head and after review or consultation with the State’s Attorney. Disciplinary action for an appointed Department Head (ie. Library Administrator, Weed Control Officer, etc.), will be determined by the individual governing boards or Commissions. A copy of the disciplinary action must be filed with the County Human Resource Coordinator.

Reasons for disciplinary action may include but are not limited to:

- Gross negligence of duty or inability to perform essential functions (see ADA)
- Refusal to comply with proper commands or instructions
- Insubordination
- Offensive language or conduct
- Continued incompetence and inefficiency, or carelessness in performing job duties
- Theft, abuse, destruction, or loss of County property or falsification of records
- Consuming alcoholic beverages or controlled substances without a prescription while on duty or being intoxicated or under the influence of drugs while on duty
- Neglect of proper safety procedures which led to or caused an accident, fire, or damage to any person or piece of County property

DISCIPLINARY CLASSIFICATIONS:

There are three basic classifications of disciplinary action which may be used in no particular order and depend completely on the severity of the infraction. Each infraction will be required to be documented in the following ways for follow-up action:

Verbal Warning– Employee is counseled by his/her supervisor following a minor offense in an effort to eliminate possible misunderstandings and to explain what constitutes proper conduct.

The employee will be given an opportunity for an explanation of his/her actions.

Providing there are no other violations, the warning is to be maintained in the employee’s personnel file for a minimum of one (1) year. One (1) year following the documented verbal warning, the employee may request from the Department Head to have the warning removed from their personnel file.

Written Warning – Employee receives written notice of discipline following intentional or repeated minor offenses. The purpose of a written warning is to make certain that the employee is fully aware of the misconduct he/she has committed and what is expected, thereby enabling the employee to avoid a recurrence of the incident. Disciplinary time off without pay may be given. The written warning will note any previous verbal and written warnings when it is prepared and will include the date, time and action taken.

Providing there are no other violations, the written warning will be maintained in the employee’s personnel file for not less than two (2) years. Two (2) years following the documented written warning, the employee may request from the Department Head to have the warning removed from their personnel file.

For all purposes of this handbook, the definition of “Personnel File” is the official County record kept locked in the Billings County Auditor’s office that holds all employee documentation.

DISCIPLINARY ACTIONS:

Disciplinary actions may include but are not limited to any one or combination of the following:

Suspension – The Department Head and/or governing board, after written notice may suspend any employee with or without pay.

Demotion – An employee may be demoted. A demotion may be an involuntary disciplinary reduction in salary and status of an employee.

Dismissal – An employee may be dismissed. A written statement by the Department Head and/or governing board of reasons for the dismissal shall be submitted to the employee. A copy will be placed in the employee’s personnel file.

SUSPENSION

- The Department Head (including County Commissioners) may, after a written disciplinary notice, suspend any employee or appointed official without pay for a period not to exceed one month in any one calendar year. An employee shall have the right to appeal the suspension.
- The Board of County Commissioners and/or governing board may suspend any employee for the length of time necessary when an investigation is required to resolve the disciplinary action, with or without pay.
- Any employee who is suspended (in excess of 40 hours) with or without pay shall not be eligible for benefits during such suspension period as listed below:
 - Annual Leave
 - Sick Leave
 - County paid insurance

Any employee wishing to continue the insurance benefits must reimburse to the County in advance the benefit and deduction portion to assure continuation. Failure to continue the insurance during the suspension may subject the employee to cancellation of health coverage. The employee would not be eligible for participation until the next open enrollment period.

It is also the responsibility of the employee to provide payment by the beginning of each month to the Auditor/Treasurer’s Office for voluntary product premiums.

Depending on the outcome of an investigation (see above), the above mentioned benefits may or may not be returned to the employee.

- Any employee who is suspended must immediately surrender to their respective Department Head or immediate supervisor any keys to County property, including motor vehicles, desks, lockers, and office buildings.
- It shall be the responsibility of the employee to inform the HR Coordinator, in writing, immediately of his/her intentions regarding insurance continuation.

DEMOTION

A demotion may be an involuntary reduction in the status of an employee from a position in one grade to a position in a lower grade having a lower entrance salary. It may be a reduction

of salary within a grade. A regular employee shall have the right to appeal a demotion by a Department Head.

DISMISSAL

The Department Head may dismiss an employee. A written statement, by the Department Head, shall be submitted to the employee, and placed in the employee's personnel file. An employee shall have the right to appeal a dismissal by a Department Head to the Board of County Commissioners.

INTRODUCTORY PERIOD

The introductory period is intended to give new employees, excluding elected officials, the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. Billings County considers the introductory period as the last step of the selection process and uses this period to evaluate employee capabilities, work habits, and overall performance. Either the employee or the County may end the employment relationship at will at any time during or after the introductory period, with or without cause or advance notice. In the case of Social Service employees, termination after the introductory period shall be on a “for cause” basis.

All new and rehired (after a 6 month absence) employees work on an introductory basis for the first 180 calendar days after their date of hire unless a different time period is designated. Employees who are promoted or transferred within the County must complete a secondary introductory period of the same length with each reassignment to a new position. Any significant absence will automatically extend an introductory period by the length of the absence. If the Department Head or Board of County Commissioners determine that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee’s performance, the introductory period may be extended for a specified period.

In cases of promotions or transfers within the County, any employee who, in the sole judgment of management, is not successful in the new position can be removed from that position at any time during the secondary introductory period. If this occurs, the employee may be allowed to return to his or her former job or to a comparable job for which the employee is qualified, depending on the availability of such positions and the County’s needs. Upon satisfactory completion of the initial introductory period, employees enter the “regular” employment classification.

During the initial introductory period, new employees are eligible for those benefits that are required by law, such as workers’ compensation insurance and Social Security, and may also be eligible for other County provided benefits, subject to the terms and conditions of each benefits program. Employees should read the information for each specific benefits program for the details on eligibility requirements. See your supervisor or HR Coordinator for clarification of these benefit provisions.

Benefits eligibility and employment status are not changed during the secondary introductory period that results from a promotion or transfer within the County.

The introductory period is considered fulfilled for any part-time employee who works 1,040 hours or more on a 12 month period and is promoted to full-time employment status within the same department and same job classification.

EMPLOYMENT CATEGORIES

It is the intent of the County to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility.

Each employee is designated as either **NONEXEMPT** or **EXEMPT** from the federal and state wage and hour laws as defined under Title 29, Part 541 of the US Code of Federal Regulations.

- **NONEXEMPT** employees are entitled to overtime or compensatory pay under the specific provisions of federal and state laws.
- **EXEMPT (including elected officials)** employees are excluded from specific provisions of federal and state wage and hour laws.

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

- **INTRODUCTORY** – Employees who are being evaluated to determine whether further employment in a specific position or with the County is appropriate. Employees who satisfactorily complete the introductory period of six (6) months will be notified of their new employment classification. Employees are eligible to receive benefits proportionately based on their employment status.
- **REGULAR FULL-TIME** – Employees who are regularly scheduled to work the County’s full-time schedule, which consists of at least 40 regularly scheduled hours per week. Generally, they are eligible for the employer’s full benefit package, subject to the terms, conditions, and limitations of each benefit program.
- **REGULAR PART-TIME** – Employees who are regularly scheduled to work less than the full-time work schedule but at least 20 hours per week. Regular part-time employees are eligible for a prorated percentage portion for the employer’s benefit package subject to the terms, conditions, and limitations of each benefit program in direct relation to the average number of hours the employee works. Employees in this category that work a minimum of 20 hours per week for 20 or more weeks any time during the year and fill a permanent position that is consistently funded and not considered a temporary position or a position of limited duration are eligible to participate in NDPERS Defined Benefit Program.
- **IRREGULAR PART-TIME** – Employees who are regularly scheduled to work less than 20 hours per week or who are rehired on a regular basis for a limited duration. While they do receive all legally-mandated benefits (such as Workers’ Compensation and Social Security benefits), they are ineligible for any of the County’s other benefit programs.
- **TEMPORARY** – Employees hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment

EMPLOYMENT CATEGORIES CONT'D.

assignments in this category are of a limited and indefinite duration. Employment beyond any initially stated period does not in any way imply a change in employment status. "Temporary" employees retain that status until notified of a change. While temporary employees receive all legally-mandated benefits (such as Workers' Compensation and Social Security), they are ineligible for any of the County's other benefit programs.

