

**MOUNTRAIL  
COUNTY  
EMPLOYEE  
HANDBOOK**

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## **MOUNTRAIL COUNTY**

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, for 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 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 neither a contract of employment nor a legal document.

I also understand that I may have access to this handbook during regular business hours 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.

---

EMPLOYEE'S SIGNATURE

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DATE

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EMPLOYEE'S NAME (TYPED OR PRINTED)

## 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 to a 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. 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.

### PLEASE NOTE

**Mountrail County and its employees have an at-will employment relationship. Either the employee or the County may terminate this relationship at any time, for any reason, with or without cause or notice. The policies contained in this handbook do not limit or modify the employment at-will relationship. These policies do not form an express or implied employment agreement or employment contract.**

## 101 NATURE OF EMPLOYMENT

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

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

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

### **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.**

## 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 designed to achieve internal equity between positions. 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 plan; 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

A job analysis is a systematic way of collecting data and making judgements about the duties and nature of a specific job. The job analysis provides the Human Resources Director with the information needed to allocate the position to an existing classification, or to develop a new classification.

When permanent, substantive changes in the responsibilities and duties assigned to a position are anticipated, the Department Head and Human Resources Director shall perform a job analysis by revising the job description, setting forth the additional responsibilities and duties assigned to a position. Change in duty assignments must be more than temporary in nature.

A job analysis will be performed if:

- A new position is created in the County;
- The positions or classifications essential duties and responsibilities of the position have substantially changed, and are permanent.

In order to carry out the goals and objectives of the County, it is sometimes necessary to add new classes or to modify the organizational structure. This often results in responsibilities being redistributed.

The evaluation of new classes for placement in the appropriate pay scales should be done at the time the class is added to the classification structure. The County should utilize the Human Resources Department for the evaluation process in reviewing job changes. (In the case of reorganization or redistribution of duties and responsibilities, the duties added to one position are most often accompanied by a reduction in responsibilities to another position. Reclassification and changes in bands/grade assignments should be made both upward and downward in this instance.)

Reclassification review request will be accepted by the Human Resources Director, but will only come before the Board of Commissioners once a year. The same position may only be reviewed once in a twelve (12) month period, this period beginning from the date of the last action. The reclassification review does not guarantee a change in classification.

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 and permanently 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

The salary range plan is a reflection of the Classification System, which provides a complete inventory of all positions in the County and specifications for each class of work. Pay rates within the compensation plan will be presented to the Board of Commissioners on a yearly basis coinciding with the County's budgetary process.

Mountrail County has one salary range plan with bands/grades as well as salary step ranges defined within. Each step within a band/grade is typically equivalent to one (1) year of experience within that band/grade for all employees. Step 1 will be entry level position meeting all the qualifications of the position. The Board of Commissioners has the right to award pay increases based upon such factors as performance and market pressure to employees as a whole, Department, or individual.

### Determination of Hiring Salary

In general, when incumbents meet the minimum qualifications required starting salaries should be at the minimum of the assigned range for the classification and/or career level. The Department Head with review and approval from the Human Resources Director has the ability to increase starting salaries higher than the minimum, but no greater than Step 5, based on the following criteria:

- Previous years of directly related experience equals 1 step for every two (2) full years of experience up to Step 5. New hire must provide verification of previous employment setting forth directly related duties, dates of employment, and must have left previous employment in "good standing", and/or
- Previous years of related experience equals 1 step for every four (4) full years of experience up to Step 5. New hire must provide verification of previous employment setting forth related duties, dates of employment, and must have left previous employment in "good standing".

Incumbents that do not meet minimum qualifications are considered an "under fill" and may start below the minimum of the assigned range for the classification and/or career level. In general they would start 10% below the minimum salary (Step 1) of the classification hired for. They may be moved to the minimum of that classification once they have met the minimum qualifications presented in the job description upon approval from the Department Head and Human Resources Director.

This policy allows for flexible and effective compensation program. Starting salaries beyond Step 5 requires special consideration, such as extreme market or recruitment conditions, as well as the Board of County Commissioners approval. A continued practice of hiring employees beyond the Step 5 usually causes severe employee morale issues with existing employees, and/or is a sign that the compensation system is not competitive with the market.

#### Promotional Increases (both within and across classifications)

A person promoted to a classification or career level in a higher range may receive an immediate increase to at least the minimum rate of the new salary range provided that individual meets the minimum qualifications of the position. This increase is separate and distinct from any annual salary adjustment.

Promotional increases are allowed by moving to the current step in new band/grade.

All starting salaries for promotional increases require prior approval from the Board of Mountrail County Commissioners.

#### 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 Commissioner.

To be eligible for an annual increase on January 1<sup>st</sup> 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 there after shall not be eligible for salary increase on January 1<sup>st</sup> of the next calendar year. Annual salary increases may be suspended or denied based upon unsatisfactory performance review as recommended by a Department Head.

#### 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 Director has the ability to set the starting salary for a transfer to a lower grade.

### *Voluntary*

An employee who voluntarily elects to accept a position in a lower classification shall receive a salary within the new classification with location in step range to be determined based on the following criteria:

- Previous years of directly related experience from employee's current assigned step under the pay schedule equals 1 step for every one (1) full year of experience, and/or
- Previous years of related experience from employee's current assigned step under the pay schedule equals 1 step for every two (2) full years of experience.
- In no case shall an employee be positioned in the lower classification at a step higher than the employee's current assigned step under the pay schedule.

### *Inadequate performance*

An employee who is reassigned due to inadequate performance, and who is offered and voluntarily accepts a position in a lower classification shall receive a salary within the new classification subject to the same salary determination process as set forth for newly-hired employees. An employee who does not accept a reassigned position in a lower classification due to inadequate performance may be subject to dismissal.

### *Involuntary*

When an employee is given an involuntary transfer, to a new classification with a range that is less than the range of the employee's present grade (e.g. abolition of a job and the consequent reassignment of a position with a lower grade), no immediate salary reduction should occur. If the employee's salary is above the maximum of the lower grade, then one of the following guidelines should apply based on the current budgetary constraints:

- Grant no salary increments or general structure increases until the maximum for the new grade equals or exceeds the employee's salary.
- Reduce the incumbent's salary to the new range maximum within a defined time period (but no less than one year) after the involuntary transfer, if the incumbent's salary continues to exceed the new grade.

### Paying Above the Salary Range Maximum

Employees may be paid beyond their assigned salary range maximum for any of the following reasons:

- Transition from a different compensation plan



- Labor supply/demand
- Longevity
- Recruiting issues
- Special skills
- Job change/transfer
- Misclassification
- Or some other similar reason

The Human Resources Advisory Committee will review all grandfathered employees above the salary range maximums to ensure they are properly classified. If it is determined the employee is correctly classified and is performing work that is consistent with the requirements of the classification, the Human Resources Advisory Committee may recommend one of the following options:

- Freeze the employee's pay until such time that the annual movement of the salary range catches up with their current pay.
- If the employee is currently meeting or exceeding expectations, the County may provide lump sum payments in lieu of merit increases which do not increase base pay. This allows the employee to be compensated for their efforts, but does not perpetuate the grandfathered effect.
- Assign the employee to a different classification if warranted by the duties being performed.

### Salary Structure Updates

#### *Annual Updates*

In order to reflect necessary increases Mountrail County may conduct an annual review of the pay scales including a thorough analysis of factors identified above the minimum and maximum rates appropriate for each job. 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.

## 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 Conflict 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 gift 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.
- An employee of the County may hold outside employment unless precluded by statute. Outside employment should not create a conflict of interest with constitutional duties, statutory duties and/or the performance level assigned to the individual or the individual's office.
- In general, County positions shall be considered the primary employer with outside employment considered as secondary. The Department Head shall be made aware of secondary employment by the employee and confirm that a conflict of interest does not exist.
- An employee engaged in political activity as defined in NDCC 39-01-04, may have a potential conflict of interest and should explain the duties and responsibilities to the Department Head to determine if 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.

## 110 HIRING PROCESS AND PROCEDURES

Mountrail County believes that hiring qualified individuals contributes to the overall success of the County. Each employee is hired to make significant contributions to Mountrail County. In hiring the most qualified candidates for positions, the following process should be followed.

Recruiting efforts shall be based on the current and projected work force needs along with budgeted funding. The Human Resources department will arrange a meeting with the hiring department head to discuss the position, the requirements and the profile of the ideal candidate. Recruitment shall be a coordinated effort between the hiring department head and the Human resources department. The Human Resources department will create job postings that describe the job opening as well as the application.

### Recruitment

#### *Intradepartmental applicants*

Posting an open position within the immediate department only: This will be used to find interest, and qualifications for the open position. If an applicant is chosen for the position, this new position may be considered a promotion. If no applicant is awarded the position, it must be reposted externally.

#### *Interdepartmental applicants*

Current County employees with a satisfactory employment status may apply for internal job openings and will be considered based on their qualifications and ability to perform the job successfully. An internal hire will be considered as new hire. Internal candidates who are not selected will be notified by the Human Resources department.

