

# **MOUNTRAIL COUNTY EMPLOYEE HANDBOOK**

**Approved by the  
Mountrail County Board of Commissioners  
on February 3, 2026**

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Welcome employee!

On behalf of your colleagues, we welcome you to employment with Mountrail County and wish you every success here.

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

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

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

Sincerely,

Board of Commissioners  
Mountrail County, North Dakota

## EMPLOYEE HANDBOOK ACKNOWLEDGEMENT FORM

I understand that this employee handbook describes important information about Mountrail County and that I should consult my supervisor regarding any questions not answered in the handbook.

I acknowledge this handbook and the policies and procedures contained herein supersede any and all prior practices, oral or written representations, or statements regarding the terms and conditions of my employment with Mountrail County. I further understand that future revisions to the handbook may supersede or eliminate one or more existing policies.

I have entered into my employment relationship with Mountrail County voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or Mountrail County can terminate the relationship at will, with or without cause, at any time, so long as there is not violation of applicable federal or state law. I understand and agree that nothing in the employee handbook creates, or is intended to create, a promise or representation of continued employment and that employment at Mountrail County is employment at will, which may be terminated at the will of either Mountrail County or myself. Furthermore, I acknowledge that this handbook is not a contract of employment nor a legal document.

*Human Services employees are not considered as at will and as a consequence will be provided a notice of termination and the right to a hearing in a job loss situation.*

I also understand that I may have access to this handbook during regular business while I am a Mountrail County employee, and that it remains the property of Mountrail County.

I have reviewed the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

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**Signature of Employee**

**Date**

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**Printed Name**

The Employee Handbook can be viewed online at [www.co.mountrail.nd.us](http://www.co.mountrail.nd.us) on the Human Resources page. If you do not have access to the internet, contact your supervisor, Department Head or Human Resources to view a hard copy.

## 40 INTRODUCTORY STATEMENT

Citizens of Mountrail County elect the Board of County Commissioners and some Department Heads. Remaining Department Heads are appointed by the Board of County Commissioners. Employees are hired by Department Heads with the approval of the Commissioners or within guidelines authorized by the Commissioners.

Employees are accountable to their Department Head or designated supervisor. Department Heads are responsible for day-to-day activities within their departments and are accountable to the Board of County Commissioners. The Commissioners and Department Heads are directly accountable to the citizens of Mountrail County.

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

No employee handbook can anticipate every circumstance or question about policy. It is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described. For that reason, if you have any questions concerning eligibility for a particular benefit or the applicability of a policy or practice, you should address your questions to an immediate supervisor or Department Head. Some subjects described in this handbook are covered in detail in official policy documents. Refer to these documents for specific information because the handbook only briefly summarizes those guidelines and benefits. Please note the terms of the written insurance policies are controlling and override any statements made in this document.

As the County continues to grow, the need may arise to change policies described in the handbook. The Commissioners therefore reserve the right to revise, vary, change, supplement, or rescind any policies or portion of the handbook from time to time as they deem appropriate, in their sole and absolute discretion.

### **DISCLAIMER**

**Neither this handbook, nor any other county document confers any contractual right, either expressed or implied, for an individual to remain in the County's employ. Nor does it guarantee**

**any fixed terms and conditions for an individual's employment. Employment is not for any specific time and may be terminated at-will with or without cause and without prior notice by the organization, or an individual may resign for any reason at any time.** No supervisor, manager or other representative of the organization with the exception of the Mountrail County Commission has the authority to enter into any agreement for employment for any specified period of time or to make any agreement contrary to the above.

## **101 APPLICABILITY OF HANDBOOK**

The policies expressed in this handbook apply to all employees of Mountrail County unless otherwise specifically limited by law. It is the policy of Mountrail County to adhere to all applicable State and Federal Laws and regulations with respect to any and all employment decisions.

It is understood that both State and Federal law may change by legislative enactment or by binding judicial determinations over time. To the extent any provision of this handbook is in conflict with binding State or Federal law, the applicable binding law within this jurisdiction shall control.

While these policies are intended to apply to all employees, Social Service employees are covered by the North Dakota Merit System may be entitled to different processes and procedures under the North Dakota Administrative Code in some circumstances. To the extent there is a conflict between County policy and State regulations or laws, the State Regulation or law shall control. The director of Social Services is empowered to make interpretations as may be necessary to administer these policies subject to review of the Board of County Commissioners.

Further, the County Commission retains supervisory authority of elected County officers to ensure any discipline or discharge decisions made by elected county officers are lawfully implemented in accordance with County Policy. However, nothing within this Handbook shall be construed to usurp or significantly interfere with the authority of an elected County officer as conferred upon them by North Dakota law.

## **103 EMPLOYEE RELATIONS AND JOB CLASSIFICATION**

Mountrail County believes that the work conditions, wages and benefits it offers to its employees are highly competitive with those offered by other employers in this area and in this industry. If employees have any concerns about work conditions or compensation, they are strongly

encouraged to voice these concerns openly and directly to their supervisors. Our experience has shown that when employees deal directly with supervisors, the work environment is excellent, communications are clear and attitudes are positive. We believe that Mountrail County has amply demonstrated its commitment to responding effectively to all employee concerns.

### Job Classification

Mountrail County consistently reviews job activities to ensure that positions are appropriately classified based on related duties and responsibilities. Any employee who has questions or concerns about their job classification should contact their Department Head for additional clarification or guidance.

### Classification System

Mountrail County has adopted a Classification System. The Classification System provides a complete inventory of all positions in Mountrail County and specifications of each class of work. It provides a structure or framework for understanding how jobs relate to one another and the business reasons for positions.

All employment categories stated in Mountrail County Employee Handbook [Section 201](#) are subject to the Classification System. No person shall be appointed or promoted to any position until it has been properly classified.

New positions, reclassifications and/or promotions must be planned and budgeted. Exceptions relating to unusual and unanticipated circumstances may be granted upon review and consideration by the Board of County Commissioners.

### Job Analysis and Classification/Reclassification

Department Heads shall work with the Human Resources Department to develop a job description for each position within the County. The job description should identify the essential functions and classification of each position.

The Human Resources Advisory Committee shall meet from time to time to determine whether certain positions are correctly rated under the Classification System. The committee shall consider any positions for which the responsibilities and duties have significantly changed since the last time the position was studied.

The classification/reclassification review will be conducted by the Human Resources Advisory Committee. Once the classification/reclassification review has been conducted by the Human Resources Advisory Committee, a classification/reclassification written response will be

forwarded to the Department Head. The recommendation will be forwarded to the Board of County Commissioners and placed on the agenda at their next regularly scheduled meeting, no earlier than ten (10) days after written response to the Department Head. The Department Head will be given the opportunity to present oral or written testimony to the Board of County Commissioners. The decision of the County Board is final.

#### Compensation

Pay rates within the Classification System will be presented to the Board of Commissioners on a yearly basis to coincide with the County's budgetary process.

The Board of Commissioners has the right to award pay increases based upon factors such as performance and market pressure to employees as a whole, Department, or individual.

#### Salary increases

Salary increases, such as COLA (cost of living adjustments) or step increases, shall not be automatic, but rather shall be determined by the Board of County Commissioners. If authorized by the Board of County Commissioners any salary increase, shall begin on such date as determined by the Board of Commissioners.

To be eligible for an annual step increase in January of the next calendar year, a newly hired employee must have been employed with the County prior to July 2<sup>nd</sup>. Any person hired July 2<sup>nd</sup> or thereafter is not eligible for a step increase in January of the next calendar year but is eligible for a COLA increase, if issued by the Board of County Commissioners. Annual salary increases may be suspended or denied based upon unsatisfactory performance review as recommended by a Department Head and approved by the Board of County Commissioners.

#### Leave of absence

Salary increases are not earned while on unpaid leave of absence. Upon reinstatement, the employee shall be paid at the same rate he/she had prior to the leave of absence. If, during the absence, a merit increase had been provided, the salary of the incumbent should be reviewed at the time he/she returns for any pay action. This will then be determined by the Board of Commissioners.

#### Transfer to a Lower grade

The Department Head, with review and approval from the Human Resources Department, has the ability to set an employee's salary if they are transferred to a lower grade for any legitimate nondiscriminatory and nonretaliatory reason.

#### Paying Above the Salary Range Maximum

Employees may be paid beyond their assigned salary range maximum upon approval from the Board of County Commissioners.

### Salary Structure Updates

#### *Annual Updates*

In order to reflect necessary increases, Mountrail County may conduct an annual review of the pay scales. The method of analyzing pay scales will be determined by the Board of County Commissioners.

