



## PERSONNEL POLICY MANUAL

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**REVISIONS:**

11/27/18 – added Personal Electronic Appliance language and removed Labor Management Committee review from Outstanding Service Award Program nomination process.

3/19/18 (effective 4/3/18) – Added Parity Plan for Elected Officials Section. Revised Safety and Accident Reporting Section.

8/30/16 (effective 9/1/16) – Updated numerous language changes.

12/16/14 (effective 1/1/15) – Added situation to Removal of Names from Eligibility List, added Wage Disclosure section, revised severance language for Exempt employees, added circumstances under which sick leave may be used, added administrative leave language, updated MN Parenting Leave, updated cell phone policy language, and updated Smoke free/Tobacco free Workplace language.

5/20/14 – Added definition for Shift Work, removed outdated Promotion pay language, increased Reclassification pay language, revised Pay Rate Change language, added Shift Differential pay language, and added “sibling” to list of immediate family for sick time usage.

# I. PURPOSE, ADOPTION AND ADMINISTRATION

## A. PURPOSE

The purpose of these Policies is to provide a uniform, comprehensive and efficient system of personnel administration in Mille Lacs County (the County). The Policies and related procedures define the administration of the County's terms and conditions of employment. The Policies are not intended to serve as a binding employment contract or an offer of employment conditions other than those of an at-will employee. These Policies, in whole or in part, are subject to change, revocation, modification or amendment at any time at the County's sole discretion with or without advance notice. It is the further purpose of these Personnel Policies to ensure that:

1. Recruitment, selection and advancement of employees shall be based on job related factors such as relative education, experience, ability, knowledge and skill.
2. Positions with similar duties and responsibilities shall be classified and compensated on the basis of comparable compensation for comparable work, consistent with attraction and retention considerations.
3. Applicants and employees shall be afforded fair treatment in all aspects of personnel administration without regard to race, creed, religion, sex, national origin, age, disability, marital status, political affiliation, sexual orientation, status with regard to public assistance, arrest or conviction records, except as it pertains to bona fide occupational qualifications, as determined by applicable federal and Minnesota laws, executive orders, and administrative regulations regarding same.
4. Retention and separation of employees is based on necessity, legal authorization of the position, or availability of funds.
5. Employees shall be protected from coercive partisan political practices; and employees are prohibited from using their official authority to interfere with or affect the result of an election or nomination for office.
6. Management practices are based on the recognition of employees as the County's most valuable asset. Consistency of management practices enhances the effective and efficient delivery of services, assuring the citizens of Mille Lacs County that they are being served by the employment of the highest possible caliber of personnel.

### *A1. SAVINGS CLAUSE*

If any of these Policies shall be held invalid by judicial or legislative action, the remainder of these Policies, other than that which has been held invalid, shall not be affected.

### *A2. MANAGEMENT RIGHTS*

The Mille Lacs County Board of Commissioners (County Board) has the sole authority to approve, modify, reject or approve as modified these Policies by Board action.

The County Board retains the full and unrestricted right to operate and manage all staff, facilities and equipment; to establish functions and programs; to set and amend budgets; to determine the utilization of technology; to establish and modify the organizational structure; to select, direct and determine the number of personnel; to establish work schedules, and to perform any inherent managerial function not specifically limited by current collective bargaining agreements, these Policies, and County Board action.

## **B. ADOPTION**

These Policies were prepared for and recommended by the Personnel Director, and approved by the County Board at a regular board meeting on December 18, 2012, in accordance with M.S. 375.56 to 375.71. These Policies are effective January 1, 2013 and specifically supersede and revoke any earlier policies or regulations. Revisions to these Policies were adopted by the Board on May 21, 2013, May 20, 2014, and December 16, 2014.

## **C. ADMINISTRATION**

These Policies shall be administered by the Personnel Director, who is accountable to the County Administrator. The Director shall develop and provide the necessary forms, procedures, and instruction for the implementation of these Policies.

Copies of these Policies shall be available on the County website and made available to all County employees and interested union representatives. A copy of these Policies is provided to each new employee as a part of the new employee orientation process. Printed copies of these Policies shall be available for public review upon request to the Administrative Services Office.

### *C1. DEPARTMENTAL RULES*

In accordance with these Policies, each department head may establish procedures for the express administration of personnel matters unique to that department. Such rules shall be filed with the Personnel Director.

### *C2. INDEMNIFICATION*

In accordance with M.S., Chapter 466, the County declares its intent to defend, save harmless, and indemnify any of its officers and employees against tort claim or demand, arising out of an alleged act or omission occurring in the performance of a duty, except that of malfeasance in office or willful or wanton neglect of duty. The Administrative Services Office shall coordinate all claims.

## **D. APPLICATION**

These Personnel Policies shall apply to all employees paid by Mille Lacs County except when they are in conflict with Minnesota Statutes or collective bargaining agreements. The following individuals are not covered under the Dispute Resolution and Personnel Board of Appeals sections:

1. Elected positions.

2. Positions appointed by a district court judge.
3. Positions designated as Department Heads appointed per statute by the County Administrator with the consent of the County Board.
4. Personnel Director.
5. Positions appointed per statute by the County Board.
6. Positions designated by an elected official, per statute, as chief deputy or principal assistant.
7. Positions designated by an elected official as a personal secretary.
8. Interns and volunteers, with or without pay.
9. Members of appointed boards, commissions, and committees.
10. Vendors or consultants who provide the County with expert, professional, technical or any other service, through service agreements.
11. Intermittent, temporary, and on-call employees.
12. Probationary employees.
13. Other statutory positions as noted in Statutes.

*Department Heads shall be defined as to include the following:*

1. Community & Veterans Services Director
2. County Administrator
3. County Assessor
4. County Attorney
5. County Auditor-Treasurer
6. County Engineer
7. County Sheriff
8. Land Services Director
9. Probation Director

#### *D1. UNCLASSIFIED POSITIONS*

The County Board may create positions referred to as unclassified positions, for which the sections of these policies pertaining to selection and termination do not apply. Subject to applicable law, appointment for such positions shall be made by the County Board or an existing Appointing Authority, and employment and termination shall be at the will of the Appointing Authority.

#### *D2. COLLECTIVE BARGAINING AGREEMENTS*

These Policies shall apply to all Mille Lacs County employees except as specifically modified by a collective bargaining agreement (CBA) or by the specific language of these Policies. No employee subject to a CBA shall have the right to file a grievance through these Policies.

#### *D3. EMPLOYEE RESPONSIBILITIES*

Employees subject to these Policies shall comply with, and carry out, the provisions of these Policies. Any employee who fails to comply with any of the provisions of these Policies shall be subject to disciplinary action, up to and including termination of employment.

## **E. DEFINITIONS**

Unless otherwise indicated, the following terms used in these Personnel Policies shall have the following meaning:

Appointing Authority - The official, commission, board, department head or other individual(s) empowered to appoint or remove employees in the service of the County.

Appointment - A regular appointment to a paid position within the County service.

Class/Classification - One or more positions similar in duties, responsibilities, and qualifications assigned to the same descriptive title or specification and the same salary range.

CBA - Collective Bargaining Agreement

Comparison Counties - For market salary comparison purposes, the Board considers Aitkin, Benton, Kanabec, Morrison, and Pine Counties to be comparables.

Conflict of Interest - Incongruity between one's obligation to the public good and one's private self-interest; financial or material interests incompatible with independence of judgment or action in the performance of official duties.

County - Mille Lacs County

County Board - The Mille Lacs County Board of Commissioners.

Days - Calendar days unless otherwise noted.

Demotion - A change of an employee's position from one classification to a position in another classification with lesser duties and/or compensation.

Department Head - A person appointed, designated or elected to manage and direct a department by Statute or the County Board.

Discharge - A permanent separation from County employment as a result of the employee's inability to perform all the requirements of the assigned position and/or unwillingness to comply with County policies and practices.

Dispute - A disagreement as to the interpretation or implementation of these Policies.

Elected Officials - Those officials selected by vote of the constituency of Mille Lacs County.

Employee - A person in a paid position within the County service, as defined by M.S. 179.A.

Employment Date - The date a person begins employment with the County in a regular position, or the most recent date hired if the person is re-hired.

Exempt Employee - A professional, administrative or executive employee excluded from the overtime pay provisions of the Federal Fair Labor Standards Act (FLSA).

FLSA – Fair Labor Standards Act, 29 U.S.C. 201 et seq.

FMLA – Family Medical Leave Act, 29 C.F.R., Part 825

HCSP – Health Care Savings Plan through the Minnesota State Retirement System.

Hours Worked – Actual hours worked, excluding paid and unpaid time off.

Intern - An individual in a formal educational program who has limited status as an employee.

Job Analysis - The systematic process of examining jobs to clarify the activities, duties, methods, responsibilities, context, and requirements necessary to perform in the job. Information may be gathered by questionnaire, interview and/or observation.

Job Elimination - The removal of a position from the organizational structure.

Job Evaluation - Process of comparing and grading the relative value of jobs in the County for the purpose of determining salary levels and ranges, and compliance with pay equity statutes and rules.

Layoff - A separation from employment due to lack of work, lack of funds, or other reason not attributable to employee performance or conduct.

Layoff List - A list of employees laid-off and eligible for recall.

Leave of Absence - An approved, temporary separation from active employment status, which may be with or without compensation.

Non-Exempt Employee – An employee covered by the overtime pay provisions of the Federal Fair Labor Standards Act (FLSA).

Outside Employment – Any employment or contractual relationship for which pay or other direct or indirect compensation is received from a source other than the County.

Overtime - All hours worked by non-exempt employees in excess of 40 hours in a week, or in excess of another standard defined by the FLSA.

Pay Period - Two-week period starting on Sunday at 12 a.m.

Personnel Board of Appeals - A non-employee review board appointed by the County Board to hear appeals and complaints concerning the interpretation or application of these Policies.

Position - A group of duties and responsibilities requiring the part-time or full-time employment of at least one person.

Position Description - The written document that identifies the purpose, duties, responsibilities, requirements, accountability of a job; and the knowledge, skills and abilities necessary to perform the job as well as any required credentials.



Probationary Period - The first six to twelve (6 - 12) months following an employee's initial hiring or re-hiring when they are in active service in a position. It is designed to be an extended selection period to determine if regular status should be granted. Under certain circumstances, the probationary period may be extended.

Promotion - A change in an employee's status from a position in one class to a position in another class with more responsible duties and/or a higher salary range.

PERA - Public Employees Retirement Association

Reclassification - A change in the classification level of a position as a result of approved changes in job duties which modify the responsibilities or decision making authority by raising it to a higher level or reducing to a lower level, based on a retrospective review of how the position has evolved.

Re-employment - Appointment of a former employee to a position with the County.

Reinstatement - Appointment of a former County employee to a position which the employee was assigned prior to their termination or separation of employment, that occurs within one year of the separation of termination.

Reorganization - A planned, prospective change in the jobs, reporting structure, or other significant factors regarding the employment of one or more employees.

Resignation - Voluntary termination of employment from County service.

Retirement - Termination of County employment by an employee who is either receiving disability benefits or a retirement annuity from a Minnesota public pension plan (such as PERA) other than a volunteer firefighter plan; or who meets the age and service requirement necessary to receive an annuity from a public pension plan, but has opted not to draw upon the funds at the time of retirement.

Severance Pay - Pay out of benefits and compensation to regular employees leaving County employment in good standing.

Seniority - The duration of continuous employment from the employee's most recent date of hire.

Shift Work - Work carried out by two or more groups of employees in accordance with a rotation system to provide for 24/7 coverage.

Sick Leave - Paid absence from work for County employees due to personal or family illness, medical care, or death in the employee's family.

#### Status (Employment)

1. *Regular Full-time* - An employee in a position that is regularly budgeted, who regularly works eighty (80) hours per pay period and has successfully completed a probationary period.

2. *Regular Part-time* - An employee in a long-term, regularly budgeted position who works less than eighty (80) hours per pay period and has successfully completed a probationary period. To be eligible for prorated benefits, including vacation, holidays and sick leave, a regular part-time employee must be consistently scheduled to work at least half time (i.e., be budgeted for at least 1,040 hours per year). Part-time employees are not eligible for health insurance benefits.
3. *Intermittent* - An employee who works on an intermittent basis dependent upon County needs (i.e., is "on call"). Intermittent employees are not eligible for County benefits except as mandated by state and federal law.
4. *Temporary* - An employee, working full or part-time, in a position of limited duration, such as a specific project or other time-defined work, for no more than 67 days in a calendar year. Temporary employees are not eligible for County benefits except as mandated by state and federal law.
5. *Intern* - An individual in a training program, paid or unpaid, who has limited status as an employee.
6. *On-Call Employment Pool* - An individual called to work from an established County list, usually comprised of retirees and other individuals interested in working on an occasional basis. These individuals may work during peak periods in a department, when a regular employee is on a leave of absence, or while a position is open after a termination and prior to a new hire. On-call employees are not eligible for County benefits except as mandated by state and federal law.

Supervisor - Any employee or official having the authority to perform the majority of the following functions in the interest of the County, if the exercise of such authority is not merely clerical or routine in nature, but requires the use of independent judgment: to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, discipline, adjust grievances or effectively recommend such action.

Suspension - A temporary separation from active employment, with or without compensation.

Transfer - The movement of an employee from one position to another position within the same class or salary range.

Trial Period - The first six to twelve (6-12) months of service after an employee is demoted, transferred or promoted to a new position within County Service, which serves as an extended selection period.

Unauthorized Leave - Any absence from normal duties, not authorized by a specific grant of a leave of absence under the provisions of these Policies.

Unit - An organization sub-entity located within a department.

Veteran - An individual defined as a veteran by M.S. 197.447.

Voluntary Termination - All terminations initiated by the employee.

Workweek – Sunday through Saturday.

## II. EMPLOYMENT AND STAFFING POLICIES

### F. EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of Mille Lacs County to prohibit discrimination in employment based on race, color, creed, religion, national origin, sex, age, disability, sexual orientation, marital status, status with regard to public assistance, or membership in a local human rights commission. Mille Lacs County embraces the concept of equal employment opportunity, and is committed to compliance with all applicable federal and Minnesota laws, executive orders, and administrative regulations regarding it. In all instances, proper regard shall be provided for applicants' and employees' privacy and constitutional rights as citizens under Federal and Minnesota law.

Any employee or applicant who believes s/he has been discriminated against by reason of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age may file a complaint with the Personnel Director, specifying the basis of his/her belief and all facts surrounding the alleged discriminatory action. In the event that the complaint is against the Personnel Director, the complaint may be filed with the County Administrator. All complaints of discrimination will be fully investigated, and the complainant may receive notice of the conclusion of the investigation. If the complainant does not agree with the investigation findings, s/he may file an appeal within fourteen (14) calendar days to the Personnel Board of Appeals. The complainant may, at any time during or following the investigative process, submit a discrimination complaint to the Minnesota Department of Human Rights (MDHR) by calling 651-539-1100 (TTY 651-296-1283), or toll free at 800-657-3704. Any complaint of sexual harassment may also be filed with the MDHR by calling 651-296-5663 (TTY 651-296-1283), or with the Equal Opportunity Commission, by calling 800-669-4000 (TTY 800-669-6820).

### G. AMERICANS WITH DISABILITIES ACT (ADA)

The County is committed to complying with all applicable provisions of the Americans with Disabilities Act ("ADA"). It is the County's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability or perceived disability so long as the employee can perform the essential functions of the job. Consistent with this policy of nondiscrimination, the County will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA, who has made the County aware of his or her disability, provided that such accommodation does not constitute an undue hardship on the County.

Employees who believe they need a reasonable accommodation to perform the essential functions of their job due to a disability should contact their supervisor or the Personnel Director. The County encourages individuals with disabilities to come forward and request reasonable accommodation

## *G1. PROCEDURE FOR REQUESTING AN ACCOMMODATION*

On receipt of an accommodation request, the Personnel Director and the employee's supervisor will meet with the employee to discuss and identify the precise limitations resulting from the disability and the potential accommodation that the County might make to help overcome those limitations.

The County will determine the feasibility of the requested accommodation, considering various factors including, but not limited to, the nature and cost of the accommodation and the accommodation's impact on the operation of the County, including its impact on the ability of other employees to perform their duties and on the County's ability to conduct business. An accommodation will not be made if to do so would be a violation of a bona fide occupational qualification, an undue hardship on the operation of the County's business, or a direct threat to the health or safety of the individual or other people.

The County will inform the employee of its decision on the accommodation request or on how to make the accommodation. If the accommodation request is denied, employees will be advised of their right to appeal the decision by submitting a written statement explaining the reasons for the request to the County Administrator. If the request on appeal is denied, that decision is final.

The ADA does not require the County to make the best possible accommodation, to reallocate essential job functions, or to provide personal use items (i.e., eyeglasses, hearing aids, wheelchairs etc.).

An employee or job applicant who has questions regarding this policy or believes that he or she has been discriminated against based on a disability should notify the Personnel Director. All such inquiries or complaints will be treated as confidential to the extent permissible by law.

## **H. PERSONNEL BOARD OF APPEALS**

### *H1. CREATION*

The County Board shall appoint three (3) persons to serve staggered terms not to exceed three (3) years as members of the Personnel Board of Appeals. After the first appointment expires, the successors shall serve for terms of three (3) years each. Expiration dates for the first terms of office shall be fixed by the County Board. Vacancies shall be filled by a majority vote of the County Board for the unexpired term. Persons appointed to the Personnel Board of Appeals shall not serve while holding any County office or while standing as a candidate for any County office or while employed by the County. Each member of said Board shall be a resident of the County and shall forfeit office if residency in the County is not maintained.

### *H2. COMPENSATION*

Compensation for members of the Personnel Board of Appeals shall be set by the County Board, and members shall be reimbursed for actual and necessary expenses.

### *H3. ORGANIZATION*

The Personnel Board of Appeals shall organize by electing a Chair and Vice-Chair and shall develop rules of procedure for matters brought before it under the provisions of M.S. 375.56 to 375.71 and these policies.

### *H4. DUTIES*

The Personnel Board of Appeals shall meet upon call of its Chair or of the Personnel Director to make findings of fact and report to the County Board within thirty (30) days of the filing of an appeal by an applicant, employee, or appointing authority in the following circumstances:

- 1) Alleged arbitrary or capricious action on the part of the County Board with respect to final establishment of rules under M.S. 375.56 to 375.71;
- 2) Alleged discrimination by the Personnel Director or the Administrative Services Office staff in examination procedures or preparation of lists of eligible candidates, or discriminatory use thereof by the department head under the provisions of M.S. 375.56 to 375.71 or rules promulgated thereunder.
- 3) Such other matters of grievance as may be provided for in these rules.

