



HUMAN SERVICE ZONES HUMAN RESOURCE POLICIES

The policies and procedures described here are not firm conditions of employment and the language are not intended to create an employment contract between the Human Service Zone and its Human Service Zone team members.

The North Dakota Department of Health & Human Services (Department) reserves the right to alter, amend, modify, rescind or otherwise change the content of this policy as permitted by law, in its sole discretion and without advance notice to any Human Service Zone team member affected by the provisions of this policy.

Each Zone Director shall ensure that all Human Service Zone team members have access to this policy manual, either in electronic or hard copy version.

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Chapter 1: Introduction

Section 1. Purpose

Updated: 3/2023

The purpose of this manual is to provide direction in those areas of human resource management that are important to the effective and efficient operation of the organization. The policies are designed to provide for fair, equitable, and consistent decisions on those matters relating to the Human Service Zone team members.

The Human Service Zone HR policy manual is not intended to replace, supersede, or contradict policy directives from Century Code, Administrative Rules or fiscal and administrative policies of the Human Services Zones, or universal HR policies of the State of ND, but rather to complement and provide additional direction to all Human Service Zone staff.

Section 2. Application

Updated: 3/2023

The policies in this manual apply to all team members of the Human Service Zones regardless of status.

Section 3. Revision and Distribution

Updated: 3/2023

This manual may be revised, as necessary. A copy of this manual and all revisions must be provided to all team members in hard copy or electronically. Each Zone Director shall ensure that this manual is accessible to all team members.

Section 4. Related Procedures

Updated: 3/2023

This manual contains policies that have related procedures, which can be found on the Human Service Zone [intranet](#).

Section 5. Definitions

Updated: 3/2023

Some of the terms used throughout this policy manual are defined as follows:

- "Classification/Reclassification" means the placement of a position in a specific job classification at a specific pay grade based on the duties and responsibilities of the position.
- "Compensation" means the combination of salary or wages and benefits provided to a team member.
- "Discipline" means any action taken by the director, a division director, or a manager that is designed to correct the job performance or work-related behavior of a team member.
- "Dismissal" means an involuntary termination of a regular team member's employment.
- "Emergency status" means an individual subject to the merit system who is employed as a result of unusual or unexpected conditions or when employment is anticipated to be of very short duration, without

regard to the normal open, competitive selection (certification) process and the duration of the employment does not exceed 720 hours.

- Eligible family member means the team member's spouse, parent (natural, adoptive, foster and stepparent), child (natural, adoptive, foster and stepchild), or any other family member who is financially or legally dependent upon the team member for financial or legal support.
- "Exempt team member" means a team member who is not subject to the overtime requirements of the Fair Labor Standards Act.
- "HR Representative" means the host county Human Resources, Auditor, or Designee noted in the Addendums.
- "HRMS" is the Human Resource Management Services which is a state agency overseeing HR statewide.
- "Merit System" is guided by certain merit principles: recruiting, selecting, and advancing team members is done on the basis of ability, and it includes open consideration of qualified applicants.
- "Non-exempt team member" means a team member who occupies a position that is subject to the minimum wage and overtime requirements of the Fair Labor Standards Act.
- "Probationary team member" means an individual employed in a classified position who was selected for a position on an open, competitive basis and who has not yet completed the initial probationary period. Temporary service at the same level and type of work may be considered towards the probationary period provided there is no break in service.
- "Promotion" means the reassignment of a team member from the team member's present position to another existing position that is at a higher pay grade.
- "Reduction-in-force" means the loss of employment by a team member as a result of a reduction in funding, lack of work, curtailment of work, or reorganization. (NDAC 4-07-11-02)
- "Regular team member" means an individual employed in a legislatively authorized position; if classified, was selected for a position on an open, competitive basis and successfully completed a six-month or longer probationary period, or if unclassified was authorized by statute. Regular team members have the right to appeal to the State Personnel Board and ND Human Resource Management Services. Regular classified team members are not required to serve a probationary period upon promotion, demotion, or transfer within the agency.
- "Resignation" means the team member's voluntary separation from employment
- "Retirement" means the acceptance of a PERS retirement allowance upon termination of employment.
- "Salary" means a fixed portion of a team member's compensation that is paid on a regularly scheduled basis.
- "Serious health condition" means a disabling physical or mental illness, injury, impairment, or condition involving inpatient care or outpatient care requiring continuing treatment by a health care provider
- "Human Service Zone team member" means an individual who receives compensation for employment with the Human Service Zones.
- "Temporary team member" means an individual employed in a position that is time-limited in duration. An open competitive recruitment process is required.
- "Transfer" means a personnel action that results in the reassignment of a team member from one position to a different position that has the same pay grade as the team member's previous position and that does not result in a break in service. (NDAC 4-07-05-01.1).
- "Zone Designee" is defined in each Human Service Zone Addendum.

Chapter 2: Responsibilities

Section 1. Team Member Responsibilities

Code of Conduct

Updated: 7/2020

The Human Service Zone maintains the following code of conduct for Human Service Zone team members and volunteers through policies, procedures, written job descriptions, contracts, and other standards adopted to guide client services, meet regulatory requirements, and direct business conduct. The code of conduct is based on the following general principles and framework:

- 1. Client care is the primary mission of the Human Service Zone.** The organization is committed to unencumbered access to care, ethical decision making, client rights, accurate documentation of client care, and reliable client care based on professional standards of practice.
- 2. The organization has a legal duty to comply with the laws that apply to its business.** The organization will make a good faith effort to comply with all applicable laws and regulations. Management is responsible for applying legal and regulatory mandates to daily operations.
- 3. Business transactions will be honest and conducted in a manner to build a positive image of the organization.** Communication with stakeholders will be honest. Reporting actual or potential wrongdoing is supported and will not be subject to retaliation.
- 4. Private information related to client care and Human Service Zone team members will be protected from inappropriate disclosure.** Administrative, technical, and physical safeguards are adopted in order to protect private information.
- 5. Conflicts of interest will be avoided through open disclosure practices and corrective actions.** Human Service Zone team members and management alike will disclose outside financial interests, vendor relationships, and service with other organizations that may conflict with the mission and business of the organization or provide an unfair competitive advantage based on "inside" information. This includes employment of family members, as well as services received by family members and the requirement that Human Service Zone team members recuse themselves from any situation involving clients that could be perceived as a conflict of interest.
- 6. Relationships with providers and outside interests will avoid payments or rewards made deliberately to induce referrals or generate Federal funding.** The appearance of an inappropriate relationship will also be avoided. During times of procurement such relationships should be given heightened attention. The organization understands the constraints on various business arrangements including contracts, gifts and gratuities, and political contributions. Business arrangements are evaluated for the application of established "safe-harbors." Legal counsel with expertise in this area is consulted as needed.

7. **We will treat our co-workers and counterparts with respect and dignity; in the way that we ourselves wish to be treated.** Interactions and discussion at all levels of the organization will occur keeping these values in mind.
8. **Internal control processes will be maintained in order to optimize protection of the organization's integrity.** The Human Service Zone Director maintains a reporting process to monitor Human Service Zone team member compliance with internal policies, procedures, and standards. Results of internal investigations and performance reviews are shared with the Zone Director and relevant department employees and Human Service Zone team members on a regular basis.
9. **Fraudulent behavior will not be tolerated.** Fraud is defined as deceit, trickery, sharp practice, or breach of confidence, perpetrated for profit or to gain some unfair or dishonest advantage. This includes activities intended to coerce, manipulate, mislead or influence another party.
10. **Codes of Ethics.** Human Service Zone team members holding professional licenses or certifications are expected to follow the codes of ethics endorsed by that particular profession or licensing organization.
11. **Human Service Zone Records and Communication.** Accurate and reliable records of many kinds are necessary to meet the Department and Human Service Zone's legal and financial obligations and to manage the affairs of the Department and Human Service Zone. The Human Service Zone's records must reflect in an accurate and timely manner all business transactions. The Human Service Zone team member and county employee responsible for accounting and recordkeeping must fully disclose and record all assets, liabilities, or both, and must exercise diligence in enforcing these requirements.

Human Service Zone team members must not make or engage in any false record or communication of any kind, whether internal or external, including:

- False expense, attendance, production, financial, or similar reports and statements.
- False advertising, deceptive marketing practices, or other misleading transactions.

Dress/Image

Updated: 3/2023

The dress code for all Human Service Zone positions is business casual. Jeans, t-shirts and sweatshirts are allowed, unless included in the Policy Addendum or a Human Service Zone team member is representing the Human Service Zone at a conference, legislative meeting or other meeting that includes non-Human Service Zone team members.

Human Service Zone team members are expected to dress appropriately and professionally for the work performed. Clothing and accessories, including jewelry, which contain an offensive message or connotation, are prohibited. Clothing to avoid includes revealing clothing, offensive logo t-shirts and sweatshirts, sweat suits, casual shorts, leggings without appropriate cover, and spandex pants.

Human Service Zone team members must present a professional image toward clients and the public. It is important that Human Service Zone team members use their best judgment in dressing appropriately. Human Service Zone team members who prefer to dress more formally should feel free to do so. Human Service Zone team members should consider each day's activities when determining what to wear.

Dress code for certain positions may be required and will be determined by supervisors of the respective unit.

Confidentiality

Updated: 10/2021

The Human Service Zones are the delivery point for human services activities and public assistance programs administered by or under the supervision and direction of the North Dakota Department of Health & Human Services (Department), to assist individuals and families in achieving and maintaining basic self-sufficiency, including physical health, mental health, education, welfare, food and nutrition, and housing. Such services and programs include child welfare services, locally administered economic assistance programs, medical service programs, and aging service programs.

Information concerning an individual applying for or receiving assistance or services under any program administered by or under the supervision and direction of the Department is confidential under various federal and state laws, federal regulations, and state administrative rules. Specifically, North Dakota Century Code Section 50-06-15 limits Human Service Zones from using and disclosing information concerning applicants or recipients of assistance or services except for the following purposes: purposes directly related to the administration of program; in accordance with a program's participation in the Department's master client index data matching system, unless prohibited by federal law; as specifically authorized by the rules of the Department; or as permitted or required by other law.

Human Service Zones should refer to individual program policy manuals for information regarding federal and state laws, federal regulations, state administrative rules, and program policies addressing confidentiality. This policy requirement is effective during employment as a public employee and continues after departing from the agency. Failure to do so is a violation of this policy and may result the disciplinary action and/or civil action, criminal charges could also be brought for certain inappropriate access or use of information after employment has ended. General information regarding confidentiality can be found in the Department's Confidentiality Manual, Service Chapter 110-01, please see the Human Services Zone intranet or reach out to your Zone Director.

Scents in the Workplace

Updated: 7/2020

The Human Service Zone recognizes that it is not possible to entirely eliminate all scents from the workplace given the vast number of personal products, detergents, soaps, and similar items that are utilized by Human Service Zone team members and clients. The Human Service Zone also recognizes that there are Human Service Zone team members and clients who may have sensitivity or severe allergic reactions to various scented products and therefore limits the use of fragrances to the extent possible.

Human Service Zone team members are expected to be cognizant of the fact that strongly scented perfumes, colognes, lotions, and other personal products can be harmful to others in the workplace.

Any Human Service Zone team member with a concern about scents or odors in their workplace should contact their Zone Director.

Human Service Zone team members are prohibited from bringing into the workplace natural or artificial scented products unless approved by the Zone Director.

Personal Cell Phone Usage at Work

Updated: 3/2023

The Human Services Zones recognizes that many team members own personal cellular phones which they carry on their person while at work. The Human Service Zones also recognizes the occasional need for team members to conduct personal business during business hours when it cannot be reasonably accomplished outside of work hours. Therefore, refer to your respective Zone Director for standards for the use of personal cellular phones during business hours.

Social Media Policy

Updated: 3/2023

All team members are representatives of the Human Service Zone and the State of North Dakota and should exercise good judgment in the use of social media. Team members should remember that their actions have the potential to impact their employment including subjecting them to disciplinary action up to and including termination from employment.

Team members must not speak or purport to speak on behalf of the agency unless it is a part of their job duties, or they are required to do so by request of their employer. Team members must not engage in conduct that would create the impression that the team member speaks on behalf of the agency.

Team members must not access non-work-related sites during scheduled work times unless doing so is a part of the team member's job duties. Team members may access these sites during recognized lunch or break times on their own personal devices.

Information exchanged over social media, including on personal accounts or platforms, may be subject to the State's open records laws, and may be used in legal proceedings involving the agency or the team member.

Bulletin Boards & Posters

Human Service Zone uses bulletin boards to communicate important business information. Human Service Zone team members may not post material on bulletin boards outside the Human Service Zone team member's immediate work area, without the approval of the Zone Director, and should be limited to the following:

1. Meeting agendas and minutes pertaining to state or Human Service Zone official business.
2. Required state and federal mandated posters or information (e.g. Fair Labor Standards Act, Family Medical Leave Act).
3. Solicitation for charitable/non-profit organizations approved by the Zone Director.
4. Information of general interest for Human Service Zone team members from the Public Employees Retirement System.
5. Health and wellness information related to the Employee Benefits Program.
6. Other Department, County, Human Service Zone business-related activity approved by the Zone Director.

Approved Postings

Human Service Zone team members may post the following types of notices on the door, wall, or via email.

1. Human Service Zone team member activity group or engagement committee events;
2. Notifications of office parties such as retirements, resignations, or baby showers; or
3. Charity fundraisers for Human Service Zone team members or their immediate family.

Zone Director may have different approved postings.

Section 2. Ethics Policy

Updated: 3/2023

The highest standard of ethical conduct and fair dealing is expected of each team member and all others associated with the Human Service Zones. Our reputation is a valuable asset, and we must continually earn the trust, confidence, and respect of our fellow team members, our vendors, and our community. Team members holding professional licenses or certifications are expected to follow the codes of ethics endorsed by that profession or licensing organization.

This policy provides general guidance on the ethical principles that team members must follow, as no policy can anticipate all situations. Human Service Zones depends on the basic honesty and good judgment of their team members, and their sensitivity to the way others see us and may interpret our actions. If team members have any questions about this policy, it is their responsibility to consult their Zone Director. All team members are expected to promptly disclose anything to their Zone Director that violates this policy. Retaliation against anyone who reports possible violations of this policy will not be tolerated.

Outside Employment

Updated: 3/2023

The Human Service Zones have established an additional employment policy that applies to all team members regardless of status. Human Service Zone team members may seek an opportunity for a second job with a different employer for various reasons or may consider starting their own business.

Human Service Zone team members may seek a second job or additional employment opportunity or may consider starting a business provided it will not create a conflict of interest between the team member and the employing agency.

["Outside Employment Agreement Form"](#) must be completed by the Human Service Zone team member and submitted to their Zone Director regarding additional employment or personal business and obtain approval prior to any work being done for the other employer.

A Human Service Zone team member who works a second job that has been determined to be a conflict of interest with the Human Service Zone team member's position at the Human Service Zone, will be required to resign from one of the positions. A Human Service Zone team member who refuses to resign will be subject to disciplinary action up to and including dismissal from employment with the Human Service Zone.