## **105 EQUAL EMPLOYMENT OPPORTUNITY**

Mountrail County is an equal opportunity employer. It is the policy of Mountrail County to recruit, hire, train, and promote employees without regard to race, color, religion, national origin, gender, age, marital status, physical or mental disability, genetic information, public assistance, amnesty or status as a covered veteran in accordance with applicable federal, state and local laws. Exceptions to this policy will apply where specific age, sex or physical requirements are a bona fide occupational qualification. This policy applies to all terms and conditions of employment including hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absences, compensation and training.

### Veteran's Preference

Qualified veterans shall have preference for employment with Mountrail County as set forth in Chapter 37-19.1 of the North Dakota Century Code.

## **107 HIRING OF RELATIVES**

Elected Officials and Department Heads are restricted by the North Dakota Century Code as it pertains to the employment of relatives. No Department Head, either elected or appointed, may appoint their spouse, son, daughter, brother or sister to any position under the control or direction of that official, unless the appointment has been previously approved by resolution of the Board of County Commissioners.

The policy of Mountrail County is as follows:

1. A member of an employee's immediate family will be considered for employment by the County provided the applicant possesses all the qualifications for employment. An immediate family member may not be hired, however, if such employment would:
  - a. Create either a direct or indirect supervisor/subordinate relationship with a family member; or
  - b. Create either an actual conflict of interest or the appearance of a conflict of interest.
  - c. These criteria will also be considered when assigning, transferring, or promoting an employee. For purposes of this policy, "immediate family" includes: the employee's spouse, brother, sister, parents, children, stepchildren, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law and any other member of an employee's household.
2. Employees who marry or become members of the same household may continue employment as long as there is not:
  - a. A direct or indirect supervisor/subordinate relationship between such employees;
  - b. An actual conflict or the appearance of a conflict of interest.

Should one of the above situations occur the County will attempt to find a suitable position within the County to which one of the affected employees may transfer. If accommodations of this nature are not feasible, the employees will be permitted to determine which one of them will resign. In the event there are any legislative changes to North Dakota's nepotism statute that conflict with this policy, the effective statutory language controls over the policy language in this policy.

## **109 CONFLICTS OF INTEREST**

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

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

employee is similar to that of persons who are related by blood or marriage. It is imperative that employees disclose any relationship to an appropriate officer of the organization as soon as possible. Personal gain by an employee or a relative in the form of kickbacks, bribes, substantial gifts or special consideration as a result of business transactions with Mountrail County is prohibited.

- An employee of the County shall not hold any position, nor serve on any board in which such interest or position would conflict with the duties assigned to that individual and/or that individual's office either by constitution or statute.
- An employee of the County shall not receive remuneration in any form from an individual, business, corporation, or any other entity for services rendered while acting as an employee or agent of the County unless permitted by law.
- An employee of the County may hold outside employment unless precluded by law. Outside employment should not create a conflict of interest with constitutional duties, statutory duties and/or the performance level assigned to the individual or the individual's office.
- In general, County positions shall be considered the primary employer with outside employment considered as secondary. The Department Head shall be made aware of secondary employment by the employee and confirm that a conflict of interest does not exist.
- An employee engaged in political activity as defined in NDCC 39-01-04, may have a potential conflict of interest and should explain the duties and responsibilities to the Department Head to determine if a conflict of interest exists. The employee will be required to take annual leave for any time taken during normal working hours to carry on such political activity.

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

## **201 EMPLOYMENT CATEGORIES**

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

Each employee is designated as either **NONEXEMPT OR EXEMPT** from the federal and state wage and hour laws.

**NONEXEMPT** employees are entitled to overtime pay or compensatory time off under the specific provisions of federal and state laws and in accordance with applicable resolutions of the County Commissioners.

**EXEMPT** employees are excluded from specific provisions of federal and state wage and hour laws.

As an exempt or nonexempt employee, each individual will belong to one of the classifications outlined below:

#### Regular Full-Time

Employees who are not in a temporary and/or emergency or introductory status and who are regularly scheduled to work the organization's full-time schedule. Generally, they are eligible for the employer's full benefit package, subject to the terms, conditions, and limitations of each benefit program. (For purposes of classification and eligibility for benefits, all elected officials are considered to have the same benefit entitlements as full-time employees.)

#### Regular ½ Part-Time

Employees who are not in a temporary and/or emergency or introductory status and who are regularly scheduled to work less than the full-time work schedule but at least 20 hours per week for 20 or more weeks during the year. Regular part-time employees working on a one-half (1/2) time status shall not exceed an average of 29 hours per week or 1,508 hours during the year. Regular part-time employees are eligible for a portion of the employer's benefit package subject to the terms, conditions, and limitations of each benefit program.

#### Regular ¾ Part-Time

Employees who are not in a temporary and/or emergency or introductory status and who are regularly scheduled to work less than the full-time work schedule but at least 30 hours per week for 20 or more weeks during the year. Regular part-time employees working on a three-fourth (3/4) time status shall not exceed an average of 35 hours per week or 1,820 hours during the year. Regular part-time employees are eligible for a portion of the employer's benefits package subject to the terms, conditions, and limitations of each benefit program.

#### Part-Time

Employees who are not in a temporary and/or emergency or introductory status and who are regularly scheduled to work less than 20 hours per week. While they do receive all legally-

mandated benefits (such as worker's compensation and Social Security benefits), they are ineligible for any of the employer's other benefit programs.

### Introductory

Employees who are being evaluated to determine whether further employment in a specific position or with the organization is appropriate. Employees who satisfactorily complete the introductory period will be notified of their new employment classification.

### Temporary / Emergency

Employees hired as interim replacements to, temporarily and/or emergency supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited and indefinite duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary and/or emergency employees retain that status until notified of a change. While temporary and/or emergency employees receive all legally-mandated benefits (such as workers' compensation insurance and Social Security), they are ineligible for any of the employer's other benefit programs. Temporary and/or emergency employees shall not exceed more than 720 hours per calendar year.

### Casual

Employees who have established an employment relationship with the organization, but who are assigned to work on an intermittent and/or unpredictable basis. While they receive all legally-mandated benefits (such as workers' compensation insurance and Social Security), they are ineligible for any of the employer's other benefit programs.

In the event that an employee is terminated and rehired within a period of ten (10) days, that employee will be considered to have been continuously employed for the purposes of not having to be an introductory employee and for computation of the following benefits:

Vacation, sick leave

## **203 INTRODUCTORY PERIOD**

An employee, excluding elected officials, should use the initial period after being hired or rehired, promoted, demoted or transferred within the County to determine whether the new position meets his or her expectations. Mountrail County considers the introductory period as the last step of the selection process and uses this period to evaluate employee capabilities, attitude, and work habits. Either the employee or the County may end the employment relationship at any time during or after the introductory period, with or without cause or advance notice.

All new and rehired employees work on an introductory basis for the first 6 months (averaging 180 calendar days) after their date of hire. Any significant absence will automatically extend the introductory period by the length of the absence. If the Department Head or County Commissioners determine that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee, the department head or County Commissioners may extend the introductory period for a specified period of time. During any extension of introductory period that employee will continue to be considered under probation.

The six-month introductory period is considered fulfilled for any part-time employee who works for six months or more and is promoted to a full-time employment status within the same department and same job classification.

## **206 SOCIAL MEDIA NETWORKING POLICY**

Unless specifically instructed, employees are prohibited from speaking on behalf of Mountrail County on any social media site. Employees may not publicly discuss clients, employees, or any work-related matters, whether confidential or not, outside company authorized communications or meetings.

All social media sites created as a public display of Mountrail County information must be authorized by the Department Head for their own office with identifiable characteristics of an official County site. Authorized social networking is used to convey information about County services, promote and raise awareness, issue or respond to breaking news, and discuss County Department specific activities and events.

Only authorized employees can prepare and modify content for Mountrail County's website and/or social networking entries. All use of social networking sites must be consistent with applicable State, Federal, and local laws, regulations, and policies. This includes the Department and Countywide acceptable use policies and any applicable Records Retention and Disposition Schedules or policies, procedures, standards, or guidelines.

Departments are responsible for establishing and maintaining content posted to their social media sites and shall have measures in effect to prevent inappropriate or technically harmful information and links. Employees should be mindful of blurring their personal and professional lives when administering social media sites.

Inappropriate usage of social media can be ground for disciplinary actions up to an including termination.

## **207 WORK SCHEDULES & OVERTIME**

### Work Schedules

Work schedules for employees vary throughout Mountrail County and supervisors will advise employees of their individual work schedules. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

The regular workweek is established as forty (40) hours in length for all County employees with the exception of the sheriff deputies and correctional officers in the Sheriff's Office and Correctional Department which is to be 171 hours per 28-day period. The workweek starting and ending period is established as follows:

For all County: Starting each and every Sunday at 12:01 A.M. and ending each and every Saturday at 12:00 A.M. midnight.