## **I. PERSONNEL RECORDS, FORMS AND TRANSACTIONS**

### *I1. OVERVIEW*

In order to produce the necessary reports and maintain required personnel records, the Personnel Director shall develop, install or implement appropriate systems and forms to allow employees, applicants, department heads, union officials, and other interested parties to submit and retrieve personnel information. The Director shall also assist supervisors, department heads, and elected officials in the keeping of records regarding the actions of their employees.

### *I2. PROCEDURE*

The Personnel Director shall establish and maintain files on each employee working for Mille Lacs County, and include: their application, selection process, references, any pre-placement assessment results, proof of initial qualifications, orientation checklist(s), training records, performance evaluations, compensation, benefits participation, promotions, discipline, commendations and other personnel records.

### *I3. EMPLOYEE ACCESS TO RECORDS*

Employees have the right to review their personnel files, and may do so by requesting an appointment time with a member of the Administrative Services Office.

### *I4. REFERENCE REQUESTS*

Department heads and supervisors shall refer all requests from outside organizations for references on current or previous employees to the Administrative Services Office.

## **J. RECRUITMENT AND SELECTION**

### *J1. OVERVIEW*

The County shall select individuals presenting the best match of education and experience to meet the job-related knowledge, skills and abilities required for a position, consistent with Equal Employment Opportunity and promoting from within the County.

The Administrative Services Office shall provide the forms and systems to identify vacant positions, advertise vacant positions, design scoring systems based on job qualifications and duties, collect and screen applications, conduct employment testing, coordinate and take part in employment interviews, make and confirm job offers, and coordinate the pre-placement processes.

### *J2. FILLING BUDGETED POSITIONS*

All requests to fill authorized positions shall be coordinated between the appointing authority and the Personnel Director. The County Administrator approves filling budgeted vacancies unless a specific exception exists (e.g., hiring freeze). If such an exception exists, County Board approval will be required in order to fill the vacancy.

### *J3. VACANCIES*

A vacancy shall be defined as any unfilled position approved in the budget process or by subsequent Board action. Vacancies may be filled by re-employment, reinstatement, promotion, transfer, demotion or new hire. Employees may not hold more than one position with the County at any given time.

### *J4. RECRUITMENT*

The Personnel Director shall prepare and publish a notice of the vacancy for regular full-time and part-time positions using internal and/or external sources deemed necessary to attract sufficient numbers of qualified applicants. The notice shall specify the position's title, salary range and/or hiring range of the classification, a description of the duties and responsibilities, minimum qualifications, the selection process, and other pertinent information. Such announcements shall allow a reasonable period of time for interested parties to apply, minimally five (5) days.

County employees who are interviewing and/or testing for County positions are required to use paid time off, comp time, or rearrange their work schedule with their supervisor's approval to accommodate the time spent interviewing and/or testing.

### *J5. APPLICATION AND ASSESSMENT PROCESS*

An applicant for a vacancy shall complete a Mille Lacs County employment application form to supply pertinent information relative to the applicant's skills, education, experience, licenses, etc. needed to assess the applicant's qualifications. The Administrative Services Office will receive and screen all applications for minimum qualifications. Incomplete applications will not be accepted.

For each regular full-time or part-time position vacancy, the Administrative Services Office shall design a selection process which includes, at a minimum, an objective screening tool to evaluate applications for job-related experience and training. The screening process may include competitive written or oral examinations, training and experience ratings, physical abilities assessments, and/or other valid selection tools. The assessment methods used for a specific position shall be established by the Personnel Director, in consultation with the appointing authority, with the understanding that such methods shall be selected in accordance with applicable laws. In addition, any method(s) chosen shall evaluate only those criteria necessary to perform adequately in the position.

### **Open-Competitive Examination**

Competitive examinations for positions within the County shall be open to all applicants who are citizens of the United States, or who are eligible and have applied for citizenship, or who meet all of the requirements for employment as defined by laws or U.S. Bureau of Immigration regulations; and who meet reasonable qualifications or standards prescribed by the Administrative Services Office that relate to the abilities of candidates to perform the duties of the position efficiently. Pursuant to state law, the County will grade an open competitive examination on a 100-point scale.

### **Promotional Examination**

Promotional examinations shall be open to all regular and probationary employees who meet the qualifications for the positions. Temporary employees and interns shall not be eligible to apply for a promotional appointment.

#### *J6. ELIGIBILITY LIST*

The Personnel Director shall create and maintain a list of eligible candidates for each position opening based upon open competitive or promotional examinations and/or based upon experience and training ratings for the position. The appointing authority, in consultation with the Personnel Director, shall determine the period of time an Eligibility List shall remain in effect; however, no list shall remain in effect for more than one year.

### **Appointment from Eligibility List**

Appointment may be made by reinstatement, transfer, or demotion; or from promotional or open competitive Eligibility Lists as provided in these policies. A maximum of ten candidates in ranking order on the Eligibility List shall be certified to the Appointing Authority. In addition, any applicant(s) with scores the same as that of the last person on the list will be certified. Additional names may be certified in cases where there are individuals whose scores fall within three (3) points of the top score. In addition, each Eligibility List will contain a maximum of the three (3) top scoring promotional candidates if not already present on the original list.

Eligible candidates shall be certified in order of standing except that where a requirement of special qualifications is specified by the appointing authority and approved by the Personnel



Director, certification may be limited to eligible candidates possessing the special qualifications.

### **Multiple Vacancies**

If more than one vacancy is to be filled by referral from the Eligibility List, the names of two additional eligible candidates for each vacancy shall be certified.

### **Incomplete Certification**

When the number of names available for filling any vacancy is fewer than five, the appointing authority may decline certification for that vacancy. The Personnel Director shall cancel the Eligibility List and proceed to create a new Eligibility List.

### **Certification from Related Lists**

Names may be certified from Eligibility Lists for higher classes to vacancies occurring in lower classes or from Eligibility Lists for one class to vacancies in another class where it has been determined the examination reasonably measures the ability of the eligible candidates to perform the duties in a class to which certification is made.

### **Re-employment List**

When a probationary or regular employee is separated from employment without fault, the Personnel Director may place the employee's name on the appropriate Re-employment List. Following separation from County service, names may be placed on the Re-employment List as provided below. Each name on a Re-employment List shall be removed one (1) year from the effective date of separation from service, unless extended for a period not to exceed one (1) additional year by the Personnel Director. Re-employment candidates shall meet the current minimum qualifications to be considered.

Employees who have separated from County employment to serve in an elective or appointive capacity in a government unit, or accepted a position that results in an intergovernmental transfer, shall retain their reinstatement rights.

Names shall be placed on the Re-employment List for any class in the following order:

- ✓ Employees who have been laid off because of a short-term County emergency, such as a fire in the workplace.
- ✓ Employees who have been laid off because of lack of work or funds in inverse order of their layoff pursuant to the Termination, Layoff section.

Employees who have been laid off for more than one (1) year due to lack of work or funding must serve a probationary period upon being reinstated to active employment.

## **Removal of Names from Eligibility List**

The Personnel Director may remove the name of an applicant from an Eligibility List if the applicant:

- ✓ Has been appointed to a position with Mille Lacs County, at a minimum salary equal to or higher than the minimum salary for this class of position.
- ✓ Has declined an appointment under such conditions as the eligible applicant previously indicated was acceptable.
- ✓ Has declined to interview for a position for which the applicant was considered.
- ✓ Has failed to respond within five (5) days to any inquiry of the Administrative Services Office regarding availability for appointment.
- ✓ Has been considered for appointment by the same appointing authority for the same classification within the past six months and not appointed.
- ✓ Is found to lack any of the preliminary requirements established for the examination for the class of positions.
- ✓ Has been previously dismissed from County employment or has resigned in lieu of disciplinary action from any County position.
- ✓ Has made a false or misleading statement or omitted any material fact on a current or previous employment application within the past five (5) years.
- ✓ Would be an inappropriate candidate for the position as determined from the background check.

A disqualified applicant shall be promptly notified of such action, as will an applicant who is not admitted to an examination because of failure to meet the minimum qualifications.

### *J7. RIGHT TO APPEAL*

Any applicant may appeal what he/she feels was an error in the design, administration or scoring of any examination in the ranking of applicants. Such appeals shall be made to the Personnel Director, shall contain sufficient detail regarding the reason for the appeal, and shall be made within ten (10) days of the applicant's notice of the decision which is the basis for the appeal. The Personnel Director shall provide a response in writing within five (5) working days.

### *J8. PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS*

To ensure that applicants are capable of performing the essential duties and responsibilities of the position, certain positions shall require that individuals must pass certain physical and/or psychological screenings prior to becoming County employees. The County shall pay the cost of such pre-employment examinations and the corresponding medical records shall be made part of the employee's medical file in the Administrative Services Office.

If a medical evaluation report indicates that an otherwise eligible applicant for employment has a mental or physical condition which causes such applicant to be considered a serious health risk, the County may declare the applicant ineligible for employment in the position and withdraw the conditional offer of employment.

### *J9. BACKGROUND CHECKS*

The Administrative Services Office or the appointing authority shall check a minimum of two (2) employment references and the Sheriff's Office shall conduct a criminal history background check on the selected candidate. In addition, depending upon the position requirements, credit checks, driver's license checks, and license and academic verifications may be checked on the selected candidate. Some positions also require verifications per M.S. 604.

### *J10. NOTIFICATION*

The Administrative Services Office shall extend a formal employment offer to the selected candidate. The offer shall include the start date, salary, benefits, employment status and other conditions of employment. In the unusual circumstance that it is necessary to appoint a selected candidate to a position before all required information is gathered, the employment offer shall be conditional upon the satisfactory results from the final information gathering process(es). In such cases, the selected candidate shall be required to sign a statement accepting a conditional appointment.

The Administrative Services Office shall promptly notify those applicants not selected for a position.

### *J11. REINSTATEMENT*

Former employees may receive consideration for reinstatement to their former position, upon the agreement of the department head and Personnel Director. Reinstated employees may receive consideration for previous employment for the purposes of pay, benefits and probationary period for up to one (1) year after termination.

### *J12. RE-EMPLOYMENT*

Re-employed employees are considered new employees, without consideration of previous employment for purposes of pay, benefits or seniority, and shall serve a probationary period.

### *J13. EXTRAORDINARY CIRCUMSTANCES*

There may be situations where it is very difficult to recruit and attract qualified candidates for a particular position. In these situations, the department head and the Personnel Director may agree to offer a candidate credit for prior public work experience in a directly related position to determine vacation accrual rates.

### *J14. EMPLOYMENT OF FAMILY MEMBERS (NEPOTISM)*

Consistent with applicable law, the County does not restrict the employment of relatives of County employees. However, relatives are prohibited from working in situations where one will exercise or directly influence the recruitment, employment, salary, fees, performance reviews or other employment actions of another relative.

Relatives for the purpose of this policy shall be defined as spouse, parents, children, siblings, grandparents, in-laws, aunts, uncles, nieces, and nephews.

The County reserves the right not to employ relatives if it is determined that doing so would create a conflict of interest.

If two employees within the same department marry during their employment, one of them may be transferred to a like or similar position in another department.

All decisions and determinations with regard to the interpretation and effect of the above shall be made by the County Administrator.

## **K. PROBATIONARY AND TRIAL PERIODS**

### *K1. PURPOSE*

In order to ensure that newly hired, rehired, transferred, demoted or promoted employees are able and willing to meet the performance and conduct expectations of the position, such employees shall serve a probationary or trial period. The probationary or trial period shall be regarded as an extension of the selection/assessment process.

### *K2. DURATION*

The probationary or trial period shall begin when the employee reports for duty, and shall continue for six (6) months of active service. For certain statutory and Sheriff's Office positions, the probationary period is defined as twelve (12) months. Employees shall be notified of the length of their probationary or trial period as a part of the employment offer.

The employee's supervisor shall define the expectations during the probationary or trial period; explain them to the employee; provide orientation and learning opportunities for the employee; monitor performance; provide periodic feedback; and complete performance evaluations during the probationary or trial period, normally at the mid-term of the period and prior to the end of the period.

The department head shall determine whether the employee's performance and conduct are satisfactory to grant regular employment status at the conclusion of the probationary or trial period. If the employee does not exhibit the necessary job skills, or the required work habits, the department head may terminate the employee at any time during the probationary period. In this case, the department head shall notify the Personnel Director, who will notify the employee of the termination in writing.

In some instances, the newly hired employee may not meet all of the required performance and conduct expectations during the probationary period. The department head, in consultation with the Personnel Director, may extend the probationary period for up to an additional six (6) months, with the agreement of the probationary employee. In these cases, the department head and Personnel Director shall prepare a written statement for the employee's signature indicating the specific expectations required for successful completion of the extended probationary period. If the probationary employee does not agree to the extension of probation in these cases, the employee shall be terminated.

A regular employee who accepts a transfer, promotion or demotion and does not successfully complete the trial period following that transfer, promotion or demotion may, upon the acceptance of the department head, be eligible for reemployment in the first available position in the classification previously held.

Newly hired employees transferred or promoted while serving a probationary period must complete a full probationary period in the new position before being granted regular status. Demoted employees may have the trial period waived upon the agreement of the department head and Personnel Director.

### *K3. BENEFITS DURING PROBATION*

A probationary employee is eligible for the accumulation and usage of sick leave and for all County paid insurance benefits, after the employee has met the eligibility and/or waiting period requirements for these benefits. Vacation accumulates during the probationary period, but shall not be available for use or payment until regular status is first granted to the employee upon passing probation. Probationary employees are not eligible for floating holiday(s).

## **L. PROMOTION, DEMOTION, AND TRANSFER**

### *L1. PURPOSE*

In order to offer current employees the opportunity to continue to use their accumulated knowledge and skills to serve the citizens of the County, they may apply for promotions, demotions or transfers to other County positions. Regular employees promoted, demoted, or transferred shall retain and may use all accrued benefits, including accumulated sick leave and vacation, and shall continue to earn benefits based upon their continuous years of service during their trial period. When an employee is promoted or demoted, their classification date shall become the date of placement in their new position, and any earned compensatory time will be paid out prior to the status change taking effect.

### *L2. PROMOTIONS*

When an employee is promoted, the employee shall be placed within the new salary range on the lowest step that provides an increase of 5%. Upon request from the department head, the Personnel Director may request from the County Administrator approval of a new salary rate of up to 10% over the employee's previous salary, not to exceed the maximum of the new grade; requests for such increases shall be based on factors such as internal equity, the employee's performance prior to promotion, and the employee's length of continuous service with Mille Lacs County.

### *L3. TRANSFERS*

When an employee transfers, their classification date shall not change.

### *L4. VOLUNTARY DEMOTION*

An employee may apply to demote to a position in a lower salary range. When a voluntary demotion is requested by an employee, the employee's pay shall be placed within the salary

range for the demoted position. In no event shall the salary of a voluntarily demoted employee remain above the maximum of the salary range for the position to which the employee is demoted. Voluntary demotions are subject to position availability.

#### *L5. INVOLUNTARY DEMOTION*

A department head may demote an employee to a position for which he/she is qualified in a lower grade or salary range for the following reasons:

- **In Lieu of Lay-off:** If an employee would otherwise be laid off because of position elimination, lack of work or funds, or the return to work from authorized leave by another employee, that employee may be demoted to another vacant position for which he/she meets the minimum qualifications.
- **Reorganization:** When a demotion results from a planned reorganization or structure change, the employee shall be placed on his/her current step in the new applicable grade, and the affected employee's salary shall be frozen until such time when their step placement exceeds their current salary.
- **Review of County Position Descriptions:** When the classification review process results in the grade of a position decreasing, the employee's salary shall be frozen until such time when their step placement exceeds their current salary.
- **Disciplinary Action:** If an employee is demoted for disciplinary reasons, their salary shall decrease to an amount within the new range that is at least 5% below their rate of pay immediately prior to the demotion. An employee who is demoted shall be given the reasons for such demotion in writing from the Personnel Director.

#### **M. HOURS OF WORK**

Department heads and supervisors schedule the work hours of employees to meet the service delivery needs of the customers and the department. Except where scheduled hours are authorized by Collective Bargaining Agreements or departmental rules approved by the County Board, full-time employees shall be scheduled to work forty (40) hours per week. The department head shall determine the work schedule, with the understanding that hours of operation of County offices are 8 a.m. to 4:30 p.m.

#### *M1. REST BREAKS*

Employees shall be allowed a fifteen (15) minute rest break in each period of four (4) consecutive hours of work at times designated by the employee's supervisor, when the supervisor determines that such breaks will not materially interfere with the rendering of services.

#### *M2. OVERTIME (NON-EXEMPT EMPLOYEES)*

1. For purposes of computing overtime, work weeks shall begin at 12:00 a.m. on Sunday. A different work period, consistent with Fair Labor Standards requirements, may be established for use within the Sheriff's Office.
2. Hours worked on a Recognized Holiday (except Christmas Eve) as listed in the Holiday

section of this policy.

3. Any hours worked beyond an employee's scheduled work shift shall require prior supervisor approval.
4. Hours worked by non-exempt employees in excess of forty (40) per week shall be compensated at one and one-half (1 ½) times their hourly wage rate, or compensatory time shall be earned at the rate of one-and-one-half (1 ½) times the excess hours worked over forty (40). The maximum accumulation of compensatory time shall be twenty (20) hours; however, exceptions may be set by the County Board.
5. The scheduling of compensatory time off shall be at the direction of the immediate supervisor, or the request of the employee with supervisory approval, subject to the staffing needs of the department. Compensatory time may be used for absences resulting from inclement weather, if proper notice is given to the immediate supervisor or department head.

### *M3. EXEMPT EMPLOYEES*

When an employee accepts a position that is exempt from provisions of the State and Federal Fair Labor Standards Acts, it is mutually understood that the job often requires more than eight (8) hours work in any day or more than forty (40) hours work in any week. It is expected that exempt employees will work whatever hours are necessary to perform their duties. Therefore, there is no such thing as "overtime" for an exempt employee. In recognition of this, exempt employees are generally free to establish their own hours of work with the concurrence of their immediate supervisor and maintain their work schedule as necessary to maintain an appropriate job performance and work of a minimum of 2,080 hours per year (pro-rated for part-time) including non-work paid time. Because of the public nature of County work, department heads are expected to maintain sufficient records with respect to professional and management personnel work time, to capture the true cost of various activities, and to be able to justify performance of management and professional personnel, including the department head. Employees exempt from the Fair Labor Standards Act shall not be eligible for additional monetary compensation for hours worked in excess of any set schedule. Exempt employees shall not use an hour-for-hour analysis of excess work time when adjusting their work schedule but do have the ability, with supervisory approval, for some flexibility in balancing their schedules in such a way as to not diminish performance expectations.