Internal hire cannot be used as a means of promotion within a department.

#### *External applicants*

Announcements of open positions will be posted on the County's website, Mountrail County Promoter, New Town News, Mountrail County Record, Job Service of ND and externally with sources appropriate for the position being filled. Jobs will remain open for a minimum of 14 days and will include a closing date and time by which applications must be received in order to be considered.

If additional candidates are desired after the closing date has passed, the Human Resources department and hiring manager may re-open the position for a minimum of 14 days.

Applications dated 6 months or less from the date of the original job posting may be considered for the same position previously posted as long as the position and details of the opening remain the same. If revisions were made, a new job posting must be developed.

The Human Resources department will be responsible for tracking all applicants and retaining applications and resumes as required.

#### Interview process

The Human Resources department and the hiring department head will screen applications and resumes prior to scheduling interviews. Interviews are generally conducted by the Human Resources department and the hiring manager using behavior-based interview questions and a structured interview process. Candidate evaluation forms will be completed after each interview and retained with the application.

The Human Resources department will notify applicants who are not selected for positions at Mountrail County.

#### Reference checks

The hiring department head will conduct professional reference checks and employment verification on the top candidates based on the results of the candidate evaluation forms completed by the interviewers.

#### Job offers

After a decision has been made to hire a candidate, an offer will be made contingent on the satisfactory completion of required testing and background checks. Background checks will vary depending on the position and may include criminal history, credit history, driving record, drug testing or any other relevant information for the job.

Intradepartmental or Interdepartmental applicants must complete required background checks or tests not previously completed.

Once the Human Resources department receives satisfactory results from all required background checks and tests, the Human Resources department will notify the department head to make the final job offer to the candidate.

## **111 OUTSIDE EMPLOYMENT**

An employee may hold a job with another organization as long as he or she satisfactorily performs his or her job responsibilities with Mountrail County. Employees considering outside employment must review this action with their Department Head to ensure that no potential conflict of interest will take place. Employees should consider the impact that outside employment may have on their health and physical endurance. All employees will be judged by performance standards and will be subject to the County's scheduling demands, regardless of any existing outside work requirements.

If the County Commissioners determine that an employee's outside work interferes with performance or the ability to meet the requirements of this organization as they are modified from time to time, the employees may be asked to terminate the outside employment if he or she wishes to remain with Mountrail County.

Outside employment will present a conflict of interest if it has an actual or potential adverse impact on Mountrail County.



## 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 probationary 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 probationary 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 probationary 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 probationary 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.

#### Probationary

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 probationary 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 a probationary employee and for computation of the following benefits:**

**Vacation, sick leave**

## 202 MOUNTRAIL COUNTY COOPERATIVE WORK EXPERIENCE PROGRAM

### Overview

The Mountrail County Cooperative Work Experience (CWE) Program brings students into county government where they will gain an understanding of governmental processes while being introduced to the increasingly complex challenges facing Mountrail County. The program has been developed to help students gain practical training and hands on real world experience while satisfying educational goals and preparing for a professional career.

CWE students are an important part of Mountrail County's team. CWE students work on projects that matter with teams that will rely on your skills and insights to help empower people, improve lives and inspire success. As a CWE student at Mountrail County you'll get the opportunity to take on real projects, while having fun and gaining skills along the way.

The CWE is a learning experience, providing student's practical experience of what they've been learning in the classroom; new skills and abilities are often broadened. CWE students also get to explore sound career options based on the opportunities available.

### Eligibility Requirements

To be eligible for the Mountrail County Work Experience Program, a student:

- must be a resident of Mountrail County, and
- must be currently enrolled as a full-time student in an accredited high school, college, university, or vocational-technical program, and
- must have a cumulative GPA of at least 2.0 on a 4.0 scale, and
- must be at least 16 years of age and entering their junior year of high school or an education level above a junior in high school, and
- must be able to provide their own transportation.

Students enrolled in a college, university, or vocational-technical program do not need to meet the requirements of residing in Mountrail County. Some departments may have greater stipulations on the age requirement due to working conditions or stipulations within a specific department.

### Application Process

Students will go through an application process so that department heads and students can know each other prior to hiring, just as in any job. The job description will identify what type of work/skills the CWE will require.

Recruitment shall be a coordinated effort between the hiring department head and the Mountrail County Human Resources Department. The Human Resources Department will create job postings that describe the CWE position as well as the application process.

Students under the age of 18 will need parent permission to participate in the CWE, by having both the student and parent complete an authorization form. Students enrolled in high school will also need to submit two letters of recommendation with their application of employment/resume.

Each CWE will be advertised in the official county newspaper and on the Mountrail County website. A copy of the job posting will be sent to each school district in Mountrail County if the CWE position is open to a high school student.

### Student Responsibilities

Upon hiring, student shall sign an Employee Acknowledgement Form. The student is responsible to read and comply with the policies contained in the Mountrail County Employee Handbook.

Student shall perform duties as assigned by the Department Head and/or their assigned supervisor.

Student shall be courteous and respectful to Department Head, employees and the general public.

Student is expected to be at work on time on their scheduled work days and must communicate absences ahead of time with their Department Head.

Upon completion of the CWE, the student will be asked to complete an exit interview and rate the experience they had.

### Department Responsibilities

Department Head will work with the student to determine a flexible work schedule that is acceptable to the Department Head and the student.

Department Head can extend the CWE beyond the school year to provide longer more specific technical training opportunities for the student.

The CWE is a commitment on both ends, the Department Head must be able to commit to a student/employee for the time frame hired. Once a student is placed with a specific department, the student will not be allowed to apply for a CWE in another department during the time frame for which they were hired, barring unforeseen circumstances.

The Department Head shall be responsible to communicate with the educator.

The CWE can only be a true learning experience if constructive feedback is provided. The Department Head shall provide periodic formal and informal feedback and evaluations of the student.

### Employment

All CWE students will be classified as temporary employees under the Mountrail County Employee Handbook. A temporary employee will receive all legally-mandated benefits but no not qualify for any of the employer's benefit programs. A temporary employee shall not exceed 720 hours per calendar year.

A CWE student can be discharged at any time. The Department Head shall communicate with the student the reasoning for dismissal.

Students who do not complete their cooperative work experience will not be eligible for another CWE with Mountrail County unless the Department Head determines there was a valid reason for not completing their CWE.

No background check will be completed on a CWE student unless a Department Head determines it necessary for the CWE position. All CWE's will be subject to a drug and/or alcohol testing in accordance to the Mountrail County Employment Handbook Policy.

### Compensation

Salary will be set by the Board of Mountrail County Commissioners.

For more information regarding the Mountrail Work Cooperative Work Experience Program, contact the Mountrail County Human Resource Department at [nicholed@co.mountrail.nd.us](mailto:nicholed@co.mountrail.nd.us) or 701-628-8980.

## 203 PROBATIONARY 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 probationary 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 will at any time during or after the probationary period, with or without cause or advance notice.

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

In the case of promotions, demotions, or transfers within the organization, an employee who, in the sole judgment of management, is not successful in his or her new position can be removed from that job at any time during the probationary period.

The six month probationary 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.

## 205 PERFORMANCE EVALUATION

Mountrail County realizes that well-informed, satisfied employees are more productive employees. Aligning resources to accomplish organizational priorities is one of the most important functions of Department Heads, supervisors, and managers. The Department Head is accountable for ensuring each team member has clearly defined performance plans including key performance measures, core competencies, Department and/or role specific competencies, project assignments, and developmental initiatives.

A new employee will have a Performance Review prior to completion of the six (6) month probationary period. The requirement for an annual review becomes effective once the employee has completed the probationary period.

Annually the Department Head and supervisors establish a work plan for the Department. These become our goals and objectives and shall be a primary consideration in establishing measurable performance levels for each department and/or employee. To better evaluate the goals and objectives the Department Head and/or assigned department supervisor will perform a yearly appraisal using an approved Mountrail County Employee Performance Evaluation Form that will be completed no later than December 1<sup>st</sup> of each year. Any Department Head who fails to conduct an annual performance evaluation on his/her staff, within the guidelines outlined above, may lose his/her eligibility to receive an annual increase if one is approved by the Board of County Commissioners. Repeated failure to perform evaluations by any Department Head, with the exception of an elected official, may result in disciplinary action up to and including termination.

### Department Head and/or Supervisor Responsibilities

The Department Head and/or supervisor will use first-hand knowledge of the employee's performance as well as input from others who have observed the employee's job performance. The evaluation is based on the performance of assigned duties and responsibilities, and job-related conduct.

The Department Head and/or supervisor will meet with the employee and review the completed evaluation form. This program is designed to facilitate constructive discussion between the employee and Department Head and/or supervisor in order to clarify performance objectives, provide feedback about the employee's performance with respect to skills and behaviors, and provide a framework for identifying the employee's development plan.

Employees who disagree with their evaluation may provide written comments, explanations, or rebuttal to any portion of the performance evaluation by either writing on the space provided or



submitting a separate document to the Human Resources Department within fifteen (15) calendar days from the review date. All documents must be placed in the employee's personnel file with the evaluation.