Office hours for County offices will be as follows:

1. All County Offices, with the exception of the Sheriff's Department and Correctional Department, will remain open from 8:00 A.M. to 4:30 P.M. each and every Monday through Friday, excluding holidays, with offices closed from 12:00 P.M. to 12:30 P.M. for lunch.
2. The Mountrail County Sheriff's Department and Correctional Department will remain open twenty-four hours every day.

### Overtime

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive the supervisor's prior authorization. Overtime will be distributed as needed.

Overtime pay is based on actual hours worked and shall be paid to non-exempt employees who work more hours than the 40-hour regular work week. Time off for sick leave, vacation leave, or any leave of absences will not be considered hours worked and will not be counted as part of the 40-hour base.

Overtime hours that exceed the 40-hour hours worked shall be compensated at a rate of one and one-half (1 ½) times for each hour worked.

Exempt employees are specifically exempted from the overtime policy as stated above and shall be paid in accordance to the applicable laws of the United States and the State of North Dakota.

All employees excluding elected officials shall be required to complete daily time cards and to submit them to their immediate supervisor at the end of each week. Employee time cards must reflect actual hours worked and all leave taken (annual, sick, holiday and bereavement). Each department head will be responsible for approving the time cards and submitting them to the Human Resources office on a timely basis.

Department heads will be responsible for submitting overtime records worked to the Mountrail County Human Resource's Office and to make sure that such hours are accounted for on the employee's time card.

Unauthorized overtime hours worked may result in disciplinary action up to and including termination.

## **208 TRAVEL**

In work-related situations, the time a non-exempt employee operates a motor vehicle is considered work time and is considered in determining the number of actual hours worked during the week. If the combination of hours worked and driving time exceed 40 hours in a work week, the Departments must provide overtime. Only time actually spent traveling may be shown. Travel from home to work or work to home is excluded from this definition.

The Fair Labor Standards Act does not consider work time that time spent in travel away from home outside of regular business hours as a passenger on an airplane, train, boat, bus, or automobile if the employee is away from home at least one night. When travel away from home is for one day with no overnight stay, all hours spent traveling either as the driver or passenger are considered work time for employees. These hours must be included in determining the number of hours worked during the week.

### Out of State Travel

When a trip not previously budgeted and approved requires travel outside the State of North Dakota, a detailed request must be submitted to the Board of County Commissioners for approval at least two weeks prior to the trip. This request should outline the following itinerary:

- Purpose of trip
- Destination
- Transportation and estimated cost
- Lodging, meals and incidental estimated costs
- Total estimated cost of the trip

Emergency situations that arise in certain departments involving investigations, transportation of clients, prisoners etc., may be exempt from pre-approval due to inadequate lead time.

### Transportation

Reimbursement transportation expense include:

- Public transportation- airfare, bus, taxi, etc.
- Personal automobile mileage
- County vehicle expenses
- Automobile rental costs upon having County Board approval

Reimbursement for transportation expense shall be limited to the cost of the most reasonable transportation means available. Receipts are required.

### Lodging

Charges for lodging will be reimbursed for only the night prior to the start of the conference, seminar, meeting, etc. and those nights when the event is actually in session and only when travel on the day of the event is not practical due to length of travel and conference starting time. Receipts are required for all lodging expenses. Lodging charged directly to the County require department head approval. Telephone expense, movie rental and related incidental charges are not reimbursable.

### Reimbursement for meals and travel

If meals are included as part of overnight lodging, a registration fee for a conference, seminar, or other meetings, the employee should be reimbursed for the entire registration fee, if paid by the employee. However, the employee cannot claim reimbursement for the applicable meal allowance for that quarter. An employee should be reimbursed for meals paid by the employee while attending a meeting at the request of, or on behalf of, the County or any of its subdivisions, agencies, boards, or commissions, up to the allowable rates established by the ND Century code ND 44-08-04.

All employees shall submit a Claim Voucher to be reimbursed for personal vehicle mileage, miscellaneous expense from travel, meals claimed by quarter, out of state meals, and out of state lodging in accordance with ND Century code 44-08-04.

Same day meals will be reimbursed as applicable to law and best practices and are to be submitted to the Human Resources department to be reimbursed through payroll.

Overnight meals and miles are reimbursed as applicable to law and best practices. Expenses will be submitted to the Auditors office to be reimbursed through a warrant.

All employees are responsible to ensure vouchers are accurate and fully completed.

## **209 REST AND MEAL PERIODS**

Each work day, nonexempt employees are provided with two fifteen (15) minute rest periods. Supervisors will advise employees of the regular rest period length and schedule. To the extent possible, rest periods will be provided in the middle of the work periods. Since this time is counted and paid as time worked, employees must not be absent from their work stations beyond the allotted rest period time.

All employees are provided one meal period each work day. Supervisors will schedule meal periods to accommodate operating requirements. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time.

ND Minimum Wage & Work Conditions Order states a minimum 30-minute meal period must be provided in shifts exceeding five hours when there are two or more employees on duty. Supervisors unable to provide a 30-minute meal period must obtain a written agreement with the employee waiving their right to a meal period. Employees who are not completely relieved of their duties during their meal period will be paid.

## **211 ATTENDANCE AND PUNCTUALITY**

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

Appointed department heads who will be absent from their position for more than eight (8) hours must notify the Board of Commissioners via email with a notice that they will be out of their office for a specific time frame.

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

## **213 EMPLOYEE CODE OF CONDUCT AND WORK RULES**

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

**Employee Conduct.** Mountrail County considers a consistently positive, cooperative, self-motivated, courteous, and professional attitude to be an essential function of every position. Employees have an obligation to serve the public in a fair, impartial and respectful manner. Each employee must understand that when in contact with the public, the employee projects an image of Mountrail County and its employees. Instances where the public has been offended will be reported to the supervisor. Employees whose conduct shows a lack of respect or professionalism will be disciplined. Even while off-duty an employee should remember that as an employee of Mountrail County, the employee's activities may reflect upon Mountrail County and may affect the employee's ability to perform their job. Employees may not engage in conduct that violates local, state, or federal law, or applicable standards of conduct that has or could have a direct effect on the employee's ability to carry out his or her duties and responsibilities. In addition, officials, managers and supervisors may not engage in any business activity with subordinates that could compromise a working relationship.

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

- Theft or inappropriate removal or possession of property.

- Falsification of timekeeping records.
- Working under the influence of alcohol or illegal drugs.
- Possession, distribution, sale, transfer, or use of alcoholic or illegal drugs in the work place while on duty or while operating employer-owned vehicles or equipment.
- Fighting or threatening violence in the work place.
- Boisterous or disruptive activity in the work place.
- Negligence or improper conduct leading to damage or employer-owned or customer-owned property.
- Insubordination or other disrespectful conduct.
- Violation of safety or health rules.
- Smoking in prohibited areas.
- Sexual or other unlawful harassment.
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the work place.
- Excessive absenteeism or any absence without notice.
- Unauthorized absence from work station during the day.
- Unauthorized use of telephones, mail system, computers and related electronic devices, or other employer-owned equipment.
- Inappropriate use of computer equipment relating to non-county business or to access unprofessional, pornographic or demeaning web sites.
- Unauthorized disclosure of business “secrets” or confidential information.
- Violation of human resource policies.
- Unsatisfactory performance or conduct.

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

reckless driving, on or off the job, are subject to disciplinary action up to and including immediate termination.

**Dress Code/Appearance.** Appearance and dress should be in keeping with the job being performed, both for safety reasons and to reflect a positive image for the county. Should an employee arrive for work wearing clothing or accessories, which in the opinion of their supervisor, is inappropriate, they may be required to go home and change prior to commencing work. Dress code and appearance standards will be implemented in a legitimate and nondiscriminatory manner.

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

## **214 TELECOMMUTING (OUTSTATIONING) PROGRAM**

Telecommuting is an alternative work arrangement that allows employees to work at home, on the road, or in an alternative location designated by Mountrail County.

### **Guidelines for Telecommuting**

Participation in a telecommuting arrangement is discretionary on the part of department head and voluntary on the part of the employee. Appointed officials' participation in telecommuting is discretionary on the part of County Commissioners. Telecommuting is not a county benefit and does not change the terms and conditions of employment with Mountrail County. Telecommuting is NOT an employee right or entitlement. Telecommuting arrangements focus on the business needs of the County. Telecommuting may only be authorized on a temporary basis (less than 30 total days in a 360-day period). Any long term (30 days or more), telecommuting needs prior written approval from the Board of County Commissioners for all employees. Before a non-appointed employee can engage in telecommuting, a Telecommuting Agreement must be executed by the employee their department head. Before an appointed employee can engage in telecommuting, a Telecommuting Agreement must be executed by the department head and be signed by a County Commissioner after Commission approval. The terms of the Telecommuting Agreement govern the employee's conduct for its duration.