### **N. CODE OF ETHICS**

Employees shall not engage in any act which is in conflict, or creates an appearance of impropriety or conflict, with the performance of his/her duties. When an employee believes the potential for a conflict of interest exists, it is the employee's responsibility to avoid the situation. Employees must notify their supervisor if a conflict of interest or perception of a conflict of interest situation exists or may exist. Employees who knowingly fail to avoid or disclose a potential, perceived or actual conflict of interest situation are subject to disciplinary action in addition to any criminal penalty that may be involved.

### *N1. ACCEPTANCE OF GIFTS OR FAVORS*

An employee shall not directly or indirectly receive or agree to receive any compensation, gift, reward, gratuity, payment of expense, or promise of future employment or other future benefit from any source except the County of employment, for any matter or proceeding connected with or related to the duties of the employee. However, reasonable exceptions are permitted. Employees may accept the following:

- Gifts of nominal value;
- Plaques or similar mementos recognizing individuals services in a field of specialty or to a charitable cause;
- Reimbursement of actual expenses incurred for lodging, mileage, meals and other travel related expenses that are not reimbursed by the County but which have been approved in advance by the employee's supervisor as part of the work assignment. This includes food or refreshment provided at a meeting, conference, or other event as a normal courtesy to all attendees incidental to the performance of official duty.

### *N2. USE OF CONFIDENTIAL INFORMATION*

An employee shall not use confidential information to further the employee's private interest, and shall not accept outside employment or involvement in a business or activity that will require the employee to disclose or use confidential information.

### *N3. USE OF PROPERTY*

An employee shall not use or allow the use of County time, supplies, or County owned or leased property or equipment for the employee's private interest or any other use not in the interest of the County, except as provided by law.

Employee access to and use of electronic tools such as phones, email and the internet is intended for business-related purposes. Limited and reasonable use of these tools for occasional employee personal purpose that does not result in any additional costs or loss of time or resources for their intended business purpose is permitted.

Employees are responsible for appropriate use of time, telephones, cellular telephones, computers, printers, paper, pens, stationery, facsimile machines, and pages. They are expected to adhere to the highest ethical standards when conducting County business and to follow the Code of Ethics.

Management personnel are responsible for ensuring the appropriate use of all County property, including e-mail and internet access through training, supervising, coaching and taking disciplinary action, when necessary.

### *N4. PRIVATE GAIN OR ADVANTAGE*

An employee may not use for private gain or advantage County time, facilities, equipment, supplies, badge, uniform, or prestige or influence of County office or employment.



An employee may not use his/her position to secure personal benefits, privileges, exemptions, or advantages which are different from those available to the general public. The employee shall not secure benefits, privileges, exemptions, or advantages for members of the employee's immediate family, or an organization with which the employee is associated.

An employee shall not have financial interest in any sale to the County of any goods or services when such financial interest was received with prior knowledge that the County intended to purchase the property, goods, or services.

An employee shall not participate in the capacity of a County employee, in the issuing of a purchase order or contract in which the employee has a private financial interest, direct or indirect, or an employee shall not perform in regard to such contract some function requiring the exercise of discretion on behalf of the County.

An employee may not have a personal or financial interest in any legislation, policy or rule coming before the County Board and participate in a discussion with or give an official opinion to the County Board unless the employee discloses on the record of the Board the nature and extent of such interest.

*N5. ADDITIONAL PAYMENT FOR COUNTY WORK*

An Employee may not request, receive, or accept any money or anything of value from anyone other than the County for the performance of an act which the employee would be required or expected to perform in the regular course of hours of County employment or as part of the duties as a County employee.

*N6. ACTING AS AGENT OR ATTORNEY*

An employee shall not take action as an agent or attorney in any action or matter pending before the County Board except in the proper discharge of official duties or on the employee's own behalf or as the duly authorized agent (e.g., steward, local officer) of the employee's exclusive representative.

*N7. REPORTING ETHICAL VIOLATIONS*

Any employee who is aware of or suspects illegal activity, fraud or any other violation of the County's Code of Ethics either by an employee or an individual, vendor, or organization operating under a County, state or federal contract or grant, must report his or her concerns within two working days to the County Administrator. Reports must contain the name of the individual reporting the alleged violation, which will be maintained as confidential except as necessary to investigate the claim.

**O. OUTSIDE EMPLOYMENT**

Employees shall not engage in any employment, private enterprise, participate in any professional activity, or perform any act or service during or outside their employment with the County, which would negatively affect the employee's ability to perform the duties of their position with the County. County employees shall obtain approval for outside employment, contract work or self-employment that could reasonably be viewed as being in conflict with the employee's County employment to ensure no conflicts exist. An employee's failure to disclose non-County compensated employment that is found to be in conflict with his/her County position may be grounds for disciplinary action, including suspension or termination.

Employees of the County may not act in the capacity of independent contractor for the County, in accordance with the Fair Labor Standards Act (FLSA). In addition, employees of the County may only serve on a committee or sub-committee of the County if such appointment does not present a conflict and is approved by the County Board.

Employees participating in non-compensated activities or volunteer activities are encouraged to continue in such participation. Non-compensated or volunteer activities for organizations that have a financial relationship with the County are subject to the same conflict of interest rules as compensated employment. The employee participating in the volunteer activity with such an organization shall discuss the activity with their supervisor or department head. If the employee and supervisor or department head do not agree on the potential for conflict, the County Administrator will make a determination as to actual or apparent conflict of interest.

**P. TERMINATION**

*P1. OVERVIEW*

An employee may end their County employment by either voluntary or involuntary means. The employee shall provide adequate notice of a voluntary resignation. The County shall provide the employee with adequate notice in the case of an involuntary termination.

*P2. VOLUNTARY RESIGNATION*

Employees who wish to resign in good standing shall provide written notice to their immediate supervisor, who shall then forward such notice to the Administrative Services Office. Once received by the Administrative Services Office, resignations shall be considered formally accepted by the County, and may not be rescinded.

Exempt employees are expected to provide a four (4) week notice of their intent to resign, exclusive of time off prior to the intended resignation date. All other employees are expected to provide a two (2) week notice, exclusive of any time off prior to the intended resignation date. The supervisor or department head may determine that it is in the best interest of the County to allow a shorter notice period.

An employee who does not submit a resignation in compliance with the provisions of these Policies may be considered as having not resigned in good standing. An employee who does not resign in good standing shall: 1) be deprived of the opportunity to be considered for

reinstatement; 2) have the fact recorded in the employee's record; and 3) forfeit available severance pay.

Payment for vacation and/or severance may be withheld if the employee is in any way indebted to the County or in possession of County equipment or property.

No regular employee shall be required to retire from County employment solely for age, except in those positions where a bona fide occupation qualification (BFOQ) exists.

### *P3. INVOLUNTARY TERMINATION*

In cases where corrective and/or disciplinary action has failed to: 1) improve unacceptable performance; 2) obtain compliance with policies or practices; or 3) correct inappropriate conduct, an employee may be discharged for cause consistent with the Employee Discipline and Discharge section. Under no circumstances shall an employee be discharged without having the Personnel Director or designee review the action. If immediate removal from the work site is necessary, the employee shall be suspended with pay pending a review of the circumstances.

An employee who is absent from work for a period of three (3) days or more without notifying their immediate supervisor of the reasons for their absence and receiving permission to remain away from work shall be considered as having resigned without notice and not in good standing. This rule shall also apply to an employee who fails to return within three (3) days of the expiration of an authorized leave. If the failure to contact the supervisor was caused by unavoidable circumstances, the supervisor may waive this provision.

### *P4. LAYOFF*

The County may determine that work force adjustments are needed, in terms of numbers and skills of employees needed to meet the service requirements of the organization. If it becomes necessary to reduce the number of employees for a period of more than one week, the County shall:

- ✓ Implement a layoff, by classification, in inverse order of classification seniority. In the event multiple employees have the same classification seniority, ties will be broken based on the documented performance of the employees.
- ✓ Provide affected employees a layoff notice at least five (5) working days in advance of the effective date of layoff whenever work conditions permit.
- ✓ Provide a regular or probationary employee about to be laid off information regarding their right to demote to replace an employee with less seniority in the same or lower class, provided the affected employee has previously worked in that classification.
- ✓ Inform the employee of their placement on a layoff list for specific classifications for a period of one (1) year.

## **Q. PERFORMANCE EVALUATION**

The performance evaluation system shall be based on accurate job descriptions, behavioral expectations, and results-oriented performance standards. It shall be designed and used to

assist and encourage each employee to reach their maximum potential and enhance their delivery of the services provided by the County.

Department heads shall ensure that each employee receives performance feedback from their immediate supervisor. The immediate supervisor is the individual who assigns and directs the employee's work, checks or inspects work for proper discipline, and is immediately responsible for the work of the employee. Supervisors and department heads shall, at least annually, formally evaluate and counsel the employees who report to them, and securely submit the original to the Personnel Director. The Personnel Director shall then provide a copy to the employee and his/her supervisor. The person evaluating the performance of an employee must be familiar with the duties of the position and the work performed by the individual. If an employee experiences an employment change that results in being supervised by a new supervisor, the former supervisor shall complete a performance evaluation covering the period until such time when the employment change took place.

The supervisor conducting the evaluation shall notify the employee in advance of the evaluation to allow the employee adequate time to assess his or her individual performance, and to prepare any questions or suggestions regarding more effective ways of performing the duties of the position.

Employees shall be asked to sign their evaluation to indicate receipt of the evaluation, not agreement with its content. Employees may respond in writing to the evaluation, and have that response attached to the evaluation and placed in their personnel file, which shall be maintained in the Administrative Services Office. If an employee refuses to sign their performance evaluation, the supervisor shall make note of that fact on the evaluation form.

The second level supervisor, generally the department head, is primarily a reviewing rater. Their role in the evaluation process is to review the rating made by the first line supervisor for consistency with County policy and department expectations.

Standards against which performance is to be measured shall be specific, measurable, related to quality, quantity, timeliness of work, or other reasonable performance criteria determined by the supervisor.

In addition to the annual performance evaluation, employees shall be evaluated under the following conditions:

- At the completion of three months of service to the County, initially and in the event of a promotion, transfer or demotion.
- Prior to the completion of the probationary or trial period.
- Any time an employee's performance has changed significantly, positively or negatively.
- Any time the supervisor feels that it is in the best interest of the employee or the County.

### III. CLASSIFICATION AND COMPENSATION

#### R. CLASSIFICATION PLAN

The County Classification Plan provides a way for individual County jobs to be evaluated and classified according to their comparable work value. Each County job shall be evaluated and placed in a specific classification and pay grade to ensure compliance with pay equity requirements. The Personnel Director shall provide a consistent format for position descriptions throughout the County, and a consistent process for evaluating jobs and assigning them to the appropriate pay grade.

It is the inherent right of management to redesign jobs, restructure jobs, and create new jobs in meeting the objectives of the County. From time to time, management will need to create new classifications to better respond to the needs and challenges of Mille Lacs County. The Plan shall be developed and maintained so that positions substantially similar with respect to knowledge and skills, supervisory authority, and working conditions, are included within the same class; and that the same schedules of compensation shall apply to all positions in the class, as allowed by collective bargaining agreements.

##### *R1. POSITION DESCRIPTIONS*

Each job in the County shall have a corresponding position description. The position description shall define the following elements of each position:

- ✓ Objective or summary of the position;
- ✓ Essential job duties and responsibilities;
- ✓ Supervisory authority of the position, if any;
- ✓ Required Knowledge, Skills, and Abilities;
- ✓ Required education, work experience, licenses and certifications;
- ✓ Physical demands and working conditions;
- ✓ Minimum and preferred qualifications; and
- ✓ Fair Labor Standards Act (FLSA) status.

##### *R2. POSITION RECLASSIFICATION*

Position reclassification becomes necessary when a significant change takes place in the scope of the position. Department heads or their designees shall inform the Personnel Director of any revisions necessary in the position description.

The County shall review the Classification Plan periodically to ascertain whether or not it corresponds with existing conditions in the County service, and to make any revisions, where necessary.

1. Every position description within the County shall be reviewed at least once every five (5) years for accuracy. Department heads will be notified in writing by the Administrative Services Office of the classifications in their department up for review and sent the necessary forms for completion.

2. Department heads and supervisors will be responsible for reviewing the position descriptions and determining if there is a significant change in the nature or scope of the work performed in the job classification selected for review. If a significant change is noted, department heads are responsible for informing the Personnel Director of the change.
3. Consideration for job classifications that are not scheduled for their annual review but experience significant change will be handled on a case-by-case basis with the department head notifying the Personnel Director of the changes and reasons for the changes.
4. The Personnel Director shall determine whether a position description substantially matches an existing classification. Position descriptions that do not substantially match an existing classification will be forwarded to the consultant or other authority responsible for evaluating positions in accordance with the County's classification plan. The authority for evaluation shall include an objective methodology to evaluate the jobs, the assignment of points and pay grades accordingly, the documentation to support the decision, and notification to the Personnel Director of the decisions. The Personnel Director shall notify the affected employee(s) and department head of the result of the evaluation, the effective dates of any change in pay grade and actual salary, and their appeal rights if they disagree with the evaluation.
5. If a position is evaluated at a higher pay grade, the employee will receive a salary increase to the lowest step within the new pay grade which is at least 3% higher than their current pay.
6. If a position is evaluated at a lower pay grade, the employee will be placed on their current step in the new lower grade, and the employee's salary shall be frozen until such time when their grade and step placement exceeds their current pay rate.
7. The effective date of any pay adjustments shall be the first day of the first pay period following Board approval of the classification change.

### *R3. CLASSIFICATION APPEAL PROCESS*

In the event that an employee requests a classification or reclassification review and the department head elects to not bring the request to the Personnel Director, the employee may appeal his or her classification by presenting facts to the Personnel Director within ten working days following the department head's response to the employee. The appeal to the Personnel Director will be in writing and will include the department head's response. The Personnel Director will review the facts and respond to the employee within twenty-one (21) calendar days of receipt of the appeal. The decision made by the Personnel Director will be final.

#### *R4. NEW POSITIONS*

If a new position classification is created, it will be the responsibility of management to define and determine essential requirements and duties of the position. The Personnel Director will work with department heads and supervisors to develop the position description in a format consistent with all position descriptions. The position description will be assigned to a classification under the classification plan and to an appropriate pay grade in the compensation plan. Final approval of any new position classifications will require County Board approval.

### **S. COMPENSATION PLAN**

#### *S1. COMPENSATION PHILOSOPHY*

The County recognizes that its employees are its most valuable resource, and that they are directly responsible for achieving its goals and carrying out its mission. To that end, the County utilizes a market-based pay plan that offers competitive salaries and benefits to employees, while focusing on fiscal efficiency and accountability to taxpayers. The County's goal is to establish and maintain pay systems that compensate employees at a rate of at least 80% of the corresponding minimum and maximum salaries for comparable positions in Comparison Counties.

#### *S2. UNIFORM PAYSCALE*

It is the policy of the County to provide competitive and equitable compensation to employees. The County Administrator shall be responsible for maintaining a Uniform Payscale, which shall recognize such factors as:

1. Established pay ranges for each classification.
2. The relative difficulty and responsibility of work.
3. The recruitment and retention experience of the County.
4. The financial condition and policies of the County.
5. Pertinent economic data.
6. Availability of applicants possessing required skills.
7. Internal Equity as defined by the Local Government Pay Equity Act.
8. The Fair Labor Standards Act.
9. Wage and Hour laws.
10. The external market, including pay rates in the public and private sector.

The Uniform Payscale shall be reviewed regularly by the County Administrator; it shall be compared to the pay scales of the County's Comparables at least once every three (3) years. Any changes made to the Uniform Payscale shall require Board approval.

#### *S3. ADMINISTRATION*

The Uniform Payscale shall consist of designated pay grades and salary ranges, each with a minimum and maximum rate, for each classification as approved by the County Board. Each

position shall be placed in the appropriate grade of the Classification Plan based on the points assigned in the objective evaluation process.

#### *S4. NEW HIRES*

New employees shall generally be hired at the minimum rate for their grade. The department head shall consult with the Personnel Director to determine the starting wage; the Personnel Director may approve a starting wage up to Step 4 for non-exempt positions and up to Step 7 for exempt positions. Requests for a starting wage higher than outlined above must be approved by the County Administrator. Such authorization shall be based on exceptional qualifications and background of the proposed employee, by labor market conditions, or other extraordinary circumstances.

#### *S5. PAY RATE CHANGES*

During any year when the County Board has not denied payscale step movement, employees not covered by a CBA shall receive a one-step rate of pay increase effective the beginning of the thirteenth pay period of the year, until reaching the top step of their current position's grade level, unless otherwise determined by the County Board. Part-time, intermittent employees shall only receive step increases on even numbered years, in accordance with the above language.

#### *S6. WORK OUT-OF-CLASSIFICATION*

Work out-of-classification is the performance of work duties (greater than 50%) that are exclusively performed by a higher job classification. An employee assigned work of a higher classification for more than ten (10) working days shall be temporarily placed on the lowest step of the pay grade of the higher job classification that provides at least a 5% increase over the employee's current pay rate. Department heads shall notify the Personnel Director of an employee working out-of-class prior to the employee earning the higher wage.

#### *S7. PAYROLL PERIODS*

The County payroll period is two (2) weeks.

#### *S8. WAGE DEDUCTIONS*

If an employee is indebted to the County, the amount due may be deducted from the employee's wages. The County shall inform an employee if this will occur.

#### *S9. HEALTH CARE SAVINGS PLAN*

Exempt employees shall contribute 2% of their pay, as calculated at the beginning of their employment and annually on January 1 thereafter, to a Health Care Savings Plan.

#### *S10. SHIFT DIFFERENTIAL*

Employees scheduled for shift work between the hours of 6 pm and 6 am shall receive a fifty-cent per hour (\$0.50) shift differential for those hours worked.



### *S11. DIRECT DEPOSIT*

All employees are required to use direct deposit for receipt of compensation from the County, unless they are otherwise exempted under this policy. Funds will generally be available during the morning of established paydays; however, if additional processing time is required by the bank, funds may not be available until the following day.

Any direct deposit changes (i.e., changes to bank, account number, deposit amounts, etc.) will need to be submitted to the Auditor-Treasurer's Office using the Employee Direct Deposit Authorization form; changes may take up to two pay periods to take effect.

There are certain circumstances for which salary payment by warrant rather than direct deposit is necessary or suitable. These exceptions are as follows:

#### **A. Business Exemption**

The following circumstances constitute an exemption to the direct deposit rule and may be applied as though a specific exemption had been granted by the County Administrator:

1. The first paycheck of an employee shall be by warrant.
2. An employee's last paycheck may be by warrant to facilitate the checkout process and ensure that County property is returned prior to departure. The preferred method will still be by direct deposit.
3. An employee hired for less than ninety (90) days may be paid by warrant. If employment is extended, direct deposit is required unless a personal exemption is granted.