- **CASUAL or SEASONAL** – Employees who have established an employment relationship with the County, but who are assigned to work on an intermittent and/or unpredictable basis. While they receive all legally-mandated benefits (such as Workers' Compensation and Social Security), they are ineligible for any of the County's other benefit programs.
- **VOLUNTEER** – Individuals who have a relationship with the County as a volunteer (i.e. EMT, Ambulance Driver etc.), who are not regularly scheduled to work but may take emergency calls on an as-needed basis. While they do receive all legally-mandated benefits (such as Workers' Compensation and Social Security), they are ineligible for any of the employer's other benefit programs.

EMPLOYMENT TERMINATION

Since employment of non-Social Service employees with the County is based on mutual consent, both the employee and the County have the right to terminate employment at-will, at any time with or without cause or notice, within the provision of state and federal law.

Terminations are an inevitable part of employment activity within any organization, and many of the reasons for termination are routine. Social Service employees, once they complete their Introductory Period, enjoy the status of “for cause” termination. The condition and procedures related to this status are available from the Director of Social Services. Below are examples of some of the most common circumstances under which employment is terminated:

- **RESIGNATION** – employment termination initiated by an employee who chooses to leave the County voluntarily. When resigning, every attempt should be made to notify the Department Head/Supervisor in writing as far in advance as possible with a minimum of two weeks notice. Employees are also expected to give a reason for termination in their written notice.
- **DISCHARGE** – employment termination initiated by the County.
- **REDUCTION IN FORCE (RIF)** – involuntary employment termination initiated by the County for non-disciplinary reasons such as lack of funds, curtailment of work, or as the result of reorganization.
- **MEDICAL TERMINATION** – employment termination initiated by the employee or by the County when an employee is unable, for health reasons, to continue to work.
- **RETIREMENT** – voluntary retirement from active employment status initiated by the employee.

Employees will receive their final pay in accordance with applicable state law. Employee benefits will be affected by employment termination. All accrued, vested benefits that are due and payable at termination will be paid. Some benefits may be continued at the employee’s expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

WORK SCHEDULES

The work week for the County shall be defined annually per Resolution of the Board of County Commissioners. The Courthouse is closed on most legal holidays. Courthouse employees have a normal work day of 8 hours and work week of 40 hours. Highway, Sheriff, and Emergency Medical Service offices observe differing schedules. Supervisors will advise employees of their individual work schedules.

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

Billings County follows the Fair Labors Standards 29 USC Chapter 8.

ATTENDANCE AND PUNCTUALITY

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

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

TIMEKEEPING

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

Non-exempt employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work must always be approved before it is performed. Exempt employees should accurately record their paid but non-worked time off, such as vacation or sick leave.

Non-exempt employees should report to work no more than 5 minutes prior to their scheduled starting time nor stay more than 5 minutes after their scheduled stop time without express, prior authorization from their supervisor.

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

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

The supervisor has time keeping responsibilities. The supervisor's responsibilities shall include:

- The proper orientation of each new employee in their department concerning the employee's understanding of the correct method of completing their time sheet.
- Correct validation (signing each time sheet) and completion of actual hours worked in accordance with present policy and procedure.
- Approval and control of overtime.

OVERTIME COMPENSATION

There are two methods for recording and computing overtime pay and they are as follows:

1. In the first method, employers are required to pay overtime compensation at time and one-half to all non-exempt employees for hours worked in excess of 40 hours in one week except for Law Enforcement employees who work on a twenty-eight day schedule for computing overtime based on 160 hour work record.
2. In the second method, non-exempt employees may receive, in-lieu of overtime compensation, compensatory time at the rate of one and one-half hours for each hour of work for which overtime is to be compensated.

Overtime pay must have prior approval from the supervisor. Overtime will be paid at the regular payroll upon submission of a voucher signed by the non-exempt employee and approved by the supervisor. The provision of compensatory time may be made only if there is an agreement or memorandum of understanding providing for the availability of compensatory time. A non-exempt employee must designate each year whether compensatory time or overtime will be paid.

A non-exempt employee may accrue not more than 80 hours of compensatory time and must designate each year the choice between overtime and compensatory time. Unused compensatory time balances will be paid semi-annually in the June and December payrolls.

An employee who has accrued compensatory time off shall, upon termination of employment, be paid for the unused compensatory time at the final regular rate received by the employee. In addition, an employee who has accrued compensatory time off shall be permitted to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the department.

REST AND MEAL PERIODS

Rest Periods - Each work day, full-time non-exempt employees are provided with rest periods. Normal rest periods are 15 minutes in length unless exceptions are made and approved by a supervisor. To the extent possible, rest periods will be provided in the middle of work periods. Since this time is counted and paid as time worked, employees must not be absent from their work stations beyond the allotted rest period time.

Meal Periods – In most departments, the lunch period is one hour and the employee is required to check in and out. This period is not counted as time worked. Meal periods of five to twenty minutes duration per shift must be counted as time worked under 29CFR785.18 *and* 19. In those departments which have a 30 minute meal break, employees will be required to check in and out. North Dakota law requires a one-half hour meal break between the third and fifth hour of work. Bona fide meal periods where the employee is completely relieved from duty are not working time. Bona fide meal periods do not include coffee breaks or snack time.

PAYDAYS

All employees are paid monthly upon the submission of their time sheets, on or prior to the 27th of each month.

PAY ADVANCES

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

PAY DEDUCTIONS

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

The County offers programs and benefits beyond those required by law. Employees who wish to participate in these or other programs may voluntarily authorize deductions from their pay in writing. If you do not understand why deductions were made or how they were calculated, your supervisor or HR Coordinator can assist in having your questions answered.

ADMINISTRATIVE PAY CORRECTIONS

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

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

Once under-payments are identified, they will be corrected on or before the next regular payday.

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

OPEN RECORDS ADMINISTRATION

All files and information in possession of the County are deemed open records in accordance with state law except where specific exemptions are made as they apply to certain law enforcement & court records documents, social service clients and other related information that is protected by regulation or statute. All employee medical information and files or records pertaining to the use of the employee assistance program is considered confidential and cannot be given out to the public. This would include health insurance, retirement information, social security numbers, HIPPA documents and any other information protected under state and federal laws. Employee personnel files are considered public property and are subject to public scrutiny under the open records law.

For all purposes of this handbook, the definition of “Personnel File” is the official County record kept locked in the Billings County Auditor’s office that holds all employee documentation.

Any person seeking public information should follow the guidelines below:

- Call and set up an appointment (when necessary).
- The individual, about whom the information is being given out, should be contacted if at all possible.
- That individual has the right to object and objection shall be noted.
- The person wishing to view the file shall be accompanied at all times during the viewing.

NDCC §11-13.02.1

“If the service takes more than an hour to provide, the Board of County Commissioners shall determine a fee, which may not exceed the sum of twenty-five dollars per hour, excluding the initial hour, for time consumed in compiling the statistical information”

PERSONNEL DATA CHANGES

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

EMPLOYEE BENEFITS

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

Benefits eligibility is dependent upon a variety of factors, including employee classification. Your supervisor or the HR Coordinator can identify the programs for which you are eligible. Details of many of these programs can be found elsewhere in this handbook. For benefits not discussed in this handbook, additional information is available in the Auditor's office.