## 301 EMPLOYEE BENEFITS

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

Benefits eligibility is dependent upon a variety of factors, including employee classification. Your Human Resources department can identify the program for which you are eligible. Details of these programs can be found elsewhere in this handbook or in related informational publications or documents.

The following benefit programs are available to eligible employees:

- Auto Mileage & Per Diem
- Benefit Conversion at Termination (COBRA of Insurance)
- Bereavement Leave
- Deferred Compensation
- Employee Assistance Program
- Family Medical Leave
- Holidays
- Jury Duty Leave
- Medical Insurance
- Retirement Program
- Sick Leave & Family Sick Leave
- Uniform and Uniform Maintenance
- Vacation Benefits
- Witness Duty Leave
- Dental & Vision Insurance
- Aflac & Colonial Life

- Health Savings Plan & Flexible Spending Plan
- Workers' Compensation ("WSI")

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

### 303 ANNUAL LEAVE

Employees are encouraged to use their annual leave on a regular basis so as to provide time and rest and relaxation away from the work environment. The following employee classifications are eligible for vacation benefits according to the guidelines set forth in this policy:

Regular full-time and regular  $\frac{3}{4}$  part time employees are eligible for this benefit. All days taken as annual leave will be based on an eight-hour day.

Regular full-time and regular  $\frac{3}{4}$  part time employees will accrue annual leave from the first day of work. The Eligibility Table below defines when annual leave benefits become available to regular full-time employees.

#### REGULAR FULL TIME ELIGIBILITY TABLE:

<u>Years of Service</u>	<u>Per Month</u>	<u>Per Year</u>
Through 60 full months	8 Hours	12 Days
61 <sup>st</sup> month through the 120 <sup>th</sup> full month	10 Hours	15 Days
121 <sup>st</sup> month through the 180 <sup>th</sup> full month	12 Hours	18 Days
181 <sup>st</sup> month and beyond	14 Hours	21 Days

Years of service credit for continuous years of employment will be credited for all regular full-time employees, regular  $\frac{3}{4}$  part-time and regular  $\frac{1}{2}$  part-time employees.

Regular  $\frac{3}{4}$  part time employees will accrue 6 hours of annual leave a month regardless of their years of service.

All other employment classifications are not eligible for this benefit.

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

Employees who have satisfied all eligibility requirements shall submit annual leave requests to their supervisors. Annual leave requests of appointed department heads shall submit such requests to the Board of Commissioners, which shall be reviewed by the Board at the next regularly scheduled board meeting. A leave request can be denied or revised if the absence would unduly disrupt the operations or services of the workplace or other business-related purpose.

Regular full-time employees may carry over a maximum of 80 hours beyond January 1<sup>st</sup> of each year. Any unused vacation time over 80 hours will be forfeited on January 1<sup>st</sup> of each year.

Regular  $\frac{3}{4}$  part time employees may carry over a maximum of 35 hours beyond January 1<sup>st</sup> of each year. Any unused vacation time over 35 hours will be forfeited on January 1<sup>st</sup> of each year.

At time of resignation, retirement, dismissal or death, the unused annual leave will be paid to the employee, or in the event of the employee's death, his/her beneficiary. At the discretion of the Department Head, a resigning employee may be allowed to take annual leave at the end of his/her employment.

## **305 HOLIDAYS**

Mountrail County will grant holiday time off to all employees on the days listed below:

- New Year's Day (January 1)
- President's Day
- Good Friday
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Veteran's Day

- Thanksgiving Day (fourth Thursday in November)
- Day after Thanksgiving
- Christmas Eve Afternoon – December 24 – 12:00 p.m. noon (only applies if that afternoon falls on Monday, Tuesday, Wednesday or Thursday)
- Christmas Day (December 25)
- Day after Christmas (only if it falls on a week day)
- Any other day appointed by the President of the United States, the Governor of the State of North Dakota, and/or by resolution of the Board of County Commissioners.

According to applicable restrictions, the County will grant holiday time off to all eligible employees immediately. Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day. Eligible county employee classification(s):

- Regular full-time employees
- Regular  $\frac{3}{4}$  part-time employees
- Regular  $\frac{1}{2}$  part-time employees

All other employment classifications are not eligible for this benefit.

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

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

Paid time off for holidays will not be counted as hours worked for the purposes of determining whether overtime is owed. A holiday time off will not exceed an eight-hour day.

## 307 SICK LEAVE BENEFITS

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

Regular full-time employees will accrue sick leave benefits at the rate of 8 hours per month.

Regular  $\frac{3}{4}$  part-time hourly employees will accrue sick leave benefits at the rate of 4 hours per month.

All other employment classifications are not eligible for this benefit.

An eligible employee may use sick leave benefits for an absence due to illness or injury sustained by that employee. Employees who are unable to report to work due to an illness or injury should notify their supervisor before the scheduled start of their shift, if possible. The supervisor should also be notified prior to each additional day of absence. Appointed department heads shall submit sick leave requests to the Board of Commissioners, which shall be reviewed by the Board at the next regularly scheduled board meeting. If any employee is absent for 24 hours or more in three (3) consecutive days due to illness or injury, a physician's statement may be requested to verify the nature of the illness or injury and its duration. Such verification may be requested for other sick leave absences as well and may be the basis for payment authorization of sick leave benefits. Before returning to work from a sick leave absence of 60 hours or more in five (5) consecutive days, an employee may be requested to provide a physician's verification that he or she may safely return to work.

An eligible employee may also request sick leave to tend to the needs of eligible family members who are ill or require assistance in obtaining medical services, or other services related to their health or well-being. Eligible family members include the employee's spouse; parent or spouse's parent (natural, adoptive, foster, and step-parent); grandparent (natural, adoptive, foster, and step-grandparent); child (natural, adoptive, foster, and step-child); and any other family member who is financially or legally dependent upon the employee or resides with the employee providing care to the family member. Sick leave used for these purposes shall not exceed 80 hours per calendar year.

Sick leave benefits will be calculated based on the employee's base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials. As an additional condition of eligibility for sick leave benefits, an employee must apply for any other available compensation and benefits, such as worker's

compensation benefits that an employee is eligible to receive. The combination of any such disability payments and sick leave benefits cannot exceed the employee's normal earnings.

Unused sick leave benefits for regular full-time employees will be allowed to accumulate up to a maximum of 720 hours. Unused sick leave benefits for regular  $\frac{3}{4}$  part time employees will be allowed to accumulate up to maximum of 270 hours.

Sick leave benefits are intended to provide income protection in the event of an actual illness or injury, unused sick leave benefits cannot be used for any other paid or unpaid absence, and will not be paid out at the time of termination of employment or retirement.

#### Family Medical and Leave Act (FMLA)

Notwithstanding the above policy, the County acknowledges it is a political subdivision and is subject to the Family Medical and Leave Act (FMLA). In the event any employee has any questions with respect to FMLA leave, they should contact Human Resources to obtain additional information. It is the policy of the County to comply with all requirements of the FMLA.

### **309 BEREAVEMENT LEAVE**

All regular full-time employees and regular  $\frac{3}{4}$  part time employees will be granted up to five (5) days of paid bereavement leave for funerals of the employee's spouse or child, up to three (3) days of paid bereavement leave for funerals of all other members of an immediate family as defined herein and one (1) day per calendar year of paid bereavement leave for funerals for all other relatives and friends. All regular  $\frac{1}{2}$  part-time employees will be granted up to two and one-half ( $2\frac{1}{2}$ ) days of paid bereavement leave for funerals of the employee's spouse or child, up to one and one-half ( $1\frac{1}{2}$ ) days of paid bereavement leave for funerals of all other members of an immediate family as defined herein and one-half ( $\frac{1}{2}$ ) day per year of paid bereavement leave for funerals for all other relatives and friends. All other employment classifications are not eligible for this benefit. Bereavement pay for regular full-time and regular part-time employees is calculated based on the base pay that an employee would otherwise have earned had he or she worked on the day of absence.

An immediate family member is defined as an employee's spouse, son, son-in-law, daughter, daughter-in-law, parents, father-in-law, mother-in-law, stepparents, stepparents-in-law, brother, brother-in-law, sister, sister-in-law, niece, nephew, grandparents, grandparents-in-law, grandchildren, grandchildren-in-law, stepchildren, stepchildren-in-law, foster parents, and foster children or other individual in a legal ward or in loco parentis relationship.