#### **B. Personal Exemptions**

Employees not covered under a business exemption may request a hardship exemption from the County Administrator. The possible exemptions for direct deposit include inability to obtain a bank checking or savings account.

### *S12. WAGE DISCLOSURE*

Under the Minnesota Wage Disclosure Protection law, employees have the right to tell any person the amount of their wages. While the Data Practices Act (Minnesota Statutes 13.43) specifically lists an employee's actual gross salary and salary range as personnel data, Minnesota law also requires wage disclosure protection rights and remedies to be included in employer personnel handbooks. To that end, and in accordance with Minnesota Statutes 181.172, employers may not:

- ✓ Require nondisclosure by an employee of his or her wages as a condition of employment;
- ✓ Require an employee to sign a waiver or other document which purports to deny an employee the right to disclose the employee's wages;
- ✓ Take any adverse employment action against an employee for disclosing the employee's own wages or discussing another employee's wages which have not been disclosed voluntarily;

- Retaliate against an employee for asserting rights or remedies under Minnesota Statutes 181.172, Subd. 3.

The County cannot retaliate against an employee for disclosing his/her own wages. An employee's remedies under the Wage Disclosure Protection law are to bring a civil action against the County and/or file a complaint with the Minnesota Department of Labor and Industry.

#### **T. SEVERANCE COMPENSATION**

The County provides compensation to employees in a consistent manner when they sever employment with the County in good standing. The amount and method of payment varies based on the most recent hire date for the employee, the employee's number of years of continuous employment with the County, the employee's leave balances, and overtime status with regard to the FLSA. Severance payments may be withheld if the employee is indebted to the County or in possession of County equipment or property. In the event severance compensation is due an employee as the result of death prior to separation, the employee's spouse or estate shall receive the severance compensation on the employee's behalf.

Severance pay will be paid out to permanent employees who leave the County in good standing under the following conditions: exempt employees must give a four (4) week notice; all other employees must give a two (2) week notice; no vacation time may be taken during the notice period unless approved prior to notice of resignation or, if due to an emergency situation, approved by the County Administrator. The termination date shall be the last day the employee worked for the County.

**Exempt (Salary) Employees:** For employees leaving employment who meet the age and service requirements necessary to be eligible for early or full PERA (Public Employees Retirement Association) retirement benefits, severance shall be deposited to the employee's Health Care Savings Plan through the Minnesota State Retirement System. Employees leaving employment who do not meet the age and service requirements necessary to be eligible for early or full PERA (Public Employees Retirement Association) retirement benefits shall have their severance paid with their last pay check.

<b>Most Recent Hire Date</b>	<b>Continuous Years of Service</b>	<b>Leave Type</b>	<b>% of Each Leave Type Included in the Computation of Severance</b>
1/1/13 or later	10 or more years	Vacation	100%
		Sick Leave	50%
	Less than 10 years	Vacation	100%
		Sick Leave	0%
Prior to 1/1/13	10 or more years	Vacation	100%
		Sick Leave	50%
		Years of Service	1 day's pay for each year of continuous service
	3 or more years	Vacation	100%
		Sick Leave	25%
	< 3 years	Vacation	100%
		Sick Leave	0%

**Non-Exempt (Hourly) Employees:** Severance shall be paid in cash

<b>Most Recent Hire Date</b>	<b>Continuous Years of Service</b>	<b>Leave Type</b>	<b>% of Each Leave Type Included in the Computation of Severance</b>
1/1/13 or later	10 or more years	Vacation	100%
		Sick Leave	50%
		Comp Time	100%
	Less than 10 years	Vacation	100%
		Sick Leave	0%
		Comp Time	100%
Prior to 1/1/13	10 or more years	Vacation	100%
		Sick Leave	50%
		Comp Time	100%
		Years of Service	1 day's pay for each year of continuous service
	3 or more years	Vacation	100%
		Sick Leave	25%
		Comp Time	100%
	< 3 years	Vacation	100%
		Sick Leave	0%
		Comp Time	100%

## **U. Parity Plan for Elected Officials**

### **Definitions:**

Elected department heads: County Auditor-Treasurer, County Sheriff, and County Attorney

Elected officials: County Auditor-Treasurer, County Sheriff, County Attorney and County Commissioners

HCSP: Minnesota State Retirement System Health Care Savings Plan

Years of Service: 12 months/365 days of continuous service to Mille Lacs County beginning on January 1 and ending on December 31 with all dates occurring within the same calendar year.

### **Section 1**

As of December 31, 2018, the county will contribute a one-time lump sum payment equal to, but not exceeding, \$1,000 per year for every year of service as an elected official performed by the recipient to the recipient's HCSP. To be eligible for payment under this Section, the elected official must have held office for the entire year of service beginning on January 1, 2018. The years of service referenced in this Section include 2018 and any other years where the recipient held office as an elected official during a year of service occurring prior to January 1, 2018. Except where amounts paid in this Section are referenced in Section 2, the obligations of the County to make any payment under this Section shall expire December 31, 2018, or upon the payments described in this Section being made by the County, whichever occurs first.

### **Section 2**

Beginning January 1, 2019, at the end of each year of service not compensated for in Section 1, the County will contribute an amount of, and not exceeding, \$1,000 per year to the recipient's HCSP where the elected official held office for the completed year of service for which the \$1,000 is received. The aggregate payments made by the county under this Section of this policy shall not exceed \$10,000 and will not be prorated for any period of time representing a partial year of service.

### **Section 3**

Regardless of the number of positions held, no individual can receive any payment in excess of the amounts described in Section 1, if any, and the aggregate limit described in Section 2.

### **Section 4**

Regardless of the whether the funds are payable under Section 1 or 2 of this policy, funds contributed to an elected official's HCSP will not be disbursed until the elected official leaves office. The elected official must leave office in good standing to receive this benefit.

### **Section 5**

This benefit is not guaranteed by the County. Should this benefit be declared to be unlawful for any reason it will not be paid in any manner by the County. Recipient is responsible for any and all taxes owed as a result of receiving this benefit and any such taxes may be withheld by the County as required by any local, State or Federal rule, statute or other authority.

## IV. BENEFITS

### V. HOLIDAYS

The following days are considered the official holidays for the County and are to be compensated at straight time for regular and probationary full-time employees, provided the employee is on compensated payroll status the last working day preceding the holiday and the first working day following the holiday:

<b>Month</b>	<b>Holiday</b>	<b>Recognized Holiday</b>
<i>January</i>	New Year's Day	January 1
	Martin Luther King Day	Third Monday in January
<i>February</i>	President's Day	Third Monday in February
<i>May</i>	Memorial Day	Last Monday in May
<i>July</i>	Independence Day	July 4
<i>September</i>	Labor Day	First Monday in September
<i>November</i>	Veteran's Day	November 11
	Thanksgiving Day	4th Thursday in November
	Friday after Thanksgiving	Friday after Thanksgiving
<i>December</i>	*1/2 day Christmas Eve (only if Mon - Thurs)	December 24
	Christmas Day	December 25

Holidays that fall on Sunday will be observed the following Monday, and holidays that fall on Saturday will be observed the preceding Friday, unless another day is designated by the Board. Regular and probationary employees scheduled to work other than the normal workweek of Monday through Friday shall receive the same number of holidays.

Designated holidays that occur within an employee's approved and compensated leaves of absence or vacation shall not be charged to the employee's sick days or vacation time, but shall be recorded as a holiday.

Employees will not receive holiday pay for holidays occurring while on an unpaid leave of absence, while receiving donated vacation time, or while receiving temporary total disability payments from workers' compensation.

#### *V1. FLOATING HOLIDAYS*

Regular full-time employees are allowed two (2) floating holidays annually. Scheduling of an employee's floating holiday(s) shall be by mutual agreement between the employee and supervisor. Should the number of employees requesting the use of their floating holiday exceed the number the supervisor determines necessary to effectively conduct business, the supervisor shall grant such requests on the basis of first request received; ties shall be broken by department seniority. Probationary employees are not eligible for floating holiday(s).

A floating holiday cannot be carried over from one calendar year to the next and in no event shall an employee be compensated for an unused floating holiday.

*V2. PART-TIME EMPLOYEES*

Probationary and regular part-time employees shall receive compensation for recognized holidays on a pro-rated basis, determined by the number of hours they are budgeted to work per week, and paid at the time the holiday occurs. Regular part-time employees may request floating holidays, which are also pro-rated based on the number of hours they are budgeted to work per week, in the same manner as regular full-time employees.

**W. VACATIONS**

*W1. VACATION ACCRUAL*

All probationary and regular full-time employees shall accrue vacation in accordance with the following schedule, provided that the employee is in compensated payroll status:

<u>Years of Completed Service</u>	<u>Vacation Days Earned Per Year</u>	<u>Vacation Hours Earned Per Pay Period</u>
Start of employment – 4 years	11	3.385
More than 4 years – 9 years	13	4
More than 9 years – 14 years	17	5.231
More than 14 years - 19 years	19	5.846
More than 19 years - 24 years	21	6.462
More than 24 years	23	7.077

Probationary and regular part-time employees shall earn vacation benefits in accordance with the above schedule on a pro-rated basis, based on hours worked each pay period, not to exceed the full-time equivalent. Intermittent, temporary, on-call, and intern employees shall not accrue vacation.

When continuous length of service reaches a point entitling the employee to the next higher rate, the new rate will commence on the first day of the pay period following the date of eligibility.

Vacation leave shall not accumulate in excess of two hundred forty (240) hours.

*W2. USE OF VACATION*

Regular full-time and part-time employees may use their accrued vacation subject to the needs and service obligations of the Employer. An employee must receive prior approval from their department head or designee prior to using vacation. Employees may also use vacation for missed time due to inclement weather, if proper notice is given to the immediate supervisor or department head.

In the event of two or more overlapping vacation requests that cannot be granted simultaneously, seniority of the requesting employee will govern to the greatest extent possible, if submitted prior to April 1 of each year. Thereafter, requests for overlapping vacation dates shall be granted on a first arrival basis.

### *W3. VACATION DONATION POLICY*

Regular full-time and part-time employees are permitted to (1) donate available earned vacation time up to 40 hours per year to employees approved as a recipient; or (2) request approval to use donated time up to 480 hours per year as sick leave for a serious medical hardship or catastrophic illness, as defined in this policy. For purposes of this policy, the year is defined as a twelve-month period measured forward from the initial date of donation or receipt.

Use of donated days may be approved when there is evidence of need for additional paid leave time. Consideration is given when an employee is on an FMLA-qualifying leave of absence for a personal serious medical condition or the serious medical condition of a family member.

Use of donated days is to follow applicable personnel policy or CBA language regarding sick leave usage, as appropriate to the circumstance.

#### **Eligibility**

To be approved to use donated vacation days, employees must have exhausted all forms of paid leave, and have passed their initial probationary period. Also, employees cannot: (1) be on a disciplinary suspension, (2) be receiving or have applied to receive workers' compensation benefits, (3) be covered by an employee's paid short term or long term disability policy for the illness or injury, or (4) have previously abused any paid leave. The County reserves the right to determine eligibility for vacation donation on a case-by-case basis.

#### **Procedure**

An employee requesting leave donations should obtain a Request for Donated Vacation Solicitation Form and a Disclosure and Release of Information Authorization Form from the Administrative Services Office, complete both forms, and submit them to the Administrative Services Office for approval. The request form shall provide the reason for the work absence, the expected duration of the absence, and approval to solicit donations on the employee's behalf. A signed authorization to release private data must be included with the form stating the specific information, if any, that may be provided to other employees in order to solicit donations. The Administrative Services Office will determine if the request shall be approved. An employee wishing to donate vacation time should complete a Donated Vacation Leave Authorization Form and return it to the Administrative Services Office. The donated leave will be transferred at the donor's pay rate and used at the recipient's pay rate. If a donor wishes to remain anonymous, he/she may so indicate on the donation authorization form. Any leave donations become the property of the recipient and are not refundable to the donor. This policy does not limit or extend the time available under the Family and Medical Leave Act.

Employees will not receive holiday pay for holidays occurring while on an unpaid leave of absence or while receiving and using donated vacation time.

## **X. SICK LEAVE**

Probationary and regular full-time employees shall be eligible for and accrue sick leave at the rate of one (1) day for each full month of service. Probationary and regular part-time employees shall accrue sick leave prorated based on hours worked each pay period, not to exceed the full-time equivalent. Intermittent, temporary, on-call, and intern employees shall not accrue sick leave.

Sick leave may be used under the following circumstances:

- a. Absence necessitated by the inability to perform the duties of the position by reason of illness or injury.
- b. Absence for maintenance health care, restricted to the time associated with the appointment and reasonable travel time.
- c. Absence due to contagious disease, which would endanger the health of other employees or members of the public.
- d. Absence due to illness in the employee's immediate family. "Immediate family," for the purpose of this section, shall be defined as spouse, children, grandparent, grandchild, sibling; or parent of the employee or spouse.
- e. Use of up to three days (24 hours) of sick leave shall be authorized in cases of death of a spouse, child, brother, sister, daughter-in-law, son-in-law, step-parent, step-child, parent, grandparent, or grandchild of either the employee or the employee's legal spouse. Use of additional sick leave for this purpose shall be subject to approval from the department head or designee.
- f. Absence due to an approved Family Medical Leave.
- g. Absence for the purpose of providing or receiving assistance because of sexual assault, domestic abuse or stalking of the employee or immediate family member (adult child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent).

To be eligible for use of sick leave, an employee must notify his/her designated supervisor prior to the starting time of the scheduled shift. This notice may be waived if the supervisor determines that the employee could not reasonably be expected to comply with this requirement because of circumstances beyond the control of the employee. Sick leave usage shall be subject to approval and verification by a supervisor who may require the employee to furnish a report from a recognized medical authority attesting to the necessity of the leave, and other information the supervisor deems necessary.

An employee who improperly claims sick leave shall be subject to disciplinary action, including loss of compensation and/or dismissal.

### *X1. MAXIMUM ACCUMULATION OF SICK LEAVE:*

For employees hired on or after January 1, 2013: Employees shall not accrue more than five hundred twenty (520) hours of sick time.



*For employees hired before January 1, 2013:* Employees who have a sick leave accumulation in excess of eight hundred (800) hours as of the end of the last paid pay period in December shall have one-half (1/2) of the hours accumulated in excess of eight hundred (800) hours added to their vacation accrual, and the other one-half (1/2) shall be paid to non-exempt employees at the employee's regular base rate of pay as of the last pay period paid in December; exempt employees shall have the cash equivalent contributed to their Health Care Savings Plan. The conversion to vacation, the cash payment, and the contribution to HCSP's will be made in January of the following year.

## **Y. LEAVES OF ABSENCE**

### *Y1. ADMINISTRATIVE LEAVE*

An employee may be placed on an administrative leave pending the outcome of an internal or external investigation. The leave may be paid or unpaid, depending on the circumstances, as determined by the County Administrator.

### *Y2. MILITARY LEAVE*

1. Training - In accordance with state and federal laws, employees required by official military orders or related authority to attend Military Reserve Training shall receive full pay at base wage rate for the period of active duty required for such training, not to exceed fifteen (15) consecutive days per year. Military leaves in excess of fifteen (15) days in a calendar year will be provided without pay.
2. Extended Leave - In accordance with state and federal laws, employees shall be entitled to a military leave of absence, without pay, for up to four (4) years of service in the armed forces of the United States. Reinstatement to a comparable position shall be made when requested by an eligible employee within ninety (90) days of discharge from active duty. In accordance with M.S. 192.261, Subd. 2, employees shall continue to accrue vacation and sick leave from the time he/she enters active military service until the date of reinstatement.

### *Y3. POLITICAL PARTY LEAVE*

In accordance with M.S. 202A.135 and 202A.19, upon 10 days written notice, employees may be absent from work to attend any meeting of the state central committee or executive committee of a major political party if the employee is a member of the committee; or attend any convention of major political party delegates (including meetings of official convention committees) if the employee is a delegate or alternate delegate to that convention; or to attend a major political party caucus.

### *Y4. LEGISLATIVE/ELECTED OFFICE*

In accordance with M.S. 3.088, an appointed officer or employee of the County, who serves as a legislator or as a full-time city or county officer in Minnesota, is entitled to a leave of absence without pay when on the business of the office with the right to reinstatement. (Note:

employees in positions wholly funded by federal funds are prohibited from running for partisan office, in accordance with the Hatch Act (5 U.S. C. § 1501 et. seq.)

Reinstatement must be to the actual position or one of like seniority, status and pay if it is available, at the same salary that would have been received if the leave had not been taken upon the following conditions: 1) The position has not been abolished or that its term, if limited, has not expired; 2) The legislator makes a written application for reinstatement to the appointing authority within 30 days after the last legislative day in a calendar year or, in the case of an elected city or county official, within 30 days after the expiration of the elected term; and 3) The request for reinstatement is made not later than 10 years after granting the leave.

#### *Y5. VOTING LEAVE*

In accordance with M.S. 204C.04, employees eligible to vote in any statewide general or primary election, or in any election to fill a vacancy in a county or state office, will be granted the right to be absent from work for the time necessary to appear at the employee's polling place and cast a ballot during the Election Day. Prior arrangements shall be made with their department head.

#### *Y6. EMPLOYEES ELECTED TO PUBLIC OFFICE*

An employee who is an elected official of a city, township, or school board may take time off work to attend scheduled meetings that he/she is required to attend by reason of his/her public office. This time may be taken without pay, with use of accrued vacation time in accordance with the Vacation section, or by flexing his/her hours; the way in which this time off will be handled shall be agreed on by the employee and the supervisor. The supervisor may, at his or her discretion, request documented proof of the meeting.

#### *Y7. COURT APPEARANCES*

Employees called for jury duty on days they are scheduled to work shall receive their normal compensation for those days. Copies of any payments, per diem, or fees, except expenses, shall be submitted to the Auditor-Treasurer's Office, so that wages can be adjusted accordingly. If an employee is excused from court duty prior to the end of the work shift, the employee shall return to work as directed by the County or make arrangements for a leave, with or without pay.

Employees subpoenaed as a witness in an official capacity or for County related business will receive their normal compensation, less any fees exclusive of expenses, unless the action is instituted by the employee.

Any other absence to testify in litigation, not in the status of an employee, shall not qualify for any compensation and the employee shall arrange for a leave, with or without pay. Any party to a lawsuit, not connected to County duties, shall not qualify for compensation and the employee shall arrange for a leave, with or without pay.

#### *Y8. BONE MARROW DONATION LEAVE*

In accordance with M.S. 181.945, part-time and full-time employees who seek to undergo a medical procedure to donate bone marrow shall be granted paid leave, in an amount not to exceed forty (40) working hours per donation, based on the employee's assigned work schedule.