The following benefit programs are available to eligible employees:

- **VEHICLES (COUNTY OWNED AUTOS)**
- **AUTO MILEAGE**
- **BENEFIT CONVERSION AT TERMINATION**
- **BEREAVEMENT LEAVE**
- **FLEX PLAN (SECTION 125)**
- **FAMILY MEDICAL LEAVE**
- **HOLIDAYS**
- **JURY DUTY LEAVE**
- **MEDICAL INSURANCE**
- **DENTAL INSURANCE**
- **VISION INSURANCE**
- **LIFE INSURANCE**
- **LONGEVITY PAY**
- **MILITARY LEAVE**
- **PERSONAL LEAVE WITH OR WITHOUT PAY**
- **RETIREMENT PLAN (NDPERS)**
- **SICK LEAVE**
- **UNIFORM AND UNIFORM MAINTENANCE (SHERIFF/EMS ONLY)**
- **VACATION LEAVE**
- **WITNESS DUTY LEAVE**
- **DIRECT DEPOSIT**
- **EMPLOYEE ASSISTANCE SERVICES**
- **DEFERRED COMPENSATION**

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

BENEFIT CONTINUATION (COBRA)

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

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

HOLIDAYS

- NEW YEAR'S DAY (JANUARY 1)
- MARTIN LUTHER KING JR. DAY (THIRD MONDAY IN JANUARY)
- PRESIDENT'S 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)
- VETERAN'S DAY (NOVEMBER 11)
- THANKSGIVING (FOURTH THURSDAY IN NOVEMBER)
- ½ DAY ON CHRISTMAS EVE (DECEMBER 24)
- CHRISTMAS DAY (DECEMBER 25)

Holidays will be granted as designated by the President of the United States, the Governor of North Dakota or by Resolution of the Billings County Commission. According to applicable restrictions, the County will grant paid holiday time off to all eligible employees. Holiday pay will be calculated based on the employee's straight time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day. An employee may not be paid for more than the regular work day, and no greater than an eight hour shift. Eligible employee classifications:

- Regular full-time
- Regular part-time (prorated)
- Introductory
- Casual, Seasonal or Temporary (conditional)

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

If an eligible employee is required to work on a recognized holiday, he or she will receive wages at his/her straight time base pay rate for the hours worked on the holiday and will receive designated holiday pay in addition to hours worked. If a recognized holiday falls during an eligible employee's paid absence (e.g. vacation), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied. FLSA does not require payment for time not worked, such as vacations or holidays but the County has provided this benefit to eligible employees. Paid time off for holidays will not be counted as hours worked for purposes of determining whether overtime pay is due.

VACATION BENEFITS

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

- **Regular full-time employees**
- **Regular part-time employees (prorated)**
- **Introductory employees**

Employees will be allowed to take vacation time off as it is accrued. A benefit year is the twelve-month period following the date of hire and each anniversary date thereafter in an eligible employment classification. The benefit year will be adjusted to reflect the length of any unpaid leave of absence. Regular part-time employees will receive a prorated amount of vacation leave.

Vacation pay will be calculated based on the employee's straight-time pay rate (in effect when vacation benefits are used) times the number of hours the employee would otherwise have worked on the day(s) of absence, but not greater than 10 hours. Vacation pay does not include shift differentials, incentive pay, bonuses, or other special forms of compensation. Vacation benefits for salaried employees will be based on their normal wages.

Employees who have satisfied all eligibility requirements must submit vacation requests to their supervisors. Requests will be evaluated based upon various factors, including anticipated operating requirements and staffing considerations during the proposed period of absence. Vacation requests shall not be made in increments of less than one (1) hour.

Employees are strongly encouraged to take earned vacation during the benefit year following its accrual. Employees will be allowed to accrue and carry over 240 hours of vacation leave at the end of the year (December 31). Accrual time over the 240 hours will be lost if unused by April 1st of the following year. Upon termination of employment, employees will be paid for vacation benefits that have been accrued through the last day of work.

Vacation benefits will be accrued by eligible employees according to the following schedule:

Vacation Benefits Eligibility Table

LENGTH OF SERVICE	VACATION ACCRUED
0-60 MONTHS	8 HOURS/MONTH
61-108 MONTHS	10 HOURS/MONTH
109-156 MONTHS	12 HOURS/MONTH
157-216 MONTHS	14 HOURS/MONTH
217 MONTHS +	17.33 HOURS/MONTH

SICK LEAVE BENEFITS

Billings County provides paid sick leave benefits to all eligible employees for periods of temporary absence due to illnesses or injuries. Eligible employee classifications:

- **Regular full-time employees**
- **Regular part-time employees (prorated)**
- **Introductory employees**

Employees in the eligible employee classification may use sick leave as it accrues. Eligible employees will accrue sick leave benefits at the rate of 8 hours per month or 96 hours per year.

An eligible employee may use sick leave benefits for an absence due to illness or injury sustained by that employee or an immediate family member. Billings County defines “immediate family” as the employee’s spouse, parent (natural, adoptive, foster, or stepparent), child (natural, adoptive, foster, or stepchild), sibling; the employee’s spouse’s parent, child, or sibling; the employee’s child’s spouse; grandparents or grandchildren; or a person whose relationship is considered that of a “significant other”.

Employees who are unable to report to work due to illness or injury should notify their supervisor before the scheduled start of their shift if possible. The supervisor should also be contacted each additional day of absence. If an employee is absent for three (3) or more consecutive days due to illness or injury, a physician’s statement may be requested verifying the nature of the disability and its beginning and expected ending dates. Before returning to work from a sick leave absence of three (3) calendar days or more, an employee may be required to provide a physician’s verification that he or she may safely return to work.

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

Unused sick leave benefits will be allowed to accumulate up to 960 hours. Once the limit of 960 hours has been reached, employees will be eligible to trade any accrued sick leave above the 960 hours at a rate of 48 hours of sick leave for 8 hours of additional vacation.

Because sick leave benefits are intended to provide income protection in the event of an actual

SICK LEAVE BENEFITS CONTINUED

Illness or injury, unused sick leave benefits cannot be used for any other paid or unpaid absences. Upon time of termination of employment or retirement, an employee will be compensated at the rate of 48 hours sick leave for 8 hours of paid time.

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

SICK LEAVE DONATION

Sick leave may be donated to the “sick leave bank” as long as the employee donating has more than 120 hours accrued, and must have that amount of time remaining on their account after the donation. The time donated will be kept confidential and the recipient will not be told where the additional time came from. The sick leave bank will be used on an as needed basis for employee’s who have an injury or illness which will use up all of their own sick leave and vacation down to 40 hours. If more than one individual requests leave from the sick leave bank, the time will be split as evenly as possible between those employees if there is time in the bank.

A form to donate sick leave time is available in the Auditor’s office.

BEREAVEMENT LEAVE

If an employee wishes to take time off due to the death of an “immediate family member”, defined as the employee’s spouse, parent (natural, adoptive, foster, or stepparent), child (natural, adoptive, foster, or stepchild), sibling; the employee’s spouse’s parent, child, or sibling; the employee’s child’s spouse; grandparents or grandchildren; or a person whose relationship is considered that of a “significant other”, the employee should notify his or her supervisor immediately. Paid time off may be granted to allow the employee to attend the funeral and make any necessary arrangements associated with the death.

Up to 40 hours of paid bereavement leave for a funeral within a 300 mile radius and up to 80 hours for a funeral beyond a 300 mile radius may be provided to eligible employees in the following classifications:

- Regular full-time employees
- Regular part-time employees (prorated)
- Introductory employees

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

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

LONGEVITY PAY

After one full year of employment, regular full-time and regular part-time employees (by the definitions on page 12) become eligible for longevity pay. The longevity pay will be paid at the November payroll in the amount of \$150.00 for each year of contiguous service.