If any employee wishes to take time off due to the death of an immediate family member, other relative, or friend, the employee should notify his or her supervisor immediately.

As used in this policy, the term “day” will mean eight (8) hours.

### **313 RETIREMENT PROGRAM**

The County’s retirement program is administered through the North Dakota Public Employees Retirement System (“PERS”) as established by North Dakota law. Please contact the Human Resources Department or PERS for additional information on the retirement program.

### **319 LEAVE WITHOUT PAY**

In addition to unpaid leave as may be required by law, the County may provide unpaid personal leave to eligible employees who wish to take time off from work duties to fulfill personal obligations after their accrued leave is exhausted. The following employee classifications are eligible for personal leave:

- Regular full-time employees
- Regular  $\frac{3}{4}$  part-time employees
- Regular  $\frac{1}{2}$  part time employees

A request for leave without pay of up to ten (10) business days must be in writing and reviewed for approval in advance by the department head. Approval by the County Commission is required for any written request for leave without pay in excess of ten (10) business days. Moreover, any request for leave without pay made by an appointed department head must be in writing and approved in advance by the County Commission. The written request must specify the length of time for the leave without pay. If the request is not approved in advance and the employee chooses to take the leave anyway, it will be considered an unexcused absence in which may be subject for disciplinary action, up to and including termination.

Requests for personal leave will be evaluated based on a number of factors, including anticipated operational requirements and staffing considerations during the proposed absence. Unless granting leave is required by law, the County maintains sole discretion as to whether a request for personal unpaid leave shall be granted or denied.

If a request for leave without pay is granted, the leave without pay form must be submitted to the Human Resources Department. Unless otherwise required by law, employees who are on

leave without pay are responsible to prepay the County their share of the insurance benefits for the full term of the leave without pay. Accrual benefit calculations, such as vacation, sick leave, or holiday benefits, will be suspended during the personal leave.

In the case of leave without pay in conjunction with bereavement leave Mountrail County will provide insurance benefits for the full term of the leave without pay absence. Accruals for benefit calculations, such as vacation, sick leave, or holiday benefits will be suspended during the leave without absence in conjunction with bereavement.

If the employee fails to report to work at the expiration of the approved leave period, the employee may be subject to disciplinary action up to and including termination. Or the employer may treat the situation as a voluntary resignation.

### **321 MATERNITY-RELATED ACCOMMODATIONS AND ABSENCES**

As required by the federal Pregnant Workers Fairness Act (PWFA), Mountrail County will provide reasonable accommodations to employees and applicants with limitations related to pregnancy, childbirth or related medical conditions, unless the accommodation will cause undue hardship to the County's operations.

An employee or applicant may request an accommodation due to pregnancy, childbirth or a related medical condition by submitting the request in writing to their Department Head or the Human Resources department. The accommodation request should include an explanation of the pregnancy-related limitations, the accommodation needed and any alternative accommodation(s) that might be reasonable. Depending on the nature of the accommodation, the individual may be requested to submit a statement from a health care provider substantiating the need for the accommodation.

Upon receipt of a request for accommodation, the Department Head and HR will meet with the employee or applicant in an interactive process to discuss the request and determine if an accommodation is reasonable and can be provided without significant difficulty or expense, i.e., undue hardship.

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

During an employee's first year of employment, requests for time off associated with pregnancy and/or childbirth (apart from medical disabilities associated with these conditions) will be considered in the same manner as any other request for an unpaid FMLA leave or leave without pay.

### **322 NURSING MOTHER BREAKS**

In accordance with the Patient Protection and Affordable Care Act amendment of the Fair Labor Standards Act, Mountrail County employees will be given reasonable break time to express breast milk for a nursing child for one year after the child's birth. Such time should run concurrently with existing meal and break times. However, if additional time is necessary, annual leave must be used or the time will be unpaid.

Nursing mothers will be provided a private place, other than a bathroom, to use for expressing breast milk. Employees who do not have a private office should contact their Department Head or Human Resources to request access to a designated area.

### **323 JURY DUTY**

Mountrail County encourages employees to fulfill their civic responsibilities by serving jury duty when required. A regular full-time employee called to jury duty shall be granted time off with pay, less the amount of fees received for jury service. An employee called to jury duty cannot receive compensation for both work hours and jury duty. Jury fees may be retained if the employee is on authorized annual leave.

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

Insurance benefits will remain in effect and unchanged for the full term of the jury duty absence.

Accrual for benefit calculations, such as vacation, sick leave, or holidays, will remain unaffected.

### **324 VOLUNTEERING**

Mountrail County encourages employees to participate in providing the services identified below when needed. A regular full-time employee is allowed paid leave for such reasons as outlined

below. Leave under this section is considered an additional benefit available only to regular full-time employees. As with any other leave, an employee who takes leave under this section is not acting on behalf of Mountrail County while performing their volunteer tasks. Leave under this section is completely voluntary and not part of any employee's employment. An employee on leave under this section is not deemed to be acting within the scope of their employment with Mountrail County.

Written approval must be obtained from the employee's Department Head and filed with the Mountrail County Human Resource department before an employee is allowed to take leave under this section. Employees must notify their supervisor as soon as possible so that the supervisor may make arrangements to accommodate the employee's absence.

While on leave under this section, the employee's insurance benefits will remain in effect and unchanged and accrual for benefit calculations such as vacation, sick leave, or holidays will remain unaffected. Leave taken under this section does not count against an employee's annual leave.

#### Emergency Service

Mountrail County may provide up to forty (40) working hours of leave with pay per calendar year for a regular full-time employee. Employees volunteering emergency service may be granted time off with pay, less the amount of fees received for that emergency volunteer service. An employee called to provide emergency volunteer service cannot receive compensation for both work hours and emergency volunteer service. Compensation for emergency volunteer service may be retained by the employee if the employee is on authorized Mountrail County annual leave.

#### Honor Guard

Mountrail County as the employer provides up to twenty-four (24) working hours of leave with pay per calendar year for a regular full-time employee to participate as an honor guard for a funeral service of a veteran. Honor guard leave is separate type of paid leave and is not considered to be annual or sick leave.

Honor Guard shall be defined as an individual with an essential ceremonial role in the funeral service of a veteran, such as performing as part of the official funeral service of a veteran is a member of the flagbearers, a member of the flag-folding team, member of the firing party, the bugler, or the honor guard captain.

#### Election worker

Mountrail County encourages employees to serve on election boards. A regular full-time employee serving on an election board shall be granted time off with pay, less the amount of fees received for election service. An employee serving on an election board cannot receive compensation for both work hours and election pay. Election pay may be retained if the employee is on authorized annual leave.

### **325 WITNESS DUTY**

When an employee is called or appears as a witness, on matters related to their employment as a member of the County, the employee will be reimbursed for mileage, meals, and lodging pursuant to the travel policy. The employee must be paid the employee's regular rate of compensation for time spent as a witness. Employees shall not retain any witness fees or mileage in addition to that paid by the County for witness duty on behalf of the County.

Any employee who performs witness duties unrelated to the employee's official capacity must charge their absence against earned annual leave or take leave without pay.

### **327 MILITARY LEAVE**

Mountrail County follows all applicable State and Federal laws with respect to military leave. Military leave shall be granted to all employees in accordance with North Dakota and Federal law. Such employees upon returning from military duty shall be given their positions formerly held or one of like seniority, status, and pay and shall be immune from discharge from the position except for cause, as defined by the Department of Veterans' Affairs, during the applicable period as defined by law. It is the policy of Mountrail County to follow all provisions of the Uniformed Services Employment and Reemployment Right Act ("USERRA") and state law equivalent. Any employees who may have questions with respect to military leave should contact the Human Resources Department to obtain additional information.

### **329 TIME OFF TO VOTE**

Mountrail County encourages employees to fulfill their civic responsibilities by voting. If an employee is unable to vote in a statewide or local election, during his or her non-working hours, the employer will grant up to one hour of paid time off to vote. Employees should request time off to vote from their supervisor at least two business days prior to election day so that the

necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule.

## **401 TIMEKEEPING**

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

Nonexempt and exempt employees should accurately record the time they begin and end their work, as well as the beginning and ending of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work for nonexempt employees must always be approved before it is performed.

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

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

It is the responsibility of the departmental supervisor or the elected official to enforce the provisions contained herein. The departmental supervisor or elected official shall approval all timesheets within the Kronos system in accordance with the pay period end date.

## **403 PAYDAYS**

All employees are paid bi-weekly on Friday. Each paycheck will include earnings for all work performed through the end of the previous payroll period.

In the event that a regularly scheduled payday falls on a day off (e.g. holiday), employees will receive pay on the last day of work before the regularly scheduled payday. Mountrail County has the ability to provide direct deposit for employee paychecks and employees are encouraged to look at this option for consistent payroll deposits.