Human Service Zone team members who have accepted additional employment may not use paid sick leave provided by the Human Service Zone to work for another employer or personal business.

It is required that agreements be reviewed and renewed annually. It is the Zone Director's responsibility to assure that the agreement is renewed annually. The Human Service Zone team member is responsible for notifying the Zone Director promptly of any changes to the agreement.

Compliance with Laws and Regulations

Updated: 3/2023

Human Service Zone team members must conduct all work-related activities in compliance with all laws, rules, regulations, policies, and procedures. Human Service Zone team members are charged with understanding the applicable laws, recognizing potential dangers, and knowing when to seek management or legal advice.

Conflicts of Interest

Updated: 3/2023

Human Service Zone team members must avoid any interest, influence or relationship that might conflict or appears to conflict with the interests of the Zone or State, or that might affect one's working judgement. Human Service Zone team members must avoid any situation in which their loyalty may be divided and promptly disclose any situation to their manager when an actual or potential conflict may exist. This policy applies to all team members regardless of status.

Conflict of Interest: Conflict between the duties assigned to the team member and the self-interest of the team member or the team member's immediate family. Examples of potential conflict situations include, but are not limited to:

- Ownership, a significant financial interest in, or other relationship with a supplier or vendor to the State.
- Having a financial interest in any business transaction with the State.

- Receipt of gifts of more than a nominal value.

Gifts: Tokens, meals and refreshments, entertainment, or other benefit of more than a nominal value (i.e., \$25).

Immediate Family: Any member of the team member's immediate family, including a parent, spouse, child, sibling, grandparent, step- (parent, child, siblings), or in-laws (parent, child, and sibling).

Conflicts of interest will be avoided through open disclosure practices and corrective actions. A Human Service Zone team member with a conflict must disclose the conflicting interest and remove themselves from any related negotiations, deliberations, or decisions. Human Service Zone team members may state their position and respond to questions when their knowledge may be of assistance.

Human Service Zone team members may not accept or give anything of value for official position, opinion, or action or nonperformance of a legal duty or for purposes of attempting to influence any other public official or team member in the exercise of an official action. A "thing of value" does not mean a campaign contribution properly received and reported in accordance with NDCC 16.1-08.1.

Human Service Zone team members may accept meals and refreshments if they are infrequent, of nominal value, and in direct connection with Human Service Zone business.

If a Human Service Zone team member receives a gift or a benefit of more than nominal value, the team member must report it promptly to their manager. The received item(s) must be then returned, shared, or donated to a suitable charity. Gifts may not be accepted if offered with the intent to directly or indirectly influence or give the impression of such influence.

Any Human Service Zone team member who is determined to have violated this policy will be subject to disciplinary action up to and including termination of employment.

References: [NDAC 4-12-04-04](#)

Political Activity

Updated: 3/2023

The Human Service Zones recognizes that team members, in their individual capacity, may participate in the political process by supporting political parties, candidates, or causes. However, Human Service Zone team members are prohibited from directly or indirectly participating in any political campaign of, support for, or opposition to any candidate. The Human Service Zones may not contribute anything of value, including a team member's time, to political campaigns, publish or distribute materials on behalf of any candidate or party, or engage in any other activity which may be considered in support of or in opposition to any candidate.

Team members may personally contribute to a candidate or party of their choice. However, team members may not be compensated or reimbursed by The Human Service Zones or the State of North Dakota for their personal contribution.

Any efforts devoted to political activity must be outside the Human Service Zone team member's working hours or a Human Service Zone team member must be on annual leave.

Unless specifically authorized by the Human Service Zone Director, any statements made by a team member on public issues are not to be construed as those of the Human Service Zones. (Hatch Act, 5 U.S.C. § 1501- 1508.)

Voting

Human Service Zone team members are encouraged to vote in federal, state, and local elections but are expected to use personal time either during lunch breaks or before work or after work.

Exceptions may be made if Human Service Zone team members are scheduled to work the entire time that polls are open. For instance, if polls are open from 7:00 AM to 7:00 PM, and the Human Service Zone team member's scheduled shift is 7:00 AM to 7:00 PM, an exception to the policy may be requested from the Zone Director.

Discrimination, Harassment, and Personal Conduct

Updated: 3/2023

The Human Service Zones strive to provide a healthy, safe, and positive working environment for all team members, clients, and customers.

All Human Service Zone team members are expected to maintain high standards of honesty and integrity, conduct themselves in a manner to build a positive image of the organization, and treat all fellow team members, clients, and customers with courtesy and respect. Interactions and discussion at all levels of the organization will occur keeping these values in mind.

All Human Service Zone team members are expected to carry out all duties that they are directed by their manager or other team member that has direct or successive authority over them, unless the directive is illegal, immoral, or otherwise in contradiction to ethical behavior. Any team member given a directive that contradicts this ethics policy has a right to refuse the directive and should report the matter within their chain of command or HR.

Religion in the Workplace

Updated: 3/2023

The Establishment Clause of the First Amendment of the U.S. Constitution prohibits federal or state government, or any of its subdivisions or Human Service Zone team members, from acting in a manner that would lead a reasonable observer to conclude that the government is sponsoring, aiding, promoting, inhibiting, or disfavoring any religion or expressing a preference for non-religion over religion. "Religion" refers to one's view of their relation to their Creator and the resulting obligations of reverence and obedience to the Creator's will. The Human Service Zone or Human Service Zone team member thereof, must demonstrate religious neutrality in conducting governmental affairs. Human Service Zone team members must therefore act in a religiously neutral fashion while carrying out official responsibilities in their official capacities. This means that a Human Service Zone team member may not endorse any particular religion or promote non-religion over religion. This includes conduct on a Human Service Zone team member-client level and conduct on a Human Service Zone team member-Human Service Zone team member level.

During working hours, Human Service Zone team members are prohibited from proselytizing with other Human Service Zone team members and clients concerning any religious preferences. Where a Human Service Zone team member meets with the client in their office, decorative features of the office such as pictures or wall hangings must be of a religiously neutral nature.

When a Human Service Zone team member submits a request for reasonable accommodations of their religious practices to the Zone Director or Zone Designee and providing such accommodation does not impose an undue hardship on the Human Service Zone, such accommodations will be provided.

Ethics Policy Compliance

Updated: 3/2023

Failure to comply with this policy may result in disciplinary action up to and including termination of employment, reimbursement to the Human Service Zone and/or the State of North Dakota for any losses or damages, and/or referral for criminal prosecution. Action will also be taken against those who fail to report a violation or withhold relevant information concerning a violation of this ethics policy.

Section 3. Employment of Relatives/Nepotism

Updated: 3/2023

The Human Service Zones have established an Employment of Relatives/Nepotism policy, which is modeled from current state law. This policy applies to all team members regardless of status.

A Human Service Zone team member, in the exercise of that Human Service Zone team member's duties, may not serve in a supervisory capacity over, or enter a personal service contract with, that official's or Human Service Zone team member's parent by birth or adoption, spouse, son or daughter by birth or adoption, stepchild, brother or sister by whole or half blood or by adoption, brother-in-law or sister-in-law, or son-in-law or daughter-in-law.

Chapter 3: Employment Practice

Section 1. Equal Employment Opportunities

Updated: 3/2023

The Human Service Zones require all applicants for employment and team members of the Human Service Zones be subject to uniform human resource policies and not be subjected to discrimination, intimidation, coercion, or retaliation in any terms and conditions of employment on the basis of an individual's race, color, religion, sex, national origin, age, genetics, sexual orientation, gender identity, physical or mental disability, status with regard to marriage or public assistance, political opinions or affiliations, or participation in lawful activity off the employer's premises during non-working hours that is not in direct conflict with the essential business-related interests of the state.

The Human Service Zones will make its employment process accessible to persons with disabilities. Persons needing accommodation should contact the Human Service Zone representative identified in the job announcement or at 701-328-3290 voice or through ND Relay Services toll free 1-800-366- 6888. Human

Service Zone team members in need of an accommodation should direct their request to their supervisor or Zone Director.

Violations of this policy will not be tolerated and are grounds for disciplinary action, up to and including termination of employment.

For further information on the applicable laws and corresponding guidelines, team members are encouraged to review the related laws and administrative rules.

Section 2. Workplace Anti-Harassment

Updated: 3/2023

The Human Service Zones will not tolerate, condone, or allow any type of harassment to occur within any Human Service Zone workplaces or in any other work-related settings. This prohibition applies to every person at a Human Service Zone workplace or present during Human Service Zone related business activities, including but not limited to Human Service Zone team members, customers, vendors, contractors, or any other person. All team members are empowered with the responsibility to prevent harassment in all Human Service Zone work areas and during all Human Service Zone related business activities.

Harassment: Any offensive conduct that interferes with an individual's work performance or creates an intimidating or hostile work environment. Unlawful harassment can be verbal, non-verbal, or physical conduct or communication that shows hostility or aversion towards an individual because of a person's race, color, religion, sex, age, genetics, national origin, disability, or other legally protected status in the State of North Dakota. Examples may include epithets, slurs, jokes, negative stereotyping, written or graphic materials, posters, calendars, or pictures.

Harassment becomes unlawful when:

- Enduring the offensive conduct becomes a condition of continued employment, or
- The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Sexual Harassment: Unwelcome sexual advances, sexual favor requests, or any other conduct or communication of a sexual nature when:

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

Sexual harassment may include a range of behaviors and may involve individuals of the same or different gender. Examples are:

- Unwanted sexual advances or requests for sexual favors.
- Sexual jokes and innuendos or verbal abuse of a sexual nature.
- Leering, massaging, or touching or sexual related comments about another's body.
- Displaying inappropriate sexually suggestive or offensive pictures or objects anywhere in the workplace.

Domestic violence, dating violence and stalking are also prohibited.

If a Human Service Zone team member observes or experiences harassing conduct in the workplace, the team member should either directly inform the offender that the conduct is offensive and must stop or notify agency leadership about the occurrence. If a team member does not feel comfortable reporting the situation within the employing agency, they should contact their Zone Director or designee to report the situation.

All Human Service Zone team members shall report harassing behavior they observe or is reported to them.

Supervisors are required to report any harassing conduct they observe, experience, or that is reported to them, to a member of the employing agency's senior leadership. Agency leadership will work with HR/legal counsel to investigate and resolve all reports of workplace harassment appropriately in a timely, thorough, and discreet manner.

Any person who violates this policy will be subject to disciplinary action, up to and including termination of employment, or be removed from the Human Service Zone work area.

References: [Title VII of the Civil Rights Act of 1964](#), [ADEA](#), [ADAAA](#)

Section 3. Americans with Disabilities Act (ADA & ADAAA)

Updated: 3/2023

The Human Service Zones are committed to providing and promoting equal opportunities in all of its activities and services, including providing reasonable accommodations to the known physical and mental limitations of a qualified applicant or team member with a disability in all aspects of the employment process. Retaliation against individuals who request an accommodation or otherwise exercise their rights under the ADA is strictly forbidden. This policy applies to all applicants and team members unless it creates an undue hardship.

Reasonable accommodation is a reasonable adjustment to the work environment, or in the way things are customarily done, that enables an individual with a disability to enjoy equal employment opportunities. Accommodations are to be made in the hiring process (application, tests, and interview), performance of essential functions of the job, and equal opportunities in benefits and promotions.

Undue hardship is an action requiring significant difficulty or expense when considered in light of factors such as an employer's size, financial resources, and the nature and structure of its operation.

To qualify for protection under the ADA, an individual must:

- Have a physical or mental impairment that substantially limits one or more major life activities;
- Have a history or record of such impairment; or
- Be regarded as having an impairment that is not transitory and minor.

Qualified Human Service Zone team members or applicants with disabilities may request accommodations to perform the essential functions of a position. Such requests should be made to the host county HR Representative, Zone Director, or designee.

If there are no reasonable accommodations available and the individual is unable to perform the essential functions of the position, the individual may no longer qualify for the position.

A Human Service Zone team member or applicant who feels discriminated against because of a disability may contact Human Resources to express their concern. Human Service Zone team members may also file a grievance with the agency and, if dissatisfied, may file an appeal with their Zone Board. Human Service Zone team members shall not retaliate against, coerce, intimidate, threaten, harass, or interfere with any individual exercising or enjoying their rights under the ADA or because an individual aided or encouraged any other individual in the exercise of rights granted or protected by the ADA.

Any team member who is determined to have violated this policy will be subject to disciplinary action up to and including termination of employment.

Forms for the Americans with Disabilities Act are located on the [intranet](#). For questions, please reach out to your Human Resources Representative or DHHS Human Resources.

References: [Americans with Disabilities Act of 1990 \(ADA\)](#) and [ADA Amendments Act of 2008](#)

Section 4. Workplace Violence

Updated: 3/2023

The Human Service Zones maintain a working environment free from violence or the threat of violence. Acts or threats of physical violence, including but not limited to intimidation, harassment, sexual harassment, dating violence, domestic violence, stalking, or coercion will not be tolerated. This prohibition applies to every person at any Human Service Zone workplace or present during Human Service Zone related business activities, including but not limited to Human Service Zone team members, customers, vendors, contractors, or any other person.

Human Service Zone team members must immediately report any incidents of violence, threat of violence, or any behavior that may threaten a Human Service Zone team member's safety or the safety of others to appropriate management or law enforcement authorities. Once a managerial level team member is notified of a violent or threatening situation, they must contact the host county Human Resources Representative or DHHS Human Resources, if applicable. HR will assist in coordinating the proper response and notifying the appropriate personnel/authorities.

The Human Service Zones prohibit any form of discipline or retaliation for reporting such incidents and shall handle all complaints promptly. Any Human Service Zone team member who engages in such conduct or who makes false accusations of violence or threats of violence will be subject to disciplinary action up to and including termination.

In appropriate cases, the organization may seek criminal prosecution or cooperate with the appropriate authorities.

Human Service Zone team members must report to their manager the existence of anything that may potentially threaten the safety of the Human Service Zone team members or other Human Service Zone team members. This includes a restraining order of any kind obtained by the Human Service Zone team member against other individual(s) or a restraining order obtained against a Human Service Zone team member.

Human Service Zone team members are also encouraged to report if they are a victim of domestic violence or if they suspect a coworker may be a victim.

Any person who violates this policy will be subject to disciplinary action, up to and including termination of employment, or be removed from the Human Service Zone work area.

Section 5. Hostile Work Environment

Updated: 3/2023

The Human Service Zone policy is to provide an environment free of age, gender, sexual orientation, race, ethnicity, religion, and disability harassment. Such harassment may include any activity that creates fear, intimidates, ostracizes, psychologically or physically threatens, embarrasses, ridicules, or in some other way unreasonably over burdens or precludes a team member from reasonably performing their work. Hostile Work Environment harassment generally occurs in manager/subordinate or peer/co-worker situations. Early reporting and intervention are critical and have proven to be the most effective method of resolving actual or perceived incidents of hostile work environment. Individuals experiencing any unwelcome behavior in the workplace or at any location, activity or event associated with Human Service Zone may advise the offender directly that the conduct is unwelcome and offensive and request the conduct be stopped. If the team member has confronted the offender and the offensive conduct has not stopped, or the team member feels uncomfortable confronting the offender, the team member must notify the manager and work through the chain of command. If the actions involve the higher levels in the chain of command, the team member may work directly with the Zone Director, local Human Resources Representative, or the DHHS Human Resources Division.