### Performance Improvement Plan

The Performance Improvement Plan (PIP) is designed to facilitate constructive discussion between a staff member and his/her Department Head/Supervisor and to clarify the work performance to be improved.

It is implemented at the discretion of the Department Head when it becomes necessary to help a staff member improve his/her performance. The Department Head, with input from the affected employee, develops an improvement plan. The purpose of the activities outline is to help the employee attain the desired level of performance.

### *PIP Process*

The Department Head will use the Mountrail County Performance Improvement Plan Form, as approved by the Human Resources Director, to document the areas of the employee's performance that need improvement. In documenting the main performance issues, be objective and specific. Provide facts and examples to further clarify the severity or pattern of performance concerns.

Next, the Department Head should establish a written action plan for improvement. This written action plan should include specific and measurable objectives that are accurate, relevant and time bound (typically 60-90 days). It will also need to be determined if the employee may need any additional resources, time, training, or coaching in order to meet these objectives. Identify in the plan exactly what management will do or provide to assist the employee in achieving these goals.

Once this is complete, the Department Head reviews the plan with the employee to clearly lay out the areas for improvement and plan of action. A signed copy by both the employee and Department Head of the Mountrail County Performance Improvement Plan Form must be submitted to the Human Resources Director within five (5) calendar days after signed by all parties to be kept in the employee's personnel file.

The employee and Department Head will establish regular follow-up meetings to discuss and document progress toward objectives. Once the established deadline has been met and the employee has met the objectives in the written action plan, the Department Head shall close the

PIP. Disciplinary action up to termination could result if an employee is unable to improve, refuses to commit to the PIP, or his/her performance get worse.

## 206 SOCIAL MEDIA NETWORKING POLICY

Unless specifically instructed, employee are not authorized and therefore restricted to speak 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.

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:

- 1. For all County: Starting each and every Sunday at 12:01 A.M. and ending each and every Saturday at 12:00 P.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 equitably as practical to all employees qualified to perform the required work.

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. Only actual hours worked will be used to meet the 40 hour workweek requirement used for overtime purposes.

Overtime hours that exceed the forty (40) hour 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 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 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 a 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 billed directly to the County require department head approval. Telephone expense, movie rental and related incidental charges are not reimbursable.

### Reimbursement for meals

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 mileage 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 the ND Century code ND 44-08-04.

Same day meals, and miles 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.

All travel for members of county boards to meetings within Mountrail County will be reimbursed to board members through payroll as applicable to law and best practices.

## 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.



## 210 BACKGROUND CHECKS

It is the policy of Mountrail County to conduct reference, background checks, and motor vehicle record checks as part of the selection process. This will ensure equal treatment of all applicants, while providing the Department Head in charge of the selection along with the interviewers the tools to complete the hiring process. These reference, background, and motor vehicle checks, shall also be made at certain critical times during the employment process, including but not limited to:

**Times when an employee is given access to restricted or confidential items, information, or data; Other significant employment events (such as promotions).**

A critical factor to the completion of the selection and hiring process is the completion of reference checks. Only a completed application containing required information about the reference will be accepted.

In response, the Human Resource Department or Department Head in charge of selection will conduct reference and background checks before an offer of employment with Mountrail County. Any references conducted by the individual departments will be turned into the Human Resources Department upon completion of the selection process to become part of the application file and/or the individual's personnel file.

When possible, reference checks shall be made with all previous employers of the applicant listed on the application, an individual reference check form will be completed for each employer to verify the candidate's employment and work performance.

Personal reference checks shall be made with all non-relative, non-employer references. An individual reference check form is to be filled out for each personal reference. For any applicant who has been in school/education system may submit school associated references in lieu of past employment and/or personal reference.

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

Mountrail County may conduct a motor vehicle record (MVR) check at least annually for any employee listed as a driver of Mountrail County vehicle(s). Driving privileges as a driver of Mountrail County vehicle(s) may be suspended for those who do not have a current, valid driver's license. Upon review of the MVR, Mountrail County may revoke driving privileges and/or take other disciplinary action include up to termination.

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

All background and reference checks will only be accessed by the Mountrail County Human Resources department and the involved Mountrail County department head.

## **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 one (1) day 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

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.

- 1. 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 officials 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.**
- 2. Prohibited Activities. Mountrail County employees may not engage in conduct that violates local, state, or federal law, or applicable standards of conduct that has or could have a direct effect on the employee's ability to carry out his or her duties and responsibilities. In addition, officials, managers and supervisors may not engage in any business activity with subordinates that could compromise a working relationship.**
- 3. 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.**
- 4. 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.**

### Work Rules

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.

## 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.

### Procedure

Before entering into any telecommuting agreement, the employee, ~~and~~ department head, or County Commissioner must evaluate the suitability of such an arrangement, paying particular attention to the following areas:

Employee suitability-the department head/County Commissioner will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful telecommuters.

Job responsibilities- the employee and supervisor will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement.

Equipment needs, work space design considerations, and scheduling issues.

Tax and other legal implication for the business use of the employee's home based on IRS and state and local government restrictions, with the responsibility for fulfilling all obligation in this area resting solely with the employee.

Once the employee and supervisor agree, a written telecommuting agreement shall be prepared and signed by all parties.

### Department Head/County Commissioner Responsibilities

- Approve or disapprove the employee's participation in the program.
- Approve or disapprove worksite arrangements.
- Assess the impact of the telecommuting arrangement on the productivity of the office, the assigned work, and on any other affected employee, all while ensuring that customer service will not be negatively impacted.
- Maintain regular contact with employee and promptly address any work related issues.

- Monitor and evaluate the efficiency and effectiveness of the telecommuting arrangement.
- Assess the portability of the employee's workload away from the central office.
- Develop, amend, and implement performance standards and measurements for work performed, including monitoring, evaluating and managing employee's work performance.
- Assure equipment is available for the employee to adequately perform assigned work.

### Employee's Responsibilities

- Abide by all work-related policies and regulations, work behavior, and expectations as required of any regular employee of the organization.
- Maintain proper management, retention, and confidentiality of passwords, information and records. Disclose information and records only to those authorized to have knowledge or access of information.
- Assure the worksite is equipped and maintained in a manner to complete work assigned.
- Observe agreed- upon hours of work in accordance with policy.
- Maintain safe conditions in the work area and have adequate homeowner's insurance as required by the County's insurance carrier.
- Be responsible for and reimburse Mountrail County for any lost, stolen, or damaged equipment owned by Mountrail County.
- Spend time in the central office setting when deemed necessary by the department head/County Commissioner.

### Work Schedules

Work schedules are to be parallel with those in the central office setting. The employee agrees to be accessible by phone or email within a reasonable time period during the agreed upon work schedule. All employees are to report time in accordance with the Mountrail County Handbook timekeeping policy #410.

### Salary

An employee's compensation, benefits, and work status will not be affected by participation in a telecommuting arrangement when the same work would have been performed in the central office setting.

### Travel

Travel to the central office location is the responsibility of the employee and is considered personal time and not work hours unless employee is conducting county business in the course of travel. Business travel in the course of the workday is reimbursable. If a Mountrail County vehicle is available, it is encouraged to have them used whenever possible.

### Business Contacts

An employee in telecommuting arrangement where the work site is the home shall not meet with clients, customers, the public, other staff members (except his/her supervisor) or professional colleagues at his/her residence for any business purposes.

### Equipment and Supplies

Equipment provided by Mountrail County is to be used by the employee for business purposes only. Use by family members or others is prohibited. Equipment supplied by Mountrail County will be maintained by Mountrail County. Mountrail County accepts no responsibility for damages or repairs to employee-owned equipment. The telecommuter should sign an inventory of all office property, and agrees to take appropriate action to protect the items from loss, damage or theft. Upon termination of the telecommuting agreement or employment, all Mountrail County property shall be returned to Mountrail County within 48 hours of termination.

Mountrail County policies relating to computer hardware and software usage applies in the telecommuting arrangement unless specifically authorized by the appointing authority.

The county should supply materials necessary to complete assigned work at the work site through the employee's in-office visits. Out of pocket expenses for supplies normally available through the county should not be reimbursed.

### Workers Compensation

Any accident or injury must be brought to the immediate attention of the employee's supervisor.

Worker compensation coverage will be provided for the employee while in the telecommuting arrangement when injuries are sustained in conjunction with the employee's regular work duties. However, the county assumes no liability for injuries occurring to the employee at the work site when the injuries are not sustained in conjunction with the employee's regular duties. The employee is liable for any injuries sustained by visitors to his or her work site.



## Telecommuting agreement

This agreement between \_\_\_\_\_ and Mountrail County is to formalize a process whereby \_\_\_\_\_ will be conducting county business in their home due to \_\_\_\_\_. This arrangement will begin on \_\_\_\_\_ and end on \_\_\_\_\_. In which at any time can be terminated at the will of the Department head or Commissioner.