## 405 EMPLOYMENT TERMINATION

Since employment with Mountrail County is based on mutual consent, both the employee and the County have the right to terminate employment at-will at any time. Terminations are an inevitable part of employment activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated:

### Resignation

Employment termination initiated by an employee who chooses to leave the County voluntarily. When resigning, every attempt should be made to notify the Department Head/supervisor in writing as far in advance as possible with a minimum of two weeks' notice. Employees may give a reason for resignation in their written notice.

In some circumstances, Mountrail County may need to adjust the resigning employee's last day of employment to one earlier than the one requested.

### Discharge

Employment termination initiated by the County.

### Reduction in Force (RIF)

Involuntary employment termination initiated by the County for non-disciplinary reasons such as lack of funds, curtailment of work, or as the result of reorganization.

### Retirement

Voluntary employment termination from active employment status, initiated by the employee.

Employee benefits will be affected by employment termination. All accrued, vested benefits that are due and payable at termination will be paid. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

## 407 PAY ADVANCES

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

## **409 ADMINISTRATIVE PAY CORRECTIONS**

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

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

Once underpayments are identified, they will be corrected in the next regular paycheck unless this presents a burden to the employee (where there is a substantial amount owed). In that case, the County will attempt to pay the employee as soon as possible.

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

## **411 PAY DEDUCTIONS**

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

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

## **413 PERSONNEL DATA CHANGES**

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

## **419 REPORT OF INJURY AND CLAIMS MANAGEMENT**

The County provides a comprehensive workers' compensation insurance program through North Dakota Workforce Safety and Insurance ("WSI") at no cost to employees. This program covers compensable work-related injuries or illness as defined by law.

Any employee, who sustains a compensable work-related injury or illness, as defined by law, should inform his or her supervisor and Human Resources immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for benefits as quickly as possible if they sustain a compensable injury as defined by law.

Human Resources will assist the employee in completing a First Report of Injury Form which will be submitted to WSI.

It is the County's policy to comply with all requirements of WSI.

## **421 JOB TRANSFER TO ANOTHER DEPARTMENT**

When an employee applies for a position in another County department and accepts the position through the hiring process, the employee should notify their current department head immediately.

The effective date of the transfer can be no less than twenty-one (21) calendar days after written notice is submitted by the employee to the current department head unless otherwise negotiated and agreed upon by both department heads affected by the transfer or ordered by the Board of County Commissioners.

There will be no effect on employee benefits if an employee transfers from one Mountrail County department to another Mountrail County department with no lapse of employment.

## **501 POLITICAL ACTIVITY**

Employees shall not engage in any political activity while performing work on behalf of the County. Solicitation, promotion, or endorsement of any political candidate or issue while performing County duties is prohibited. An employee who violates this policy may be subject to disciplinary action. This policy is subject to any and all constraints imposed by law.

## 503 SAFETY AND HEALTH

### General Safety Rules

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

- Report injuries, near misses, accidents, or unsafe acts immediately to the Risk Manager and Department Head or supervisor.
- Employees are required to attend all job related and safety training to ensure that all work is performed in a safe and efficient manner along with heightened awareness.
- Report dangerous situations encountered or faulty equipment immediately to the Risk Manager and your supervisor.
- Understand the proper usage of available safety equipment (fire extinguishers, first aid kits, related tools, personal protective equipment).
- Make observations, recognize and make recommendations to the Risk Manager and supervisor for work place modifications or safety equipment to eliminate safety hazards.
- Use proper lifting techniques, i.e. bend knees and keep back straight, lift with weight close to the body and do not twist while lifting. Use mechanical devices when available to assist in lifting.
- Horseplay in the workplace is prohibited.
- Employees shall wear seat belts when driving or riding in County owned vehicles or vehicles owned and operated by other organizations conducting County business.
- Personal protective equipment appropriate for the job will be worn at all times and employees are required to follow safe operating procedures for their respective departments.
- Maintain clean worksites at all times.

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

## 505 COMMUNICATIONS AND COMPUTER SYSTEMS POLICY

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

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

### Conventional Mail and Telephone Systems

To assure effective telephone communications, employees should always use the approved greeting and speak in a courteous manner. Please confirm information received from the caller, and hang up only after the caller has done so. Employees may use telephone communication for limited personal use that does not include calling long distance. The use of County-paid postage for personal correspondence is not permitted.

### Authorized Software and Hardware

1. Software that has been licensed by Mountrail County or that has been authorized to conduct business is allowed on Mountrail County's personal computers (PC's) and servers. All software purchases and installation must be preauthorized.
2. No software, which have not been purchased by the County, is to be installed or downloaded on any computer without specific authorization.
3. Mountrail County reserves the right to audit any computers for unauthorized or unlicensed software. Personal software (licensed or unlicensed) is not allowed for use on Mountrail County computers or servers. Any unauthorized or unlicensed software will be removed from the system. An individual may not:
  - a. Make unauthorized copies of any copyrighted software, data or materials.
  - b. Make alterations to the software source code.
  - c. Provide use of the software in a multiple CPU or user arrangement to users who are not individually licensed.
4. All hardware modifications and repairs must be approved and completed by an authorized source.

5. Employees should take precautions to protect his/her User ID and password, including screensaver passwords, as all employees are responsible for his/her workstations. All passwords must be registered with each employee's supervisor.

#### Virus Protection

1. Computer viruses can cause potential major problems to hardware and software systems, not only for individual users, but also for the entire computer system and network. Virus protection software is available through the County, or network administrator. All imported files and file attachments are required to be checked prior to usage.
2. Intentionally creating or spreading of a computer virus is a serious violation of Mountrail County's policy and may be cause for disciplinary action, up to and including termination.

#### Internet Usage

1. Internet access is available and provided by Mountrail County to employees for conducting official business, such as researching business related issues, accessing business related data, information and training.
2. Employees using Mountrail County's Internet link are acting as representatives of the County. As such, employees should act accordingly so as not to damage the reputation of the County.
3. Employees are authorized to access the Internet for certain occasional and limited personal use, as long as such use is not interfering with the employee's assigned work, work productivity and/or job performance.
4. Limited personal use is not to be used for any interest adverse to the County, must not subject the County to any potential liability, does not violate any term of this Computer usage policy, and does not involve any offensive or inappropriate material. Participation in chat rooms, the introduction of viruses, or malicious tampering with any computer system is expressly prohibited.
5. All software on the Internet should be considered copyrighted work. Therefore, employees are prohibited from downloading software and/or modifying any such files without permission from the copyright holder. Any authorized file or file attachments must be scanned with virus detection software before installation and/or execution.
6. Any infringing activity by an employee may be the responsibility of the County; therefore, the County may choose to hold the employee liable for his/her actions.
7. Misuse of Mountrail County's Internet access during or after work hours is prohibited. Viewing, printing, disseminating, or downloading web pages, electronic messages and/or documents which are discriminatory, defamatory, insulting, romantic, pornographic or breaches of confidentiality or violations of copyright are prohibited. Misuse of the Internet will result in disciplinary action up to and including termination.

8. The County reserves the right to block any Internet site it may deem inappropriate.

#### E-Mail and Electronic Communications

1. E-mail, electronic communications and other similar messaging systems are intended for business use and should be treated as any other business communication device. Messages should routinely and regularly be cleaned or deleted from an employee's mailbox, so as not to overload the system with unnecessarily stored mediums.
2. Certain occasional and limited personal use of e-mail communication is permitted, but such messages will be treated no differently from other messages, including use of private e-mail accounts (i.e. Hotmail, Yahoo, etc.).
3. Personal use is not to be excessive and/or interfere with the assigned work duties, work productivity and job performance. Personal use is subject to the discretion of the Department Head or supervisor and will be based on the employee's workload and job performance.
4. E-mail is not a confidential medium and any message that is composed, sent or received, may be public record and subject to public viewing under the North Dakota Open Records Law.
5. All messages composed, sent or received on all electronic systems are, and will remain the property of the County; all messages are subject to random monitoring.
6. Mountrail County may access e-mail messages within the County e-mail system of all individuals covered by this policy, for any purpose not specifically prohibited by law.
7. Mountrail County reserves and intends to exercise the right to review, audit, intercept, access and disclose all messages created, received, or sent over any electronic communication system for any purpose.
8. Inappropriate e-mail messages can give rise to claims of discrimination, harassment, defamation and copyright infringement. Under no circumstances shall any employee use the e-mail system for messages that are or could reasonably be considered offensive to another. Among those which are considered offensive, are any message(s) which contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses an individual's age, sexual orientation, religious or political beliefs, national origin or disability.
9. E-mail may not be used for the solicitation of funds, employee personal monetary gain, or to support/advocate for non-county related business or purposes. Use of Mountrail County's e-mail system for personal business profit or nonprofit organizations of any kind, is prohibited. Charitable endeavors such as the United Way may be communicated through electronic means provided they are endorsed and approved by the County Commission.