PERSONAL LEAVE (WITHOUT PAY)

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

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

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

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

Leave of absence without pay shall be granted only for the following reasons:

- **Medical condition, with a signed doctor's verification**
- **Advanced education, with proof of enrollment**
- **Active military service, with a copy of appending orders**

The County will continue to provide its normal portion of insurance benefits until the end of the month in which the personal leave begins.

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

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

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

AMERICANS WITH DISABILITIES ACT (ADA)

It is the County's policy to provide equal employment opportunity to all persons and to ensure complete compliance with the ADA and requirements set forth by the North Dakota Century Code.

All decisions related to personnel policy and practice in the recruitment, employment, development, advancement, and consideration of applicants and employees will be made on the basis of the individual's ability to perform the essential functions of the position with or without a reasonable accommodation.

Officials shall identify the essential functions of a position before the beginning of any recruiting effort. Any person who believes he or she has been discriminated against because of a disability should contact the States Attorney. Supervisors should contact the States Attorney and Risk Manager for assistance in providing accommodations and materials in alternate formats.

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

FAMILY AND MEDICAL LEAVE POLICY

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

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

A. ELIGIBILITY:

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

Reserves. If an employee who is otherwise eligible for FMLA reaches the 12 month mark while on leave, the period of leave prior to meeting the 12 month threshold is non-FMLA and the period of leave after the 12 month threshold is FMLA leave.

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

B. LENGTH/FREQUENCY OF FAMILY LEAVE

- I. Leave will be available for the period of time certified by the physician and approved by the County, but not to exceed 12 workweeks in the 12 month period beginning on the first day FMLA is taken. Military Caregiver leave shall not exceed 26 workweeks in a single 12 month period beginning on the first day of such leave. The method used to calculate a leave year will be the 12 month period measured forward from the date the employee first takes FMLA leave. This method entitles an employee to 12 weeks of leave during a year that begins on the first day FMLA leave is taken. After completion of 12 months from that date, the next 12-month period begins the next time FMLA is used.
- II. Part-Time Employees (For purposes of calculating available leave under this policy only):
 - a. Regularly scheduled part time employees.
 - i. For a continuous (non-intermittent) Leave, the employee is eligible for up to 12 weeks of Leave (or 26 weeks, where applicable), based on their normal part time workweek.
 - ii. For intermittent or reduced schedule leave, multiply the number of hours in the employee's normal part-time workweek by 12 (or 26 where applicable) to determine the maximum number of Leave hours available.

- b. Varied schedule part-time employees. For continuous, intermittent or reduced schedule Leave, average the number of hours worked in the 12 months prior to the start of Leave. Multiply that number by 12 (or 26, where applicable) to determine the maximum number of Leave hours available.
- c. A Parenting FMLA leave shall be taken in a continuous block of days, unless advance written approval is obtained from the County to allow parenting leave to be taken in more than a single continuous block of days. If such Leave is requested and granted, it must be in full day increments. When such leave is requested and approved, the employee may be required to transfer temporarily to an alternate position with equivalent pay and benefits. Parenting FMLA Leave must end within 12 months of the birth or placement of the child.
- d. Leave due to an employee's own serious health condition or that of the employee's spouse, child or parent may be taken on an intermittent or reduced leave schedule when medically necessary. The minimum length of each period of Leave is one hour. The County may require those taking intermittent leave to transfer temporarily to an alternative position with equivalent pay and benefits. In addition, those using intermittent leave must make a reasonable effort to schedule leave so as not to unduly disrupt County operations.
- e. If an employee notifies the County that they do not intend to return to work after their Leave, their termination date will be the end of the Leave period.
- f. The aggregate number of workweeks of Military Caregiver leave to which a husband and wife may be entitled if they both are County employees may be limited to 26 workweeks during a single 12 month period if the Leave is all Military Caregiver leave or is a combination of Military Caregiver leave and any other type of leave authorized by this policy.

NOTICE OBLIGATIONS

1. Timing:
 - A. Foreseeable Leave: Where the need for Leave is foreseeable, the employee must provide at least 30 days' notice to the County before the leave is to begin. If the Leave is to begin in less than 30 days, the employee must notify the County as soon as practicable. Failure to comply with this notice requirement may result in the delay or denial of Leave. For leaves due to qualifying exigency, notices must be provided as soon as practicable regardless of how far in advance leave was foreseeable.
 - B. Unforeseeable Leave: Where the need for Leave is unforeseeable, the employee must give notice to the County immediately, absent extenuating circumstances. Failure to comply with this notice requirement may result in the delay or denial of Leave. This requirement should not be confused with any required call-in procedures for reporting absences, which is a separate obligation.
2. Contact: The employee must comply with the established process for Leave for each department and contact the Department Head or appropriate supervisor.
3. Retroactive Designation: The County will retroactively designate an employee's absence where, in the County's opinion, circumstances make such a designation appropriate.

COMMENCEMENT/STATUS WHILE ON FAMILY LEAVE

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

CONTINUATION OF PAY AND BENEFITS

1. Vacation - All benefits accrued before, and not used during an employee's leave, will remain.
2. Use of Paid Leave - Employees will be required to use sick leave during FMLA and may use vacation to complete an FMLA leave.
3. Other Leaves - Available paid Leave under sick leave or worker's compensation will run concurrently with FMLA and may not be used to extend leave under this policy.
4. Holidays - Employees will not be paid for holidays during FMLA Leave.
5. Wages and Salary - Any wage or salary increases otherwise due during Leave shall be suspended during Leave without retroactive adjustment upon the employee's return to work. If the employee does not return to work, any final pay shall be based on the last rate paid before leave commenced.
6. Benefits - Benefits generally continue in accordance with applicable provisions for each benefit plan. Any changes in plan provisions or costs will apply to individuals on Leave in the same manner as they do to active employees.
7. Accruals for benefit calculations such as sick leave, vacation benefits etc. will be suspended for the duration of the leave.

PROCEDURE TO OBTAIN AN FMLA

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

CERTIFICATION AND REPORTING REQUIREMENTS

1. A Certification is required for Leave. The employee requesting the leave is responsible for ensuring the County's receipt of the Certification within the designated amount of time. The County may deny or delay Leave for failure to submit the Certification on a timely basis.
2. If the Certification received by the County is vague or incomplete, the employee will be given an opportunity to cure those deficiencies. If the employee is unwilling or unable to do so, leave will be denied.
3. The County may require a second medical opinion as to the need for Leave. If the Certification and second opinions differ, the County may require a third medical opinion. The third opinion care provider will be binding. This paragraph does not apply to Military Caregiver Leave.
4. The County may require periodic recertification of the continuing need for Leave. The County may refuse or delay further Leave until the recertification is received. The recertification must be completed by the health Care Provider and may not be a copy of a form previously submitted. Recertification may also be required if the employee requests a Leave extension. This paragraph does not apply to Military Caregiver Leave.
5. Legal certification may be required for adoption or foster care.
6. Employees on Leave may be required to periodically report on their status and intention to return to work.
7. When Leave is due to the employee's own serious health condition, a fitness for duty certification (FFD) may be required before the employee can return to work. Failure to timely provide such certification may eliminate the employee's right to reinstatement under the FMLA. If the employee is using intermittent leave, and reasonable safety concerns exist regarding the employee's ability to perform their duties, a FFD certificate may be required as frequently as every 30 days during periods where the employee has used intermittent leave. If the FFD is vague or incomplete, the employee will be given an opportunity to cure those deficiencies. This paragraph does not apply to Military Caregiver Leave.

REINSTATEMENT

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

ACTIVITIES PROHIBITED DURING FMLA

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

ADMINISTRATION

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

MILITARY LEAVE

ND State Law Provisions:

All employees of this State or political subdivision who:

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

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

NDCC 37-01-25

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

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

1. Has provided advance notice, either written or oral, of the need for the leave, unless notice is unreasonable or impossible;
2. Has received an honorable discharge;

3. Has taken a total of less than five years of military leave during the time of employment with the County.
4. Has applied for reemployment or reported back to work in a timely manner, depending on the length of the leave:
 - a. Less than 31 days: must report back to work not later than the first regular work day following discharge and an eight-hour period allowing for safe transportation from place of service to the employee's residence.
 - b. More than 30 but less than 181 days: must reapply for employment within 14 days of discharge;
 - c. Over 180 days: must reapply for employment within 90 days of discharge.