Both parties to this Agreement voluntarily agree to the following terms and conditions of telecommuting:

1. This agreement is for the mutual benefit to Mountrail County, hereinafter referred to as County, and to \_\_\_\_\_ hereinafter referred to as Employee.
2. The employee will work away from the central office setting at \_\_\_\_\_. The employee's work schedule will parallel that of the main office. The employee will complete assigned work as agreed upon. Time and attendance will be recorded according to the Fair Labor Standards Act and in accordance with Mountrail County Employee Handbook.
3. Compensation, benefits, and work status will not change due to this Agreement when the employee is performing the same work as when it the central office setting.
4. The employee will be allowed to use \_specified equipment\_\_\_\_\_ which will be provided by Mountrail County. Employee agrees to protect any Mountrail County owned equipment and to use the equipment only for official purposes. Use by family members and others is prohibited. The county agrees to service and maintain any county owned equipment issued to the telecommuting employee. Any county owned equipment will be returned to the county within 48 hours of the termination of the telecommuting agreement.
5. Employees must obtain supervisory approval before taking leave in accordance with the Mountrail County Employee Handbook. The employee agrees to follow established procedures contained within the Mountrail County Employee Handbook for requesting and obtaining approval of leave.
6. The County will supply materials necessary to complete assigned work at the work site through the Employee's in-office visits, by email, or other means necessary. Out of pocket expenses for supplies normally available through the county will not be reimbursed.
7. All County data must be handled in a secure and confidential manner.
8. The employee must maintain safe conditions in the work area and practice the same safety habits in the designated work area as the Employee would in the Employee's office on the Counties premises.
9. Workers compensation coverage will be provided for the Employee while in the telecommuting arrangement when injuries are sustained in conjunction with the employee's regular work duties. Mountrail County assumes no liability for injuries

occurring to the Employee at the work site outside of the agreed upon work schedule or when injuries sustained are not in conjunction with the performance of the regular work duties.

10. The employee will continue to work in pay status while working at a home office. An employee working overtime, ordered and approved in advance by his/her department head, will be compensated in accordance with the Fair Labor Standards Act and County policy. The employee agrees that failing to obtain proper approval for overtime work may result in removal from the telecommuting program or other appropriate action.
11. The County will not be responsible for operating costs, home maintenance, or any other incidental costs (e.g. utilities) associated with the use of the employee's residence. The employee does not give up any reimbursement for authorized business for the County because the employee works from home or another location.
12. The County will not be liable for damages to the employee's property resulting from participation in the telecommuting program. In signing this document, the employee agree to hold the agency harmless against any and all claims, excluding worker's compensation claims.
13. The evaluation of the employee's job performance will be based on established standards contained within the Mountrail County Employee Handbook. Performance must remain satisfactory to remain as a telecommuter.
14. The employee will apply safeguards that are approved by the employer to protect records from unauthorized disclosure, theft or damage. All records, papers, and correspondence must be safeguarded for their return to the office.
15. The employee agrees to work at the office or at a pre-approved telecommuting location and not from another unapproved site. Failure to comply with this provision may result in termination of the agreement and /or other appropriate disciplinary actions. We agree to abide by the terms and conditions of this agreement:

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Employee Signature

Department Head Signature

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Chairman of Mountrail County Commissioner (for department head approval)

## 216 SERVICE AWARDS AND RETIREMENT AWARDS

### Service Awards:

The years of service awards apply to all employees who have completed consecutive milestones of employment with Mountrail County.

The type of awards given to employee is as follows:

Three years- certificate and a gift not to exceed \$25

Five years- certificate and gift not to exceed \$50

Ten years- certificate and gift not to exceed \$100

Fifteen years- certificate and gift not to exceed \$150

Twenty years- certificate and gift not to exceed \$200

Twenty five years- certificate and gift not to exceed \$250

Thirty years- certificate and gift not to exceed \$300

Thirty five years- certificate and gift not to exceed \$350

Forty years- certificate and gift not to exceed \$400

Forty five years- certificate and gift not to exceed \$450

Fifty years and every five year increment thereafter- certificate and gift not to exceed \$500

### Retirement Awards:

A retirement award shall be provided to an employee who has a minimum of ten consecutive years of service with Mountrail County and who has not been previously recognized by Mountrail County as follows:

A gift with a value not to exceed \$200

A farewell party upon retirement may be provided upon agreement of the employee and agency. Cost of the party not to exceed \$150. Retirement awards may be withheld if there are document problems with an employee's performance.

An employee may not receive cash as part of a service or retirement award program. An agency may provide a gift certificate.

A retirement plaque will be provided to any board member who has eight or more continuous years of service on any county board they are part of.

## 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**

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.

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 will be for continuous years of employment for regular full time employees. Annual leave benefits will not accrue for any unpaid leave that extends longer than 30 calendar days, unless otherwise defined in another policy within the Mountrail County handbook.

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. Requests will be evaluated based upon various factors, including anticipated operating requirements and staffing considerations during the proposed period of absence. No employee may take annual leave in any segment longer than ten (10) consecutive business days without the prior written permission of the immediate supervisor.

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.

## 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 contacted each additional day of absence. Sick 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. 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 verifying the nature of the disability and its beginning and expected ending dates. 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.

Sick leave may also be used by an eligible employee to tend to the needs of certain family members who are ill or to assist them 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.

## 308 DONATING LEAVE

The county reserves the right to determine eligibility for receiving donated leave benefits on a case by case basis. Leave donations requestors will complete and submit a donation request form as well as necessary FMLA paperwork for review and approval. All request must be solicited through and approved by the department head and the human resources department. Once approved the Human Resources Director will present the employee's request form to the Board of County Commissioners for final decision.

### **Eligibility requirements to receive donated leave**

You may be eligible to receive donated leave only after you have otherwise exhausted all paid leave. Requested leave donation will not extend FMLA.

You qualify according to the FMLA Employee's Serious Health Condition definitions; not to include a healthy pregnancy. Donated leave may be used for maternity related situations only if there is complications as verified by a medical doctor.

You qualify according to FMLA to care for a Family Member's serious health condition spouse or child suffers from a serious health condition; not to include a healthy pregnancy.

You qualify according to FMLA as a military caregiver leave of a current service member.

You qualify according to FMLA as a military caregiver leave of a veteran.

In the past six (6) month period, the employee has not received a verbal or written reprimand.

### **Eligibility requirements to donate sick leave**

Elective officials are excluded from this benefit.

Initial donation of leave will be given upon start of policy. A form will be completed by the employee wishing to participate in the program. The offer to join the donating leave policy is a onetime offer. The employee will not be able to join the program later in their career. For the initial donation of leave you may choose to donate 1 full day (8 hours) of either sick leave or vacation leave. That leave will be put in a bank for any qualified employee in the county to use. Donation leave bank will be evaluated each year in July. If the donated leave bank needs to be replenished, all those who participate in the benefit will be subject to the replenishing request. This will be decided upon by the Human Resources Advisory Committee in July of each year. Donations will be accepted on December 1<sup>st</sup>.

### **Requirement to use sick leave to replenish the bank.**

Regular full time employees must retain a minimum of 160 hours of sick leave. If the full time employee does not have a minimum bank of 160 hour they must donate vacation leave.

Regular part time employees must retain a minimum of 80 hours of sick leave. If the part time employee does not have a minimum bank of 80 hours of sick leave they must donate vacation leave.

### New Hires

If newly hired employee chooses to participate in donating leave they may choose to do so at one year of service. Leave donating will be in whole day increments (8 hours) which can consist of either vacation and/ or sick leave totaling 8 hours.

All donated leave must be given voluntarily. No county employee may be coerced, threatened, intimidated, or financially induced into donating sick leave.

### Resignation/Termination

Employees who leave employment with Mountrail County forfeits any hours donated to the leave bank.

### **Employee Use of leave**

Full time employee use of donated sick leave, to include any annual leave and sick leave used prior to use of donated sick leave for compensation during FMLA, cannot exceed 12 weeks (480 hours) in a 12 month period. The maximum use of donated leave is 30 days.

Part time employee use of donated leave, to include any annual leave or sick leave used prior to use of donated leave for compensation during FMLA, cannot exceed 6 weeks (240 hours) within a 12 month period. The maximum use of donated leave is 15 days.

One hour of donated sick leave must be regarded as one hour of sick leave for the recipient. The donated leave will be transferred at the donor's pay rate and used at the recipient's pay rate. Human resources will track donations and use them on a "first received" basis. On each payroll period, the leave will be deducted from the donation "bank" as needed. Only enough leave to cover the current payroll shall be deducted. Employees who returns to work full time, or is no longer eligible for leave donations, will no longer qualify.

Any donated leave may only be used by the recipient for the purpose specified in this section and is not payable in cash.

## 309 BEREAVEMENT LEAVE

If any employee wishes to take time off due to the death of an immediate family member, the employee should notify his or her supervisor immediately. If the leave is taken because of the death of a person not a member of the immediate family as defined herein, then, upon approval of the supervisor, unpaid time off may be granted to allow the employee to attend the funeral and make any necessary arrangements associated with the death. Any employee may, with a supervisor's approval, use any available annual vacation leave for additional time off as necessary.