10. The e-mail system and computers shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization.
11. Use of e-mail to send or forward messages known as “chain letters” is prohibited.

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

## **507 SMOKING**

In keeping with Mountrail County’s intent to provide a safe and healthful work environment, smoking in any county building and within 20 feet of any county building is prohibited.

Further, smoking is prohibited in all county owned motorized vehicles, including but not limited to motor graders, trucks, pickups and cars.

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

## **509 USE OF VEHICLES AND EQUIPMENT**

### County Owned Vehicles

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

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

- Smoking or tobacco use in County vehicles is prohibited.

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

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

#### Use of Equipment

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

- It shall be the responsibility of all County employees to advise the immediate supervisors whenever equipment is in such operating condition that it hinders their job or subjects the employee to a safety hazard.
- Personal use of County equipment, property and/or facilities shall not be permitted.
- No personal vehicles or property shall be serviced or stored in county-owned facilities.
- Employees who use County equipment and/or facilities for personal use are subject to disciplinary action.

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

## **511 ALCOHOL AND CONTROLLED SUBSTANCE WORKPLACE POLICY**

**Statement of Philosophy:** In accordance with the Federal Drug-Free Workplace Act and the North Dakota Workforce Safety and Insurance's Risk Management Program, it is Mountrail County's intent to establish a policy to maintain a safe and productive work environment for all employees by preventing accidents or other dangerous incidents that may result from drug or alcohol use.

**Policy:** Mountrail County employees may not possess or consume alcoholic beverages or controlled substances in County buildings, offices, vehicles, or while driving or doing business on behalf of the County. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited on any work site and during all working hours by employees. No employee will be allowed to perform job duties when impaired or under the influence of mind altering drugs, illegal drugs and/or alcohol during working hours.

## Testing Guidelines

- Post-offer pre-employment testing for drugs and alcohol will be conducted on all employees.
- Random testing will be conducted on those required to have a commercial driver's license (CDL) in compliance with DOT regulations, as well as those performing safety sensitive functions.
- Testing for drugs or alcohol of any current employee will be conducted when a department head/supervisor has reasonable suspicion an employee is violating policy.
- Testing will be conducted on any employee involved in a motor vehicle accident using a County vehicle, or if using a personal vehicle driving for County business when County liability could be affected.
- Employees requiring drug or alcohol testing because of motor vehicle accidents or determination of probable cause will be transported to and from the testing site by a supervisor/department head. Under no circumstances will the employee provide their own transportation.
- Should the test results for drugs or alcohol be positive, a confirmation test will be conducted. Once the test is verified as positive, the employee may not return to work until directed by the County.
- Any employee's refusal to be tested may be considered cause for dismissal.

If an employee receives a positive test, the Risk Manager will notify the head of Human Resources, department head/supervisor, and the employee. The employee may immediately be suspended by the department head/supervisor pending an investigation. Pending completion of the investigation the department head/supervisor may take appropriate disciplinary action up to and including termination of employment.

Employees shall also be held responsible to notify the Human Resources department and department head/supervisor of any criminal charge or conviction of drug and/or alcohol violations within 24 hours of the incident. Failure to disclose this information may result in disciplinary action.

Employees who are on prescribed medication or prescribed controlled substances must disclose the effects of any prescribed controlled substance to their department head/supervisor if they may compromise the ability to operate safety sensitive equipment or restrict alertness in the workplace. Medical certification will be required to verify that prescribed substances will not cause impairment.

## 512 REASONABLE ACCOMMODATIONS

It is the policy of Mountrail County to comply with all requirements of the Americans with Disabilities Act (“ADA”) and North Dakota law. The ADA provides protections for qualified individuals who have a physical or mental impairment that substantially limits one or more major life activities of such individual, a record of such impairment, or who are regarded as having such an impairment. A qualified individual is an individual who, with or without a reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires. If a qualified individual believes they are in need of a reasonable accommodation to perform their job the process below should be followed:

1. Reasonable Accommodation Procedure
  - a. The employee must alert the employer to the need for an accommodation and provide the relevant details of his disability.
  - b. The employer shall then make a reasonable effort to determine the appropriate accommodation and consult with the employee and identify potential effective reasonable accommodations.
2. While there is no precise test for what constitutes a reasonable accommodation, an accommodation is not reasonable if it requires the employer to reallocate or eliminate the essential functions of a job. With this in mind, the County will take all necessary steps to engage with the requesting individual to determine whether an accommodation is necessary, and if so, whether a reasonable accommodation is possible.

In the event a request for a reasonable accommodation is denied. That denial must be made in writing with an explanation as to why the accommodation is not reasonable and provided to the employee. The employee will have 5 business days after receipt of the written decision to provide a written grievance to a member of the County Commission. The written grievance must indicate the requested accommodation and an explanation as to why the accommodation is necessary. The County Commission shall consider the grievance at its next regular meeting and issue a final decision after it has an opportunity to hear and consider all relevant information and consult with legal counsel relating to the reasonableness of the requested accommodation. An individual aggrieved by this determination may appeal to district court under N.D.C.C. § 11-11-39.

The County shall not deny a reasonable accommodation for a qualified individual with a disability.

## 513 ANTI-DISCRIMINATION AND HARASSMENT POLICY

**Statement of Philosophy:** It is the goal of Mountrail County to provide a safe, positive, and productive work environment for its employees to serve the public. This specific anti-discrimination and harassment policy is enacted to supplement the County's workplace civility code and further this goal. It is the policy of Mountrail County to prohibit discrimination on the basis of race, color, religion, sex, age, national origin, disability, status with regard to marriage or public assistance, participation in lawful activity off the employer's premises during nonworking hours which is not in direct conflict with the essential business-related interests of the County, and any other protected class as identified by laws of the United States and North Dakota. This policy governs all forms of discrimination; however, additional policy provisions governing requests for reasonable accommodations under both the North Dakota Human Rights Act and the Americans with Disabilities Act are found in a separate section of this Policy Manual. All employees are responsible for compliance with this policy, as Mountrail County will not tolerate unlawful discrimination.

1. Sexual harassment is a form of sex discrimination and is prohibited by the laws of the United States and North Dakota. Sexual harassment will not be tolerated. Sexual harassment refers to conduct that is unwanted and has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. Pressure to provide sexual favors in exchange for any condition or benefit of employment is strictly prohibited. Sexual harassment does not include occasional compliments of a socially acceptable nature; however, offensive or intimidating comments or actions concerning one's gender, sexual orientation, or gender identification are prohibited. Employees have the right to work in an environment that is free of conduct that can be considered sexually harassing or abusive. While it is impossible to define each and every action that may constitute sexual harassment, the following unwanted actions are all examples of impermissible conduct:
  - A. Verbal harassment (examples): Repeated unsolicited or unwanted propositions for dates and/or sexual intercourse, threats of sexual violence, etc.
  - B. Physical harassment (examples): Inappropriate touching of another; attempted or actual kissing or fondling, assault, sexually related activity, attempted rape or rape, etc.
  - C. Visual harassment: Showing or distributing pornographic material, sending sexually explicit material to another employee, exposing genitalia to another employee, etc.
  - D. Sexual favors: Any unwanted sexual advances that condition an employment benefit upon an exchange of sexual favors including – but not limited to – the

following: requests for exposure of body parts, whether in person or in photographs, requests for sexual contact, and any other sexually themed request.

2. Unwanted conduct based on an employee's membership within a class protected by either State or Federal Law that unreasonably interferes with a reasonable individual's work performance or creates an intimidating, hostile or offensive work environment for a reasonable individual is strictly prohibited. This conduct can be verbal, non-verbal, or physical in nature.
3. Employees who experience or witness any discrimination – including harassment – should follow the steps outlined in this Policy's "Reporting Process" to assist in maintaining a workplace environment free of discrimination.
4. Anti-discrimination and harassment laws may be modified from time to time by Federal and North Dakota law. These modifications may come in the form of statutory enactments, amendments, repeals or binding court decisions expanding or retracting legal protections. It is the policy of Mountrail County to follow the law and this policy shall hereby be interpreted in accordance with the current binding Federal and North Dakota law.

### **REPORTING PROCESS**

1. Employees who experience or witness any type of discrimination – including harassment – must **immediately** report such behavior to **any** Department Head within the County. Such report may be verbal or in writing.
2. Department Heads, with assistance from the Human Resources department, have a responsibility to act upon a discrimination complaint swiftly to ensure the complaint is investigated and prompt remedial action is taken to stop discriminatory (including harassing) conduct in the workplace.