Such leave shall be subject to the employee's submission of confirmation by a physician of the need for the leave and length of each absence requested. Such leave shall not be charged against the employee's accrued sick leave, vacation, or compensatory time; however, sick leave, vacation, and/or compensatory time may, at the employee's election, be used to supplement such leave for situations in which the leave extends beyond forty (40) hours.

If there is a subsequent medical determination that the employee does not qualify as a bone marrow donor, any of the forty (40) hours of paid leave used by the employee prior to that medical determination shall not be eligible for recovery by the County.

#### *Y9. ORGAN DONATION LEAVE*

In accordance with M.S. 181.9456, part-time and full-time employees who seek to undergo a medical procedure to donate an organ or partial organ to another person shall be granted paid leave, in an amount not to exceed forty (40) working hours per donation, based on the employee's assigned work schedule.

Such leave shall be subject to the employee's submission of confirmation by a physician of the need for the leave and length of each absence requested. Such leave shall not be charged against the employee's accrued sick leave, vacation, or compensatory time; however, sick leave, vacation, and/or compensatory time may, at the employee's election, be used to supplement such leave for situations in which the leave extends beyond forty (40) hours.

If there is a subsequent medical determination that the employee does not qualify as an organ donor, any of the forty (40) hours of paid leave used by the employee prior to that medical determination shall not be eligible for recovery by the County.

#### *Y10. ELECTION JUDGE LEAVE*

In accordance with M.S. 204B.195, Subd. 2, employees who are selected to serve as an election judge will be granted paid leave for such duty; however, any compensation earned as an election judge must be signed over to the County.

The employee must give his/her supervisor at least twenty (20) days advance written notice, indicating: (a) the day(s) and hours during which he/she will serve as an election judge; and (b) the hourly compensation he/she will receive as an election judge. The 20-day advance notice requirement can be waived subject to supervisor approval.

#### *Y11. FAMILY AND MEDICAL LEAVE OF ABSENCE*

In accordance with the Family and Medical Leave Act (hereafter referred to as FMLA), Mille Lacs County will grant job-protected FMLA leave, for up to a total of twelve (12) weeks during a 12-

month period measured forward from the date an employee's first FMLA leave begins (or up to twenty-six (26) weeks of military caregiver leave in a single 12-month period to care for a covered service member with a serious injury or illness), as provided by law, to eligible employees for any of the following reasons:

1) The birth of a child or to care for a newborn child, or the placement of a child with the employee for adoption or foster care (leave for this reason must be taken within the twelve (12) month period following the child's birth or placement with the employee); or

2) To care for an immediate family member (spouse, child, or parent) of the employee, if such immediate family member has a serious health condition; or

3) The employee's own serious health condition that makes the employee unable to perform the functions of his/her position; or

4) To care for an eligible service member with a serious injury or illness, under the following circumstances:

(a) The employee must be the spouse, child, parent, or next of kin of the eligible service member; and

(b) The eligible service member must have an injury or illness incurred in the line of duty or active duty that may render the service member medically unfit to perform the duties of his/her office; or

5) The qualifying exigency of the employee's child, spouse or parent who is on active duty or called to active duty status, under the following circumstances:

(a) The service member must be a member of the National Guard, Reserve, or a retired member of the regular armed forces or reserve (there is no leave entitlement for employees with family members in the regular Armed Forces); and

(b) The qualifying exigency is one of the following: short notice deployment, military events, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and related exigencies.

This policy is intended to be a general summary of the FMLA. Each situation will be evaluated on a case-by-case basis in accordance with the applicable statutes and regulations.

### **Coverage and Eligibility**

To be eligible for FMLA leave, an employee must meet all of the following conditions:

- Have worked for the County for at least twelve (12) months or fifty-two (52) weeks. The twelve (12) months or fifty-two (52) weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven (7) years. Separate periods of employment will be counted if the break in service exceeds seven

(7) years due to National Guard or Reserve military service obligations. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.

- Have worked and been compensated for at least 1,250 hours during the twelve (12) month period immediately preceding the commencement of the leave. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave will not be counted in determining the 1,250 hours eligibility test.

### **Use of Paid and Unpaid Leave**

- An employee who is taking FMLA leave must use all accrued sick leave (as allowed by policies), compensatory time, and vacation prior to being eligible for unpaid leave; however, an employee may retain up to forty (40) hours of vacation time.
- Regardless of the combination of paid and unpaid time, the total combination thereof may not exceed twelve (12) weeks (or twenty-six (26) weeks for military caregiver leave) per forward rolling 12-month period.

Once an employee goes into unpaid status or begins using donated vacation leave, sick leave and vacation shall cease to accrue, and holidays shall not be paid for the duration of the leave of absence.

Full-time employees who, while working, cease to be in paid status for any portion of a pay period shall accrue vacation and sick time on a pro-rated basis until such time when they return to being in fully paid status, exclusive of donated vacation time.

### **Intermittent Leave or Reduced Work Schedule**

An employee may take leave intermittently (a few days or a few hours at a time) or on a reduced work schedule to care for an immediate family member with a serious health condition or because of a serious health condition of the employee when “medically necessary.”

- “Medically necessary” means that there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced work schedule.
- The employee may be required to transfer temporarily to a position with equivalent pay and benefits that better accommodates recurring periods of leave when the leave is planned based on scheduled medical treatment.
- An employee may take leave intermittently or on a reduced work schedule due to birth or placement of a child for adoption or foster care only with the County’s consent.

### **Notice Requirement**

An employee is required to give thirty (30) days’ notice in the event of a foreseeable FMLA leave.

When possible, an FMLA Employee Request Form should be completed by the employee and returned to the Administrative Services Office thirty (30) days prior to the date the leave is expected to begin. In unexpected or unforeseeable situations, an employee should provide as much notice as is practicable, usually verbal notice within one (1) or two (2) business days of when the need for leave becomes known. Verbal notice must be followed by a completed FMLA Employee Request Form within ten (10) days. The employer shall notify the employee of his or her FMLA eligibility within five (5) business days of the employee's request, absent extenuating circumstances.

### **Medical Certification**

- For leaves taken because of the employee's or immediate family member's serious health condition, the employee must submit a completed Certification of Health Care Provider form and return the Certification to the Administrative Services Office. Medical certification must be provided by the employee within fifteen (15) calendar days after it is requested, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.
- The County may require a second or third opinion (at its own expense), periodic reports on the employee's status, and a fitness-for-duty report prior to return to work.

All documentation related to the employee's or family member's medical condition will be maintained in a separate medical records file in the Administrative Services Office and treated as private medical information.

### **Effects on Insurance Benefits**

- An employee granted leave under this policy will continue to be covered under the County's insurance benefit plans that he/she is enrolled in, under the same conditions as coverage would have been provided if the employee had been continuously employed.
- Employee premium contributions will be required through payroll deduction (if on paid status), by direct payment to the Administrative Services Office, or other method, subject to approval of the Administrative Services Office. Employee contribution amounts are subject to any change in rates that occurs while the employee is on leave.
- If an employee's contribution is more than thirty (30) days late, the County may terminate the employee's insurance coverage. Notice will be mailed to the employee at least fifteen (15) days before the coverage is to cease.

If the employee fails to return from FMLA leave for reasons other than the continuation of a serious health condition of the employee or a covered family member, or circumstances beyond the employee's control (both of which would require that certification be submitted within thirty (30) days of failure to return), the County shall seek reimbursement from the employee for the premiums paid by the County on the employee's behalf during the leave period.

## **Job Security**

- On return from FMLA leave, the employee will normally be reinstated to his/her former position or an equivalent position with equivalent pay, benefits, status, and authority.
- The employee's restoration rights are the same as they would have been had the employee not been on leave. If the employee's position would have been eliminated, or the employee would have been terminated but for the leave, the employee would not have the right to be reinstated upon return from leave.

If the employee on leave is a salaried employee and is among the highest paid ten (10) percent of the County's employees, and restoring employment of the employee would result in substantial economic injury to the County, the employee may be denied restoration.

If an employee on leave decides to not return to work at the end of said leave, the employee must notify the County as soon as possible.

### *Y12. MINNESOTA PARENTING LEAVE*

Minnesota law (M.S. 181.940-.944) provides employees the opportunity to request and obtain up to twelve (12) weeks unpaid leave for childbirth or adoption without having to exhaust paid sick leave or vacation. To be eligible for Minnesota Parenting Leave, an employee must have been employed by the County in a half-time position (at least forty (40) hours per pay period) for at least twelve (12) consecutive months immediately preceding the request for leave. The employee may determine when the twelve (12) weeks is to begin, provided it is not more than six (6) weeks after the date of birth or adoption (or after the child leaves the hospital if the child remained hospitalized after the mother was discharged). If this type of leave is requested, and if the employee is FMLA-eligible, the time off from work is deemed FMLA leave and will be recorded as such.

### *Y13. SCHOOL CONFERENCE AND ACTIVITIES LEAVE*

In accordance with M.S. 181.9412, an employee may use up to a total of sixteen (16) hours without pay during any 12-month period to attend school conferences or school-related activities for an employee's child, provided the conferences or school-related activities cannot be scheduled during non-work hours. Whenever possible, the employee must request approval from their department head at least seventy-two (72) hours in advance of the leave. An employee may substitute any accrued paid vacation leave or other appropriate paid leave for any part of the leave under this section.

### *Y14. WORKERS' COMPENSATION*

Absences from work that are covered by workers' compensation are considered FMLA absences if the medical condition meets the definition of "serious health condition," and will be recorded as such.

In accordance with M.S. 176.021, Subd. 5, employees may supplement workers' compensation disability payments with accrued benefits. This supplement shall not result in the payment of

a combined total weekly rate of compensation that exceeds the average weekly wage of the employee at the time of the injury.

#### *Y15. PERSONAL LEAVE OF ABSENCE*

Upon exhaustion of accrued paid time, as allowed by policy, an employee may submit a request for an unpaid personal leave of absence of up to three (3) months from the County Administrator. Such an unpaid leave may be a COBRA-qualifying event.

### **Z. INSURANCE BENEFITS**

Insurance benefits will be provided for probationary and regular full-time employees effective on the first of the month following their start of full-time employment. If a regular part-time employee is temporarily assigned full-time hours for a period of time that exceeds, or is expected to exceed, six (6) months, the employee will be provided insurance benefits effective on the first of the month following their assignment to full-time hours. The County will review its contributions on an annual basis.

Employees who have separated from County service may continue group health benefits according to Federal and Minnesota law.

#### *Z1. MEDICAL INSURANCE*

The County shall establish a medical insurance program subject to the limitations, benefits, and conditions established between the Employer and an insurance carrier.

For each insurance-eligible employee who selects medical coverage, the County will contribute an amount set annually by the County Board. Any additional costs for such coverage shall be paid by the employee through payroll deduction.

For insurance-eligible County employees who are legally married to each other and desire family coverage, the County will contribute the cost of the lowest priced single medical insurance premium to the employee who is paying the family coverage premium, if the spouse enrolls in the family's plan and waives his/her single coverage. The family premium will be paid by the department of the employee who signs up for the family coverage; the cost of the lowest priced single medical insurance premium shall be charged to the department of the employee who waives his/her single coverage.

#### *Z2. DENTAL INSURANCE*

The Employer shall establish a dental insurance program subject to the limitations, benefits, and conditions established between the Employer and an insurance carrier.

For each insurance-eligible employee who selects dental coverage, the Employer will contribute an amount set annually by the County Board. Any additional costs for such coverage shall be paid by the employee through payroll deduction.



### *Z3. LIFE INSURANCE*

The Employer shall provide a \$15,000 term life insurance policy, and pay in full the cost of the monthly premium, for insurance-eligible employees. Employees enrolled in the plan may purchase, through payroll deduction, additional term life insurance to supplement the insurance coverage provided by the County.

### *Z4. FLEXIBLE SPENDING ACCOUNT*

Employees may enroll for participation in pre-tax reimbursement of dependent day care expenses and health care expenses. These premiums are paid through payroll deduction, and the County does not contribute towards these accounts.

### *Z5. OTHER INSURANCE PROGRAMS*

Other insurances may be offered by the County, as available, including long term care, short term disability, etc. The County does not contribute towards the premiums for these programs.

### *Z6. RETIREE MEDICAL*

In accordance with M.S. 471.61, a County employee who retires before the age of sixty-five (65) has the option of continuing with the County's group health policy at his/her own expense under the conditions outlined below:

1. The retiree must meet the age and service requirements necessary for eligibility for an annuity under PERA, or be receiving a disability benefit from PERA;
2. The retiree may receive dependent coverage only if the retiree received dependent coverage immediately before leaving employment;
3. The retiree may initially elect dependent coverage as stipulated immediately above and later drop dependent coverage while retaining individual coverage. The retiree may not drop individual coverage and retain dependent coverage except for certain circumstances which may apply if the retiree becomes eligible for Medicare prior to the dependent(s)' eligibility for Medicare;
4. The retiree and his/her dependents will be pooled in the same group as active employees for purposes of establishing premiums and coverage, until the retiree reaches the age of sixty-five (65).

A retiree who attains the age of sixty-five (65) has the option of continuing with the County's group health policy at his/her own expense under the conditions outlined below:

1. The retiree must meet the age and service requirements necessary for eligibility for an annuity under PERA, or be receiving a disability benefit from PERA;
2. The retiree may receive dependent coverage only if the retiree received dependent coverage immediately before leaving employment;

3. The retiree may initially elect dependent coverage as stipulated immediately above and later drop dependent coverage while retaining individual coverage. The retiree may drop individual coverage and retain dependent coverage for up to 36 months if the retiree becomes eligible for Medicare prior to the dependent(s)' eligibility for Medicare;
4. The retiree and his/her dependent(s) may be pooled in a separate group from active employees for purposes of establishing premiums and coverage.

## **AA. EMPLOYEE TRAINING AND DEVELOPMENT**

### *AA1. OVERVIEW*

The County shall conduct programs or ensure that learning opportunities are available to meet the mandatory training and development needs of County employees; offer learning opportunities to support County objectives; and encourage employee participation in formal educational pursuits that enhance job performance for increased responsibility.

### *AA2. IN-SERVICE TRAINING*

The Personnel Director shall be responsible for assessment of developmental needs and program recommendations to the County Administrator and for assistance in the development and implementation of training for specific needs of a department. Whenever possible, programs will be coordinated between departments or other organizations to maximize training staff and facilities.

### *AA3. CONFERENCES, WORKSHOPS & SEMINARS*

Attendance at job-related conferences, workshops or seminars must receive approval of the department head. The criteria to be used in selecting outside training is as follows:

1. Topic is relevant to the employee's job.
2. Training is required for employee to maintain state-mandated professional license needed for position.
3. The employee's attendance provides a direct benefit to the County either by keeping the employee abreast of current developments in their professional field, expanding their knowledge to meet operational goals, or assisting the division in meeting County objectives.
4. All out-of-state training requires County Board approval, in addition to meeting the above criteria.

## **BB. UNIFORM ALLOWANCE**

Full-time non-union licensed peace officers shall receive the same annual taxable cash uniform allowance as union licensed peace officers receive by CBA. Part-time non-union licensed peace officers shall receive the same annual taxable cash uniform allowance as union licensed peace officers receive by contract, but on a pro-rated basis.

## **CC. EMPLOYEE RECOGNITION**

The County believes that a program to recognize County employees who make significant contributions and demonstrate their commitment during the performance of their duties result in higher morale and productivity among all employees and permits the County to fulfill its statutory responsibilities in an efficient and cost-effective manner, thereby serving a public purpose.

### *CC1. LENGTH OF SERVICE*

To recognize the contribution of employees who have completed five (5) or more years of continuous service with the County, the County Board will provide nominal awards which may include, but are not limited to, such items as certificates, pins, mugs, shirts, caps, merchandise coupons, and engraved name plates for placement on the Years of Service plaques in the Historic Courthouse rotunda. Taxes associated with recognition awards will be paid by the County unless prohibited by federal or state laws, rules, or regulations. Awards are given to employees who have completed five (5) calendar years of service and subsequent five (5) calendar year intervals of service at the annual Employee Recognition Awards ceremony. Meals for employees being recognized at the ceremony will be paid for by the County as part of the employee's recognition award.

### *CC2. EXIT FROM COUNTY SERVICE*

Employees who leave County employment after significant lengths of service and in good standing will be eligible to receive a token reminder of the County's appreciation of their work and service. The following will be presented by the County Administrator or designee: 10 years - County Mug and Certificate of Appreciation from the County Board; 15 years - County Mug and framed Certificate of Appreciation from the County Board; 25 years or more - County Mug and 8" x 10" Plaque, OR County Mug, framed Certificate of Appreciation, and personalized Mille Lacs County promotional item. In addition, for employees with ten (10) or more years of service, the County will pay up to \$40 towards the cost of a cake for farewell or retirement parties hosted by the department.

### *CC3. OUTSTANDING SERVICE AWARD PROGRAM*

The purpose of the Outstanding Service Award program is to recognize, on a quarterly basis, those employees who provide outstanding service and contributions to the County and its citizens.

County employees can recognize their co-workers' accomplishments at any time during the year by completing a form and submitting it to the Administrative Services Office. Forms must be completed in their entirety in order to be accepted.

Each employee who has been recommended for recognition will be honored at the first Board meeting of the month following the end of the quarter. Each "Outstanding Service Award" recipient will receive a framed certificate and gift from the County. An article featuring a summary of each of the honorees will be included in the following employee newsletter.

## **DD. EXPENSE REIMBURSEMENT, TRAVEL, AND COUNTY VEHICLES**

This policy has been established to define the guidelines as set by the County Board in the areas of expense reimbursement, transportation, and travel. This policy is set by the County Board and interpreted by the County Administrator. Unique circumstances that arise will be decided upon by the County Administrator and those decisions will be final. This policy conforms to M.S. 471.38, 471.96(1) and 471.97 governing expenses incurred by employees in the conduct of County business. It also conforms to M.S. 471.661 governing out-of-state travel for elected officials. It is designed to provide the basis for determining whether there is authority for County expenditure, the expenditure serves a public purpose, and the expenditure is necessary and directly related to the betterment of the County. This policy applies to all County employees. In the event that this policy conflicts with a current collective bargaining agreement, the latter prevails. Should there be any conflict between this policy and state or federal law, the latter prevails.