The Human Service Zone will investigate complaints of hostile or inappropriate behavior in a timely, thorough, and discreet manner and will take appropriate corrective and disciplinary action.

Supervisors and Zone Directors are responsible to make every effort to prevent a hostile work environment in their respective work areas. Supervisors are responsible to take immediate action to deal effectively with allegations of hostile or inappropriate behavior once such behavior has been brought to the manager's attention. This includes documenting the incident, reporting it to the division or section director, and initiating a workplace investigation when directed. The host county HR Representative, or the DHHS Human Resources Division is available to provide technical assistance to managers on conducting workplace investigations.

Section 6. Drug and Alcohol-Free Workplace

The Human Service Zone team members are expected to maintain a workplace that is drug and alcohol free. Human Service Zone team members are expected to come to work in a safe, efficient, and satisfactory manner. The presence of alcohol and other drugs on the job and the influences of those substances on Human Service Zone team members during working hours are inconsistent with a drug and alcohol-free workplace and will not be tolerated. The illegal use, solicitation, sale, or possession of narcotics, drugs, alcohol, or controlled substances while on-the-job is a dischargeable offense. Any illegal substance will be turned over to the appropriate law enforcement agency and may result in criminal prosecution.

Human Service Zone team members who are convicted of off-the-job drug activity may be considered a violation of this policy. In deciding what action to take, management will take into consideration the nature of the charges and the impact this has on the Human Service Zone and the Human Service Zone team member's ability to carry out the Human Service Zone team member's essential job functions.

Violations of this policy must be reported to the Zone Director in a timely manner.

Under the Drug-Free Workplace Act, a Human Service Zone team member must notify the Zone Director or Zone Designee of a criminal conviction for drug-related activity occurring in the workplace. Human Service Zone team members must report the criminal drug statute conviction no later than five days after the conviction. Each Human Service Zone team member, at the start of employment, will be required to sign a form entitled "[Drug and Alcohol-Free Workplace Acknowledgement](#)". The Zone Director or Zone Designee must report the Human Service Zone team member's criminal conviction to the Department Human Resource Division within five (5) days after receiving notification from the Human Service Zone team member.

Any team member who is determined to have violated this policy will be subject to disciplinary action up to and including termination of employment and participation in a substance abuse rehabilitation or treatment program.

Reference: [Public Law 100-690](#)

Operating a Personal or Human Service Zone Vehicle

The use of alcohol and illegal use of drugs while operating a personal or Human Service Zone vehicle while conducting Zone business or during work activities is prohibited. A Human Service Zone team member operating a personal or Human Service Zone vehicle while under the influence of alcohol or illegal drugs will be subject to disciplinary action, up to and including termination of employment. The use of legal prescription or non-prescription drugs while operating a personal or Human Service Zone vehicle may also result in disciplinary action when the drugs impair the Human Service Zone team member's ability to drive. The Human Service Zone team member is responsible to report violations or accidents involving personal or Human Service Zone vehicles to Human Service Zone Director and Risk Management. In addition, the Zone Director will also consult with Risk Management and/or the HR Representative to determine if disciplinary action is appropriate.

Use of Drugs or Alcohol on Human Service Zone Property

Drugs or alcohol may not be consumed on property occupied by the Human Service Zone or consumed during work hours, including during meal and break times. Violation of this policy will subject Human Service Zone team members to disciplinary action, which may include dismissal.

While at the Human Service Zone's workplace and while conducting business-related activities of the Human Service Zone, no Human Service Zone team member may use, possess, manufacture, distribute, sell, or be under the influence of alcohol or illegal drugs or use legal drugs illegally. In addition, the legal use of prescribed drugs is permitted on the job only if it does not impair a Human Service Zone team member's ability to meet standards and perform the essential functions of the job in a safe manner that does not endanger other individuals, equipment, or property in the workplace.

A Zone Director may require a Human Service Zone team member to leave the workplace if the Zone Director determines the Human Service Zone team member has reported to work in an inappropriate condition and cannot perform the essential functions of the job effectively and/or in a safe manner that does not endanger themselves or others. The Human Service Zone team member may be required to use annual/sick leave. If the Zone Director determines the Human Service Zone team member should not operate a motor vehicle, the Zone Director should arrange transportation for the Human Service Zone team member. If a Human Service Zone team member refuses to accept transportation and insists on operating a motor vehicle, the Human Service Zone team member will be informed by the Zone Director that law enforcement officials will be notified that the Human Service Zone team member appears unfit to operate a motor vehicle. Law enforcement officials would be appropriately notified.

Reasonable Suspicion

All Human Service Zones are authorized to do reasonable suspicion testing. The Human Service Zone may require any Human Service Zone team member to submit to testing when the Human Service Zone team member's conduct or work performance gives reasonable suspicion to believe the Human Service Zone team member may be affected by or is under the influence of drugs or alcohol while working on Human Service Zone property, while representing the Human Service Zone, or on time being paid by the Human Service Zone. Refusal to test may be grounds for dismissal.

Reasonable suspicion must be based upon specific articulable facts, which would reasonably lead one to suspect drug or alcohol use. Mere hunches are not sufficient to meet this standard. Reasonable suspicion testing, however, does not require certainty. The information forming the basis of the suspicion must be from reliable and credible sources or independently corroborated. Reasonable suspicion testing should be used very infrequently and only after consultation with Host County State's Attorney, Risk Management, and Department Human Resource Division. Human Service Zone team members will oftentimes acknowledge their use of alcohol and illegal drugs. In such cases, warnings that this behavior is unacceptable and referral to EAP is appropriate.

Likewise, Human Service Zone team members who are observed to be drinking on-the-job, have the smell of alcohol on their breath, or have alcohol or illegal drugs in their possession at work have already involved

themselves in unacceptable job behavior, which requires no further evidence in order to take corrective and disciplinary action.

Random Testing

The Human Service Zone may require certain safety sensitive Human Service Zone team members to submit to random drug or alcohol tests. Such safety sensitive positions include but are not limited to jobs in which a commercial driver's license is required, routine operation of government vehicles or distribution of medication. The Human Service Zone will identify which positions qualify for random drug and alcohol testing.

Post-Accident

The Human Service Zone may require all Human Service Zone team members who perform safety-sensitive jobs to submit to testing when the Human Service Zone team member is involved in an on-the-job incident that results in a fatality or immediate medical treatment of any individual. Under this policy, if the Human Service Zone team member requires medical care it will not be delayed for the taking of a test sample. A sample will be required after initial medical treatment has been administered. Refusal to test may be grounds for dismissal.

Section 7. Smoking and Tobacco Use

Updated: 3/2023

The Human Service Zone prohibits smoking and the use of tobacco by its team members within Zone and state agency workplaces and in any other work-related settings, including inside any Zone vehicle. When on Zone owned or leased property, team members may use tobacco in designated areas only.

Smoking means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form. Smoking also includes the use of an electronic or e-cigarette which creates a vapor, in any manner or any form, or the use of any oral smoking device.

Tobacco: Any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product. This includes, among other products, cigarettes, cigarette tobacco, roll-your-own tobacco, electronic cigarettes, vaporizers, and smokeless tobacco.

Section 8. Policy Review

Updated: 3/2023

All Human Service Zone team members at the time of hire and annually thereafter must acknowledge that they have reviewed and understand the Human Service Zone policies on discrimination, including sexual and other forms of unlawful harassment, requests for reasonable accommodations, and workplace threats of violence.

Chapter 4: Recruitment, Selection, Reference & Background Checks

Section 1. Recruitment & Selection

It is the goal of the Human Service Zone to obtain the best qualified person to fill a vacancy. All vacancies must be approved by the Zone Hiring Committee including temporary and emergency temporary positions by completing the [Zone FTE request form](#).

All vacancies for regular and temporary positions that are approved to fill must be posted. The Zone Director shall determine whether a job announcement is posted internally within the Human Service Zone or externally.

The Zone Director may approve transferring a Human Service Zone team member to a vacant position as a reasonable accommodation under the Americans with Disabilities Act or to avoid a reduction in force during a re-organization.

Prior to a job announcement being posted, the work unit must specify:

- Whether the posting is internal, external, or both
- The number of days the posting will be advertised
 - Internal postings must be posted for a minimum of three working days.
 - External postings must be posted for a minimum of five working days.
- The screening and ranking of application questions

Temporary Human Service Zone team members may be considered for internal recruitment if they were initially hired through an open and competitive recruitment and hiring process.

If internal and external recruitment efforts have failed to produce a qualified applicant, the Human Service Zone may consider filling the position at a lower level and reclassifying the position accordingly.

All applicants shall not be subjected to discrimination in all terms and conditions of employment on the basis of an applicant's or a Human Service Zone team member's race, color, religion, sex, age, genetics, national origin, political beliefs, disability or status with respect to marriage or public assistance or participation in lawful activity off Human Service Zone's premises during non-working hours which is not in direct conflict with the essential business-related interests of the Human Service Zone.

All applicants must be considered based on the score they received by answering the questions in the application process. The Department Human Resource Division reviews applicants based on the minimum qualifications as published in the job announcement. The Department Human Resource Division shall notify an applicant who fails to meet the minimum qualifications of the applicant's disapproval and right to appeal.

The Department Human Resource Division shall refer all qualified applicants to the Zone Director or Zone Designee for interview, which is the Certificate of Eligibles, after the job opening closes.

The Human Service Zone must interview applicants in score order. The Zone Director or Zone Designee should find a break in scores of 3 to 5 points to cut off which applicants are interviewed, and which are not interviewed. If the Human Service Zone does not want to interview an applicant within the cut off, one of the following rare exceptions must apply:

- Applicant has failed an interview for the same position within the last year;
- Applicant has performance issues on file within the Human Service Zone; or
- Applicant does not respond back to multiple requests for an interview (documentation of attempts required).

For positions filled through internal recruitment, consideration shall also be given to past performance evaluations.

A previously issued Certificate of Eligibles may be used to hire an additional applicant for the same position or to fill a position in the same class with similar duties, for a period of ninety (90) days from the date the certificate was issued. An extension for an additional ninety (90) days may be approved by the Department HR Division on a case-by-case basis. A certificate may not be used beyond one hundred eighty (180) days from the date the certificate was issued.

There are two forms available to assist interviewers in conducting fair and effective interviews. "Interview Rating Form," provides a framework for rating applicants' responses to the interview questions which have been prepared in advance. This form may be used for either a single interviewer or a panel format. The Interview Rating Form also has recommendations for conducting the interview and tabulating interview scores. "Interview Rating Form Summary," is used to tabulate the ratings of multiple interviewers. This form should be used for panel interviews.

A Human Service Zone must hire the highest scoring applicant. If the employing unit wants to pass over an applicant by selecting for employment an applicant with a lower score, they must have approval from the Department Human Resources Division. The employing unit will be asked to provide the Department Human Resource Division with justification of the selection in writing before a determination will be made. If the exception is approved, the justification will need to be attached to the posting in the system.

Veteran's Preference

Persons eligible to receive veteran's preference are entitled to preference in employment, in accordance with NDCC 37-19.1, through external recruitment and selection. Veteran's preference does not apply to internal recruitment and selection.

Veterans who are not selected for a position must be notified by certified mail or through the online recruiting solutions system that employment was refused. The letter or email must include the reason(s) for non-selection and also provide information on how to appeal.

Section 2. Reference and Background Checks

Updated: 3/2023

Reference Checks

The hiring manager shall conduct reference checks of the final applicant(s) considered for selection to fill a vacancy. Reference checks must consist of contacting professional references including current and previous employers. If an applicant indicates that a current supervisor or employer may not be contacted, efforts shall be made to gather reference information from other sources. Reference checks may include former co-workers or

subordinates, customers, clients, or anyone else who has conducted business with the applicant. However, personal references should only be used when work references are not available

A hiring manager, when considering applicants for selection who are or have been employed by a state, county, city, or public school, must also review the personnel file of the applicant(s). Once a reference check is obtained by the Human Service Zone that reference may be used for six months. After that period, new reference checks must be conducted.

If any applicant is found to have intentionally falsified any information regarding reference or background history, the applicant will not be considered for employment

Section 3. Criminal History Record Information

Criminal Records Check

This Criminal History Records Checks policy only applies to Human Service Zone team members if they will have access to SPACES or TECS. If your Human Service Zone is conducting other Criminal History Records Checks those policies should be addressed with a Policy Addendum.

For situations involving promotions, position changes, etc. a check may or may not be done, depending upon requests for previous checks due to access to SPACES or TECS.

When results of the check are received in Department Human Resource Division, they will be communicated to the Human Service Zone. Charges/offenses that appear on reports will be considered on an individual basis and considered in the context of the duties of the job, the type of offense, and other relevant information. Human Service Zone team members may not start work prior to the results being received.

Due to recordkeeping requirements, the result information received from the FBI may not be retained for any length of time by the employing unit. All criminal record check reports are kept **ONLY** by the Department Human Resource Division based on the State of ND retention schedule.

If the subject of a State of ND or FBI criminal record check would like a copy of the Criminal History Record or would like to challenge the information found on the criminal history record the individual must contact the ND Bureau of Criminal Investigation at 701-328-5500 for more information on the process.

For the criminal record check process for individuals with access to the Department's IRS Federal Tax Information (FTI), see below:

Human Service Zone team member – [Click here](#)

Section 4. Applicant Open Records

Updated: 3/2023

This policy applies to all public entities regarding Open Records related to employment applications. An Open Record is a record of activities within a public entity that North Dakota Century Code has dictated must be

available as a public record. This policy applies only to applications for employment. For public entities receiving applications for posted job openings the following standards apply:

Three or more qualified applicants – Only Finalist Records are Open. The agency shall designate three or more of the qualified applicants as finalists for further consideration. Once applicants are designated as finalists, the applications, and related records only of the finalists are open records. However, if the agency does not wish to consider any of the applications further and decides not to make an offer of employment for the vacant position, the agency need not designate any finalists and records related to the applications are exempt.

Two or fewer qualified applicants – All Applicant Records are Open Records. If, by the close of the application period for a vacant position, an agency receives fewer than three applicants who meet the minimum qualifications, the applications and records related to the applications are open records.

Section 5. Appeals

Updated: 3/2023

An applicant who has submitted a timely and properly completed application for employment for a position within the Department or a Human Service Zone, who has been determined by HR Division to be unqualified for that position because of their failure to meet the advertised initial screening requirements (minimum qualifications), may appeal the disqualification in writing to DHHS Human Resources. The letter of appeal must specify the basis upon which the applicant relies to assert that the applicant meets the initial screening requirements (minimum qualifications) for the position. No new information will be accepted at the time of an appeal. The applicant must show how their original application/application materials met the minimum qualifications of the position as listed in the job announcement.