Note: if ongoing medical treatment is necessary, the period for reinstatement may be longer depending upon the treatment.

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

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

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

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

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

Following a period of military service of 31 days or more, the returning employee must at the County's request, be able to provide documentation that establishes the length and type of military leave, and timeliness of the application for re-employment as outlined above.

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

DISCHARGE OR DEMOTION

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

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

MATERNITY – RELATED ABSENCES

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

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

JURY AND WITNESS DUTY

The County encourages employees to fulfill their civic responsibilities by serving jury duty when required. Employees in an eligible classification may request up to two weeks of paid jury duty leave over any one year period. Jury duty pay will be calculated on the employee's base pay rate at the time served minus any jury duty paid by the court. Employee classifications that qualify for paid jury duty leave:

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

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

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

Insurance benefits will remain in effect and unchanged for the full term of the jury duty absence. Accrual for benefits calculations, including vacation and sick leave will not be affected during unpaid jury duty leave.

When an employee is summoned as a witness when the County is not a party to the action and does not reimburse the employee for mileage, per diem and hotel, the employee may collect witness fees from the proper party as stated above if the employee is not on duty or on authorized leave.

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

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

USE OF EQUIPMENT AND VEHICLES

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

1. Only County employees, elected officials, and authorized service individuals are allowed to operate County owned vehicles.
2. County owned vehicles may not be used for personal use after hours.
3. Only individuals having a business relationship with Billings County are allowed to ride in County owned vehicles.
4. All individuals in County vehicles are required to wear seat belts at all times.
5. Individuals driving County vehicles are prohibited from texting on cell phones while operating the vehicle.
6. Smoking or tobacco use in County vehicles is prohibited.

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

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

Use of Equipment

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

1. It shall be the responsibility of all County employees to advise the immediate supervisors whenever equipment is in such operating condition that it hinders their job or subjects the employee to a safety hazard.
2. Personal use of County equipment, property and/or facilities shall not be permitted.

USE OF EQUIPMENT AND VEHICLES CONTINUED

3. No personal vehicles or property shall be serviced or stored in county-owned facilities.

4. Employees who use County equipment and/or facilities for personal use are subject to disciplinary action.

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

All violations of traffic laws and fines levied as a result are the exclusive responsibility of the employee. Employees are further required to report all moving violations to their supervisor, whether on or off the job, within two weeks of receiving the citation. The driver's license status of all employees may be checked with the North Dakota Motor Vehicle Department annually.

COMMUNICATIONS AND COMPUTER SYSTEMS

Billings County has established a policy regarding the access and disclosure of telephone systems, conventional mail, electronic mail, Internet access, and authorized software and hardware usage. All systems, including PC's and laptop hardware, software and physical storage components are property of Billings County. Billings County employees may use the information systems and technology for business use in office administration, training and other professionally related activities.

It is important for all employees to understand that Billings County is subject to the North Dakota Open Records Law, and, as such, all accepted and unaccepted records, including information contained within the computer system, are subject to disclosure upon request of any citizen.

Conventional Mail and Telephone Systems

To assure effective telephone communications, employees should always use the approved greeting and speak in a courteous manner. Please confirm information received from the caller, and hang up only after the caller has done so. Employees may use the County telephone system for personal communication provided that it is not excessive and does not interfere with work activity. Employees shall reimburse Billings County for any charges resulting from their personal use of the telephone. The use of County-paid postage for personal correspondence is not permitted.

An employee who uses a county-issued cellular telephone is prohibited from using it, hands on or hands off, while operating any vehicle or machinery that is in motion, whether the purpose of its use is personal or related to official county duties, except for law enforcement and their official duties. This prohibition includes receiving or placing calls, text messaging, accessing the Internet, receiving or responding to e-mails, checking for voicemail messages, or any other purpose related to employment. Use of county-owned vehicles or devices for personal business is discouraged. Use of any privately owned, personal communication devices such as cellular telephones, personal data assistants, or computers by county employees, is strictly prohibited at any time during duty hours; unless during a meal period or a formally scheduled break from work.

Computer Systems

Authorized Software and Hardware

Software that has been licensed by Billings County or that has been authorized to conduct business is allowed on Billings County's personal computers (PC's) and servers. All software purchases and installation must be preauthorized.

1. No software, including screen saver software, wallpaper or any other freeware, shareware, demo software or games, which have not been purchased by the County, are to be installed or downloaded on any computer without specific authorization.
2. Billings County reserves the right to audit any computers for unauthorized or unlicensed software. Personal software (licensed or unlicensed) is not allowed for use on Billings County computers or servers. Any unauthorized or unlicensed software will be removed from the system. An individual may not:
 - a. Make unauthorized copies of any copyrighted software or data; duplicating and distributing copies of software that is not proscribed in the license is illegal.
 - b. Make copies of the user manual as well as copying system diskettes is also illegal. Distribute copies of sound recordings (e.g. MP3s) or an image, which is also copyrighted, is illegal.
 - c. Make alterations to the software source code.
 - d. Provide use of the software in a multiple CPU or user arrangement to users who are not individually licensed.
3. All hardware modifications and repairs must be approved and completed by an authorized source.
4. Employees should take precautions to protect his/her User ID and password, including screensaver passwords, as all employees are responsible for his/her workstations. All passwords must be registered with each employee's supervisor.

Virus Protection

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

Internet Usage

1. Internet access is available and provided by Billings County to employees for conducting official business, such as researching business related issues, accessing business related data, information and training.
2. Employees using Billings County's Internet link are acting as representatives of the County. As such, employees should act accordingly so as not to damage the reputation of the County.
3. Employees are authorized to access the Internet for certain occasional and limited personal use, as long as such use is not interfering with the employee's assigned work, work productivity and/or job performance.
4. Limited personal use is not to be used for any interest adverse to the County, must not subject the County to any potential liability, does not violate any term of this Computer usage policy, and does not involve any offensive or inappropriate material. Participation in chat rooms, the introduction of viruses, or malicious tampering with any computer system is expressly prohibited.
5. All software on the Internet should be considered copyrighted work. Therefore, employees are prohibited from downloading software and/or modifying any such files without permission from the copyright holder. Any authorized file or file attachments must be scanned with virus detection software before installation and/or execution.

6. Any infringing activity by an employee may be the responsibility of the County; therefore the County may choose to hold the employee liable for his/her actions.
7. Misuse of Billings County's Internet access during or after work hours is prohibited. Viewing, printing, disseminating, or downloading web pages, electronic messages and/or documents that are discriminatory, defamatory, insulting, romantic, pornographic or breaches of confidentiality or violations of copyright are prohibited. Misuse of the Internet will result in disciplinary action up to and including termination.
8. The County reserves the right to block any Internet site it may deem inappropriate.

E-Mail and Electronic Communications

1. E-mail, electronic communications and other similar messaging systems are intended for business use and should be treated as any other business communication device. Messages should routinely and regularly be cleaned or deleted from an employee's mailbox, so as not to overload the system with unnecessarily stored mediums.
2. Certain occasional and limited personal use of e-mail communication is permitted, but such messages will be treated no differently from other messages, including use of private e-mail accounts (i.e. Hotmail, Yahoo, etc.).
3. Personal use is not to be excessive and/or interfere with the assigned work duties, work productivity and job performance. Personal use is subject to the discretion of the Department Head or supervisor and will be based on the employee's workload and job performance.
4. E-mail is not a confidential medium and any message that is composed, sent or received, may be public record and subject to public viewing under the North Dakota Open Records Law.
5. All messages composed, sent or received on all electronic systems are, and will remain the property of the County; all messages are subject to random monitoring.
6. Billings County may access e-mail messages within the County e-mail system of all individuals covered by this policy, for any purpose not specifically prohibited by law.
7. Billings County reserves and intends to exercise the right to review, audit, intercept, access and disclose all messages created, received, or sent over any electronic communication system for any purpose.