An immediate family member is defined as an employee's spouse, son, son-in-law, daughter, daughter-in-law, parents, stepparents, stepparents-in-law, brother, brother-in-law, sister, sister-in-law, grandparents, grandparents-in-law, grandchildren, grandchildren-in-law, stepchildren, stepchildren-in-law, foster parents, and foster children.

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.

### 313 RETIREMENT PROGRAM

Any person employed by the County is mandated to be a participating member of the Public Employees Retirement System pursuant to the provisions of Chapter 54-52, of the North Dakota Century Code provided they meet all the following criteria:

- **Eligible employees must be 18 years old.**
- **Work at least 20 hours per week for 20 or more weeks during the year.**
- **Be a regularly funded position within the County and not of limited duration.**

The County share of the program shall be based upon the statutory provisions as set forth in Chapter 54-52, North Dakota Century Code.

Eligible employees must also qualify under the rules and regulations of the retirement program, which is the North Dakota Public Employees Retirement System (PERS).

## 315 FAMILY AND MEDICAL LEAVE POLICY

### Purpose

The purpose of the Family and Medical Leave Policy is to provide job-protected leave to employees when personal or family medical situations or military service requirements result from their absence from work.

### Policy Integration

The situations covered under this policy may also be covered by other policies and federal or state mandated rights, including but not limited to:

- Worker's Compensation
- American with Disabilities Act (ADA)
- Applicable Sick Leave Policy
- Applicable Military Leave of Absence Policy

An employee may qualify for leave under one or more of these policies. If more than one policy applies, the leaves shall run concurrently and do not supersede each other.

### Definitions

1. **Serious Health Condition** means an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.
  - A. **Inpatient care:** an overnight stay in a hospital, hospice or residential medical care facility, including any period of incapacity or subsequent treatment in connection with such inpatient care.
  - B. **Continuing Treatment** by a health care provider includes any one or more of the following:
    - I. **Incapacity and Treatment:** A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
      - a. in-person treatment two or more times within 30 days of the first day of incapacity (unless extenuating

- circumstances exist) by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services under orders of, or on referral by, a health care provider, or
- b. in-person treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.

In either situation, the first in-person treatment must occur within the first 7 days of incapacity.

- II. **Pregnancy or prenatal care:** Any period of incapacity due to pregnancy, or for prenatal care.
- III. **Chronic conditions:** Any period of incapacity or treatment for such incapacity due to a chronic serious health condition, which relates to the following:
  - a. Requires periodic visits (at least twice a year) for treatment by a health care provider, or by a nurse under direct supervision of a health care provider;
  - b. Continues an extended period of time (including recurring episodes of a single underlying condition; AND
  - c. May cause episodic rather than a continuing period of incapacity.
- IV. **Permanent or long term conditions:** A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by a health care provider.
- V. **Conditions requiring multiple treatments:** Any period of absence to receive multiple treatments (including any period of recovery) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, for:
  - a. restorative surgery after an accident or other injury; or



- b. A condition that would likely result in a period of incapacity or more than three consecutive full calendar days in the absence of medical intervention or treatment.
- 2. **Serious Injury or Illness:** In the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness incurred by the member in line of duty and on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating.
- 3. **Son or Daughter or Child** means a biological, adopted or foster child, stepchild, a legal ward, or a child of a person standing *in loco parentis* (in place of a parent) who is:
  - A. under 18 years of age; or
  - B. 18 years of age or older and incapable of self-care at the time leave is to commence because of a mental or physical disability.

For purposes of Military Caregiver leave, the age of the son or daughter is irrelevant. For purposes of qualifying exigency leave, the age of the son or daughter is irrelevant as to the Covered Military Member but is relevant as to the Covered Military Member's son or daughter.

- 4. **Spouse** means a husband or wife as recognized under applicable state law.
- 5. **Unpaid FMLA** means any portion of the FMLA leave for which the employee does not receive any form of pay from the County.
- 6. **12 Month Period** means the 12-month period measured forward from the date of your first FMLA usage. However, in cases of Military Caregiver leave, in which 26 workweeks of leave shall be available, and shall begin on the first day the eligible employee takes FMLA leave to care for a covered service member.
- 7. **Active Duty or call to active duty status (ADCTAD)** means duty under a call or order to active duty (or notification of an impending call or order to active duty) in support of a contingency operation (defined below) pursuant to Sections 688, 12301 (a), 12302, 12304, 12305, 12406 or Chapter 15 of Title 10, U.S. Code.
- 8. **Contingency Operation** has the same meaning given such term as in Section 101(a) (313) of Title 10, U.S. Code.

9. **Covered Military Member (CMM):** an eligible employee's spouse, son or daughter (of any age) or parent who is on active duty or call to active duty status (defined above).
10. **Covered Service Member (CSM)** means a current member of the Armed Forces, including a member of the National Guard or Reserves, who is on the temporary disability retired list and/or has a serious injury or illness incurred in the line of duty while on active duty for which he/she is undergoing medical treatment, recuperation, therapy or otherwise in outpatient status.
11. **Days** shall refer to calendar days unless otherwise noted.
12. **Health Care Provider** means an individual recognized by Department of Labor regulations to certify the need for leave, including, among others, a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices. Also included are podiatrists, dentists, physician assistants, nurse practitioners, clinical psychologists, optometrists and chiropractors (for certain procedures).
13. **Incapacity** means inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore or recovery therefrom.
14. **Intermittent Leave** means leave taken in separate blocks of time due to a single qualifying reason.
15. **Leave** means FMLA leave pursuant to this policy.
16. **Next of Kin** means the nearest blood relative of a CSM, other than the CSM's spouse, parent, son or daughter, in the following order of priority:
  - A. Blood relatives who have been granted legal custody of the CSM by court decree or statutory provision.
  - B. If no blood relatives have been granted legal custody of the CSM by court decree or statutory provision, a blood relative who the CSM has specifically designated in writing as their nearest blood relative for purposes of Military Caregiver leave.
  - C. If neither A or B above apply, brothers or sisters of the CSM.
  - D. If neither A or B above apply, and the CSM has no siblings, grandparents of the CSM.

- E. If neither A or B above apply, and the CSM has no siblings or grandparents, aunts and uncles of the CSM.
  - F. If neither A or B above apply, and the CSM has no siblings, grandparents or aunts and uncles, first cousins of the CSM.
17. **Outpatient Status** means the status of a member of the Armed Forces assigned to (A) a military medical establishment as an outpatient; or (B) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.
18. **Parent** means the biological parent of an associate or an individual who stands or stood in *loco parentis* (in place of a parent) to an employee. Parents-in-law are not included in this definition.
19. **Parenting FMLA Leave** refers to an FMLA leave taken due to the birth of a child or placement of a child with the employee for adoption or foster care.
20. **Qualifying Exigency** means that an employee's spouse, son, daughter or parents is a CMM who is on ADCTAD status (active duty or call to active duty), and requires leave for one or more of the following qualifying exigencies defined in the Department of Labor regulations:
- A. **Short notice deployment:** to address any issue that arises from the fact that a CMM has been notified of an impending call or order to active duty status in support of a contingency operation seven or less calendar days prior to the date of deployment. Leave for this purpose can be taken for a period of seven calendar days beginning on the day a CMM is notified of an impending call or order to active duty in support of a contingency operation.
  - B. **Military events and related activities:** to attend any official ceremony, program or event sponsored by the military that is related to the ADCTAD status of a CMM and to attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the ADCTAD status of a CMM.
  - C. **Child care and school activities:**

- I. to arrange for alternative child care when the ADCTAD status of a CMM necessitates a change in the existing child care arrangement for a son or daughter of a CMM who is either under age 18, or 18 or older and incapable of self-care because of a physical or mental disability at the time FMLA leave is to commence.
- II. to provide child care on an urgent, immediate basis (but not on a routine, regular, or everyday basis) when the need to provide such care arises from the ADCTAD status of a CMM for the CMM's son or daughter who is either under age 18, or 18 or older and incapable of self-care because of a physical or mental disability.
- III. to enroll in or transfer to a new school or day care facility a CMM's son or daughter who is either under the age 18, or 18 or older and incapable of self-care because of a physical or mental disability.
- IV. to attend meetings with staff at a school or a day care facility, such as meeting with school officials regarding disciplinary measures, parent-teacher conferences, or meetings with school counselors, for the CMM's son or daughter, who is either under age 18, or 18 or older and incapable of self-care because of a physical or mental disability, when such meetings are necessary due to circumstances arising out of the ADCTAD status of the CMM.

**D. Financial and legal arrangements:**

- I. to make or update financial or legal arrangements to address the CMM's absence while on ADCTAD status, such as preparing and executing financial and healthcare powers of attorney, transferring bank account signature authority, enrolling in the Defense Enrollment Eligibility Reporting System (DEERS), obtaining military identification cards, or preparing or updating a will or living trust and
- II. to act as the CMM's representative before a federal, state, or local agency for purposes of obtaining, arranging, or appealing military service benefits while the CMM is on ADCTAD status and for a period of 90 days following the termination of the CMM's active duty status.