Section 6. Reimbursement for Job Interviews

Out-of-state applicants - The Human Service Zone may reimburse the prospective Human Service Zone team member's interview expenses subject to the availability of funds. Payment will be made to the prospective Human Service Zone team member by using the Host County Purchase Voucher. Interview expenses are defined to include air travel to the interview site, meals, and lodging at current Human Service Zone rates. Expenses may be paid only for the prospective Human Service Zone team member, not his/her spouse or other family members.

In-state applicants – No provision for per diem or travel reimbursement is available to applicants living in North Dakota seeking employment with the Human Service Zone.

Internal applicants – Persons employed within the Human Service Zone at the time of the job interview. Attendance at a job interview as an internal Human Service Zone applicant is considered work time but must be approved by the Zone Director. However, travel to and from the job interview in another town is not work time.

Section 7. Moving Expenses

Updated: 3/2023

Classified Human Service Zone team members who have been employed with the Human Service Zone at least one year and are transferring to another city in the Human Service Zone, for a new duty assignment in a classified position are allowed to be reimbursed for moving expenses, per NDCC Section 44-08-04.3.

While not specifically addressed in statute, OMB Fiscal Policy allows for reimbursement of moving expenses for new Human Service Zone team members when it can be demonstrated that local employment market conditions and job requirements are such that recruitment outside of the immediate geographical area is necessary and where such reimbursement is necessary to attract the best candidate. (REF: OMB Fiscal and Administrative Policy #521)

Reimbursement is limited to \$5,000. All moving expenses are taxable and reportable to the IRS. Salary adjustments, or money from the salary and wage appropriation, may not be used for reimbursement of moving expenses.

Requests and recommendations for moving expenses are to be sent to DHHS through the DHHS Human Resources Division and Fiscal Division. Moving expense requests will be reviewed and approved or denied by the Human Service Zone Hiring Committee. The [Moving Expense Agreement](#) will be signed by the team member and the Human Service Zone Director.

Section 8. Summary of Rights Under FCRA

Updated: 3/2023

The Human Service Zones follow the Federal Fair Credit Report Act, which can be found at [FCRA Link](#).

Chapter 5: Team Member Work Hours & Personnel Records

Section 1. Hours of Work

Hours of Work

Every Human Service Zone needs to have a standard work week which will be provided in their Human Service Zone Policy Addendum. The standard work week for full-time Human Service Zone team members is 40 hours per week. Human Service Zone team members must be made aware of their assigned schedule.

Zone Directors may allow Human Service Zone team members to use flextime provided that regular service to the public is not interrupted. Flextime should be used where it will meet Human Service Zone team member preference while ensuring that:

- Service to the public requires offices be open during regular business hours so individuals have access to services. In addition, office hours must be posted;
- Adequate supervisory personnel are available;
- Human Service Zones may set hours to meet local need; and
- Sufficient knowledgeable Human Service Zone team members are available to respond in a timely manner to service requests.

Except in case of emergency, flextime should be agreed upon in advance by the Human Service Zone team member and Zone Director.

Occasionally, Human Service Zone team members may be asked to work in excess and outside of their normal work schedule.

Work Breaks

Updated: 3/2023

Team members are encouraged to take a short break from time to time to relax and refresh themselves. Human Service Zones allows up to two paid 15-minute breaks, one in the first half of the work schedule and one in the last half. Breaks are to be held to a maximum of fifteen minutes. Breaks cannot be combined with a meal period or used to alter the start or end of the workday, nor can they be split into multiple shorter breaks. For example, a Human Service Zone team member cannot take six 5-minute breaks throughout the day rather than two 15-minute breaks. Flexibility regarding breaks must be discussed in advance with the manager.

Meal Periods

Human Service Zone team members shall be scheduled for one unpaid meal period for each regular workday consisting of a five (5) hour shift or more. The meal period may be thirty (30) to sixty (60) minutes long. Changes to the schedule must be approved in advance by the Zone Director. Please refer to your Zone Addendum for meal period time frames.

Meal Period Waiver

Meal periods cannot be waived without approval by the Zone Director. Any non-exempt Human Service Zone team member who wishes to waive a meal period must request the waiver in writing using [Waiver of Meal Period](#). A Human Service Zone team member with an approved waiver request on file is entitled to take a lunch break if they so choose. The final waiver request must be placed in the Human Service Zone team member's official personnel file. The waiver may be revoked at any time by the Human Service Zone team member or Zone Director. Revocation should be stated in writing and placed in the Human Service Zone team member's official personnel file.

Daylight Savings Time

Updated: 4/2023

Daylight Savings Time affects the number of hours a Human Service Zone team member may work twice each year.

Effective at 2:00 AM on the second Sunday in March, the time is moved ahead one hour, resulting in one less hour in the workday for team members who are working during the time change. A Human Service Zone team member must either make up the lost hour or take leave.

Effective at 2:00 AM on the first Sunday in November, the time is moved back one hour, resulting in one more hour in the workday for team members who are working during the time change. A Human Service Zone team member must either request approval for the overtime that would be accrued or flex the extra hour off within the week.

Nursing Mother Breaks

Updated: 3/2023

In accordance with the Patient Protection and Affordable Care Act amendment of the Fair Labor Standards Act, Human Service Zone team members will be given reasonable paid break time to express breast milk for a nursing child for one year after the child's birth.

Human Service Zone team members are provided a flexible schedule for breast feeding or pumping breast milk for the child. The time should not exceed normal time allowed for lunch and breaks. However, if additional time is necessary, annual leave must be used or the team member can use a flex schedule to come in early or stay late to make up the time. Flexible schedules must be approved by the manager prior to implementation.

Human Service Zone team members must be provided a private place, other than a bathroom, to use for expressing breast milk. Team members who do not have a private office should contact their local Human Resources Representative or Zone Director to request access to a designated area.

Training Time

Required training will normally be provided during regular working hours. When training extends beyond normal working hours, those hours must be compensated. If training occurs during the lunch break, those hours must be compensated. Compensation for hours referenced above only applies to non-exempt Human Service Zone team member.

Conference Time

Time spent attending a conference where the Human Service Zone team member's attendance is required as part of their job is considered work time. Time spent in required conference programs and activities such as scheduled morning and afternoon breaks and vendor fairs are considered work time. A lunch break during a conference is not considered work time unless a presentation is being made where attendance is required. Non-required conference activities such as an evening social hour and/or networking are not considered work time.

Travel Time

In work-related situations, the time a non-exempt Human Service Zone team member 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 division must provide overtime. Travel from home to work or work to home is excluded from this definition.

When non-exempt Human Service Zone team members are required to travel for work, all travel time is considered work time regardless of whether the team member is a driver, passenger or flying. Travel from home to work, and work to home, is not considered work time. Time spent waiting in an airport is considered work time because the Human Service Zone team member is not free to leave. Time spent waiting in a hotel room is not considered work time unless the team member is working because the team member is free to leave.

Section 2. Overtime, Compensatory Time and On-Call

Fair Labor Standards Act (FLSA)

This section covers some of the basic requirements of the FLSA. Pursuant to the FLSA requirements each position is identified as exempt or non-exempt, based upon the duties of the job. Zone Director and local Human Resources Representative or DHHS Human Resources, as requested, will determine the appropriate exemption status for each position.

Exempt Human Service Zone Team Members

Exempt Human Service Zone team members are exempt from the overtime requirements of the FLSA and the Human Service Zone is not required to compensate for overtime. Exempt Human Service Zone team members are paid an established salary and are expected to fulfill the duties of their position regardless of hours worked. The Human Service Zone expects all exempt Human Service Zone team members to work or take accrued leave for at least 40 hours per week.

If the Human Service Zone team member does not have sufficient annual or sick leave to cover the absence, no deductions will be made from an exempt Human Service Zone team member's paycheck for an absence of less than one day. An exception to this will be made when a Human Service Zone team member is approved for Family Medical Leave (FMLA). An absence for a full day when there is no accumulated leave balance will require a salary reduction.

Non-exempt Human Service Zone Team Members

Updated: 3/2023

Non-exempt Human Service Zone team members must be compensated for overtime and cannot waive their right to overtime compensation. By agreement prior to the hours being worked, non-exempt Human Service Zone team members must be given either monetary overtime compensation or compensatory time off, at a rate not to exceed time and one-half for each overtime hour when the hours actually worked exceed forty hours in a designated work week. Team member agreements to use a particular form of compensation must be periodically renewed before the time is actually worked. If there is no agreement, monetary compensation must be provided.

Annual leave, sick leave or other paid leave time, such as holidays unless the holiday is worked, is not considered work time for purposes of determining overtime pay. Exceptions may be made by the division director when a non-exempt team member is required to respond under non-scheduled or emergency situations.

Zone Directors, based on approved budget and appropriations, will determine if overtime for their Human Service Zone team member is paid out or granted as compensatory time. Compensatory time may be kept on the books for any length of time but may not exceed 60 hours. When 60 hours are reached, further overtime is paid via payroll. Zone Directors may limit the accumulation of compensatory time to less than 60 hours and may require that all compensatory time earned be taken within a certain time frame, such as the same month or following the month that it is earned. The time sheet used by the Human Service Zone should be used for this purpose.

Non-exempt Human Service Zone team members are required to accurately record all hours worked by clocking in and out utilizing the Human Service Zones current record keeping system. Human Service Zone team members who fail to clock in and out must notify their manager to have the correct time approved, please review local procedures. Repeated failure to record accurate timekeeping may be grounds for disciplinary action.

A non-exempt Human Service Zone team member who has accrued compensatory time must, upon termination of employment, be paid for the unused compensatory time at a rate of compensation not less than the average regular rate received by that team member during the past three years of employment or the final regular rate received by the team member, whichever is higher as required by FLSA.

A team member who has accrued compensatory time must be permitted to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the division. Human Service Zone team members are advised to use comp-time prior to the use of annual leave.

Monetary payment for overtime worked should normally be provided at the end of the pay period in which it is earned. Payment may not be delayed for a period longer than is reasonably necessary for the employer to compute and arrange for payment of the amount due, and in no event may payment be delayed beyond the next pay day.

Prior managerial approval to work overtime must be obtained by a non-exempt team member before working hours in excess of 40 in a week. Failure to secure approval to work overtime may subject a team member to disciplinary action up to and including termination of employment.

On-Call

This policy is applicable to all Human Service Zone team members who are assigned on-call within their Zone. The procedure for on-call will be individually noted in each Human Service Zone HR Policy Addendum.

1. The On Call Worker (OCW) must be accessible, answer any phone calls and stay within cell phone coverage at all times during their on-call rotation.
2. If you are not available on your assigned week or day of your scheduled time, it is your responsibility to find someone to take responsibility for the period of time while you are not available. A Supervisor must be notified immediately by text/email/phone of the responsible party. In emergency situations contact a Supervisor for assistance.
3. Primary OCW's will receive \$50 per day of on-call compensation. Hours worked on on-call duty may impact the regular work schedule. Please discuss with your supervisor any necessary schedule deviations.
4. If the OCW's presence is requested, the OCW must respond within a reasonable time. Response times to the location of need may vary due to the size of the Zone.
5. On Call is utilized by Social Workers, Family Service Specialists, and Supervisors only. Supervisors are eligible for the on-call compensation if they are the primary on-call worker.

6. If multiple workers are required to be on-call, they will both be eligible for on-call compensation and time worked outside of their regular schedule.
7. Reimbursement for travel will be paid from the OCW's home address. However, if the OCW is at a different location when they are requested to respond, reimbursement for travel will be paid from the place that they are physically located at the time of such request.
8. A holiday rotation will be utilized when creating schedules.
9. The Zone must provide a list of contact numbers to emergency personnel in the event that they are not able to reach the on-call worker.
10. All OCW's MUST familiarize themselves with and abide by all the terms of the Drug & Alcohol-Free Workplace Policy. It is a violation of this policy for an OCW to be consuming or using any prohibited substances (as defined within the policy) while on-call.

Section 3. Personnel Records

Updated: 3/2023

Human Service Zone team member personnel files are open records. Only one official personnel file is maintained per Human Service Zone team member. This file must be under the control of the Zone Director or HR Representative. A record of access must be in each personnel file.

Documents concerning a Human Service Zone team member's character or performance may be placed in the Human Service Zone team members file only when the team member has signed them. Should a Human Service Zone team member refuse to sign the copy to be filed, the Supervisor or Zone Director shall indicate on that copy that the Human Service Zone team member was shown the material, was requested to sign the material to verify that the material had been read, and that the team member refused to sign the copy to be filed. In the presence of the Human Service Zone team member and a witness, the Zone Director shall sign and date a statement verifying the refusal of the Human Service Zone team member to sign the copy to be filed. The material must then be placed in the file.

Human Service Zone team members may respond to any material filed in their personnel file. The response must be attached to the file copy. The Human Service Zone team member's response may not be used as the basis for any subsequent adverse personnel action.

Material found to be without merit or unfounded through an established grievance procedure, must be immediately removed from the file and may not be used against a Human Service Zone team member. Records, reports, and correspondence regarding any team member's grievance shall be retained in a file separate from their personnel file.

Medical information about a team member must be maintained in a separate file (NDCC 44-04-18.1). Medical files are subject to strict confidentiality and should remain in the control of the Agency director or designated representative. Exceptions to the confidentiality requirements are as follows:

- Managers may be informed of a team member's medical restrictions on work duties.
- First aid/safety personnel may be informed of a team member's medical status or history, as appropriate.
- Government officials investigating compliance must be provided access or information on request.

Unless one of the exceptions above applies, medical information may not be released without the written consent of the team member. Medical records must be retained for the term of employment plus six years.

Zone Directors are encouraged to keep a supervisory file on each of their Human Service Zone team members. Supervisory files are not the official personnel record but are subject to open records and are used to compile supervisory information for the Human Service Zone team member's annual evaluation or used for progressive discipline. The contents of the supervisory files are intended to be temporary and should be discarded after they are documented in the official personnel record.

As defined by open records laws, personal information must be redacted when copies are made for other individuals. Medical, employee assistance program, and other personal records may be exempt from open records law as defined in NDCC 44-04-18.1.

Any person who requests a copy of a document in a file should be given one, pursuant to the exceptions in open records law. The Human Service Zones may charge a reasonable cost for making the copy.

References for Current and Former Team Members

Updated: 3/2023

The Human Service Zones encourage references to be provided when requested and has designated managers and HR Representative as the individuals who are to release official personnel information. Any team member who receives a request for work history or other personnel information regarding current or former team members, whether written or verbal, should refer the request to one of the above cited individuals. If a reference is negative in nature, the manager should contact the Zone Director or local Human Resources Representative to discuss before proceeding with providing the information.

The Human Service Zone's designee who truthfully discloses dates of employment, pay level, job description and duties, and wage history about a current or former team member to a prospective employer is immune from civil liability for the disclosure and the consequences of the disclosure of that information.