8. Inappropriate e-mail messages can give rise to claims of discrimination, harassment, defamation and copyright infringement. Under no circumstances shall any employee use the e-mail system for messages that are or could reasonably be considered offensive to another. Among those which are considered offensive, are any message(s) which contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses an individual's age, sexual orientation, religious or political beliefs, national origin or disability.
9. E-mail may not be used for the solicitation of funds, employee personal monetary gain, or to support/advocate for non-county related business or purposes. Use of Billings County's e-mail system for personal business profit or nonprofit organizations of any kind is prohibited. Charitable endeavors, such as the United Way, may be communicated through electronic means provided they are endorsed and approved by the County Commission.
10. The e-mail system and computers shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization.
11. Use of e-mail to send or forward messages known as "chain letters" is prohibited.

User Id and Password

Log in to servers and applications may be controlled by the assignment of a user ID. A unique user ID may be assigned to each user by Billings County. ID's are not transferable. Access to all servers or applications will be password protected. A password shall be unique to each user ID and shall not be shared. A password is the responsibility of the user and shall be controlled by the user. The disclosure of a password to any unauthorized person, including an employee's family members, is a violation of County policy that may subject an employee to disciplinary action, up to and including termination of employment. Allowing any unauthorized person, including family members, to use any electronic communications device purchased by Billings County, or for which Billings County is providing or paying for service, may subject an employee to disciplinary action, up to and including termination of employment.

This policy applies to all Billings County employees and other individuals who are provided access to the Billings County communications and technology system. Every individual understands that there should be no expectation of privacy of any kind related to usage of the communications and computer system and that the total network is subject to monitoring.

Abuse of the Billings County Communications policy and/or violation of state and federal law will result in disciplinary action up to and including termination of employment.

Employees are given computers and Internet access to assist them in the performance of their jobs. Employees should have no expectation of privacy in anything they create, store, send or receive using the county's computer equipment. The computer network is the property of Billings County and may be used only for County purposes.

RETURN OF PROPERTY

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. Employees must immediately return, on request, all property of the County that is in their possession or control in the event of termination of employment, resignation, or reduction in force. Legal action will be taken as permitted by law against individuals for unreturned property.

SOCIAL MEDIA POLICY

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

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

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

SOLICITATION, DISTRIBUTION AND POSTING POLICY

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

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

Employee Guidelines:

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

Non-Employees

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

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

CONFLICTS OF INTEREST

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation. Below are behaviors prohibited by the Conflict of Interest Policy:

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

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of this organization's business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage. It is imperative that employees disclose any relationship to an appropriate official of the organization as soon as possible. Personal gain by an employee or relative in the form of kickbacks, bribes, substantial gift or special consideration as a result of business transactions with Billings County is prohibited.

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

A Billings County employee may not hold any position, or serve on any board in where such interest, or position, would conflict with the duties assigned to that individual and/or that individual's office either by constitution or statute.

An employee of the County shall not receive remuneration in any form from an individual, business, corporation, or any other entity for services rendered while acting as an employee or agent of the County unless permitted by state law.

An employee of the County may hold outside employment unless precluded by statute. Outside employment should not create a conflict of interest with constitutional duties, statutory duties and/or the performance level assigned to the individual or the individual's office.

In general, County positions shall be considered the primary employer with outside employment considered as secondary. The Department Head shall be made aware of secondary employment by the employee and confirm that a conflict of interest does not exist.

An employee engaged in political activity as defined in NDCC 39-01-04, may have a potential conflict of interest and should explain the duties and responsibilities to the Department Head to determine if conflict of interest exists. The employee will be required to take annual leave for any time taken during normal working hours to carry on such political activity.

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

NEPOTISM POLICY

Department heads are governed by the North Dakota Century Code §11-10-25: "Nepotism by County Officials is restricted. No head of any executive or administrative department or agency, either elected or appointed, of any County in State, may appoint his or her spouse, son, daughter, brother, or sister to any position under the control or direction of that official, unless the appointment has been previously approved by resolution of the Board of County Commissioners."

The policy of Billings County is as follows:

1. A member of an employee's immediate family will be considered for employment by the County provided the applicant possesses all the qualifications for employment. An immediate family member may not be hired, however, if such employment would:
 - A. Create either a direct or indirect supervisor/subordinate relationship with a family member; or
 - B. Create either an actual conflict of interest or the appearance of a conflict of interest.

These criteria will also be considered when assigning, transferring, or promoting an employee. For purposes of this policy, Billings County defines "immediate family" as the employee's spouse, parent (natural, adoptive, foster, or stepparent), child (natural, adoptive, foster, or stepchild), sibling; the employee's spouse's parent, child, or sibling; the employee's child's spouse; grandparents or grandchildren; or a person whose relationship is considered that of a "significant other."

2. Employees who marry or become members of the same household may continue employment as long as there is not:
 - A. A direct or indirect supervisor/subordinate relationship between such employees; or
 - B. An actual conflict of interest or the appearance of a conflict of interest

Should one of the above situations occur, the County will attempt to find a suitable position within the County to which one of the affected employees may transfer. If accommodations of this nature are not feasible, the employees will be permitted to determine which of them will resign.

SEXUAL AND OTHER FORMS OF IMPERMISSIBLE HARASSMENT

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

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

Definitions

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

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

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

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

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

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

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

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

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

Complaint Procedures

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

1. An employee who feels that he/she has been subject to sexual, unlawful or workplace harassment should clearly state to the individual that his/her behavior is offensive to them.
2. If you are unable to confront your alleged offender or the behavior persists after confronting the alleged offender; go to your immediate supervisor who shall immediately notify the Department Head.
3. If the immediate supervisor is involved in the alleged harassment, the incident should be reported directly to the Department Head and/or the Board of Billings County Commissioners.
4. If the complaint involves the Department Head, the incident should be reported directly to the Board of Commissioners.

5. If the complaint involves a member of the Board of Commissioners, the incident should be reported directly to the State's Attorney.
6. The Board of Commissioners will assign a committee or designate an appropriate individual to conduct an investigation in a fair, prompt and complete manner.

Protection against Retaliation and Reprisal

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

Discipline

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

WORKPLACE VIOLENCE PREVENTION

The County is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, the County has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

Prohibited Conduct:

All employees, customers, vendors and business associates, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, “horseplay”, or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of the County without proper authorization. Conduct that threatens, intimidates, or coerces another employee, customer, vendor or business associate will not be tolerated. Billings County resources may not be used to threaten, stalk or harass anyone at or outside the workplace. Billings County treats threats coming from an abusive personal relationship as it does other forms of violence.

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor or any other member of management. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public.

When reporting a threat of violence, you should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your workstation, do not try to intercede or see what is happening.

Employees will promptly inform their supervisor or Department Head of any protective or restraining order that they have obtained that lists the workplace as a protected area. Employees are encouraged to report safety concerns with regard to intimate partner violence. Billings County will not retaliate against employees making good faith reports. The County is committed to supporting victims of intimate partner violence by providing referrals to appropriate community resources and providing time off for reasons related to intimate partner violence.

Investigations and Enforcement

The County will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as possible. In order to maintain workplace safety and the integrity of its

investigation, the County may suspend employees, either with or without pay, pending investigation. Billings County reserves the right to search employee lockers/storage areas, immediate work areas, and personal belongings.

Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

The County encourages employees to bring their allegations of workplace violence with other employees to the attention of their supervisors or to the Chairman of the County Commission if the supervisor is the alleged perpetrator before the situation escalates into potential violence. The County is eager to assist in the resolution of employee disputes, and will not discipline employees for raising such concerns.

SAFETY AND HEALTH

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

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

To assist in the effort to provide the safest possible work environment for employees, customers, and visitors, the County has appointed a Safety Coordinator. The Coordinator is to help communicate and execute an effective safety program, and may be consulted by any employee.

General Safety Rules

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

1. Report injuries, near misses, accidents, or unsafe acts immediately to the Risk Manager and Department Head or Supervisor.
2. Employees are required to attend all job related and safety training to ensure that all work is performed in a safe and efficient manner along with heightened awareness.
3. Report dangerous situations encountered or faulty equipment immediately to the Risk Manager and your Supervisor.
4. Understand the proper usage of available safety equipment (fire extinguishers, first aid kits, related tools, personal protective equipment).
5. Make observations, recognize and make recommendations to the Risk Manager and Supervisor for work place modifications or safety equipment to eliminate safety hazards.

6. Use proper lifting techniques, i.e. bend knees and keep back straight, lift with weight close to the body and do not twist while lifting. Use mechanical devices when available to assist in lifting.
7. Horseplay in the workplace is prohibited.
8. Employees shall wear seat belts when driving or riding in County owned vehicles or vehicles owned and operated by other organizations conducting County business.
9. Personal protective equipment appropriate for the job will be worn at all times and employees are required to follow safe operating procedures for their respective departments.
10. Maintain clean worksites at all times.

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

REPORT OF INJURY AND CLAIMS MANAGEMENT

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

Any employee, who sustains a work-related injury or illness, as defined by law, should inform his or her supervisor and the Risk Manager 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.

No workers' compensation coverage will be provided anytime an employee leaves the premises during the course of the workday to conduct personal business.

Employee Responsibilities

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

Claims Management

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

Return to Work

The Billings County Risk Management Program is designed to protect all employees from occupational injuries and illnesses but accidents may sometimes occur. When an injury takes place, the County will make every effort to ensure that the injured worker receives prompt/quality medical care and all statutory benefits accorded to them by WSI.

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

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

An employee, who is injured in the course of employment and cannot participate in the Transitional Work Program, may elect to use accumulated sick leave while receiving WSI benefits, however, the combination of benefits shall not exceed the employee's base salary.

The employee will be paid by their department. The benefits received by WSI while the employee is on sick leave shall be paid to the County. However, the employee's sick leave shall be charged only that percentage of hours which corresponds to the percentage of salary that his department shall pay. Upon using accrued leave benefits, employees will be placed on leave without pay for the remainder of the recovery period on the basis of State and Federal Laws.

Volunteers are covered under separate organizational policies.

Please contact the Billings County Risk Manager for information or forms.

SMOKING

In keeping with the County's intent to provide a safe and healthful work environment, smoking in the work place is prohibited throughout the County Courthouse and all County shops including ALL County buildings, equipment and vehicles. The policy applies equally to all employees, customers and visitors.

In addition to this policy and in accordance with N.D.C.C. §23-12-10 subsection 2:

- Smoking is prohibited within twenty (20) feet [6.10 meters] of entrances, exits, operable windows, air intakes, and ventilation systems of enclosed areas in which smoking is prohibited.

DRUG AND ALCOHOL USE

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

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

DRUG-FREE WORKPLACE COMPLIANCE POLICY:

In accordance with the Federal Drug-Free Workplace Act, Billings County has established the following guidelines to maintain a safe and productive work environment for all employees by preventing accidents or other dangerous incidents that may result from drug and/or alcohol use.

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

Effective immediately, any location at which the County's business is conducted, whether at this or any other site is declared to be a **drug-free workplace**. This means:

Employees are prohibited from unlawfully manufacturing, distributing, dispensing, possessing or using controlled substances on any work site of Billings County. No employee will be allowed to perform job duties when impaired or under the influence of mind altering drugs, illegal drugs and/or alcohol during work hours. An employee violating this policy is subject to disciplinary action, up to and including termination, for a first offense. Controlled substances can include, but are not limited to:

- Cannabis (marijuana, hashish)
- Stimulants (cocaine, amphetamines, "speed", etc.)
- Depressants (tranquilizers)

- Narcotics (heroin, morphine, opioids, etc.)
- Hallucinogens (LSD, PCP, "designer drugs", etc.)
- Misuse of prescription drugs

TESTING GUIDELINES:

- Testing for drugs and alcohol of all employees will be conducted as a pre-employment condition with the County.
- Random Testing will be conducted for all employees.
- Testing for drugs and alcohol of any employee will be conducted when a supervisor has reasonable suspicion an employee is violating the policy.
- Testing will be conducted on any employee involved in a motor vehicle accident using a County vehicle or using a personal vehicle while driving for County business, when County liability could be affected.
- Employees must be tested for alcohol and controlled substances within two hours.
- If the test is not administered within two (2) hours, the supervisor must file a report with the County Risk Manager stating why it was not done.
- Employees must submit police reports with any necessary accident/crash reports to their supervisor.
- Employees requiring drug or alcohol testing because of a motor vehicle accident/crash or determination of probable cause will be transported to and from the testing site by the County Risk Manager or their designee. Under no circumstances will the employee provide their own transportation.
- Should the results of the drug or alcohol test be positive, a confirmation test will be conducted. Once the test is verified as positive, the employee may not return to work until directed by Billings County.
- Any employee's refusal to be tested may be considered cause for dismissal. If an employee receives a positive test, the employee will immediately be suspended.

Following this suspension, Billings County will conduct an investigation to review the employee's past record of performance and appropriate action will be taken. Employees shall notify their supervisor or the County Risk Manager or their designee, any criminal charge or conviction of drug and/or alcohol violations within five days of the occurrence. Failure to do so may result in disciplinary action, up to and including termination. Employees are hereby notified that compliance with this policy is a condition of employment and failure to comply with this policy could result in disciplinary action, up to and including termination.

The legal use of prescribed drugs is permitted during work time only if it does not impair an employee's ability to perform the essential functions of their job and in a safe manner that does not endanger themselves or other individuals. Employees must notify their supervisor if they are prescribed drugs that may impair their ability to perform any duties so that appropriate accommodations may be made or time off of work be addressed

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

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

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

DRUG TESTING POLICY

(This policy applies to all of our employees and parallels DOT/Motor Carrier's Administration and FTA regulations and guidelines.)

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

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

through the early identification and referral for treatment of workers with drug use and alcohol problems.

POLICY STATEMENT

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

Effective immediately, no employee either an employee or a contract employee with the County shall be on duty if the employee uses, or tests positive for, any controlled substance, including alcohol. Any employee testing positive for alcohol at any level will be considered medically unfit to work, and will be suspended without pay, until such time as they perform a return to duty test and test negatively and for a period of not less than twenty-four (24) hours. Any employee testing positive for the specific agents described in the Drug and Alcohol Policy, or alcohol at any level, will be considered to have failed the test and be medically unfit to work. A person who refuses to submit to testing shall not be permitted to work since such a refusal shall be considered to be a positive test.

DRUG TESTING

Employees will be asked to undergo testing for alcohol and on five groups of drugs: Amphetamines, Opiates, Phencyclidine, Cocaine, and Marijuana. These are the drug groups specifically targeted by the FTA and DOT/Federal Motor Carrier's Administration for testing purposes. The County will pay the costs of the pre-employment drug testing, and post-accident, reasonable cause and random drug and alcohol tests. Any employee of the County whose employment is terminated, for any reason, prior to the completion of their first ninety calendar days of employment, shall be responsible for reimbursing the County all for costs associated with that employee's drug and/or alcohol testing incurred by the County to that point.