### **PROTECTION AGAINST RETALIATION**

It is unlawful to retaliate against an employee for filing a complaint of discrimination or for cooperating in an investigation of such complaint. Mountrail County will not tolerate retaliation against an individual who in good faith, reports or provides information in an investigation about behavior that may violate this policy. However, intentionally providing false information is prohibited and not protected.

## 515 GRIEVANCE POLICY AND PROCEDURES

### **THIS POLICY IS IN NO WAY TO BE INTERPRETED TO ALTER THE AT-WILL EMPLOYMENT RELATIONSHIP BETWEEN THE COUNTY AND ITS EMPLOYEES!**

**Policy:** It is Mountrail County's policy that employees should have an opportunity to present their work-related complaints and to appeal management decisions through a grievance procedure. Mountrail County will attempt to resolve promptly all grievances that are appropriate for handling under this policy.

**Scope:** An appropriate grievance is defined as an employee's expressed feeling of a dissatisfaction concerning any interpretation or application of a work-related policy by management, supervisors, or other employees. **The grievance procedure is not intended to be and does not provide an avenue for appeal of termination of employment.** Examples of matters which may be causes of grievances appropriate under this policy include:

- A belief that County policies, practices, rules, regulations, or procedures have been applied in a manner detrimental to an employee.
- Treatment considered unfair by an employee, such as coercion, retaliation, or intimidation.
- Improper or unfair administration of employee benefits or conditions of employment such as scheduling, annual leaves, fringe benefits, retirement, holidays, or performance review.

#### **PROCEDURE:**

Employees must notify Mountrail County, in a timely fashion, of any grievance considered appropriate for handling under this policy. The grievance procedure is the exclusive remedy for employees with appropriate grievances. As used in this policy, the terms "timely fashion", "reasonable time", and "promptly" will mean five (5) business days.

Employees are not to be penalized for proper use of the grievance procedure. However, it is not considered proper if an employee abused the procedure by raising grievances in bad faith or solely for the purposes of delay or harassment, or by repeatedly raising grievances that a reasonable person would judge have no merit. Implementation of the grievance procedure by an employee does not limit the right of Mountrail County to proceed with any disciplinary action which is not in retaliation for the use of the grievance procedure.

The grievance procedure has a maximum of three steps, but grievances may be resolved at any step in the process. Grievances are to be fully processed until the employee is satisfied, does not file a timely appeal, or exhausts the right of appeal. A decision becomes final whenever an

employee does not file a timely appeal or when a decision is made in the final step and the right of appeal no longer exists.

Employees who feel they have an appropriate grievance should proceed as follows:

**Step I:**

Promptly bring, in writing on memo form, the grievance to the attention of the immediate supervisor. If the grievance involves the supervisor, then it is permissible to proceed directly to step two. If the grievance involves a department head, then it is permissible to proceed directly to step three. The supervisor is to investigate the grievance, attempt to resolve it, and give a decision to the employee within a reasonable time. The supervisor should prepare a written and dated summary of the grievance and proposed resolution for file purposes.

**Step II:**

Promptly appeal the decision to the department head if dissatisfied with the immediate supervisor's decision, or initiate the procedure with the department head if step one has been bypassed. Such an appeal or initial complaint must be made within 5 business days of the immediate supervisor's decision – or initial action taken by a supervisor leading to the initial complaint where applicable – using a written memo form. The supervisor's version of the grievance and decision will then be submitted using a similar written form. The department head should, in a timely fashion, confer with the employee, the supervisor, and any other individuals considered appropriate; investigate the issues; and communicate a decision in writing to all the parties involved.

**Step III:**

Promptly appeal an unsatisfactory department head decision to the Mountrail County Board of County Commissioners. Such appeal or initial complaint must be made within 5 business days of the department head's decision – or initial action taken by a department head leading to the initial complaint, where applicable – using a written memo form. The Mountrail County Board of County Commissioners will take the necessary steps to review the grievance and may then issue a final decision.

Any final decision on a grievance will not be precedent-setting or binding on future grievances. When appropriate, the decisions will be retroactive to the date of the employee's original grievance.

## 516 NAME-CLEARING HEARING POLICY AND PROCEDURES

**THIS POLICY IS IN NO WAY TO BE INTERPRETED TO ALTER THE AT-WILL EMPLOYMENT RELATIONSHIP BETWEEN THE COUNTY AND ITS EMPLOYEES!**

***Statement and scope of policy:*** The purpose of this policy is to provide employees who are subjected to a public defamatory statement made by a County official during the course of termination with an opportunity to clear their name in the public forum and protect their liberty interests. In order to be entitled to such a name-clearing hearing, the statement must go beyond alleging the employee's conduct failed to meet professional standards and such comment must damage the employee's standing in the community or foreclose a person's freedom to take advantage of other employment opportunities. Allegations of dishonesty, immorality, racism, or similar character-demeaning statements may qualify. Statements reflecting general misconduct or unsatisfactory performance on their own do not meet the threshold to invoke this policy. Human Service employees are covered by the North Dakota merit system and are subject to a different procedure. To request a name-clearing hearing, an employee must request such a hearing in accordance with the procedure set forth below:

### **PROCEDURE:**

The employee must submit his/her request for a name-clearing hearing in writing to the County Auditor within five business days of the employee's termination. The employee shall be placed on the agenda for the next County Commission meeting. The County Commission shall allow the employee an opportunity to refute the charges against them in the public forum. This hearing may be informal and the County Commission is under no obligation to ask any questions or make any decisions at the conclusion of the employee's presentation.

## 517 RETURN OF PROPERTY

Employees are responsible for all property, materials, or written information issued to them or in their possession or control as related to their employment. All property must be returned by employees on or before their last day of work. If property is not returned, the matter shall be turned over to the Mountrail County State's Attorney for possible prosecution.

## 519 INCLEMENT WEATHER AND EMERGENCY CLOSING

It is the policy of Mountrail County to provide coverage for essential services and pay continuity to employees for absences which may result in the partial operation or office closure of Mountrail

County due to extreme weather conditions or other emergencies which may require the closure of County buildings.

#### Closing Decisions

Decisions to implement this policy will be made by the Mountrail County Chairman (or the Vice Chair) and the Mountrail County Sheriff after consulting with the pertinent individuals. If a closing occurs overnight, every effort will be made to make the closure decision at least one hour before work (7:00 a.m.) is scheduled to begin.

Emergency services will be continued regardless of an authorized closing.

#### Compensation

Regular full-time employees and scheduled part-time employees will receive their normal compensation when the offices are deemed closed due to inclement weather. Regular full time non-exempt employees who work and perform essential duties for the County when the offices are deemed closed, will be compensated for the number of hours the offices are closed over and above the regular rate of pay (e.g. two hours worked will result in four hours of compensation).

#### Late Arrivals and Early Departures

On days when Mountrail County Offices do not close, time missed from work will be charged to annual leave balances or leave without pay.

#### Announcement of Closing

The decision to close county offices will be communicated to the department heads or designee by the Auditor's Office. Department Heads will notify their respective employees.

## **520 CREDIT CARD POLICY**

No employee of Mountrail County is authorized to use a County Credit Card unless they and their supervisor have first signed a Credit Cardholder User Agreement. Employees shall abide by all terms of the Agreement. Any unauthorized use or violation of the Agreement is grounds for discipline up to and including termination.

## **521 SOLICITATION, DISTRIBUTION, AND POSTING POLICY**

#### Purpose

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

## Objective

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

## Employee Guidelines

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

## Non-Employees

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

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

## 523 DEPENDENTS AT WORK

Employees are welcome to bring their children/underage guest to visit their worksite, provided that the visits are infrequent, brief and planned in a fashion that limits disruption to the workplace.

While host/parent have children/underage guest that are in the workplace, they must be:

- Directly supervised by the host/parent at all times.
- Employees must ensure that work health and safety laws are followed at all times when bringing children into the workplace.
- Must be sensitive and respect the needs of other employees and customers.
- Must not expect other employees to care for their children.
- Ensure his or her children behave appropriately while in the workplace.
- Ensure his or her children stay within visual range at all times.
- Be responsible for any damage caused by his or her children.
- Employees must ensure county policies are followed primarily [Policy 505 Communications and Computer System Policy](#) and [Policy 509 Use of Vehicle and Equipment](#).

If the frequency, length or nature of visits becomes problematic, the employee will be advised of the situation and will be expected to take corrective action.

Employees are not permitted to bring ill children to work. Employees are provided paid time off benefits which should be used for personal reasons or to care for an ill child.

Prior approval from the department head is required.