### *DD1. REIMBURSEMENT OF CLAIMS*

- A. Whenever possible, employees are to make travel and accommodation arrangements in advance and request that the County be billed. All authorized travel expenses which are not billed directly to the County are paid by the employee, subject to reimbursement upon submittal of an approved claim form. Personal expenses charged to a hotel room shall be paid by the employee prior to checkout. If hotel rules prohibit such payment, then the employee must reimburse the County for those charges.
- B. All claims for reimbursement must be submitted by employees within 90 days of incurring the expense, except end of the year claims. Claims for reimbursement submitted after the 90-day limit will not be paid.
- C. No expenses shall be considered for payment if they are turned in to the Auditor-Treasurer's Office later than February 15<sup>th</sup> of the year following the year in which they were incurred.
- D. The employee shall submit an Employee Expense Reimbursement Form and itemized receipts to verify expenses. Itemized receipts are required for all expenses, unless otherwise noted.
- E. The employee's department head/other designee shall approve and sign all Employee Expense Reimbursement Forms before they are submitted to the appropriate accounting department for payment. The Administrative Services Office will review all claims. Travel related claims are added to an employee's paycheck; all other claims are paid by warrant.
- F. Reimbursements for department heads shall be submitted to the County Administrator for approval and signature.
- G. Claims are considered and approved monthly by the County Administrator. Failure to submit reimbursement forms by the 15<sup>th</sup> of the month will result in a delay in reimbursement. Only emergency expenses will be approved outside of the regular claims cycle.

## *DD2. TRAVEL REQUESTS AND APPROVAL*

- A. The County Board of Commissioners shall approve travel costs through the annual budget process:
  - a. An itemized list of known or anticipated conferences and trainings shall be submitted to the County Administrator during the annual budget process for inclusion and approval by the County Board during the budget process.
  - b. Training and conference costs not included in the annual budget process must be presented to the County Board for approval. This must be done by submitting an itemized listing, including all associated costs, with a consent agenda request form for Board approval. Travel costs will not be done as add-on agenda items, as this does not constitute an emergency situation.
- B. Department heads must approve all travel costs for their personnel. The department head is responsible for determining that sufficient funds are available within their budget to pay for expenses which they approve. If the total travel costs for an employee will exceed \$750 (including travel, lodging, meals, registration, etc.), prior County Board approval shall be required.
- C. Only one employee per department should be sent to a conference, institute, or training program which exceeds \$200.00 per individual, unless it can be clearly supported by the department head that there are training requirements or other reasons to send more than one. Employees shall not be required to share a hotel room.
- D. All out-of-state travel for employees and elected officials requires prior approval of the County Board, with the following exceptions: County Board approval is not required for out-of-state jail transports or criminal investigations under direction of the Mille Lacs County Sheriff. All requests for out-of-state training need to be approved by the County Board before any expenses are incurred.
- E. In the event of an emergency situation, cash advances may be issued with the approval of the County Administrator and the County Auditor-Treasurer. Such requests are the exception to normal practice, and shall be documented in detail as to the nature of the emergency, purpose of travel, and amount needed.

## *DD3. LODGING, MEALS, AND INCIDENTALS*

Employees are reimbursed for lodging, meals, and incidentals at actual cost, in accordance with the following.

- A. Lodging charges for the night prior to the formal start of a conference, seminar, meeting, etc., that is located more than 100 miles from the Historic Courthouse, and for those nights when the event is actually in session, will be reimbursed, if pre-approved by the supervisor or department head.
- B. Meals that are approved by the supervisor or department head shall be reimbursed at actual expense, but not to exceed the following amounts (including tax and tip): Breakfast - \$ 8; Lunch - \$ 10; Dinner - \$15. (Dinner is reimbursable only if immediately followed by an overnight stay, or if travel for a meeting/conference must commence

prior to the end of the normal work day, or meetings which start during normal work hours and conclude after 6 pm).

- a. Itemized receipts are required in all instances. Expenses in excess of county allowances must be borne by the employee.
- b. IRS regulations require that reimbursements for meals which are not accompanied by an overnight stay have taxes withheld. Expenses for alcoholic beverages are not reimbursable.
- C. Meal expenses incurred while performing the duties of one's position are not reimbursed unless the employee is outside the boundaries of Mille Lacs County when the meal expense is incurred.
- D. Sheriff's Office employees who are assigned to transport prisoner(s) are eligible for the dinner meal reimbursement, if they are on an extended transport and are out of the County during the time frame of 5:00 PM through 6:30 PM.
- E. Meals included in any registration or tuition fees will be paid in full, as part of those fees.
- F. Expenses for a meal incurred during a conference, seminar, or meeting which the employee is *required* by the department head or County Board to attend and which runs through the meal period, thereby making it impossible for the employee to go elsewhere for a meal within a reasonable time, will be reimbursed.
- G. County Administrator approval is required for all meal and other related expenses in excess of \$100 for any department that wishes to host in-house or outside organization events at County expense.
- H. Any requests for out-of-state travel or training must be approved by the County Board before any expenses are incurred.
- I. Employees shall be reimbursed for actual parking expenses while on County business. Original receipts for such payments shall be submitted with the expense reimbursement request.

#### *DD4. TRAVEL GUIDELINES*

In order to determine what travel is of the most value and which employee(s) shall go, the following guidelines have been established.

- A. The costs of the conference, institute, or training program and related travel must be within the department's annual budget appropriation as approved by the County Board.
- B. Any in-house training costs which do not exceed \$50 per employee and which were included in the budget do not require additional County Board approval. The County Commissioners should be invited to attend any general in-house training sessions that may be offered.
- C. Information obtained or contacts made are expected to benefit the improved operation of the County and the respective department.
- D. Utmost discretion is to be exercised in submitting a request for out-of-state or overnight travel. Conferences are to be unquestionably professional in content and should be selected only when a similar conference cannot be found locally in the same calendar year.

- E. Travel for training purposes is limited to technical training specific to an individual's job which is not currently available through the County.
- F. The Administrative Services Office will review claims monthly to monitor travel and related expenses incurred for training purposes.
- G. Reimbursement for extended travel is paid on the basis of the prevailing mileage allowance rate set by the County Board or tourist airfare, whichever is less. Time and expenses incurred for such travel shall be paid on the same basis. For example, when an employee chooses to travel by vehicle, the time paid and the travel expenses incurred shall be limited to the time and the normal expenses required for air travel. When personal vehicles are used for extended travel not available by commercial transportation, travel reimbursement is made on an actual mileage and travel time basis.
- H. Employees are not compensated for time spent outside of the educational program format at conferences and training seminars. Non-compensated time includes meal time, recreational activities, social gatherings, and other periods of down time.

## **EE. CELLULAR DEVICE POLICY**

The County recognizes the need of certain employees to use cellular phones or other cellular equipment in order to perform the duties of their position, and believes that County employees should not be burdened with the entire cost of using their equipment to conduct County business. The County also recognizes the fact that employees may, at times, desire or need to use this equipment for personal reasons. Thereby, the County has established the following programs which will allow County employees to use this equipment for business purposes, while remaining compliant with IRS, state, and other regulations when there is a need to use this equipment for personal reasons.

### *EE1. DEFINITIONS*

*Cellular phone:* A wireless communication device available commercially and to the general public without licensure, in combination with cellular phone service.

*Cellular phone allowance:* A taxable amount paid to the employee through the payroll process, to be applied toward the cost of a personal cellular phone, or other cellular equipment, and cellular phone service.

*Personal use:* Personal communications, not related to County business, of a de minimus nature.

*Other cellular equipment:* Includes any personal wireless communication device that combines a cellular phone with other features, e.g., electronic organizer with keyboard, wireless email, text messaging, or web-browsing, in combination with cellular phone service.

*Business Necessity:* Business necessity for cellular phone service for an employee includes:

- Mitigation of safety risks for the employee;
- Meeting customer or client service expectations;
- Need for immediate communication with department staff or others;
- Need for prompt retrieval of voice mail messages;

- Need for telephone service in locations where the employee must work, but where landline telephone service is not available;
- Need to respond to email while out of the office;
- Need for two-way radio communications;
- Position is designated as a department head, supervisor, or an elected official;
- Position with job duties in public safety;
- Position whose job duties are in homeland security, and include receiving and responding to homeland security-related public safety or public health notices from government agencies 24 hours/day;
- Position with job duties requiring a cell phone or cellular device as deemed necessary by the employee's department head.

## *EE2. PROGRAM OPTIONS*

### **Option 1**

A County-owned cellular phone or other cellular equipment may be provided to County employees. This plan would be for County business use only; minimal personal use is allowed under this program, and there is no monthly cost to an employee who is assigned a County phone.

A County employee who has been provided a County-owned cellular phone must return the County-issued cellular phone and equipment to the County upon termination of employment, or prior to activation of a stipend for use of the employee's own phone.

### **Option 2**

A cellular phone stipend would be provided to County employees who have a business necessity for access to cellular phone service and choose to use their personal cell phone for business purposes. This stipend would be taxable.

A County employee who has been provided with a cellular phone allowance must:

- Provide proof of purchase or use of cellular phone for County business when requested by the department head or other authorized personnel.
- Replace or repair stolen, lost, or damaged cellular phone, or other cellular equipment, at the employee's expense.
- Pay all taxes, including personal income tax, on any cellular phone allowance paid pursuant to this policy.
- Pay all costs for equipment and service in excess of any allowance paid pursuant to this policy.
- Bring their cellular phone to Technology Services to have a data wipe of County-related data performed prior to trade-in of device or termination of employment.

Cellular phone allowance options and taxable amounts would be determined by the following criteria:



- Personal safety or on-call usage - \$5/month
- Demonstrated business necessity for cellular phone services - \$15/month
- Demonstrated business necessity for cellular phone service and ability to respond to email while out of the office, includes web service - \$25/month

### *EE3. EMPLOYEE RESPONSIBILITIES*

A County employee covered by this policy must:

- Have the phone or equipment available for use during the employee's business hours and on-call times, as established by the department head.
- Comply with all applicable laws regarding the use of cellular phones and equipment while operating a motor vehicle.
- When practical, refrain from using cell phone or equipment while operating a motor vehicle. When cell phones or equipment are used while operating a motor vehicle, use of a hands-free device is preferred.
- Provide adequate security to prevent unauthorized persons from gaining access to private data stored in the memory of the device.

### *EE4. PROCEDURES*

It is the duty of each department head to prepare a departmental cellular phone plan and update that plan on an annual basis. The plan shall include a description of the department's business need for cellular phones and other cellular equipment, information regarding funding sources to meet identified needs, and documentation as to why less costly alternatives are not reasonable or available. The plan shall identify the positions in the department which require access to cellular phone service, and shall specify the level of access required. Each departmental plan shall be approved by the County Administrator prior to implementation. The cost to implement the departmental cellular plan may not exceed the department's adopted phone budget.

### *EE5. COUNTY SERVER ACCESS*

Connection of any wireless device, County-owned or personal, to the County server network is prohibited unless specifically authorized by Technology Services. In addition, Technology Services reserves the right to terminate, without notice, any access to the network that puts the County's systems, data, users, or clients at risk. Requirements for connectivity are provided as follows:

#### **Security**

Employees will provide adequate security for wireless devices to prevent unauthorized users from accessing client/work-related telephone numbers stored in the device's memory. It is recommended that confidential or unpublished numbers not be stored as a speed-dial number on wireless devices. The wireless device user agrees to immediately report to his/her department head and Technology Services any incident or suspected incidents of unauthorized access and/or disclosure of County resources, databases, networks, etc. Loss of a wireless

device must be immediately reported to the employee's department head and Technology Services.

### **Passwords**

Wireless devices connecting to the County's server network require a password with an idle time of 10 minutes.

### **Content Protection**

Employees accessing County data are subject to laws concerning data practices and HIPAA compliance. Violations of this policy will subject the user to disciplinary action in accordance with the Personnel Policy. Department heads will be responsible for enforcement within their own departments.

### **Data Wipe**

Prior to replacing personal wireless devices that have been used to access County data, employees must bring those devices to Technology Services to have them wiped clean of all data.

## **FF. COUNTY VEHICLES POLICY**

The intent of the County vehicle fleet program is to save taxpayer dollars by providing a more cost-effective method of transportation for employees in the conduct of County business. The County will provide vehicles that can be reserved for use by employees. It is the expectation of the County Board that employees will make every effort to use a County vehicle when traveling on behalf of the County. The term "County vehicle" in this section refers only to the automobiles intended for general County employee usage.

Employees using cell phones and other portable devices while driving are expected to observe all relevant laws, including the prohibition on text messaging while driving.

### *FF1. USE OF COUNTY VEHICLES*

1. Whenever a County vehicle is available, it is expected that every effort be made to use the County vehicle instead of an employee's personal vehicle. County employees traveling less than five (5) miles round trip may use their personal vehicle and be reimbursed at Rate 1, with a minimum reimbursement amount of \$1.00. County employees permanently assigned to locations in Onamia, Isle, and Princeton may use their personal vehicles for County business.
2. Employees are expected to share cars whenever traveling to the same location.
3. Employees required to conduct work-related business away from their permanent work station may take a county vehicle home if such use will result in a time and/or expense savings to the county, subject to pre-approval from the employee's supervisor or department head.

4. If an employee chooses to use their own vehicle for travel despite the availability of a County vehicle, and if the employee has the pre-approval of their supervisor or department head, their mileage will be reimbursed at the lower Rate 2.
5. If a County vehicle is not available, and if the employee has pre-approval of their supervisor or department head, employees shall be reimbursed at Rate 1, as set by the County Board.
6. In the event of an emergency or other time-sensitive situation, the department head may waive the requirement that an employee use a County vehicle for travel, thus allowing reimbursement at Rate 1. It is the expectation that this will be an infrequent occurrence, and must be noted on the employee's reimbursement form and approved by the supervisor.
7. If an employee has reserved a County vehicle which has not been returned at the appointed time, and no other County vehicles are available, that employee may use their personal vehicle upon approval from the department head or, in the department head's absence, the Administrative Services Office, and be reimbursed at Rate 1.
8. If an employee is leaving from their residence to travel on County business and will be returning to their residence, and it would add more than five (5) miles to their travel route to pick up a County vehicle, they may use their own vehicle and be reimbursed at Rate 1.
9. County vehicles shall not be used by an employee for personal use except for de minimis usage, such as stopping for lunch or coffee, not to exceed two (2) miles travel outside of the normal route.
10. Any employee traveling on County business, whether using a County vehicle or their own, is declaring that they are a licensed, insured driver.
11. Passengers not associated with County business are not allowed in County vehicles.
12. After each trip, county vehicles shall be parked in the county parking lot assigned to that vehicle.
13. Fueling of the County vehicle shall be the assigned driver's responsibility. If there is less than ½ tank of gas upon your return, stop and fill the gas tank prior to parking the vehicle. A fleet card has been assigned to each vehicle to use for the purchase of fuel.
14. Every employee using a County vehicle is responsible for keeping the interior of the vehicle in a neat and clean condition. All trash must be removed from the vehicle upon its return.
15. Smoking in any County vehicle is prohibited at all times. There are no exceptions to this rule. Any violations of this rule will result in disciplinary action as set forth in the Mille Lacs County Personnel Policy.
16. Fines resulting from either moving vehicle traffic citations or parking violations are the obligation of the driver responsible for the vehicle involved, and must be verbally reported to the immediate supervisor upon the employee's return to work, but no later than the next business day. It will be the supervisor's responsibility to notify the Administrative Services Office upon receiving such report.
17. County vehicles shall not be used for any of the following PROHIBITED USES:

- Operation by an unauthorized driver
- Operation by any driver under the influence of intoxicants, drugs, or any other substance known to impair driving ability
- For any illegal purpose
- Operated in any abusive or reckless manner
- Carrying or transporting firearms, intoxicants, drugs, or any other non-prescribed controlled substances
- Towing or pushing anything
- Operated in any race, test, or contest

*FF2. EXAMPLES OF COUNTY VEHICLE VS. PERSONAL VEHICLE USAGE*

1. If an employee lives in St. Cloud, and is traveling from home to an all-day meeting in Willmar and then back home, they may use their own vehicle and be reimbursed at Rate 1, provided that they deduct their normal commute mileage from their reimbursement.
  - The work time in this instance would be any time that is in excess of the normal travel time to and from work. The employee is not paid during the lunch break.
  - If a client is in the vehicle, all associated travel time is work time.
2. If an employee lives in Isle and is traveling to St. Paul, they shall start from the normal work location and use a County vehicle, if one is available.
3. If an employee is leaving from their normal work location and returning to it, they shall use a County vehicle, if one is available. All associated travel time is considered work time.
4. If an employee has multiple stops and one of those is within five (5) miles of the normal work location, it is expected that they will then use a County vehicle if one is available.
5. When two or more employees are required to travel to the same location (i.e. training, conference, etc.) they are expected to carpool and, if using a personal vehicle because a County vehicle is not available, mileage reimbursement shall be made to only one employee.
6. When traveling from the normal work location and then returning to it, the mileage allowance is the actual number of miles traveled. All time associated with this travel is work time.
7. When traveling from an employee's residence to a work site, and then to the normal work location, reimbursable mileage is the number of miles in excess of those which the employee normally would have driven from the residence to the normal work location, i.e., the normal commute mileage.
8. When traveling from a normal work location to a work site, and then to the employee's residence, reimbursable mileage is the number of miles in excess of those which the employee would have driven from the normal work location to the residence.
9. When traveling from the residence to a conference, and then returning to the residence, mileage in excess of normal commute mileage to and from the normal work location is reimbursable. All time in excess of the normal time to commute to work is considered

work time.

10. The normal work location, for employees assigned to multiple work locations, is the work location scheduled for the day on which the expense was incurred.

*FF3. INDIVIDUALS TRAVELING TO MULTIPLE WORK SITES*

1. When traveling from the employee's residence (point A) to several work sites in succession (points B, C, D) and then returning directly to the employee's residence, the employee is paid mileage for the miles from point B to point D (the last work site before returning to the employee's residence). The work time in this instance would be any time that is in excess of the normal travel time to and from work. The employee is not paid during the lunch break.
2. Under no circumstances may the mileage or time excluded for reimbursement be greater than normal miles or time traveled to and from the employee's residence and the County work location to which he/she is assigned.

*FF4. USE OF A MOTORCYCLE FOR WORK-RELATED TRANSPORTATION*

1. Use of a motorcycle for work-related transportation is allowable when transporting clients is not anticipated (i.e. staffing at a facility) and the use has been authorized by the employee's supervisor.
2. The mileage reimbursement rate for motorcycles will be Rate 2.
3. Employees operating a motorcycle while on duty must wear a helmet for safety.
4. Passengers or clients shall not be transported on a motorcycle.
5. If an employee experiences weather-related travel delays or expenses, they will "clock out" and be on their own personal time and expense until they are able to resume travel.
6. In an effort to limit the County's workers' compensation and general liability exposure, employees who choose to use a motorcycle for work-related travel will carry insurance that meets or exceeds the State of Minnesota minimum requirements for auto insurance. It is the employee's responsibility to monitor changes in the minimum requirements. At random, the County may request proof of insurance from the employee. Currently, the rates are as follows:

- Bodily Injury Liability: \$30,000/person; \$60,000/accident
- Property Damage Liability: \$10,000
- Uninsured/Underinsured Motorist: \$30,000/person; \$60,000/accident
- Personal Injury: \$20,000/person; \$20,000/accident

*FF5. COUNTY VEHICLE IDENTIFICATION*

The County vehicles are marked with "Mille Lacs County" and an identifying number on each car per M.S. 471.346. The use of unmarked vehicles for child and vulnerable adult protective services is permitted by MN Statute 168.012. The County fleet will include vehicles without identification to be used for this purpose.