- E. **Counseling:** to attend counseling provided by someone other than a health care provider for oneself, for the CMM, or for the CMM's son or daughter, who is either under age 18, or 18 or older and incapable of self-care because of a physical or mental disability, provided the need for counseling arises from the ADCTAD status of a CMM.

- F. **Rest and recuperation:** to spend up to five days with a CMM who is on short-term, temporary, rest and recuperation leave during the period of deployment.
- G. **Post-deployment activities:** to attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of 90 days following the termination of the CMM's active duty status and to address issues that arise from the death of a CMM while on active duty status, such as meeting and recovering the body of the CMM and making funeral arrangements.
- H. **Additional activities:** to address other events which arise from the CMM's ADCTAD status provided that the County and employee agree that such leave shall qualify as an exigency, and agree to both the timing and duration of such leave.

21. **Reduced Leave Schedule** means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

#### POLICY

Mountrail County's policy is to comply with the Family and Medical Leave Act by providing up to 12 workweeks of employment-protected, unpaid family and medical leave to eligible associates, under the following circumstances:

1. Because of the birth of a son or daughter;
2. Because of the placement of a son or daughter with the employee for adoption or foster care;
3. To care for a spouse, child or parent or the employee whose serious health condition requires the associate's absence from work;
4. Because of an employee's own serious health condition which renders the employee unable to perform the functions of their position;
5. Because of any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed forces in support of an contingency operation: or

6. **MILITARY CAREGIVER LEAVE:** In addition, and subject to the certification requirements spelled out below, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member shall be entitled to a total of 26 workweeks of leave during a 12 month period to care for the service member. This leave shall only be available during a single 12 month period that begins on the first day of such leave. If a leave qualifies as both service member family leave and leave to care for a family member with a serious health condition, the leave will be designated first as Military Caregiver leave.

**A. ELIGIBLE EMPLOYEES**

- I. Active employees who have been employed by the County for at least 12 months and who have worked at least 1,250 hours during the previous 12 months are eligible for leave pursuant to this Policy. The 12 months of employment need not be continuous and shall include time spent on military service covered by USERRA. Employment periods prior to a break in service of 7 years or more shall not count toward the 12 months unless the break in service was due to service in the National Guard or Reserves. If an employee who is otherwise eligible for FMLA reaches the 12 month mark while on leave, the period of leave prior to meeting the 12 month threshold is non-FMLA and the period of leave after the 12 month threshold is FMLA leave.
- II. An employee's eligibility is measured as of the date Leave will begin.

**B. LENGTH/FREQUENCY OF FAMILY LEAVE**

- I. Leave will be available for the period of time certified by the physician and approved by the department head and the Human Resources Department, but not to exceed 12 workweeks in the 12 month period (480 hours if leave is intermittently used) measured forward from the date of your first FMLA leave usage. Military Caregiver leave shall not exceed 26 workweeks in a single 12 month period beginning on the first day of such leave.
- II. Part-Time Employees (For purposes of calculating available leave under this policy only):
  - a. Regularly scheduled part time employees.
    - i. For a continuous (non-intermittent) Leave, the employee is eligible for up to 12 weeks of Leave (or 26 weeks, where applicable), based on their normal part time workweek.

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

a single 12 month period if the Leave is all Military Caregiver leave or is a combination of Military Caregiver leave and any other type of leave authorized by this policy.

#### NOTICE OBLIGATIONS

##### 1. Timing

- A. Foreseeable Leave: Where the need for Leave is foreseeable, the employee must provide at least 30 day notice to the Department Head and Human Resources Department before the leave is to begin. If the Leave is to begin in less than 30 days, the employee must notify the Department Head and Human Resources Department as soon as practicable. Failure to comply with this notice requirement may result in the delay or denial of Leave. For leaves due to qualifying exigency, notices must be provided as soon as practicable regardless of how far in advance leave was foreseeable.
- B. Unforeseeable Leave: Where the need for Leave is unforeseeable, the employee must give notice to the Department Head and Human Resources Department immediately, absent extenuating circumstances. Failure to comply with this notice requirement may result in the delay or denial of Leave. This requirement should not be confused with any required call-in procedures for reporting absences, which is a separate obligation.

- 2. Contact: The employee must comply with the established process for Leave for each department and contact the Department Head or appropriate supervisor.
- 3. Retroactive Designation: The Department Head's and Human Resources Department's will retroactively designate an employee's absence where, in the Department Head's and Human Resources Department's opinion, circumstances make such a designation appropriate.

#### COMMENCEMENT/STATUS WHILE ON FAMILY LEAVE

- 1. Leave due to childbirth will generally begin on the date of the birth but may begin at any time before or after 12 months of the child's birth. Leave due to adoption, placement, or for the care of the associate, their spouse, parent, or child with a serious health condition will generally begin as outlined in the Notice and Certifications portions of this policy.



2. Parenting FMLA Leave cannot extend beyond 12 months after the birth or placement of the child.

#### CONTINUATION OF PAY AND BENEFITS

1. Vacation: All benefits accrued before, and not used during an employee's leave, will remain. Employee may still accrue benefits as defined according to 303 Annual Leave Policy.
2. Paid Leave: Employees must use all accrued available leave (vacation and sick) before starting unpaid FMLA leave.
3. Other Leaves: Available paid Leave under vacation, sick leave or worker's compensation will run concurrently with FMLA and may not be used to extend leave under this policy.
4. Holidays: Employees will not be paid for holidays during FMLA Leave.
5. Wages and Salary: Any wage or salary increases otherwise due during Leave shall be suspended during Leave without retroactive adjustment upon the employee's return to work. If the employee does not return to work, any final pay shall be based on the last rate paid before leave commenced.
6. Benefits: Benefits generally continue in accordance with applicable provisions for each benefit plan. Any changes in plan provisions or costs will apply to individuals on Leave in the same manner as they do to active employees.

#### PROCEDURE TO OBTAIN AN FMLA

1. An employee requesting Leave should obtain and complete the necessary leave forms from the Human Resources Department and attach the required certifications and submit them to the Human Resources department within the designated amount of time. The Human Resources department will notify the Department Head within 3 business days of the employee return of FMLA forms, as well as any other information in regards to the amount of leave needed.
2. Failure to give 30-days advance notice for a foreseeable leave, failure to give timely notice for unforeseeable Leave, or failure to produce requested certification(s) within the time designated may result in the delay or denial of the Leave.

3. Human Resources department will respond within 3 business days with a Designation Notice upon receipt of a completed Certification of Health Care Provider for Serious Health Condition form or Certification of Military Family Leave form.

#### CERTIFICATION AND REPORTING REQUIREMENTS

1. A Certification is required for Leave. The employee requesting the leave is responsible for ensuring the Human Resources Department's receipt of the Certification within the designated amount of time. The Human Resources department may deny or delay Leave for failure to submit the Certification on a timely basis. The Human Resources Department will notify the Department Head of the employee return of FMLA forms, as well as any other information in regards to the amount of leave needed.
2. If the Certification received by the Human Resources Department is vague or incomplete, the employee will be given an opportunity to cure those deficiencies. If the employee is unwilling or unable to do so, Leave will be denied.
3. The Human Resources Department may require a second medical opinion as to the need for Leave. If the Certification and second opinions differ, the Human Resources Department may require a third medical opinion. The third opinion care provider will be binding. This paragraph does not apply to Military Caregiver Leave.
4. Before the initial Leave is exhausted, the Human Resources Department may require periodic recertification of the continuing need for Leave. The Human Resources Department may refuse or delay further Leave until the recertification is received. The recertification must be completed by the health Care Provider and may not be a copy of a form previously submitted. Recertification may also be required if the employee requests a Leave extension. This paragraph does not apply to Military Caregiver Leave. The Human Resources Department will notify the Department Head of any changes to the amount of Leave needed for their employee.
5. Legal certification may be required for adoption or foster care.
6. Employees on Leave may be required to periodically report on their status and intention to return to work.
7. When Leave is due to the employee's own serious health condition, a fitness for duty certification (FFD) may be required before the employee can return to work. The employee is responsible for ensuring the Human Resource Department and the Department Head receipt of a fitness for duty certificate. Failure to timely provide such certification may

eliminate the employee's right to reinstatement under the FMLA. If the employee is using intermittent leave, and reasonable safety concerns exist regarding the employee's ability to perform their duties, a FFD certificate may be required as frequently as every 30 days during periods where the employee has used intermittent leave. If the FFD is vague or incomplete, the employee will be given an opportunity to cure those deficiencies. This paragraph does not apply to Military Caregiver Leave.