IMPLEMENTATION SCHEDULE

All employees will be directed to undergo random testing for alcohol and on five groups of drugs: Amphetamines, Opiates, Phencyclidine, Cocaine and Marijuana. Testing will occur at various periods of time. All candidates for hiring will be required to participate in drug testing as a pre-qualification test prior to employment. No candidate for hiring with a positive drug test will be employed. A qualified supervisor can institute a drug or alcohol test on the grounds of reasonable cause or suspicion of drug or alcohol usage. A random testing program will also be utilized in two separate "pools". The first "pool" is employees who hold a CDL. 50% of the

employees who hold a CDL or who are in a safety sensitive position are tested randomly per year for drugs and 10% are tested randomly for alcohol per year. The second "pool" of employees is all other County employees and 50% will be tested randomly per year for drugs and 10% for alcohol per year. Following an accident while on the job, the employee may be asked to undergo testing.

ACCESS TO TESTING RESULTS AND CONFIDENTIALITY

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

Qualified supervisors will attend the required 2 hour reasonable cause/suspicion training.

DEFINITIONS

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

RELATIONSHIP TO FEDERAL REGULATIONS AND LAWS

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

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

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

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

GRIEVANCE POLICY AND PROCEDURE

Statement of Philosophy: The purpose of an internal grievance policy and procedure is to provide a fair and effective way to resolve work-related problems between management and employees by using a series of interactive and progressive steps.

Scope: This policy applies to the County Commission and all departments and employees of Billings County. Social Service employees are covered by the North Dakota merit system and where appropriate will refer to the internal grievance policy for Social Services.

Employees may grieve an employer action of demotion, dismissal, suspension without pay, reduction-in-force, or discrimination in employment. The employee must begin the procedure within five (5) working days from the date of notice of the employer action. In the case of reprisal, the employee must begin the grievance procedure within five (5) working days from the date of the reprisal action. Failure to begin the procedure within the time limits forfeits the right to appeal. The Department Head may extend the time limits based on good cause for the extension.

Procedure:

1. **Step I.** The employee must submit his/her grievance in writing and shall meet with their Department Head in an attempt to resolve the grievance within five (5) working days after the grievance occurred.
 - If a mutual agreement is reached, both the employee and Department Head will acknowledge this in writing.
 - If a mutual agreement is not reached at this level both the employee and Department Head will acknowledge this in writing and within ten (10) working days the grievant may forward the grievance to the Board of Billings County Commissioners at their next regularly scheduled meeting. In the case of Social Service employees, the grievant is encouraged to use the Billings County Grievance process; however there are no requirements to do so before utilizing the State Merit System grievance procedure. Social Service employees who cannot resolve the grievance at the county level may forward their grievance to the Civil Rights Officer in the North Dakota Department of Human Services.
2. **Step II.** Upon receipt of the grievance, the Board of Billings County Commissioners shall appoint a representative(s) to meet with the grievant and/or the employee representative. Once designated, by the County Commission, the appointed

representative(s) will meet with the grievant and/or the employee representative within ten (10) working days.

- If a mutual agreement is reached, the terms of that resolution shall be written on or attached to the grievance and shall be signed by all parties.
 - If no agreement is reached, the employee may request in writing that the grievance be forwarded on to the Board of County Commissioners within fifteen (15) working days.
3. **Step III.** The Board of County Commissioners may elect to hear the grievance or to contract a hearing officer or other appropriate venue to hear the grievance. Once the Board of Commissioners has made an initial determination, the employee shall be notified in writing of the method, time and place of a hearing.
- If the Board determines to hear the grievance, they will establish the terms for hearing the grievance, either by requesting all parties to submit information in writing, verbally or combine options.
 - Once the Board has either heard the grievance or received a recommendation from a contracted source, the Board will then make the final decision. The Board's decision will be final and will be provided to the employee in writing within fifteen (15) working days after making a determination.

Employee Eligibility: The following employees may file a grievance:

1. Regular full time employees
2. Regular part time employees
3. Introductory employees may grieve issues of discrimination
4. Group grievances reflecting a similar or common complaint will be accepted and processed as a single grievance.

Non-grievable Items:

1. Issues that are pending or have been concluded by direct appeal to the County Commission or through other administrative or judicial procedures.
2. Relocation or transfer of an employee within the department that results in no change of pay, benefits, and/or classification.

3. Temporary work assignments.
4. Budget and organizational structure, including the number of assigned employees within any organizational unit.
5. The manner and method of performing work assignments, including performance evaluations, unless in the case of discrimination.
6. Benefits.

EXCEPTIONS FOR APPLICATION OF CERTAIN SECTIONS OF THIS MANUAL

With respect to law enforcement officers, those provisions which apply to possession of firearms, illegal drugs, alcohol, explosives, or other dangerous materials shall not apply to law enforcement officers in the line of their duty, and *it* is also recognized that it is possible that law enforcement officers may have to simulate use of alcohol or narcotics in the line of duty and restrictions of use when in the line of duty shall not violate this policy.

With respect to the Clerk of Court's office, those provisions which apply to possession of firearms, illegal drugs, alcohol, explosives, or other dangerous materials shall not apply to the Clerk or his/her designated agents, when any of these items are in his/her possession for the purpose of trials or court proceedings, or kept thereafter as exhibits.

APPENDIX

ANNUAL EMPLOYEE ACKNOWLEDGMENT FORM

I understand that an employee annual review of the Billings County Policy Manual is part of the annual independent audit required by the State of North Dakota.

I acknowledge that I have reviewed the copy of the Billings County Non-Social Services Employees Employee Policy Manual I received upon employment, as well as any updated pages provided, and that I have read and understand its provisions.

I understand that the employee manual describes important information about my employment with the County and that I should consult my supervisor about any questions that I may have that are not answered in the manual.

I understand that the manual is compiled for informational purposes only. I understand that the manual is not a contract of employment and is not intended to create or imply a contract for employment or for the provisions of any employee benefit between the County and me.

I am an at-will employee and that either the County or I may terminate the employment relationship at any time, with or without notice, for any reason not prohibited by law.

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

I understand that the County retains the sole discretion to interpret the provisions of the manual and to depart from those provisions or any other County policies, rules, or procedures if the County determines that such action is appropriate.

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

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

EMPLOYEE'S SIGNATURE _____ DATE _____

EMPLOYEE'S NAME (TYPED OR PRINTED) _____

SUPERVISOR/OFFICAL SIGNATURE _____

ACKNOWLEDGMENT OF RECEIPT, REVIEW AND UNDERSTANDING OF BILLINGS

COUNTY DRUG AND ALCOHOL FREE WORKPLACE POLICY

I certify that I have received and reviewed a copy of Billings County's Drug and Alcohol Use Policy, and understand that Billings County requires all employees to work under and to abide by this policy. I understand that the County and its agents may, in the course of implementation and enforcement of this Policy: (1) investigate and interview me; (2) search my person, my work locations and vehicles, and any property, documents or other articles in my possession or control; (3) administer to me urine and/or breath analysis tests for drugs or alcohol; and (4) use the results of such interviews, investigations, searches and tests, any refusal to submit to or cooperate in such interviews, investigations, searches and tests, as well as other relevant evidence, in determining whether to hire me as an employee, to refer me for evaluation or rehabilitation, or to discipline or discharge me as an employee of the County. In addition, I acknowledge that this Policy is not intended to confer third-party beneficiary status upon any third party and does not create any affirmative obligations or duties for the County aside from those expressly required by statute.

Employee/Applicant Signature: _____

Printed Name of Employee/Applicant: _____

Supervisor/ Department Head Signature: _____

Lunch Break Policy

North Dakota Department of Labor regulations require that a minimum thirty (30) minute meal break be provided employees, if such is desired, in each shift exceeding five (5) hours when there are two or more employees on duty. All employees must check out on a time clock, time sheet or other time record for this break.

I have read the above policy and agree to the terms set forth.

Employee's Signature

Date

OR

I have read the above policy and waive my right to a lunch break.

Employee's Signature

Date