*FF6. COUNTY VEHICLE RESERVATIONS*

Reservation of County vehicles shall be done according to procedures developed and implemented by the Administrative Services Office.

*FF7. LIABILITY INSURANCE/DRIVER'S LICENSE*

Employees shall not drive vehicles on County business without a valid Minnesota driver's license of the appropriate classification. Driving records of County employees who use vehicles for County business may be checked on an annual basis to verify validity. Employees are required to have liability insurance in effect on all personal vehicles used for County purposes or while performing County business. Employees are required to provide proof of such insurance to the Administrative Services Office as requested. Employees who fail to provide proof of insurance will not be eligible to use a personal vehicle for County business or to receive mileage reimbursement until such proof of insurance has been provided. Employees are required to immediately notify the Administrative Services Office if their liability insurance or driver's license becomes invalid.

*FF8. SAFETY AND ACCIDENT REPORTING*

- A. Employees are expected to operate vehicles in a safe and conscientious manner. All laws must be obeyed.
- B. All County vehicles are insured by the Minnesota Counties Intergovernmental Trust. See the insurance identification card in the glove box for details.
- C. If an employee does get in an accident, their safety is the first and most important priority. Employees should stay with the vehicle when possible, and wait for law enforcement to arrive.
- D. In case of an emergency while driving a county vehicle, you are authorized to contact Verizon Networkfleet Roadside Assistance.
- E. If an employee notices something in a County vehicle that needs repair, please send an email to [cars@co.mille-lacs.mn.us](mailto:cars@co.mille-lacs.mn.us), giving details of the issue; also, please note the car # and description in the Subject line of the email.
- F. Mille Lacs County is not responsible for damages occurring to an employee's personal vehicle while they are operating it as a county employee on county time, except as determined by law.

*FF9. PERSONAL VEHICLE MILEAGE REIMBURSEMENT RATES*

**Reimbursement Rate 1:** IRS business rate

- Employees are eligible for Reimbursement Rate 1 for mileage on their personal vehicle for county-related travel when a county vehicle is verified as not available. Employees who must use a personal vehicle to conduct authorized County business on the way to and from their work location, upon approval by the department head, will also receive Reimbursement Rate 1.

**Reimbursement Rate 2:** 50% of the IRS business rate (rounded to two decimal places)

- Employees who choose to use their own vehicle when a County vehicle is available will receive Reimbursement Rate 2.

- Employees who use a motorcycle.

## V. CODE OF CONDUCT

### GG. SEXUAL HARASSMENT

#### *GG1. DEFINITION*

For purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature, when the conduct explicitly or implicitly affects an individual's employment; unreasonably interferes with an individual's work performance; or creates an intimidating, hostile, or offensive work environment.

Examples of sexually harassing conduct under this policy may include, but are not limited to, the following:

1. Use of offensive or demeaning terms, which have a sexual connotation or a negative gender connotation;
2. Objectionable physical proximity or physical contact;
3. Repeated, unwelcome suggestions regarding, or invitations to, social engagements or work-related social events;
4. Any indication, express or implied, that an employee's job security, job assignment, opportunities for advancement, or other terms or conditions of employment may depend on the granting of sexual favors to any other employee, supervisor, or manager;
5. Any action relating to an employee's job status, which is taken as a direct result of the granting or refusal of social or sexual favors;
6. The deliberate or careless creation of an atmosphere of sexual harassment or intimidation;
7. The deliberate or careless expression of jokes or remarks of a sexual nature to, or in the presence of, employees who may find such jokes or remarks offensive;
8. The deliberate or careless dissemination of materials such as cartoons, articles, pictures, etc., which have a sexual content and which are not necessary for work, to employees who may find such materials offensive;
9. The use of suggestive facial expressions or gestures of a sexual nature.

#### *GG2. POLICY*

It is the policy of the County that all employees should be able to enjoy a respectful workplace and a work atmosphere free from all forms of unlawful harassment, including implied or expressed forms of sexual harassment. Sexual harassment infringes on an employee's right to a comfortable, respectful work environment. It is a form of misconduct that is illegal, against County policy, and will not be tolerated. All employees are expected to treat their coworkers, subordinates, supervisors, and public contacts with respect at all times. Mille Lacs County does not tolerate any form of sexual harassment in the work place, including acts of non-employees.

Complaints of violations of the County's Sexual Harassment Policy will be quickly and

thoroughly investigated. Violations of this policy by any employee, whether or not the violation rises to the level of illegal sexual harassment, will result in prompt disciplinary action, up to and including, termination of employment.

All employees should keep in mind that the absence of intent to sexually harass an individual is not a defense to a complaint of sexual harassment. **It is the impact and nature of the conduct, not the intent, which determines whether the conduct is sexually harassing.**

### *GG3. SUPERVISORY & MANAGEMENT RESPONSIBILITIES*

The supervisory and management personnel of Mille Lacs County are responsible for maintaining a work environment that is respectful and free from discrimination in any form. These responsibilities include proactively maintaining the compliance of all employees with this policy.

In the absence of a complaint, supervisors and managers observing conduct of the aforementioned nature in the workplace are responsible for calling such behavior and this policy to the attention of the participants at the time of the observance. A written summary of the discussion shall immediately be forwarded to the Personnel Director.

Supervisors receiving complaints or reports of alleged inappropriate conduct shall immediately forward a report to the Administrative Services Office prior to taking any action on the complaint. The Personnel Director, supervisor and/or department head will make the determination as to whether an investigation is merited, who will investigate, and what methods will be used in the investigation.

Failure of a supervisory or managerial employee to immediately forward reports of observances or complaints to the Personnel Director shall be grounds for disciplinary action, up to and including termination of employment.

### *GG4. EMPLOYEE RESPONSIBILITIES*

Non-supervisory employees observing conduct of the aforementioned nature are encouraged to call such behavior and this policy to the attention of the participants at the time of the observance, or promptly report such behavior to a supervisor or the Personnel Director.

Any employee who believes he or she is being subjected to sexual harassment in any form, or any employee with knowledge or belief of conduct on the part of another employee or other individual which may constitute a violation of this policy, is required to report the alleged conduct immediately to a supervisor or the Personnel Director. While the County encourages written reports of the alleged conduct, verbal reports will be accepted. The individual receiving the report will need the following information

1. Date, time and location of incident
2. Identification of the offender(s)
3. A detailed description of the incident
4. Any materials in the complaining employee's possession related to the incident (e.g. cartoons, articles, pictures)



## 5. Identification of any potential witnesses to the incident

Additionally, at the time of the incident, if you are the employee being subjected to the inappropriate behavior and feel comfortable in so doing, you may courteously, but firmly, tell the individual(s) engaging in the inappropriate behavior to stop the behavior because the behavior makes you feel intimidated, offended or uncomfortable. Include a summary of this discussion in your report to the supervisor or Personnel Director.

### *GG5. COMPLAINT INVESTIGATION*

The investigation methodology will include, at a minimum, personal interviews with the reporting employee, the complaining employee (if different from the reporting employee) and alleged offender(s). The investigation methodology may additionally include additional interviews, document review and other methods deemed pertinent by the investigator.

Every effort will be made to respect the privacy and identity of all parties to a complaint brought under this policy; however, this requires the cooperation of all parties involved in the investigation, including the complainant(s), the alleged harasser(s) and witnesses. Additionally, the County has an obligation to investigate, to take necessary action to resolve a complaint, and to comply with relevant state and federal regulations, and retains the right to disclose the identities of parties to a complaint, including witnesses, to those with a need or right to know.

A determination as to whether a particular incident constitutes a violation of this policy will be made based on the totality of facts and surrounding circumstances available to the investigator. These facts and circumstances include the nature of the behavior, the nature of the relationships between the parties involved, the situation and setting in which the incident occurred, and previous incidents and/or past or continuing patterns of behavior related to the parties involved.

The investigator will forward a summary of their investigation, the investigator's determination as to whether the incident constitutes a violation of this policy and, as applicable, recommendations on counseling, mediation, disciplinary or other personnel actions to the department head(s) of the alleged violators. The department head(s) or supervisor shall consult with the Personnel Director prior to taking any disciplinary action, and then shall take such disciplinary action as deemed necessary to ensure the behavior is corrected. Failure of the department head or supervisor to promptly take the agreed-upon action shall also be grounds for disciplinary action, up to and including termination. In the event the subject of the sexual harassment complaint is a department head or the Personnel Director, the County Administrator or designee will perform the investigation.

### *GG6. REPRISAL*

The County will not tolerate acts of retaliation against employees who have made a good faith report of suspected violations of this policy or any person who assists or participates in an

investigation or assists or participates in a proceeding related to such investigation. The County will discipline or take other appropriate action against any employee or elected official who engages in acts of retaliation towards these individuals. For purposes of this policy, retaliation includes but is not limited to: refusal to meet, or excessive delays in meeting with, or otherwise working with the individual; refusal to share, or excessive delays in sharing, appropriate work related information such as meetings schedules and agendas, changes in Policies or laws; other forms of interference of the individual in the performance of their job; verbal or physical threats; ridicule; rumor spreading; making a false complaint against the individual; destruction of property.

#### **HH. DRUG & ALCOHOL FREE WORKPLACE**

The County is committed to an alcohol and drug-free workplace, and in complying with the Drug Free Workplace Act of 1988. This requires employees abstain from using alcoholic beverages, mood-altering drugs, and drugs that adversely impact performance, prior to the start of their workday, during the work period, during lunch and other work breaks. Any violation of this policy shall constitute “just cause” for disciplinary action, up to and including termination.

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the workplace. [For purposes of this section, the term "controlled substance" is defined as a controlled substance which appears in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812)]. These may include, but are not limited to, narcotics, depressants, stimulants, hallucinogens and cannabis.

As a condition of employment, employees will abide by the terms and conditions of this policy and will notify their department head of any criminal drug statute conviction for which a violation occurs in the workplace within five (5) calendar days after such conviction. The County will subsequently notify the Federal Agency designee of the employee’s conviction within ten (10) calendar days after receiving actual notice of said conviction.

Within thirty (30) calendar days of receiving notice from an employee of a drug related workplace conviction, the County may require an employee to satisfactorily participate in a drug abuse assistance or acceptable rehabilitation program. Programs of this type may be available through our medical insurance program or Employee Assistance Program (EAP) referral.

The County will notify the appropriate law enforcement agency when there is a reasonable suspicion that an employee may have illegal drugs in his/her possession at work or on County premises. Where it is appropriate, the County will also notify licensing boards.

Each situation involving investigation and/or disciplinary action will be evaluated on a case-by-case basis, depending on the severity and circumstances involved. Disclosure of information regarding alcohol and other drug use in the workplace must be consistent with applicable collective bargaining agreements and law.

Employees in safety sensitive job classifications must also comply with County Policies, specific

to these job classifications, which have been adopted in compliance with federal and state regulations regarding drug and alcohol use in the workplace. These job classifications include any positions that may reasonably be expected to operate a commercial vehicle.

## **II. SMOKE FREE/TOBACCO FREE WORKPLACE**

All County facilities and all County vehicles and equipment are designated as smoke free/tobacco free areas. All employees, visitors, and contractors are expected to adhere to this policy.

Smoking of any kind, including pipes, cigars, cigarettes, vaping with e-cigarettes, and the use of chewing tobacco is prohibited within a 50-foot radius of all entrances and exits to County-owned buildings. This includes all entrances that staff, clients, and customers normally use to enter and/or leave the building. Enforcement of this policy shall be the same as any other work rule and as provided by Minnesota Statute.

## **JJ. PERSONAL ELECTRONIC APPLIANCES**

### *JJ1. PURPOSE*

Following are the uniform guidelines for employees regarding the use of personal electric appliances in County-owned facilities. The guidelines have been developed to limit exposure to fire, electrical shock, bacteria, and fungi, and to eliminate the County's exposure to fines and penalties for improper electric appliances, extension cords, and decorations that are owned by employees and are being used in County facilities.

All appliances shall be:

- County-owned;
- plugged directly into a permanent electrical outlet;
- positioned to reduce power cord strain or damage;
- removed immediately when there is any sign of damage to appliance components;
- operated in accordance with the manufacturer's instructions;
- powered down and unplugged at the end of each work day or placed on timers;
- placed away from any portion of an exit; and
- situated out of traffic areas to avoid creating a tripping hazard.

### *JJ2. APPLIANCES*

#### **HEATERS**

Personal portable heaters are not allowed in County-owned facilities, unless they are deemed necessary as a reasonable accommodation under the ADA. Any exceptions must be approved by the County Administrator and meet the following requirements:

- have a high temperature-limiting device;
- have built-in tip over protection;
- be placed away from combustible materials (e.g., paper bins, desks, curtains, carpet); and
- unplugged at the end of each work day.

#### **FANS**

Personal fans are not allowed in County-owned facilities. Any exceptions must be approved by the County Administrator. Any approved fans must be a grounded unit with a three-prong

grounded plug. Two-prong fans will be approved only if all external parts are plastic, and if potential exposure to conductive sources is not a concern.

### **OTHER PERSONAL ELECTRIC APPLIANCES**

Appliances such as coffee makers, toasters, crock pots, etc., may be used on a limited basis if there are no frayed cords or other damage, and they are placed in such a way as to be certain there is no chance of tipping or otherwise being a hazard to people or property. Appliances are to be located within each building's employee break room and not within departmental areas.

Diffusers, warmers, plug-ins and/or air fresheners shall not be used.

### **REFRIGERATORS**

Refrigerators must be grounded units with a three-prong grounded plug. Refrigerators will be kept clean, and employees are expected to remove expired or old items from refrigerators weekly.

### **EXTENSION CORDS**

Extension cords will be of the grounded three-prong variety, and will be for temporary usage only. Ungrounded two-prong extension cords are not allowed in County-owned facilities.

### **ELECTRIC HOLIDAY DECORATIONS**

Electric holiday decorations are not allowed in County-owned facilities.

### **MISCELLANEOUS ITEMS**

All holiday trees, wreaths, and decorations will be artificial, except for the tree placed in the Historic Courthouse rotunda. Candles are not allowed in any County-owned facility.

## **KK. TECHNOLOGY POLICY**

All information contained on, or conveyed through, the County's information systems is the property of the County. Equipment that is the property of another entity, but used by County employees in the course of their work, is also covered by this policy.

1. All servers and computer equipment used within the County will be administered under the direction and approval of the Technology Services Manager.
2. No changes and/or additions will be made to the County's networks without the express approval of the Technology Services Manager.
3. The County reserves the right to access, inspect, review, and/or monitor computers and network communications systems at any time for any reason.
4. The use of recordable media must be authorized by the department head or Technology Services Manager prior to use. Recordable media includes, but is not limited to, the following: USB drives, CD-R/RW disks, DVD-R/RW/RAM disks, Zip disks, and floppy disks.
5. Network user identification and passwords are required for all individuals utilizing County network resources; all passwords are the property of the County and must be disclosed when requested by the department head or Technology Services Manager.
6. Computers, networks or electronic communication usage that interferes with or disrupts employees, services, or equipment is forbidden.

7. The County reserves the right to treat the misuse of any of its computer or network resources as employment offenses and to take disciplinary action accordingly.
8. Use of any other internet service provider or other entity via modem connection is granted only with approval of the department head and the Technology Services Manager, and is considered transitory.
9. Remote access to County equipment and software shall be granted only with approval of the department head and the Technology Services Manager.
10. Any duplication of licensed software, except for backup or archival purposes, is a violation of the Federal Copyright Act.
11. Under no circumstances should County electronic communications systems be used to offend or harass other employees or other parties, or be used to the detriment of the County's reputation.
12. Incidental and occasional personal use of County computers or networks is permitted as determined by individual department heads; all use is allowed with the understanding that the user has no expectation of privacy and that all use is recorded.
13. County communication systems shall not be used to send offensive, racist, pornographic, or other sexually related messages. Any email received that is threatening or inappropriate shall be immediately reported to the employee's supervisor or department head.

The Technology Services Division is responsible for ensuring the integrity of County data (an asset). Therefore the Technology Services Manager, in consultation with the County Administrator and/or department head, will resolve and answer any questions about this Policy or its interpretation. Until such issues are resolved, questionable use should be considered "not acceptable." Any concerns or questions regarding this policy should be directed to the employee's immediate supervisor, who will act as the employee's first point of contact.

#### ***KK1. TERMINATION OF ACCESS***

When an individual's association with the County has terminated, the supervisor/department head shall notify Technology Services and ensure that all electronic access is terminated, including but not limited to: access to the County's network, the individual's email account, and resetting of the employee's voicemail password.

#### **LL. ID CARD POLICY**

This policy is intended to establish a means of uniformly identifying Mille Lacs County employees. This policy does not apply to licensed and/or uniformed employees of the Sheriff's Office.

All Mille Lacs County employees are required to wear a County-issued employee identification card (hereafter referred to as ID card) at all times while on County property or while representing Mille Lacs County in an official capacity, unless one of the following situations exists:

1. A work situation outside of County facilities when the wearing of an ID card would compromise the confidential nature of the employee's assignment, or that could result in a situation in which the privacy of clients could be violated. In these situations, the employee should exercise professional judgment.
2. At the discretion of the department head, an employee may be exempted from displaying his or her ID card when safety concerns are present; however, the employee must carry the ID card on their person and present it upon request (e.g. Public Works).

New employees will have their picture taken for an ID card during new employee orientation. ID cards are considered the property of Mille Lacs County, and shall be deactivated and destroyed upon separation from employment.

Each employee is responsible for the proper care, safekeeping, and use of his or her ID card. Any employee who alters or intentionally mutilates his or her ID card, who uses the ID card of another, or who allows his or her ID card to be used by another may be subject to disciplinary action.

ID cards will be reprinted with updated pictures no less than once every ten (10) years. It is the responsibility of each employee to contact Technology Services if the information on his or her ID card is no longer accurate. There will be no charge for the replacement of an ID card due to a name, title, or department change. If an ID card is lost, stolen, or damaged, there will be a \$5 charge to replace it. However, if a card is damaged during the course of normal employment duties, the replacement fee will be waived. An employee is required to turn in his or her damaged or outdated ID card to Technology Services prior to issuance of a replacement card.