#### REINSTATEMENT

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

#### ACTIVITIES PROHIBITED DURING FMLA

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

#### ADMINISTRATION

1. To the extent that state law may in the future provide a greater benefit than the FMLA, the eligible employee will be entitled to the more generous benefit.
2. The Human Resources Department and Department Head reserves the right to deny or restrict coverage to any employee who meets the exclusionary requirements described under the Family and Medical Leave Act of 1993.
3. The Board of County Commissioners reserves the right to amend and modify this policy in accordance with federal and state laws.

4. The Human Resources Department reserves the right to interpret and administer this policy in accordance with federal and state laws.
5. The Human Resources Department or Department Head reserves the right to designate any qualifying time away from work as FMLA leave, regardless of whether or not the employee has requested FMLA.
6. Where applicable, FMLA will run concurrently with worker's compensation and/or other types of leave for which the employee qualifies.

## 319 LEAVE WITHOUT PAY

Leave without pay means an approved absence from work without pay.

A request for leave without pay must be in writing and reviewed for approval in advance by the department head. In an instance when the leave without pay is requested by an appointed department head, a request must be in writing and reviewed for approval in advanced by the County Commissioners.

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 choses 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.

If a supervisor approves an employee for leave without pay, in violation of this policy, the supervisor may be subject for disciplinary action, up to and including termination.

For leave without pay due to work-related injury, please refer to the North Dakota Workforce Safety and Insurance rules and regulations. For leave without pay due to a serious medical condition for the employee or eligible family member, please refer to policy 315 Family Medical Leave Act.

When considering an employee request for leave without pay, the department head/supervisor must consider several factors, including the following:

- **The employee must not have any accrued leave available.**
- **The employee must be a regular full time, regular  $\frac{3}{4}$  part time, or regular  $\frac{1}{2}$  part time employment classification.**
- **The employee's absence will not unduly disrupt the departments operations or services.**
- **Whether the absence is an emergency, unforeseen circumstance or whether it could have been planned for in advance.**
- **Whether the employee has a pattern of using their leave as they earn it, rather than building and maintaining a reasonable leave balance for potential emergency purposes.**
- **Whether the leave was negotiated and approved at the time of hire.**

When an employee is granted leave without pay the following must apply:

- **All applicable accrued leave has been exhausted.**
- **Supervisor must immediately submit the leave without pay form to the Human Resources department, via email at [nicholed@co.mountrail.nd.us](mailto:nicholed@co.mountrail.nd.us)**
- **The employee will be responsible to prepay Mountrail County the employee share of the insurance benefits for the full term of the leave without pay.**
- **Leave without pay may be granted for a period of up to ten (10) business days at the discretion and approval of the supervisor. Leave without pay in excess of any amount above ten (10) business days will need the approval of the supervisor and Board of Commissioners.**
- **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 ABSENCES**

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

Requests for time off associated with pregnancy 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 during first year of employment.

## 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 services when needed. A regular full-time employee is allowed paid leave for such reasons as outlines bellow.

### 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.

Before an employee is allowed to participate in providing emergency services under this policy, written approval must be obtained from the employee's department head and filed with the Mountrail County Human Resource Director.

Employees must notify their supervisor as soon as possible so that the supervisor may make arrangements to accommodate the employee's absence.

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

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

An employee on leave under this section is not deemed to be an employee of Mountrail County for the purposes of workforce safety and insurance.

### 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.

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

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

An employee on leave under this section is not deemed to be an employee of Mountrail County for the purposes of workforce safety and insurance.

#### 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.

Employees must have approval from department head before serving on an election board.

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

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

## 325 WITNESS DUTY

Mountrail County encourages employees to appear in court for witness duty whenever summoned to do so.

When an employee is called as a witness on behalf of the County where the employee's department is a party to the action and the department reimburses the employee for mileage, sustenance, and room and board, no fees or mileage shall be charged by said employee as a witness and no time shall be deducted for the absence of said employee while performing these duties or services for the County. The term witness includes expert witness.

When an employee is summoned as a witness and the department is not a party to the action and does not reimburse such employee for mileage, sustenance, and room and board, the employee may collect witness fees from the proper party as stated above if the employee is not on duty or on authorized leave.

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

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

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

## 327 MILITARY LEAVE

### ND State Law Provisions:

All employees of this State or political subdivision who:

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

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

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

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

1. Has provided advance notice, either written or oral, of the need for the leave, unless notice is unreasonable or impossible;
2. Has received an honorable discharge;
3. Has taken a total of less than five years of military leave during the time of employment with the County.

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

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

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

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

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

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

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

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

#### Discharge or Demotion

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

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

## **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.

### 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 Director 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.

## **415 RESIGNATION**

Resignation is a voluntary act initiated by the employee to terminate employment with Mountrail County. Although advance notice is not required, the County requests a minimum of two weeks written notice of resignation from all employees. Employees may state their reason for termination in their letter of resignation.

## 417 REDUCTION IN FORCE

If it is necessary to perform a reduction of the work force, the Mountrail County Commissioners may separate any employee because of lack of funds, curtailment of work or as the result of reorganization and distribution of work.

The Mountrail County Commission will identify the amount of salaries and wages and the number of positions to be cut from each county department. Each affected department will be given written notification of these reductions determined by the County Commission.

The Department Head will submit a proposed plan to the County Commission specifying how work will be reallocated or reorganized to meet statutory requirements and satisfy the salary reductions. These recommendations will specify what functions can be eliminated and which classification of positions could be eliminated or reduced under the reallocation or elimination of work. Analysis of employees for consideration in a reduction in force will be done by classification within each department.

Prior to initiating a reduction in force, the Department Head shall conduct an analysis of all employees in the department to determine the employee(s) who will be subject to the reduction in force. The analysis will be documented. The following four factors (ranked in order of importance) must be considered in this analysis:

- The acquired knowledge, demonstrated skills and versatility of the employees compared to the work to be done. Employees lacking the necessary knowledge, skills and versatility are subject to the reduction in force.
- The level of demonstrated work performance. Employees performing consistently at a lower performance level compared to other employees are subject to the reduction in force.
- The extent of training needed to ensure the reassigned employees would be fully productive if they were given different job assignments. Employees requiring the greater amount of training are subject to the reduction in force.
- The length of service of the employee. The review should list the number of years and months an employee has been employed by Mountrail County and the number of years and months an employee has been in the current classification. Employees with fewer years of service are subject to the reduction in force. Department Head has the option of suggesting early retirement when submitting their recommendation.

All departments' reduction in force recommendations must be in writing to the Mountrail County Commission. Final reduction in force will be made by the Mountrail County Commission.



Employees who are terminated pursuant to the reduction in force policy will be given a minimum of one month's notice and offered a severance package. Severance package will include one month's salary and one month's benefits from date of dismissal.

Reduction in force may not be used as a substitute for disciplinary measures and must be done in a nondiscriminatory manner in accordance with NDCC Section 14-02.4-01.

## 419 REPORT OF INJURY AND CLAIMS MANAGEMENT

### Employee Responsibilities

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

### Claims Management

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

### Return to Work

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

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

The success of the Transitional Work Program depends on the cooperation and participation of the employee, the County representative and the medical community. The County will make

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

## **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.

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 their assigned work schedule in 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.

## 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:

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

Department Heads and supervisors are directly responsible for the education and participation of all employees under their direction for safety rules and procedures. Compliance of safety tasks, corrective measures taken in the prevention of accidents, and elimination of hazards in the workplace is the responsibility of everyone. Supervisors will not compromise safety for any reason and will halt any activity which may create a dangerous situation. Employees have the right to stop 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, including screen saver software, wallpaper or any other freeware, shareware, demo software or games, which have not been purchased by the County, are to be installed or downloaded on any computer without specific authorization.
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 or data; duplicating and distributing copies of software that is not proscribed in the license is illegal.
  - b. Make copies of the user manual as well as copying system diskettes are also illegal. Distributing copies of sound recordings (e.g. MP3s) or images, which are copyrighted, is illegal.
  - c. Make alterations to the software source code.

- d. Provide use of the software in a multiple CPU or user arrangement to users who are not individually licensed.
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. To prevent computer viruses from being transmitted, unauthorized downloading of software, shareware, or freeware from the Internet and/or other sources is restricted, unless authorized.
3. Intentionally creating or spreading of a computer virus is a serious violation of 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 will immediately be suspended by the department head/supervisor pending an investigation. Pending completion of the investigation the department head/supervisor will 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 will 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.