Section 4. New Team Member Orientation

Updated: 3/2023

Managers shall orient new team members to their positions to help them foster an understanding of the Human Service Zones mission, make a successful adjustment to the new job, understand their role and how they fit into the organization, achieve objectives and shorten the learning curve, and develop a positive working relationship. The preparation for orientation begins before the Human Service Zone team member comes to work and continues the first day and during the first weeks and months of the job. The [Orientation Checklist](#) should be completed within the first 30 days of employment. Performance standards and work rules should be revisited within six months of starting.

All new Human Service Zone team members will additionally be provided orientation on workplace safety issues that relate to their position including a review of job specific safe operating procedures (SOPs), general safety requirements, incident reporting requirements, the designated medical provider program, evacuation procedures, and office ergonomics.

All new Human Service Zone team members shall be required to review and acknowledge the Human Service Zone policies on discrimination, including sexual and other forms of unlawful harassment, requests for

reasonable accommodations, workplace threats of violence and emergencies, including fire, natural disasters/severe weather, and bomb threats.

Chapter 6: Salary Administration

Section 1. Wage and Salary Levels

Updated: 3/2023

The level of wages or salaries provided to a classified team member must be within the pay grade range established for the classification. Compensation is based on a 40-hour workweek. Each team member is required to work a regular 40-hour workweek or be paid as a part-time or hourly team member. Full-time team members receive the full amount of the established monthly rate. Part-time team members receive a percentage of the established monthly rate based on the proportion of the month worked. Part-time team members are those who work regularly scheduled hours (but less than 40 hours per week), which are determined prior to the beginning of the monthly pay period.

Prior to extending a wage or salary offer to a team member or prospective team member in filling a regular position, the manager must ensure that:

- The position is a legislatively authorized position.
- The position is appropriately classified.
- The position has been authorized to fill.

Provided the above criteria have been met, all salary offers are determined by the Zone Director within fiscal appropriation. Salary offers above the midpoint of the salary range for new hires require the approval of the Zone Hiring Committee. The request for approval must be a written documentation describing the circumstances warranting a rate of pay beyond the midpoint.

Section 2. Rehiring a Former Human Service Zone Team Member as a Temporary Human Service Zone Team Member

When a former Human Service Zone team member is rehired as a temporary Human Service Zone team member within two years, the following apply:

- The salary should not exceed the pay earned when the Human Service Zone team member was at regular status if the Human Service Zone team member is returning to a similar position.
- If the temporary job is at a different skill level or less complex than the job previously occupied, the pay should be equitable compared to the pay of regular Human Service Zone team members performing work of a similar nature.

Section 3. Lateral Transfers

No salary increase or decrease may be given when a Human Service Zone team member is making a lateral transfer to a position at the same grade level unless:

- The Human Service Zone team member is moving from a non-supervisory position number to a supervisory position number.
- The Human Service Zone team member is moving from one position to another where an equity adjustment is necessary.

Due to fiscal impacts, both instances above require DHHS Human Resources and Fiscal Divisions approval.

Section 4. Reclassification

The following pertain to salary changes due to reclassification:

- The Human Service Zone team member's salary must be at least at the minimum of the new salary range. If a Human Service Zone team member's salary is already within their assigned range, a salary change is not warranted based solely on reclassification.
- If the pay grade is lower following a reclassification action, then either of the following apply:
 - The Human Service Zone team member's salary may remain the same if it is within the lower salary range.
 - The Human Service Zone team member's salary may be reduced to within the lower range to equitably relate to the salaries of other Human Service Zone team members in the same or related classes.
- If the pay grade is higher following a reclassification action, then either of the following apply:
 - The Human Service Zone team member's salary may remain the same if it is within the higher salary range.
 - The Human Service Zone team member's salary may be increased to within the higher range to equitably relate to the salaries of other Human Service Zone team members in the same or related classes.
- If the Human Service Zone team member's salary is above the maximum of the salary range for the new job grade, the salary of the Human Service Zone team member will be reduced to the maximum of the newly assigned classification. No further increases in salary may be granted to the Human Service Zone team member as long as the salary remains at the maximum unless authorized by the Legislature.
- If the pay grade is not changed, no salary adjustment shall be made.

Due to fiscal impacts, all instances above require DHHS Human Resources and Fiscal Divisions approval.

Section 5. Compensation

Workload Increase

Workload increases may be considered for substantial increases in responsibility over and above the Human Service Zone team member's regular job assignment. Workload increases may not exceed 20% per biennium for a Human Service Zone team member and that the internal equity impact must be considered.

****Due to fiscal impacts, workload increases require DHHS Human Resources and Fiscal Divisions approval.**

Temporary Increase

Temporary increases may be considered for completion of a large project or other unanticipated significant changes in the Human Service Zone team member's workload. Increases cannot be given for a temporary situation of less than 30 days. The temporary increase may not continue after the additional work has ended. Employing units must contact the Zone Director or Zone Designee with notification to end the temporary increase.

****Due to fiscal impacts, temporary increases require DHHS Human Resources and Fiscal Divisions approval.**

Equity Increase

Equity increases may be considered to resolve inequities. Equity increases may not exceed 20% per biennium for a Human Service Zone team member.

****Due to fiscal impacts, equity increases require DHHS Human Resources and Fiscal Divisions approval.**

Performance Increase

Performance increases are rare but may be considered to reward exceptional performance. Performance increases may not exceed 5% per year for a Human Service Zone team member and the internal equity impacts must be considered. This increase is over and above the amount appropriated by the Legislature for legislatively authorized increases, which are also performance-based. Please see procedure for additional information.

****Due to fiscal impacts, performance increases require DHHS Human Resources and Fiscal Divisions approval.**

All increase requests require the Zone Director to submit the [Zone FTE request form](#). All increase requests will be reviewed and approved/denied by the Human Service Zone Hiring Committee.

Section 6. Performance Bonus

The Performance Bonus Program allows the Human Service Zone to pay a lump sum, one-time, non-recurring payment to a Human Service Zone team member. Performance bonuses are limited to \$1,500 per Human Service Zone team member per fiscal year.

Performance Bonuses

A performance bonus may be paid to a Human Service Zone team member to recognize exceptional performance or work achievement. For example, completing a short-term project, which is critical to the Human Service Zone, or exceptional performance as demonstrated on the performance evaluation or as documented by the Zone Director. A performance bonus payment may be especially effective when an employing unit has limited resources from which to make salary adjustments but wishes to recognize a Human Service Zone team member's exceptional effort. (NDAC 4-07-02-21)

An employing unit must provide, in writing to the DHHS Human Resources Division, documentation that describes the Human Service Zone team member's exceptional efforts and accomplishments, and documentation to support the following technical requirements have been met:

- Has held a position in a Human Service Zone for at least one year before a bonus is paid;
- Has full-time or part-time regular non-probationary status in a regularly funded non-temporary position; and
- Has had an overall exceptional performance rating, or in the case of a special project or work achievement, has maintained satisfactory overall performance.

A performance bonus is a lump sum payment subject to state and federal taxes and withholdings. Amounts paid under this plan are not included in the calculation of a team member's hourly rate of pay nor benefit plan calculations tied to a team member's salary.

The Zone Director must submit the [Zone FTE request form](#) when submitting a performance bonus request. Performance bonus requests will be reviewed and approved/denied by the Human Service Zone Hiring Committee.

Section 7. Recruitment and Retention Bonuses

All positions within the Human Service Zone are eligible to receive a recruitment and retention bonus. Situations are analyzed on a case-by-case basis. Approvals are based upon many factors, including geography, vacancy rates, ability to fill, functions of the position, etc.

Recruitment Bonus

A recruitment bonus is a lump sum payment, which is not part of a Human Service Zone team member's base salary, paid to recruit a new Human Service Zone team member into a hard-to-fill classified position. A recruitment bonus must be used only in extraordinary circumstances where there is a need to fill a position and usual recruitment methods are demonstrated to be unsatisfactory. A recruitment bonus is subject to state and federal taxes.

Zone Directors may request a recruitment bonus for an applicant for a hard-to-fill position by submitting a request to the Department Human Resource Division including explanation of the following:

- Explanation of recent efforts to fill a position or a substantially similar position: number of qualified applicants, recruitment methods utilized, and why previous job offers were declined;
- Turnover: history, number of existing vacancies, frequency, and length of vacancy;
- Labor market data factors: information indicating the availability in the labor market of the skills/professions being recruited, current market rate of pay for occupation unemployment rate, etc.;
- Special qualifications of the selected applicant: education, experience, skills, or licensure/certification required for profession which make it more difficult to fill the job; and
- Budget availability: amount of money available for hire rate and bonus.

A recruitment bonus may be offered to an external applicant if the applicant is not currently employed by another Human Service Zone immediately preceding employment with the new Human Service Zone. An exception to the rule may be sought if approved by the Zone Director and the Executive Director of Human Services of DHHS. (NDAC 4-07-02-19)

The Zone Director must submit the [Zone FTE request form](#) when submitting a recruitment bonus request. Recruitment bonus requests will be reviewed and approved/denied by the Human Service Zone Hiring Committee. The amount of the recruitment bonus may not exceed three months' salary. A recruitment bonus is subject to state and federal taxes.

Retention Bonus

A retention bonus may be given as an incentive to retain a Human Service Zone team member in the Human Service Zone unless the Human Service Zone team member is leaving to work for another Human Service Zone. A retention bonus may be given to Human Service Zone team members in positions of critical need, where recruitment has been difficult or the risk of losing an incumbent is high. If this would result in significant impact

on the Human Service Zone or negative fiscal consequences to the Human Service Zone, an exception from the Zone FTE Committee may be requested. (NDAC 4-07-02-20)

The Zone Director must submit the [Zone FTE request form](#) when submitting a retention bonus request. Retention bonus requests will be reviewed and approved/denied by the Human Service Zone Hiring Committee. The amount of the retention bonus may not exceed three months' salary. A retention bonus is subject to state and federal taxes.

The specific [Recruitment & Retention Bonus Agreement](#) form must be signed prior to receiving a recruitment or retention bonus. For each month of salary received, the Human Service Zone team member must agree to complete one full year of employment with the Human Service Zone, with partial months of employment not included.

If a Human Service Zone team member resigns or is terminated from employment prior to completing the required period of employment, the Human Service Zone team member must repay the portion of the bonus attributable to the incomplete period on a prorated basis.

The Human Service Zone team member agrees that any amount not immediately repaid will be deducted from the Human Service Zone team member's final paycheck(s). Any remaining balance owed to the Human Service Zone are due immediately and must be made by personal check or money order, payable to the Human Service Zone.

Section 8. Overpayments and Underpayments

When it has been determined that a Human Service Zone team member has been overpaid or underpaid, the Human Service Zone shall make the adjustment in a subsequent payroll period. In cases where the Human Service Zone needs to collect an overpayment from the Human Service Zone team member, the Human Service Zone or Zone Designee will obtain the Human Service Zone team member's signature prior to making the deduction from the Human Service Zone team member's pay. In cases where Human Service Zone team members refuse to make payment, the Human Service Zone will seek legal counsel to determine if a civil action to collect overpayment is warranted.

Chapter 7: Leave & Human Service Zone Team Member Benefits

Updated: 3/2023

During employment with the Human Service Zone team members are eligible for numerous benefits that are an important part of their total earnings. Many of the benefits available to team members are provided at no cost, while some are available at a cost should the team member wish to participate.

A probationary or regular team member who is absent from work in a paid leave status continues to earn fringe benefits, including annual and sick leave. Benefits will be prorated if a team member works part-time.

Section 1. Leave Approval

Zone Directors or Zone Designee have the authority to approve annual, sick, and compensatory leave. Most leave should be scheduled and approved in advance for events such as vacation, medical appointments, military service, family activities, surgery, jury duty, honor guard, funerals, and other occurrences that cannot be scheduled outside of the regular work hours. In cases of sudden illness or emergency, team members should contact their manager as soon as possible. Any Human Service Zone team member not reporting to work when a request for leave has been denied may be considered an unauthorized leave without pay and will be subject to disciplinary action.

Section 2. Leave

Annual Leave

Updated: 3/2023

The Human Service Zones provides paid time off or annual leave as a benefit to team members who work in a regular position. (NDAC 4-07-12) Annual leave is earned starting on the first day of employment in a regular position according to the following schedule:

Length of Service	Hours Earned/Month	Hours Earned/Year
0-3 complete years	8	96
Beginning of 4th year to 7 complete years	10	120
Beginning of 8th year to 12 complete years	12	144
Beginning of 13th year to 18 complete years	14	168
Beginning of 19th year and over	16	192

Prorated hours of annual leave will be granted to team members in regular position who work less than the standard 40-hour work week. When calculating earned annual leave, work time includes holidays and paid leave used.

Annual Leave Usage

Usage increments will be addressed in your Human Service Zone Policy Addendum. Annual leave may not be used before it is earned.

If a Human Service Zone team member works extra hours in a week during which they used annual leave, the Human Service Zone team member's annual leave hours will be reduced accordingly. Hours worked plus leave taken should be equal to the number of hours allocated for the Human Service Zone team member's FTE.

Any flex time worked needs to be pre-approved by the Zone Director and must be within the same work week as leave was taken.

Reinstatement/Transfer of Leave Balance

A Human Service Zone team member who leaves their employment with a Human Service Zone, and who is rehired by a Human Service Zone within three years, must be credited with the Human Service Zone team member's previous years of continuous service for the purpose of determining the Human Service Zone team member's annual leave accrual rate (NDAC 4-07-12-12).

Inter-Agency Transfers

When employing an individual from another Human Service Zone or State agency, the Zone Director has discretion to accept an authorized or negotiated amount of accrued annual leave hours provided there is no break in service. (NDAC 4-07-12-10)

Annual Leave Usage for Legislative Hearings

Human Service Zone team member attending legislative hearings on behalf of the Human Service Zone are not required to use annual leave. Human Service Zone team members wishing to attend a legislative hearing due to a personal interest in the matter must take annual leave to attend.

Annual Leave Usage for Financial Counseling (NDPERS only)

Human Service Zone team member can attend 1 financial planning session every 5 years, without having to utilize annual leave. If a Human Service Zone team member desires to attend more than 1 planning session, he or she must utilize annual leave to attend. Human Service Zone team members traveling for these meetings will be required to utilize annual leave for travel time and will not be reimbursed their expenses.

Balance Limits

No more than 240 hours of annual leave may be carried forward beyond April 30 or December 31 of each year. Each Human Service Zone has a designed date for cutoff, please see the Human Services Zone Policy Addendum. Any hours in excess of the 240-hour limitation will be lost after April 30 or December 31 (NDAC 4-07-12-08). Human Service Zone team members must count annual leave hours earned in April or December when determining the number of leave hours, they will "use or lose" by April 30 or December 31.

Payment of Balance

Updated: 3/2023

A Human Service Zone team member may not be paid for unused annual leave while the team member remains in the service of the agency except when the team member takes a long-term leave of absence (six months or more), goes on educational leave, or transfers to temporary employment.