## **MM. POLITICAL ACTIVITY**

All County employees have the right to vote as they please, to express their opinions on political subjects and retain membership in political parties.

### *MM1. CANDIDATE FOR PUBLIC OFFICE*

An employee may be a candidate for partisan or non-partisan public office provided that no employee shall campaign for such office during actual hours of work. Any employee seeking public office must notify the department head and the Personnel Director so that a determination, by the Personnel Board of Appeals, can be made as to whether the position that the employee occupies with the County would be in conflict with the candidacy for the public office the employee is seeking. If the employee fails to provide proper notification of his/her candidacy, the Personnel Director shall call a special meeting of the Personnel Board of Appeals for determination of any conflict of interest. If a finding of a conflict is made, the employee shall be required to take a leave of absence without pay until the first business day following the election at which the outcome of the election contest is determined.

Employees in positions funded wholly by federal funds are prohibited from running for partisan office, in accordance with The Hatch Act, 5 U.S. C. § 1501 et. seq.

Upon election, the employee must immediately notify the department head in writing. If the department head determines that the duties of the elective office conflicts with the proper discharge of County responsibilities, the employee will be required to be separated from the County service or take a leave of absence.

Any non-elected department head or employee seeking public office must nevertheless devote full-time energies to normal County employment and cannot campaign during normal working hours.

### *MM2. PROHIBITED ACTIVITIES*

The following employee political activity is strictly prohibited:

- Using official authority or influence for the purpose of interfering with, or affecting the result of, an election or nomination for office.
- Using official authority or influence to compel any officer or employee to apply for membership in, or become a member of, any organization.
- Directly or indirectly coercing or attempting to coerce or command a state or local officer or employee to pay, lend, or contribute anything of value for political purposes.
- Soliciting or receiving funds during hours of employment.
- Placement or distribution of campaign materials in areas within County facilities other than those designated by the County Board for that purpose.
- The wearing of campaign buttons or other campaign regalia.

### *MM3. LEGISLATIVE PROTOCOL FOR EMPLOYEES*

Any questions regarding legislative protocol should be addressed directly to the County Administrator.

1. If you choose to lobby on a policy issue that would affect the operations of the County, you are expected to confine your efforts to the County's current legislative agenda.
2. Your participation should be immediately communicated to the County Administrator.
3. If the issue has not been addressed, a County Board position should be sought prior to any lobbying effort on your part.
4. If you lobby in a professional capacity, either at the request of a legislator or a professional association, you must note in your testimony that you speak as a professional and not as a County representative.
5. The County Administrator or designated personnel will organize the County's efforts. Do not presume that you speak for the County Board, unless you have reviewed their positions or have checked with them on specific issues.
6. When the County is paying the dues for membership in a professional association, employees shall not take a position within that professional association that is inconsistent with County Board policy.
7. All employees and appointed representatives shall notify the County Board and/or the County Administrator of a pending appointment to an advisory board or task force initiated outside of the scope of County Board authority.

This policy applies to all employees and respective appointed Board members that lobby as a representative of Mille Lacs County.

## **NN. DISPUTE RESOLUTION**

### *NN1. OVERVIEW*

The County recognizes that open and effective communication is an essential ingredient for employee satisfaction and productivity. It is the policy of the County to encourage communication between employees and their managers. As part of this policy, the County has established an employee problem resolution procedure which employees will be encouraged to use for resolution of a personnel action which the employee believes will adversely impact the terms, conditions or status of their employment, without fear of criticism or reprisal. Individuals not covered under the Dispute Resolution and Personnel Board of Appeals Rules for termination proceedings are identified in the Application section of these policies.

### *NN2. OBJECTIVES*

1. To ensure that employees receive equitable treatment.
2. To provide employees with a prompt and accessible procedure for expressing dissatisfaction in regard to work related matters.
3. To foster sound employee relations through communication and resolution of work related problems.

### *NN3. GUIDELINES*

1. Dispute resolution meetings shall be scheduled at mutually satisfactory times.
2. Employees and supervisors may have the assistance of the Administrative Services Office at any time.
3. Information will be treated with discretion by all persons involved.
4. It is not the intention of the County Board, by establishment of this procedure, to thereby grant an employee a second opportunity to litigate an issue which has already been litigated in any other administrative or judicial proceeding.

### *NN4. PROCEDURE*

**Step 1** - An employee with a dispute shall initially discuss the problem within five (5) working days of its occurrence, with the designated supervisor. The employee may be accompanied by the counsel of his/her choice. The supervisor shall investigate the complaint, discuss the dispute with the employee, and provide an oral response to the employee within five (5) working days from the date the dispute was initially presented. (In instances where the organizational structure does not provide a level of supervision between the department head and the employee, a dispute may be presented directly to the department head as set forth in Step 2.)

**Step 2** - If the employee is not satisfied with the supervisor's response, the employee may present the dispute, in writing, to the department head within ten (10) working days of the response received in Step 1. The written statement of dispute shall include: the nature of the



dispute, the facts on which it is based, the provision(s) of these policies or the County work rules violated and the remedy requested. The department head shall investigate the complaint, discuss the dispute with the employee and provide a written response to the employee within five (5) working days of receiving the statement.

**Step 3** - A dispute not resolved in Step 2 may be appealed to Step 3 using the same presentation procedures outlined in Step 2. The Personnel Director shall investigate the dispute and alleged violation of these policies. The decision of the Personnel Director shall be final (with the exception of discharges) and shall be provided in writing to the employee within fifteen (15) working days following receipt of the appealed dispute.

#### *NN5. APPEALS PROCEDURE*

Where an employee dispute involving discharge cannot be satisfactorily resolved in the three (3) steps of the Dispute Resolution Procedure, the appeal procedure outlined below shall be followed:

- ✓ If the discharged employee is not satisfied with the Personnel Director's response, the employee may present the dispute for a hearing by the Personnel Board of Appeals, in writing, to the Personnel Director within fourteen (14) calendar days of the response received in Step 3.
- ✓ Upon receipt of the written request to the Personnel Director, the request shall be processed as defined in the Mille Lacs County Personnel Board of Appeals Procedural Rules.

#### *NN6. DECISION*

The decision of the Personnel Board of Appeals shall be based upon substantial and competent evidence. The Personnel Board of Appeals shall make written findings of fact, decision and order within sixty (60) days of the filing. All records of the proceedings shall be kept on file in the office of the Personnel Director. Findings, decisions, orders and any reports of the Personnel Board of Appeals are final and binding and shall be submitted to the County Board at the next regular meeting after issuance of the decision.

A binding decision of the Personnel Board of Appeals may be appealed as provided by state statute.

#### *NN7. TIME LIMITS*

If the dispute is not presented within the time periods set forth above, it shall be considered waived. If a dispute is not appealed to the next step within the specified time limit, it shall be considered settled on the basis of the last answer. If the proper authority does not answer a complaint or appeal thereof within the specified time limits, the employee shall treat the dispute as denied and may appeal to the next step. The time limit in each step may be extended by mutual agreement of the employee and the authority involved in the step.

#### *NN8. REPRISALS PROHIBITED*

No employee shall be disciplined for seeking redress through this procedure or as a result of

testimony in accordance with the provisions of these policies.

## **OO. EMPLOYEE DISCIPLINE AND DISCHARGE**

### *001. OVERVIEW*

The County affirms its right and responsibility to develop and administer the policies, disciplinary measures and general work rules necessary to ensure efficient operation of services, fair treatment and safe working conditions. The County retains all rights and privileges not specifically addressed in these Policies.

### *002. JUST CAUSE*

Any disciplinary action shall be for a reasonable or just cause. Cause for discipline may include, but is not limited to, the following:

1. Conduct or performance which fails to satisfy the duties, responsibilities, quantity, quality or safety rules of the job.
2. Insubordinate conduct, refusal to follow a supervisor's direction, or willful violation of a policy or lawful regulation.
3. Restriction, interference or harassment of others in the performance of their job, which is adversely distracting or disrupting the wellbeing of others.
4. Gross negligence or willful destruction/abuse of any County property or material, misappropriation and/or mismanagement of County property or funds, theft, fighting, possession of illegal weapons and falsifying or destroying County reports or records, including falsification of an employee's time card.
5. Reporting to work under the influence of alcohol, illicit drugs or controlled substance, possession or consumption of same while on the job.
6. Excessive or unexcused absences, lateness in reporting to work, or leaving the work site before the end of the scheduled shift.
7. The solicitation or acceptance of money, gifts or valued items which may be construed as evidence of favoritism, coercion, unfair advantage, collusion or otherwise impacting the decisions of an employee in public matters.
8. The use or threatened use of political influence to exert pressure on any County employee for favors or to conduct actions contrary to these Policies.
9. Willful deception or misrepresentation on an employment application.
10. Reporting for a scheduled work assignment in clothing which an authorized supervisor has deemed as not acceptable for the work assignment or as being disruptive to employees or the public.
11. Unapproved acceptance of employment or volunteer activity determined to be a conflict of interest with County employment.
12. Misconduct or the violation of a general rule requiring the maintenance of good order and recognized business department.

The foregoing list is not intended to be all inclusive in defining standards of conduct or obligations which employees must observe at all times.

### *003. DISCIPLINE*

The County uses progressive discipline, but maintains that any incident of employee misconduct or violation of policy may result in discharge, depending upon the circumstances.

Employees shall be permitted to respond to formal disciplinary action by written response to the disciplining authority and by having the response placed in their personnel file. Discipline actions numbers 2 – 4 below may be appealed using the Dispute Resolution process.

1. Verbal Warning -- An informal action by the supervisor to inform an employee of a minor or first occurrence of a policy violation or misconduct. A verbal warning shall define the unacceptable performance or misconduct, the desired improvement and the consequences for failing to correct the infractions. Documentation of the action shall not be made a part of the employee's personnel file, unless additional disciplinary action references the verbal warning.
2. Written Warning -- A formal action by the supervisor, providing official notice of the violation or misconduct, the corrections and time frame expected and the consequences for failing to correct the infractions. The maximum time frame which may be allowed for correction is twelve (12) months. The written warning will be maintained permanently in the employee's personnel file.
3. Work Re-assignment -- An employee may be transferred, reassigned, demoted or have their duties temporarily changed as a disciplinary action by the supervisor, without the consent of the employee. Such an action should not be initiated if the behavior resulting in disciplinary action is likely to be repeated in the new position, work assignment or department.
4. Suspension -- An employee may be temporarily removed from their assigned position, with or without compensation, in compliance with applicable state and federal regulations, seniority or benefits. The notice of suspension shall be written and shall notify the employee of the unacceptable behavior or performance, the desired performance and the consequences if not corrected.

Whenever an employee is suspended during an investigation and such employee is subsequently exonerated, the employee shall be reinstated without loss of compensation, benefits or seniority.

### *004. DISCHARGE*

An employee may be removed from continued employment with the County for cause, following the use of progressive discipline or for acts where remedial action is not deemed effective or appropriate. The supervisor shall provide written recommendation of the cause for termination and the effective date to the Personnel Director.

After review of the recommended discharge between the Personnel Director and the department head, the employee shall be notified of the intended action in writing. The notification shall contain the cause(s) and effective date. If applicable, an eligible employee shall be informed of their right to request a hearing before the Personnel Board of Appeals.

#### *005. DISCHARGE OF A VETERAN*

A veteran who is an employee of Mille Lacs County covered by these Policies and who is being considered for termination of employment by discharge shall receive a notice of intent to discharge, prior to any action, which shall include written notice of the right to request a hearing before the Personnel Board of Appeals, in accordance with the Mille Lacs County Personnel Board of Appeals Procedural Rules and M.S. 197.46. Such requests must be in writing to the Personnel Director. A veteran notified of the intent to discharge may be suspended with pay, benefits and employment status pending a final determination.

### **PP. RESPECTFUL WORKPLACE**

#### *PP1. POLICY*

It is the policy of Mille Lacs County to maintain a respectful work and public service environment free from violence, discrimination, harassment, and other offensive or degrading behavior or conduct. Mille Lacs County will not tolerate such behavior by or toward any employee. Any employee found to have acted in violation of this policy shall be subject to disciplinary action, up to and including termination from employment.

The County shall provide a reporting process and investigative practices for reported violation of this policy.

#### *PP2. PROCEDURE*

Maintaining Mille Lacs County as a respectful environment is the responsibility of all employees. Management will promptly address any form of inappropriate behavior.

1. Behavior which violates this policy includes, but is not limited to:
  - a. Violent behavior which includes the use of physical force, harassment or intimidation, or abuse of power or authority when the impact is to control by causing pain, fear or hurt.
  - b. Discriminatory behavior which includes inappropriate remarks about or conduct related to an employee's race, color, creed, religion, national origin, disability, sex, marital status, age, sexual orientation, or status with regard to public assistance.
  - c. Offensive behavior includes patterns of actions that have a negative impact on the work environment such as: excessive rudeness, inappropriate joking, vulgar obscenities, name calling, disrespectful language, or the intentional filing of an unfounded complaint under this policy.
2. Responding to behavior which violates this policy is most effectively handled immediately by the person(s) observing the behavior. An employee who believes that they have been treated in violation of this policy by any person in relation to employment with the County

should deal with the situation in one or more of the following ways.

- a. The person who is the target or observer of the behavior should politely but firmly request that the person cease the behavior. This may include describing how this behavior is disrespectful (e.g., causing feelings of intimidation, offense, or discomfort).
  - b. The person who is the target or observer of the behavior may write a statement describing the incident(s) of inappropriate behavior, a summary of the conversation with the person violating this policy, and a description of that person's reaction to the conversation following the incident. This statement may be kept by the author or provided to a supervisor or the Personnel Director.
  - c. If an employee fears that adverse employment consequences could result from direct conversation with the offender, the employee may go to their supervisor, department head, or Personnel Director. In the event of a complaint against the Personnel Director, it should be reported to the County Administrator. The report of such an incident shall include the details of the situation, including the resolution sought. An investigation will follow such a report.
  - d. In the case of violent behavior, all employees are required to report the incident immediately to their supervisor, department head, or the proper legal authorities.
3. Management's responsibilities include investigating all complaints and making necessary efforts to re-establish or provide an environment free of disrespectful behavior to protect the rights of all employees.

Supervisors and department heads shall deal swiftly and vigorously with persons treating others disrespectfully. An employee who engages in disrespectful workplace behavior is subject to standard disciplinary procedures.

The cooperation of all employees is required to reestablish a respectful environment. Employees need to be aware of the sensitivity of those individuals with whom they work.

A supervisor or manager who becomes aware of disrespectful workplace behavior and fails to take actions against it is subject to disciplinary procedures.

A department head or supervisor who receives such a complaint shall record their actions in response to the complaint, including any investigation, correction or discipline.

When conducting an investigation, management shall operate within the requirements of the Minnesota Data Practices Act. When allegations of sexual or other types of harassment are made against any employee, the employee does not have access to data that would identify the complainant or other witnesses if the County determines that the employee's access to that data would:

- 1) Threaten the personal safety of the complainant or a witness; or
- 2) Subject the complainant or witness to harassment.

If a disciplinary proceeding is initiated against the employee, data on the complainant or witness shall be available to the employee as may be necessary for the employee to prepare for

the proceeding.

## **QQ. WORKPLACE VIOLENCE**

The County is committed to providing employees with a safe workplace that is free from violence; reducing employee vulnerability to workplace violence; responding quickly to employees when workplace violence occurs; and supporting employees who experience such acts, both at the time of and subsequent to the incident.

County employees are expected to serve angry, upset or otherwise disgruntled customers with patience, courtesy and respect; however, no employee is required to tolerate physical or verbal threats to one's safety, or physical or verbal abuse. Further, it is a goal of the County to maintain a work environment that provides for respectful conflict resolution.

Mille Lacs County is committed to:

- ✓ providing services to the public in a professional and caring manner;
- ✓ providing a safe environment for employees and the public;
- ✓ reducing employee vulnerability to workplace violence;
- ✓ responding quickly to employees when workplace violence occurs; and
- ✓ supporting employees who experience violence both at the time of and subsequent to the incident.

### *QQ1. DEFINITION*

Violence is the use of harassment, intimidation, physical force, or the abuse of power or authority, where the intent is to control by causing pain, fear or hurt. The County acknowledges that employees may be exposed to violence by the very nature of their jobs in the provision of service to the public. The County acknowledges that human relationships include the potential for conflict, which may result in violence. This includes the actions of employees, clients, other internal or external customers, vendors or any other person. The County recognizes that violence at work, family violence, or any other type of violence may impact an employee's work performance.

### *QQ2. PROCEDURE*

The County assumes the initiative for maintaining a safe workplace. The County retains the authority to act appropriately in performance evaluation and disciplinary procedures. The intention of these procedures is not to conflict with any other County policy or procedure.

Each department head is charged with the development, maintenance and communication of procedures for addressing workplace violence relevant to the functions of that division. These include procedures for prevention, incident response and actions following an incident.

Each employee is responsible for participating in training, asking questions and adhering to these procedures.

If an employee is threatened or assaulted, the first thing the employee should do is end the encounter and move to a secure place. If defense is necessary, it should be reasonable and proportionate to the situation with a minimum of contact with, or injury to, the individual. The

County supports acts of self-defense when an employee is doing so to protect themselves. Once in a secure setting, the employee should obtain medical help if needed and report the incident to law enforcement and their supervisor. Calling 911 may be appropriate for either law enforcement or medical support.

If an employee sees or overhears a violent incident in progress, they should either intervene or call for help, whichever they feel most comfortable doing. Again, calling 911 may be appropriate for obtaining either law enforcement or medical support.

If a violent incident occurs, the employee involved needs to report it to their supervisor; follow up will vary depending on the incident.

#### **RR. FIREARMS PROHIBITION**

All County employees are prohibited from carrying or possessing firearms while acting in the course and scope of employment for the County, with the exception of Sheriff's Office staff designated to carry firearms and County Attorneys with valid permits to carry AND the express permission of the County Attorney. The possession or carrying of a firearm by an employee, other than Sheriff's Office employees designated to do so, is prohibited while working on County property or while working in any location on behalf of the County.

This policy shall not preclude the possession of firearms as evidence in a criminal or civil case by County staff.

#### **SS. RETALIATION**

The County is committed to maintaining a culture that promotes the prevention, detection, and resolution of instances of conduct that do not conform to laws, regulations, policies and procedures, or to the Code of Conduct section.

Board members, directors, managers, and employees are not permitted to engage in retaliation, retribution, or any form of harassment against an employee who, in good faith, reports a compliance concern. Anyone who is involved in any act of retaliation or retribution against an employee who has reported suspected misconduct in good faith will be subject to disciplinary action.