## 513 HARASSMENT POLICY

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

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

### Definitions

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

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

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



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

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

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

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

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

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

### Complaint Procedures

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

- 1. An employee who feels that he/she has been subject to sexual, unlawful or workplace harassment should clearly state to the individual that his/her behavior is offensive to them and the employee shall immediately notify the Department Head.**
- 2. If the employee is unable to confront their alleged offender or the behavior persists after confronting the alleged offender; employee must submit written complaint to the Department Head and the Human Resources designee.**
- 3. If the Department Head is involved in the alleged harassment, the employee who feels he/she has been subject to harassment must submit written complaint of the incident directly to Mountrail County Human Resources Director.**
- 4. If the complaint involves the Human Resources Director, employee must submit the written complaint of the incident directly to the Mountrail County Board of Commissioners.**
- 5. Upon the advice of the legal counsel, the Board of Commissioners will designate an appropriate individual to conduct an investigation in a fair, prompt and complete manner.**

### Protection against Retaliation and Reprisal

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

### Discipline

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

## 515 GRIEVANCE POLICY AND PROCEDURES

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

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

Employees may grieve an employer action of demotion, dismissal, suspension without pay, reduction-in-force, or discrimination in employment. The employee must begin the procedure within five (5) business days from the date of notice of the employer action. In the case of reprisal, the employee must begin the grievance procedure within five (5) business days from the date of the reprisal action. Failure to begin the procedure within the time limits forfeits the right to appeal. The Department Head may extend the time limits based on good cause for the extension for no more than an additional five (5) business days.

### Procedure:

**Step I.** The employee must submit his/her grievance in writing to Human Resources department and department head. Within five (5) business days after the grievance occurred, he/she will meet with their Department Head in an attempt to resolve the grievance.

- If a mutual agreement is reached, both the employee and Department Head will acknowledge this in writing.
- If a mutual agreement is not reached at this level both the employee and Department Head will acknowledge this in writing and within fifteen (15) business days the grievant may forward the grievance to the Board of Mountrail County Commissioners at their next regularly scheduled meeting.

**Step II.** The Board of County Commissioners may elect to hear the grievance or to contract a hearing officer or other appropriate venue to hear the grievance. Once the Board of Commissioners has made an initial determination, the employee shall be notified in writing of the method, time and place of a hearing.

- If the Board determines to hear the grievance, they will establish the terms for hearing the grievance, either by requesting all parties to submit information in writing, verbally or combine options.

- Once the Board has either heard the grievance or received a recommendation from a contracted source, the Board will then make the final decision. The Board's decision will be final and will be provided to the employee in writing within twenty (20) business days after making a determination.

#### Employee Eligibility:

The following employees may file a grievance:

- Regular full time employees
- Regular part time employees
- Probationary employees may grieve issues of discrimination
- Group grievances reflecting a similar or common complaint will be accepted and processed as a single grievance.

#### Non-grievable Items:

- Issues that are pending or have been concluded by direct appeal to the County Commission or through other administrative or judicial procedures.
- Relocation or transfer of an employee within the department that results in no change of pay, benefits, and/or classification.
- Temporary work assignments.
- Budget and organizational structure, including the number of assigned employees within any organizational unit.
- The manner and method of performing work assignments, including performance evaluations, unless in the case of discrimination.
- Benefits.

## **517 RETURN OF PROPERTY**

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. 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 & EMERGENCY CLOSING

**Purpose:**

It is the policy of Mountrail County to be open for business on all regular business days. The County is prepared to continue operations in the events of an emergency including but not limited to weather related emergencies, fire related events, pandemic events, and other disasters.

Work day cancellations and early dismissals are determined by the Mountrail County Commissioners. When a closure takes place the Mountrail County Commissioners need to determine which departments are essential for the event.

An employee who either reports to work late, leaves work early, or chooses not to attend work due to inclement weather will be charged appropriate annual leave for the time not worked. If no annual leave is available it shall be considered time off without pay.

Essential personnel may be required to complete their shift and/or be relieved by the next shift prior to leaving their work stations.

## 520 CREDIT CARD POLICY

### **Purpose:**

County credit card use is to simplify the process for purchase. Individual credit limits, including card and cycle limits, vary as determined by the department heads. To assure the effectiveness of the program, the policy and procedures in this section must be followed by departments using the credit card. Failure to use the credit card in accordance with applicable policies and procedures may result in revocation of the card and may involve appropriate disciplinary actions, up to and including, termination and prosecution. Policy and procedure violations include, but are not limited to:

Credit card cannot be used in violation of policy [#208 Travel](#), to obtain cash advances, bank checks, traveler's checks, or electronic cash transfers for expenses other than those incurred by the assigned employee named on the card, or for personal expenses. Some examples of a violation of this policy are:

- Failure to return the card when re-assigned, terminated, or upon request.
- Failure to submit proper transaction documentation to the appropriate person in a timely manner.
- Transferring assignment of the card to another individual.

Prior to being allowed to have the use of a card, a card holder must sign a [Credit Cardholder User Agreement](#) form provided by Mountrail County. By signing the agreement form, cardholders agree to adhere to the guidelines established in this policy.

### Limitations and Restrictions

Department heads will assign a monthly credit limit to each individual who is issued a county credit card. They may also assign a single transaction limit. If a cardholder attempts to purchase over their limitation, the purchase will be blocked. Certain merchants will be blocked (e.g., jewelry stores). If a cardholder attempts to use the card at such a merchant, the purchase will be declined.

### Authorized Purchases

The credit card program is intended for maintenance, repair, operating and other purchases needed during the course of business. The card may be used for in-store purchases as well as phone, internet, fax, or mail orders.

Purchases may include but not limited to:

- Office supplies and forms
- Books and subscriptions



- Computer supplies
- Membership dues
- Hardware and tools
- In state hotels (direct billed is preferred)
- Out of state hotels (pre-approved by Board of Commissioners or court ordered)
- Airfare (pre-approved by Board of Commissioners or court ordered)
- Fuel for county vehicles
- Purchase not intended for personal meals

### Cardholder Responsibilities

The cardholder is responsible for the following:

- Safeguarding the credit card
- Keeping in her/his possession an itemized receipt for each purchase.
- Forwarding the original receipts to designated supervisor within 3 days of purchase.
- Notifying his/her supervisor and county Auditor's office in the event of a lost or stolen credit card.
- All expired credit cards must be returned to the Mountrail County Auditor's office for destruction
- Resolving disputes as described in return, credits and disputed items in this policy.
- Making only authorized purchases

### Returns, Credits, and Disputed Items

The cardholder has the responsibility to follow up with the merchant or bank on any erroneous charges, disputed items, or returns as soon as possible. Disputed billings can result from failure to receive the goods charged, defective merchandise, incorrect amounts, duplicate charges, credit not processed, as well as fraud and misuse. If the cardholder has a problem with a purchased item or a billing resulting from the use of the credit card, they should attempt to reach a resolution with the supplier. In most cases, disputes may be resolved directly between the card holder and the supplier.

### Credits

Referring to the cardholder receipt, request from the merchant to record a credit on the card account. If the item was shipped refer to the shipping form.

### Returns

The supplier should issue credit for any item approved for return. The credit should appear on a subsequent statement. Returned items that were purchased with the credit card must be

credited back to the card. Do not accept a refund in cash or check. Keep documentation of credits, returns, and exchanges.

#### Disputed items

If a resolution on a disputed charge cannot be reached with the supplier, notify the county auditor's office to work with the card company to resolve the dispute.

#### Review Process

- The cardholder's supervisor should:
- Review all credit card receipts and verify that all purchases are for county business and comply with all applicable rules and policies.
- Prepare a voucher for payment and attached all original receipts. The voucher must be turned into the Mountrail county auditor's office for processing by the voucher deadline set by the auditor's office.
- The card may not be used for personal transactions under any circumstances. If a cardholder's supervisor determines a personal transaction has occurred, the supervisor shall notify the cardholder, the Auditor, and the HR Director in writing as soon as practicable. Reimbursement will be received through payroll deduction for the amount of the misused funds.

If it is determined that personal or other unauthorized charges are occurring on the credit card, appropriate disciplinary steps, up to and including termination, will be taken to resolve the misuse/abuse of the credit card.

## **MOUNTRAIL COUNTY CREDIT CARDHOLDER USER AGREEMENT**

I, \_\_\_\_\_, hereby acknowledge receipt of Mountrail County Credit Card # \_\_\_\_\_.

I understand that improper use of this card may result in disciplinary action up to and including termination, as well as personal liability for any improper purchases. As a cardholder, I agree to comply with terms and conditions of this agreement and the credit card policy for Mountrail County. I acknowledge receipt of the Mountrail County credit card policy and confirm that I understand the terms and conditions. As a holder of this card, I accept the responsibility and accountability for the protection and proper use of the card. I will return the card to the Auditor's office upon demand during the period of my employment or upon end of termination. I understand that the card is not to be used for personal purchases and that I must provide an itemized receipt for every purchases. If I fail to provide an itemized receipt substantiating a legitimate business expense by the end of the current month, Mountrail County will be entitled to reimbursement from me of such purchases (through deduction of my paycheck). Mountrail County shall be entitled to pursue legal action, if required, to recover the cost for such purchases, together with costs of collection. I understand I will be required to pay the \$5.00 fee, by cash or personal check, for replacement if this card is lost, damaged, or stolen.

Employee Name \_\_\_\_\_

Employee Signature \_\_\_\_\_

Date \_\_\_\_\_

### **SUPERVISOR'S APPROVAL:**

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I gave credit card number \_\_\_\_\_ to \_\_\_\_\_ to use in accordance with Policy # 520.

Supervisor \_\_\_\_\_

## 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 as associate’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.