All earned and unused annual leave is payable upon termination of employment, regardless of the reason for termination. **Annual leave cannot be utilized to extend the team member's last day of work.**

Sick Leave

Updated: 3/2023

Sick leave is earned by all Human Service Zone team members in a regular status position. Sick leave is an approved absence from work with pay in accordance with ([NDAC 4-07-13-07](#)) .

Sick leave is earned beginning on the first day of employment in a regular position. Full-time team members in regular positions earn (8) eight hours of sick leave for each month of full-time employment with no maximum accumulation.

Prorated hours of sick leave will be granted to team members in regular positions who work less than the standard 40-hour work week. When calculating earned sick leave, work time includes holidays and paid leave used.

Temporary team members are not eligible to earn sick leave.

Sick leave may not be used before it is earned. Team members who need to use sick leave in excess of their accrued sick leave may be required to utilize another type of paid leave.

Usage increments will be addressed in your Human Service Zone Policy Addendum. Human Service Zone team members who need to use sick leave in excess of their accrued sick leave may be required to utilize annual leave before taking leave without pay.

If a Human Service Zone team member works extra hours in a week during which they used sick leave, the Human Service Zone team member's sick leave hours will be reduced accordingly. Any flex time worked needs to be pre-approved by the Zone Director and must be within the same work week as leave was taken.

Sick leave may be used by a team member for the following reasons:

- The Human Service Zone team member is ill or injured and is unable to work.
- The Human Service Zone team member has an appointment for the diagnosis or treatment of a medically related condition.
- For the birth or placement of an adopted/foster child not to exceed six weeks (240 hours) within the first six months to care for the child. This applies to both parents. This does not prevent a Human Service Zone team member from using additional sick leave for the team member's own illness, medical needs or health needs following the birth of the child.
- For the death of the Human Service Zone team member's child not to exceed 160 hours within six months following the death of the child.
- The Human Service Zone team member wishes to attend to the needs of the team member's eligible family members who are ill or to assist them in obtaining other services related to their health and well-being.
 - Sick leave used for these purposes may not exceed eighty (80) hours per calendar year.
 - Upon approval, a Human Service Zone team member may take up to an additional 480 hours, per calendar year, of the Human Service Zone team member's accrued sick leave to care for the team member's child, spouse, or parent with a serious health condition. The agency may require

the Human Service Zone team member to provide written verification of the serious health condition by a health care provider.

- The Human Service Zone team member is seeking services or assisting the team member's spouse, parent, child, or sibling in obtaining services, relating to domestic violence, a sex offense, stalking, or terrorizing. At the discretion of the Human Service Zone team member's manager, the sick leave hours used for this purpose may be limited to forty hours per calendar year.
- The Human Service Zone team member is a participant in an employee assistance program.

For all uses of sick leave, the manager has the option to request verification from the team member's healthcare provider.

Grandparents may not take sick leave to care for grandchildren who are ill unless the grandchild is financially or legally dependent on the Human Service Zone team member or lives with the Human Service Zone team member. Examples of legally or financially dependent would be if the grandparent claims the child on their taxes or has power of attorney over the grandchild.

Reinstatement/Transfer of Leave Balances

A Human Service Zone team member who leaves employment and is rehired within one year must be credited with the amount of sick leave hours the Human Service Zone team member had accumulated at the time of departure, less any amount for which the Human Service Zone team member had subsequently been paid.

The Zone Director has discretion to accept an authorized or negotiated amount of accrued sick leave hours provided there is no break in service.

Payment of Balance

Any Team member hired on or after January 1st, 2021, at a Human Service Zone with at least ten years of continuous Human Service Zone employment who leave employment are eligible for payment of ten percent of their unused sick leave balance. Years of service with a County Social Service Department prior to the transition to Human Service Zones are included in the calculation for Sick Leave Payout. If there is any break in service a Human Service Zone team member may not be paid their sick leave balance.

Any Team member hired prior to January 1st, 2021, will follow their Human Service Zone Policy Addendum regarding sick leave payouts. All sick leave payouts are subject to fiscal appropriations.

Funeral Leave

Funeral leave is an approved leave of absence, with pay, of up to twenty-four (24) working hours, to attend or make arrangements for a funeral, as a result of a death in the Human Service Zone team member's family or in the family of a Human Service Zone team member's spouse. ([NDAC 4-07-14-02, 03, 04](#))

Family: Includes a team member's husband, wife, son, daughter, father, mother, father-in-law, mother-in-law, stepparents, brother, sister, step-siblings, brother-in-law, sister-in-law, grandparents, grandchildren, stepchildren, foster parents, foster children, daughter-in-law, and son-in-law.

Funeral Leave: An approved absence from work with pay for a team member to attend or make arrangements for a funeral as a result of a death in the team member's family.

Funeral leave is a separate type of paid leave and is not considered to be annual or sick leave.

Funeral Leave is prorated for team members working less than 40 hours per week (i.e., a team member normally scheduled to work 20 hours per week would be eligible for 12 working hours of Funeral Leave). Temporary team members are not eligible for paid funeral leave.

With Zone Director approval, Human Service Zone team members may attend the funeral of a current Human Service Zone team member on paid work time.

Honor Guard Leave

Honor Guard Leave is an approved leave of absence, with pay, of up to twenty-four (24) working hours of leave with pay per calendar year for a team member to participate as an honor guard for a funeral service of a veteran. (NDAC 4-07-14-02, 03, 04)

Honor Guard: An individual with an essential ceremonial role in the funeral service of a veteran.

Individual with an Essential Ceremonial Role: 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.

Honor guard leave is a separate type of paid leave and is not considered to be annual or sick leave.

Honor guard leave is prorated for team members working less than 40 hours per week (i.e., a team member normally scheduled to work 20 hours per week would be eligible for 12 working hours of honor guard leave.)

Temporary team members are not eligible for paid honor guard leave.

Holidays

The Human Service Zones provide 10 paid holidays to team members who work in regular positions.

Recognized holidays for Human Service Zone purposes:

1. The first day of January, which is New Year's Day.
2. The third Monday in January, which is Martin Luther King Day, in recognition of "the life, legacy, and dream of Martin Luther King, Jr."
3. The third Monday in February, in recognition of the birthday of George Washington.
4. The Friday preceding Easter Sunday, commonly known as Good Friday.
5. The last Monday in May, which is Memorial Day.
6. The fourth day of July, which is the anniversary of the Declaration of Independence.
7. The first Monday in September, which is Labor Day.
8. The eleventh day of November, which is Veterans' Day.
9. The fourth Thursday in November, which is Thanksgiving Day.
10. The twenty-fifth day of December, which is Christmas Day.

11. Every day appointed by the President of the United States or by the Governor of this state for a public holiday (NDCC 1-03-01).

If such holiday falls on Saturday, the preceding Friday will be the holiday; if the holiday falls on Sunday, the Monday following will be the holiday (NDCC 1-03-02; NDCC 1-03-02.1).

Human Service Zone offices close at 12 noon on December 24, Christmas Eve Day, if the 24th falls on Monday, Tuesday, Wednesday, or Thursday (NDCC 1-03-01.1).

Holiday Work Schedule Adjustment Options

A holiday is considered to be an 8-hour day except for December 24 which is 4 hours. Therefore, adjustments must be made for those team members working an alternate work schedule, which includes summer hour schedules. The Human Service Zone team member must either take annual leave or work additional hours to ensure a 40 hour work week.

If a team member is scheduled to work on a holiday, the team member may be provided an alternate day off.

Holidays Pertaining to Team Members Who Are Scheduled to Work on a Weekend Holiday

These rules apply to all team members who work in a regular, non-exempt FTE position scheduled to work on the following actual holidays:

- The first day of January, New Year's Day
- The fourth day of July, Independence Day
- The eleventh day in November, Veteran's Day
- The twenty-fifth day of December, Christmas Day

If a non-exempt Human Service Zone team member chooses to work on an observed holiday, the Human Service Zone team member will receive holiday pay (which is part of base salary) and be compensated at straight time for the actual hours worked on the observed holiday.

If an exempt Human Service Zone team member works on an observed holiday, the Human Service Zone team member may be provided an alternate day off, with prior approval from the Zone Director

When one of the above holidays falls on a weekend day (Saturday or Sunday) and is observed by the Human Service Zone on either the Friday before or the Monday after:

- A non-exempt Human Service Zone team member who is only scheduled to work on the actual holiday will be compensated at the rate of time and a half (1.5 OT) for all hours worked on the actual holiday.
- A non-exempt Human Service Zone team member who is only scheduled to work on the observed holiday will be compensated at the rate of time and a half (1.5 OT) for all hours worked on the observed holiday.
- A non-exempt Human Service Zone team member who is scheduled to work **both** the actual holiday and observed holiday will be compensated at the rate of time-and-one-half (1.5 OT) for whichever day falls first in the workweek. The hours worked for the other day will be compensated at their regular rate of pay.

- Human Service Zone team members who are eligible for holiday pay (non-temporary Human Service Zone team members) will continue to receive the holiday pay as part of their base monthly pay on the day the holiday is observed by the Human Service Zone (i.e. Friday or Monday).
- To receive any additional overtime for the week, a Human Service Zone team member would have to work over 40 hours during the rest of the week, not counting the holiday, which is already paid at time and one half.

Jury and Witness Leave (NDAC 4-07-16)

Human Service Zone team members selected for jury duty must be granted an approved absence from work with pay, except that an amount of pay equal to the amount the Human Service Zone team member received from the court for jury duty service must be deducted from the team member's regular pay. However, if a Human Service Zone team member is on authorized annual leave while performing jury duty, the Human Service Zone team member may retain the fee paid by the court and the team member's pay may not be reduced.

Human Service Zone team members who are called to appear as a witness or expert witness on behalf of the Human Service Zone are reimbursed by the Human Service Zone for mileage, meals, and lodging. Also, the Human Service Zone team member must be paid the Human Service Zone team member's regular rate of compensation for time spent as a witness. In this circumstance, the Human Service Zone team member is not considered on leave.

A Human Service Zone team member may retain a witness fee paid by a party only when each of the following applies:

- The Human Service Zone team member's agency did not reimburse the team member for mileage, meals, and lodging.
- The Human Service Zone team member was on authorized leave.

If a Human Service Zone team member performs witness duties unrelated to the team member's official capacity or because the team member is personally interested in the proceedings or because the team member volunteers to do so, they must be placed on annual leave or leave without pay status. In these situations, the team member may retain any witness fee provided to the team member.

Leave Without Pay (NDAC 4-07-15)

"Leave of absence without pay" means an approved absence from work without pay for a Human Service Zone team member. All requests for a leave of absence without pay (LWOP) must be in writing and reviewed for approval in advance by the Zone Director prior to the leave being taken.

Requests must specify the length of time of the request for the leave without pay. If the request is not approved in advance and the Human Service Zone team member chooses to take the leave anyway, it will be an unexcused absence which is cause for disciplinary action. If a supervisor approves a team member for leave without pay, in violation of this policy, it will lead to disciplinary action, up to and including dismissal from employment.

For leave without pay due to a work-related injury, please refer to the Workers Compensation policy. For leave without pay due to a serious medical condition of the Human Service Zone team member or eligible family member, please refer to the Family & Medical Leave Act (FMLA) policy.

When considering a Human Service Zone team member's request for leave without pay, the Zone Director must consider several factors, including the following:

- The Human Service Zone team member's absence will not unduly disrupt the Human Service Zone's operations or services.
- Whether the absence is an emergency, unforeseen circumstance or whether it could have been planned for in advance.
- Whether the Human Service Zone team member has a pattern of using their leave as quickly as they earn it, rather than building and maintaining a reasonable leave balance for emergency purposes.
- Whether the leave was negotiated and approved at time of hire.

When a Human Service Zone team member is placed on leave without pay the following apply:

- All applicable accrued leave has been exhausted.
- An email to payroll will be immediately needed to put the Human Service Zone team member on an unpaid leave of absence to avoid a potential overpayment.
- The Human Service Zone team member does not accrue annual leave while on leave without pay status.
- If a Human Service Zone team member is in LWOP status on the last working day of the month, please see the Human Service Zone addendum for information about their responsibility for paying the monthly health insurance premium.

Military Leave

Human Service Zone team members who are members of the National Guard or Armed Forces Reserve shall be subject to call to service by the President of the United States, or are volunteers for service when ordered by proper authority to active non-civilian employment, are entitled to a leave of absence from such civil service for the period of such active service without loss of status or efficiency rating.

To be eligible, Human Service Zone team members must be in continuous employment with the Human Service Zone for 90 days immediately preceding the leave of absence; they shall receive 20 workdays each calendar year without loss of pay.

Any leave of absence necessitated by a full or partial mobilization of the reserve and National Guard or emergency Human Service Zone active duty, must be without loss of pay for the first 30 days thereof, less any other paid military leave which may have been granted during the calendar year.

In determining the number of workdays used for military leave, a standard work week of 40 hours consisting of five 8-hour days within a work week will be used. For example, a Human Service Zone team member on a five 8-hour day schedule who is on military leave for one week will use 5 days of military leave. A Human Service Zone team member on a four 10-hour day schedule who is on military leave for one week will also use 5 days of military leave.

Notice to Employer

The Human Service Zone team member must notify their Zone Director as soon as he or she is informed of the dates of military leave and request the time off. The Human Service Zone team member must provide the Zone Director with a copy of the orders to report to military service. If orders are not available, the Human Service Zone team member must provide a copy of the training schedule or other official documentation. The Zone Director must forward the orders or other official documentation to the Zone Designee, if necessary, prior to the Human Service Zone team member going on military leave.

Drill & Training

Weekend, daily, or hourly periods of drill for military training on a day in which the Human Service Zone team member is scheduled to work are not eligible for paid military leave. The Human Service Zone team member must be given the option to take accrued annual leave, reschedule their work time during the week, or take leave without pay.

Military leave is allowed when the service member is on active duty orders, such as military courses, annual training and State or Federal activation.

Re-Employment Following Military Leave

A team member who within 90 days after receiving a discharge other than dishonorable from active military service will be reinstated to employment to their former position or one of like seniority, status, and pay, and is immune from discharge from the position except for cause, as defined by the North Dakota Department of Veterans' Affairs for a period of one year after entering back into the position.

[USERRA 38 U.S.C. 4301-4335](#) establishes the cumulative length of time that an individual may be absent from work for military duty and retain reemployment rights is five years.

Military Leave Appeals

Updated: 9/2022

If a Human Service Zone team member is not reemployed or discharged within one year without cause, they have the right to appeal to the Department of Veterans' Affairs under such rules and regulations as the administrative committee on veterans' affairs may promulgate. If the North Dakota Department of Veterans' Affairs finds that the person was not reemployed or was discharged within one year without cause, it may order the agency to comply with the provisions of this chapter.

Workers Compensation

Human Service Zone team members injured on the job or needing to seek medical attention resulting from a job-related incident, or injury should immediately inform their supervisor and Zone Director.

A Human Service Zone team members receiving workers compensation benefits may elect to use either their accumulated sick, annual, or unpaid leave during the period the team member is unable to work. A team member who elects to use sick and/or annual leave while receiving workers compensation benefits must be paid the difference between the team member's regular base salary and the amount the team member

receives from workers compensation. A team member's sick and/or annual leave balance must then be charged with the number of hours that corresponds to the percentage of salary the employer pays.

Human Service Zone team members who elect to use leave while receiving workers' compensation benefits must be paid by the Human Service Zone an amount equal to the difference between the team member's regular base salary and the amount the team member receives from workers' compensation while the team member is on leave.

Unless a Human Service Zone Team Member has specified a different Designated Medical Provider, the Designated Medical Providers for Human Service Zone Team Members may be located by contacting your Zone Designee or referencing your Zone Policy Addendum

Section 3. Group Benefit Programs

Please refer to your Human Service Zone's Policy Addendum for more information on Human Service Zone benefits.

Chapter 8: Family & Medical Leave and GINA

Section 1. Family and Medical Leave

The Human Service Zones have established a Family Medical Leave Act (FMLA) policy that provides guidance to the handling of these Human Service Zone team member situations in a sensitive and confidential manner. This policy is not an exhaustive description of state and federal laws relating to family and medical leave (i.e., FMLA leave is different from family sick leave as allowed under [NDAC 4-07-13-07](#)). Team members should consult the Human Service Zone's Policy Addendum for their point of contact.

Eligibility

Human Service Zone team members are eligible for family and medical leave under the Human Service Zone and Federal Family and Medical Leave Acts (FMLA), if they have been employed with the same Human Service Zone/County Social Service Board for at least 12 months and have worked at least 1,250 hours during the previous 12-month period.

If eligible, Human Service Zone team members must be provided up to 12 weeks of unpaid leave during a rolling 12-month period for the following reasons:

- a. The birth or care of the Human Service Zone team member's newborn within the first 12 months after the birth.
- b. The placement or care of a newly adopted or foster child within the first 12 months after placement.
- c. Care for the Human Service Zone team member's spouse, son, daughter, or parent, but not parent-in-law, who has a serious health condition.
- d. A serious health condition that makes the Human Service Zone team member unable to work or perform any one of the essential functions of the Human Service Zone team member's job. Examples would include an illness, injury, impairment or physical or mental condition that involves either an

overnight stay in a medical care facility or continuing treatment by a health care provider for a condition that either prevents the team member from performing the functions of the job or prevents the qualified family member from participating in school or other daily activities.

- e. A qualifying event arising from a team member's spouse, child, or parent that is a covered military member on active duty or has been notified of impending call or order to active duty in the armed forces. Examples would include short-notice deployment, military events and related activities, counseling, post-deployment activities, and additional activities that may arise out of active duty or call to active-duty status.

A team member who is the spouse, parent, child, or next of kin of a current member of the armed forces who was injured in the line of duty on active duty in the armed forces may be eligible for a combined total of 26 weeks of FMLA leave for any qualifying reason during the 12-month period. Family members may also take 26 weeks of FMLA leave for a veteran who is undergoing medical treatment, recuperation, or therapy and who was a service-member at any time during the five years preceding the date in which the injury or illness was incurred in the line of duty and manifested itself before or after the member became a veteran.

A team member and spouse who work for the same employer are entitled to a combined total of 12 weeks of FMLA leave if taken for the birth, adoption or foster care of a healthy child, or to care for the team member's parent with a serious health condition. A team member and spouse who work for the same employer are each entitled to 12 weeks of FMLA leave if the child with a serious health condition was born or placed for adoption or foster care. The team member and spouse may be limited to a combined total of 26 weeks of FMLA leave when care for a covered service-member with a serious injury or illness is taken in addition to FMLA leave for birth of the team member's son or daughter or to care for the healthy child after birth, for placement of a healthy son or daughter with the team member for adoption or foster care, to care for the child after placement, or to care for the team member's parent with a serious health condition during a single 12- month period.

When medically necessary, team members may take FMLA leave intermittently or on a reduced work schedule for their own serious health condition, the serious health condition of a family member, or to care for a covered service-member with a serious injury or illness.

The FMLA leave entitlement period will be determined by a rolling 12-month period measured backward from the date a team member first uses any leave under this section. Any unpaid FMLA leave used during this 12-month period will be deducted from the total amount of FMLA leave provided. If a team member is eligible for FMLA leave, it will run concurrently to the team member's accrued paid leave used and donated leave received if applicable.

While on FMLA leave, the Human Service Zone will continue to pay employer paid benefit premiums for the team member.

To request FMLA leave, the Human Service Zone team member should contact their Zone Designee for more information.

Medical Certification & Notices

A team member requesting FMLA leave must complete the required paperwork, obtain medical certification, and submit the completed documents to HR as soon as the need for FMLA leave is known. Forms should be

obtained from the host county HR Representative, Zone Director, or designee. Failure to provide the requested information or medical certification with the leave request may result in denial of the leave until it is provided.

If a team member wishes to return to work prior to the expiration of a FMLA leave of absence, written notification must be given to the host county HR Representative, Zone Director, or designee prior to the team member's planned return. A team member may also be required to submit to additional examinations by a health care provider selected and paid for by the Human Service Zone. Any recertification requested by the Human Service Zone shall be at the team member's expense. The Human Service Zone will not request recertification until the minimum duration has passed unless:

- the team member requests a leave extension;
- circumstances described by the previous certification have changed significantly; or
- the Human Service Zone receives information that casts doubt upon the continuing validity of the certification.

A team member who needs to request an extension of FMLA leave due to the continuation, recurrence or onset of their own serious health condition or of the serious health condition of the team member's spouse, child, or parent, must submit a written request for an extension to the host county HR Representative, Zone Director, or designee.

Intermittent Leave

When medically necessary, Human Service Zone team members may take FMLA leave intermittently or on a reduced work schedule basis for their own serious health condition, the serious health condition of a family member, or to care for a covered service member with a serious injury or illness. Human Service Zone team members are required to cooperate with the Human Service Zone to arrange reduced work schedules or intermittent leave to minimize disruption of business operations.

A Human Service Zone team member may take intermittent FMLA leave for the birth, placement, or adoption of a child, within the 12 months of the birth, adoption, or placement of the child.

Return from Leave

If a Human Service Zone team member wishes to return to work prior to the expiration of an approved FMLA leave of absence, written notification from the Human Service Zone team member's health care provider or a (Fitness for Duty Report) signed by the health care provider, must be provided to the Zone Designee prior to the Human Service Zone team member being allowed to return to work. If a Human Service Zone team member fails to submit the required documentation from the medical provider, the Human Service Zone team member's restoration to his/her position may be delayed or denied.

A Human Service Zone team member who fails to return at the end of the FMLA leave, will be considered to have voluntarily resigned unless additional leave is approved as a reasonable accommodation under the Americans with Disabilities Act. If a Human Service Zone team member fails to return from an FMLA leave, the Human Service Zone may recoup the cost of health plan premiums for any period of the FMLA leave which was taken as unpaid leave, unless the reason the Human Service Zone team member does not return is due to the

continuation, recurrence, or onset of a serious health condition of the Human Service Zone team member or the Human Service Zone team member's family member which would otherwise entitle the Human Service Zone team member to leave under FMLA; or other circumstances beyond the Human Service Zone team member's control such as staying home to care for a newborn with a serious health condition, the spouse is transferred to a location more than 75 miles from the Human Service Zone team member's worksite, an Human Service Zone team member is laid off, etc.

If the Human Service Zone experiences a reduction-in-force during the Human Service Zone team member's absence and the Human Service Zone team member would have lost his/her position, the Human Service Zone team member retains any rights under the Human Service Zone Reduction in Force policy but may not be eligible for reinstatement under the Family and Medical Leave Act.

Paid Leave Use and Holiday Considerations

Updated: 3/2023

All unpaid FMLA leave used will be deducted from the total amount of FMLA leave provided and runs concurrently with any paid and donated leave the team member uses during this time. A team member must use any accrued paid and donated leave received before unpaid FMLA leave will be authorized. Team members who have exhausted the applicable types of paid leave will be provided unpaid leave to fulfill the authorized period of FMLA leave. Team members in an unpaid leave status will not accrue annual or sick leave during the period of unpaid leave.

If a holiday falls within a week in which the team member needs a full week of FMLA leave, the holiday will count against the FMLA leave entitlement. If the team member needs less than a full week of FMLA leave and a paid holiday occurs during the leave period, the holiday cannot be counted against the 12-week entitlement unless the team member would be otherwise scheduled and expected to work if not on leave.

Any team member who is determined to have violated this policy will be subject to disciplinary action up to and including termination of employment.

Forms for FMLA are located on the [intranet](#). For questions, please reach out to your Human Resources Representative or DHHS Human Resources.

Section 2. The Genetic Information Nondiscrimination Act

Updated: 3/2023

The Human Service Zones strictly prohibits discrimination based on genetic information. The Human Service Zones do not collect, consider or make employment or benefit decisions based on genetic information. The Human Service Zones do not use genetic information or genetic testing to identify individuals (applicants or team members) who are especially susceptible to general workplace risks, who may become unable to work or who are likely to incur significant health care costs for either themselves or their dependents. Accordingly, applicants for employment or team members of the Human Service Zones will not be required to undergo any genetic testing or reveal genetic information to the Human Service Zones.

"The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. 'Genetic information' as defined by GINA, this includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services."

This notice is not required when a team member's immediate family member has a serious health condition

Chapter 9: Awards and Recognition

Section 1. Awards & Recognition

Updated: 3/2023

Beginning January 1, 2021, a Human Service Zone team member is entitled to a service award if they have completed three, five, and every five-year increment thereafter of employment with a Human Service Zone. Years of service with a County Social Service Department prior to the transition to Human Service Zones are included in the calculation. If an team member leaves a Human Service Zone employment and then returns, they again begin to accumulate time; that must be added to the team member's previous service and applied to any future service award.

The type of awards given to Human Service Zone team members is as follows:

- Three years – certificate or plaque and a gift not to exceed \$25
- Five years – certificate or plaque and a gift not to exceed \$50
- Ten years – certificate or plaque and a gift not to exceed \$100
- Fifteen years – certificate or plaque and a gift not to exceed \$150
- Twenty years – certificate or plaque and a gift not to exceed \$200
- Twenty-five years – certificate or plaque and a gift not to exceed \$250
- Thirty years – certificate or plaque and a gift not to exceed \$300
- Thirty-five years – certificate or plaque and a gift not to exceed \$350
- Forty years – certificate or plaque and a gift not to exceed \$400
- Forty-five years – certificate or plaque and a gift not to exceed \$450
- Fifty years and every five-year increment thereafter – certificate or plaque and a gift not to exceed \$500

A team member may not receive cash as part of a service or retirement award program. The Human Service Zone may provide a gift card.

***Please note: Gift cards are taxable.**

The following conditions in which prior service is accounted towards the service aware programs are as follows:

- An team member who leaves employment with the Human Service Zone, then returns, regardless of the break in the service.
- Full-time emergency or temporary Human Service Zone service is applied if the Team member's status changes to regular.
- The time spent on full-time Human Service Zone paid educational leave is applied to the program.
- Service awards may be withheld if there are documented performance issues.

Section 2. Retirement Awards

Beginning January 1, 2021, a retirement award will be provided to a team member who has a minimum of fifteen years of Human Service Zone service, years of service with a County Social Service Department prior to the transition to Human Service Zones are included in the calculation, and who has not been previously recognized by a Human Service Zone as follows:

- A retirement certificate signed by a member of the Human Service Zone Board or COO of DHHS and/or a plaque
- A \$200 gift card

***Please Note: Gift cards are taxable.**

A farewell party may be provided upon agreement of the team member and Human Service Zone. Retirement awards may be withheld if there are documented problems with an team member's performance. Costs that may be covered by Human Service Zone funds are limited to cake, coffee, punch, mints, nuts and paper products for serving these items.

Retirement awards may be withheld if there are documented performance issues.

Chapter 10: Training and Educational Opportunities

Section 1. Scope of Chapter

Updated: 7/2020

The Human Service Zone's policy is to provide job-related training to its team members to enhance the knowledge, skills, and abilities of team members and ensure maximum productivity. Human Service Zone team members are encouraged to seek training and pursue educational experiences as part of their development plan outlined to enhance their current skills, increase proficiency, improve performance and job engagement, and increase the opportunity for advancement within the division or Human Service Zone service.

Costs of training or educational courses may be paid for or reimbursed as provided in this chapter.

Section 2. Training Costs to Maintain Qualification

Zone Directors may approve job-related, continuing education costs, as is done with other job-related training requests, for a regular Human Service Zone team member to maintain state licensing or certification requirements.

Section 3. Licensure and Certification Costs/Fees

Updated: 7/2020

Subject to availability of funds, the Human Service Zone will pay licensure or certifications fees as follows, if:

- Continued licensure or certification is a minimum requirement in the class description;
- The duties and responsibilities assigned to a position require a license or certification, even if a licensure or certification is not required in the class description. (An example would be a Licensed Social Worker in a Human Service Program Administrator position who directly or indirectly supervises Licensed Social Workers engaging in social work practice.) Generally, if a license is essential for a job it would be required in the job announcement to fill the position;

NOTE: The fees paid by an applicant to be licensed or certified as a condition of employment are not eligible for reimbursement. Subsequent renewal fees will be paid in accordance with the Human Service Zone's policy and the continued availability of funds.

Section 4. Tuition Reimbursement

Updated: 7/2020

The Human Service Zone recognizes the constant reshaping that occurs in its Human Service Zone team members' positions due to changes in technology, advancements in the different fields of learning, and governmental reform. The provision of life-long learning and development, therefore, is a priority of the Human Service Zone for its Human Service Zone team members. Tuition reimbursement provides regular Human Service Zone team members the opportunity to develop personally, and to help the Human Service Zone attain its goals. Benefits of tuition reimbursement include maintenance of current skills, increased proficiency, improved performance and job satisfaction, and the opportunity for advancement. Further, tuition reimbursement assists the Human Service Zone in providing the highest quality services to the residents of the Human Service Zone.

Tuition reimbursement assists Human Service Zone team members to enroll in a college course through agency participation in the costs. It is intended to financially assist Human Service Zone team members to pursue career-related interests and develop their potential by attending educational opportunities that are identified by Human Service Zone team members.

This policy includes coursework leading to a bachelor's, master's, or doctorate degree, special training, or single courses of study intended to assist a team member to perform a task or to enhance job performance. Full-time regular Human Service Zone team members are eligible to receive up to 80% reimbursement depending on budget availability. Part-time regular Human Service Zone team members are eligible to receive a proportional prorated reimbursement. If it is anticipated that requests will exceed budget availability, the Zone Director may reduce the amount awarded to each Human Service Zone team member or may provide funds based on Human Service Zone priority or needs.

Approval Process

There is no limitation as to the number of courses a Human Service Zone team member may take or the dollar amount that can be provided to a Human Service Zone team member. However, the Zone Director needs to

carefully consider budget limitations and that there is a reasonable balance between a Human Service Zone team member's workload and the number of courses taken, so that neither job responsibilities nor academic achievement will suffer. The training/course must equip Human Service Zone team members to better perform their present duties, achieve negotiated work plans, or assist in accomplishing Human Service Zone goals. To be eligible, a college course or training session must be directly job related. A college course, that is required within a specific degree plan and the degree is job-related, may be eligible for tuition reimbursement.

All requests for training or tuition reimbursement must be approved prior to registration. The approval process consists of submitting a completed [Application for Tuition Reimbursement](#) and have it approved by the Zone Director. A training/course description must be attached to the application. The Human Service Zone team member should submit the application to the Zone Director as far in advance as possible, but no less than two weeks in advance of registration.

Copies of the application should be distributed to the Human Service Zone team member, Zone Director and Zone Designee upon approval. Due to fiscal impacts, equity increases require Department Human Resources and Fiscal Divisions approval.

Claiming Reimbursement

Only the cost of the training session and tuition and course-related fees are reimbursable. Costs such as books or transportation to and from classes are not reimbursable. Proof of completion of a college course with a final grade of "C" or higher for undergraduate courses and "B" or higher for graduate courses must be presented with the request for reimbursement. Proof of completion is a certificate of completion or other documentation.

A Purchase Voucher must be submitted by the Zone Director within sixty (60) calendar days after the end of the training/course or no later than the end of the biennium during which the coursework occurred, whichever comes first. Claims for reimbursement submitted after sixty (60) calendar days of the end of the coursework or after the end of the biennium may not be honored.

The Zone Director will review the original application and all other documents to ensure conditions for reimbursement have been fulfilled. If all conditions have been met, the tuition reimbursement request will be approved and submitted to the Host County Auditor. The amount of reimbursement depends on availability of funds appropriated for that purpose and is chargeable to the Human Service Zone. Taxes are required to be withheld on all tuition payments and are deducted from the Human Service Zone team member's paycheck.

Attendance During Working Hours

College courses should not interfere with the Human Service Zone team member's work schedule. On the rare occasion that a college course is offered only during work hours, Human Service Zone team members may potentially attend during working hours only if arrangements are made to ensure that their work on the job does not fall behind and necessary coverage is provided. These Human Service Zone team members have two options for attendance:

- Human Service Zone team members may charge the time away from the job to annual leave; or
- Human Service Zone team members can make arrangements with their Zone Director to make up hours taken by either coming to work early or staying after work or any combination thereof, provided

adequate supervision is available. However, the use of flex-time shall not interfere with the Human Service Zone team member's normal workload and will not result in overtime compensation.

In applying for tuition reimbursement, a Human Service Zone team member must indicate the extent of aid received from other government or other educational sources, e. g. scholarships or grants. Human Service Zone reimbursement applies to the balance not covered by other aid. The Human Service Zone team member cannot receive reimbursement for the same course more than once.

Repayment Obligation

Upon graduation or completion of the last class, the Human Service Zone team member will have to reimburse the Human Service Zone on a pro-rated basis for any amount of tuition paid if the Human Service Zone team member leaves employment within two years.

Severability

The above tuition reimbursement plan is not intended to describe a firm condition of employment, and the language is not intended to create an employment contract between the Human Service Zone and its Human Service Zone team members. The Human Service Zone reserves the right to alter, amend, modify, rescind or otherwise change the content of this tuition reimbursement plan at its sole discretion and without advanced notice. All educational plans that require tuition reimbursement should be well thought out, documented, and fully discussed with the Zone Director for job relatedness and/or agency needs before any commitments are made.

Chapter 11: Performance Management

The Human Service Zones conducts performance evaluations with team members to ensure team members are adequately performing the assigned job duties and to provide a basis for team member development discussions and salary administration actions. This policy pertains to all classified and temporary Human Service Zone team members.

The performance evaluation process is an ongoing discussion between a Human Service Zone team member and supervisor to establish a clear understanding regarding:

- essential job functions of the position;
- how the team member's job contributes to the objectives of the division/agency/state;
- how the team member and manager will work together to sustain, improve, or build on existing team member performance;
- how job performance will be measured;
- identification and removal of barriers; and
- identification of development plan to learn and grow.

All non-probationary classified Human Service Zone team members will have a performance evaluation completed at least annually.

A Zone Director may occasionally make judgments based on previous professional experience in observing other Human Service Zone team members complete similar tasks. However, even under these conditions, Zone Directors must be prepared to provide an explanation to the Human Service Zone team member about what non-measurable factors will be considered in evaluating Human Service Zone team member performance.

Probationary Evaluation

Updated: 3/2023

A probationary status team member will receive a performance evaluation at the end of the six month probationary period. The Human Service Zone may extend the initial period of probation for up to six months if the team member is not meeting performance standards. The Human Service Zone must notify the probationary team member in writing of the decision to extend, the reason for extension, and the length of the extension. The Human Service Zone must notify the team member within fifteen (15) working days of completion of the probationary period of the decision to extend the probationary period. Alternatively, a probationary team member who is not meeting performance standards may be separated from employment at will if they do not successfully complete the initial probationary period or the extended probationary period.

Chapter 12: Discipline

Updated: 3/2023

The Human Service Zones believe reasonable rules of team member conduct and performance standards are necessary. Rule violations and performance deficiencies are grounds for disciplinary action up to and including termination.

For Human Service Zone team members who are employed in positions classified by HRMS follow a system of progressive discipline unless an infraction or a violation of a serious nature is committed, including insubordination, theft, falsification of pay records, or assaulting or threatening to harm a manager or co-worker, patient, or client and for which the imposition of less severe disciplinary action would be inappropriate.

The progressive discipline system is intended to correct a regular team member's behavior by beginning with a less severe appropriate action and progressing to a more severe appropriate action, for repeated instances of poor job performance or for repeated violations of the same or similar rules or standards. Progressive discipline includes verbal warnings, written warnings, suspension (paid or unpaid), demotion, and dismissal.

Written warnings and notices of suspension (paid or unpaid), demotion, and dismissal must be coordinated with DHHS Human Resources. A copy must be submitted to the team member, and the original copy retained in the team member's personnel file. All disciplinary documentation placed in a team member's personnel file must be reviewed and signed by the team member and must inform the team member they have the opportunity to respond to any materials filed in their personnel file. If the team member refuses to sign the copy to be filed, the Zone Director or designee shall indicate on the copy to be filed that the team member was shown the material, was requested to sign the material to verify that the material had been read, and that the team member refused to sign the copy to be filed. In the presence of the team member and a witness, the

Zone Director or designee shall sign and date a statement verifying the refusal of the team member to sign the copy to be filed.

Good documentation is a key element of the disciplinary process to ensure that actions are fair, consistent, and lawful. Supervisors are encouraged to document all disciplinary actions. Documentation may be as informal as a note jotted after an oral warning has been given, stating the time, date, and substance of the warning. More severe disciplinary actions require a letter to advise the Human Service Zone team member of failure to comply with a work rule or performance requirement. While documentation may seem time-consuming, it is essential, particularly when a variety or series of minor issues culminates in a decision to dismiss a Human Service Zone team member.

Discipline of Probationary and Temporary Human Service Zone Team Members

Updated: 3/2023

A Human Service Zone team member on probation may be separated at will from employment and may be terminated without cause and without progressive discipline. The team member may not grieve or appeal a lawful separation.

The Zone Director shall notify the team member of the separation in writing. However, a Zone Director may use progressive discipline to correct the job performance of a probationary team member.

Temporary team members may be terminated without cause and without progressive discipline. However, a Zone Director may use progressive discipline to correct the job performance of temporary team members.

Even where "cause" is not required, Zone Directors are encouraged to document the reasons for imposing discipline in terms of "cause." Where the Zone Director's reason for imposing discipline cannot be documented to fit within the broad definition of "cause" used in this chapter, the Zone Director is urged to consult local Human Resources Representatives office or DHHS Human Resources prior to taking disciplinary action.

Examples of "cause" include:

- Absenteeism
- Insubordination
- Misconduct
- Harassment
- Bullying
- Inefficiency
- Carelessness
- Incompetence
- Misuse of Electronic Communication Devices
- Alcohol and illegal use of drugs
- Conflict of Interest

Discipline of Regular Human Service Zone Team Members

Updated: 3/2023

A Human Service Zone team member who has completed the probationary period may be disciplined only for cause. Progressive discipline shall be used to correct a regular classified team member's job performance or for

a violation of rules or standards, unless the infraction or violation is of a serious nature as described above and for which the imposition of a less severe disciplinary action would be inappropriate.

Coaching

Updated: 3/2023

Coaching is a meeting between the team member and manager to talk one-on-one about work-related issues. Coaching can be used formally as a part of a performance improvement plan or informally (not associated with any particular disciplinary action) to correct a team member's performance, enhance the team member's understanding of the job duties or behavioral expectations of the position. Managers are required to document the coaching session and retain a copy of the documentation in the manager's notes or records and share the documentation with the team member.

Verbal Warning

Updated: 3/2023

A verbal warning is intended to change behavior or influence a Human Service Zone team member toward improved performance. The verbal warning shall describe the problem, how the behavior or poor performance is detrimental to the discipline and efficiency of the service in which the team member is or was engaged, the performance or behavior expectations going forward, and the consequences if the performance, behavior, or misconduct continues. Verbal warnings must be documented in the managers' notes or records. A copy of the verbal warning shall be given to the team member. This should be presented by the direct supervisor after consulting with the Zone Director.

Written Warning

Updated: 3/2023

A written warning may be appropriate when a pattern of unacceptable performance is recognized, or misconduct has occurred. A written warning typically follows, but is not required, after a verbal warning has been given.

The written warning shall contain the same elements as the verbal warning detailed above, in the form of a letter, memo, or official agency form, and signed by the supervisor and Human Service Zone team member. The written warning must be placed in the team member's personnel file and a copy must be given to the team member. This should be presented by the direct supervisor after consulting with the Zone Director, host county Human Resources Representative and DHHS Human Resources.

Performance Improvement Plan (PIP)

A PIP may be appropriate when a pattern of unacceptable performance is recognized, or misconduct has occurred. A PIP is most appropriate when there are detailed timelines to correct behavior. A PIP typically follows, but is not required, after a written warning has been given.

The signed document must then be placed in the Human Service Zone team member's personnel file and the Human Service Zone team member must be given a copy. All follow-up with the Human Service Zone team member will be included in the Human Service Zone team member's personnel file. This should be presented by the direct supervisor after consulting with the Zone Director, host county Human Resources Representative and DHHS Human Resources.

Pre-Action Notice

Updated: 3/2023

The Human Service Zone Director, with the coordination of host county HR Representative, host county State's Attorney and DHHS Human Resources, must notify the Human Service Zone team member and provide a written pre-action notice when the suspension without pay, demotion, or dismissal of a regular team member is being considered.

The written pre-action notice must include:

- A statement that the appointing authority believes there is cause to take disciplinary action that may result in demotion, suspension without pay, or dismissal of the team member.
- An explanation of the allegations against the team member.
- A provision for the team member to respond in writing within a minimum of five working days.
- A statement regarding the team member's status until a final decision is made.
- A statement that a written notice of the final action taken will be provided to the team member.

The Zone Director, host county State's Attorney and, if applicable, DHHS Human Resources shall determine the method of delivery that best guarantees the team member's receipt of the pre-action notice.

The team member will be given access to their official personnel file and all information upon which the allegations are based. The section director or division director should include as attachments any documents or information upon which the pre-action is based, or which support the section director or division director's belief there is cause to take disciplinary action. The team member's response must be in writing and received on or before five (5) working days from the date of notice of the pre-action notice.

Final Action Notice

Updated: 3/2023

The Human Service Zone Director, with the coordination of host county HR Representative, host county State's Attorney and DHHS Human Resources, must notify the Human Service Zone team member, in writing, of the final action to be taken. The final action notice must include either of the following:

- If the final action is less than demotion, suspension without pay, or dismissal, a statement must be made explaining the reasons for reducing the intended disciplinary actions. Any stipulations that may apply to continued employment must also be stated.
- If the final action taken demotes, suspends, or dismisses the team member, a detailed explanation of the basis for the action must be provided. This notice must also inform the team member of the right to appeal the decision in accordance with the provisions of [NDAC 4-07-20.1-03](#).

The Zone Director shall determine the method of delivery that best guarantees the team member's receipt of the final action notice.

Suspension of Employment With or Without Pay

Updated: 3/2023

The Human Service Zone Director, with the coordination of host county HR Representative, host county State's Attorney and DHHS Human Resources, must determine if the suspension is with or without pay and the length of the suspension. The suspension must be consistent in severity with the seriousness of the team member's poor performance or misconduct. A suspension of employment action must follow the pre-action notice

procedure as set forth above. A suspension without pay may not exceed 30 calendar days. If the suspended team member is exempt from the overtime provisions of the Fair Labor Standards Act, the Human Service Zones may make deductions from pay for unpaid disciplinary suspensions of one or more full days.

The written final notice given to the team member will include an explanation containing the elements described in the pre-action procedure. DHHS Human Resources must review all suspensions prior to implementation.

Demotion

Updated: 3/2023

A Human Service Zone team member may be demoted for inefficiency, misconduct, or other cause. A demotion may be to a lower classification, a lower salary grade, or both. The Zone Director will give the team member written notice of the demotion following the issuance of a pre-action, the team member's opportunity to respond, and issuance of the final action which will include an explanation of the appeal process – referred to as the "pre-action procedure."

Dismissal from Employment

Updated: 3/2023

Dismissal is the most severe disciplinary action. This level of discipline will normally be taken when previous disciplinary actions have been ineffective, or the team member has engaged in serious misconduct. Dismissal from employment may be used earlier in the disciplinary process when it is necessary and consistent with the performance and misconduct.

Dismissal from employment must follow the pre-action procedure.

Authority to Dismiss Addendum

Updated: 3/2023

Zone Directors must consult with host county HR Representative, host county State's Attorney, and DHHS Human Resources prior to beginning the dismissal process.

Human Service Zone Team Member Responsibility to Report Arrest, Charge, or Convictions

A Human Service Zone team member must report an arrest, charge, conviction or child abuse and neglect confirmed decision to the Zone Director no later than 5 days after the arrest, charge, conviction, or decision. Please see your Human Service Zone's Policy Addendum as your Human Service Zone may have a reporting requirement of less than 5 days. If the arrest, charge, conviction or child abuse and neglect confirmed decision is determined to be directly related to the Human Service Zone team member's job responsibilities, the supervisor may commence appropriate disciplinary action after having consulted with DHHS Human Resources and Host County State's Attorney.

HIPAA/Client Confidentiality Corrective and Disciplinary Actions

Updated: 3/2023

The Human Services Zones are required by the Health Insurance Portability and Accountability Act (HIPAA) to take corrective and disciplinary actions against any team member who violates the privacy of client PHI or privacy and security policies and procedures.

The Human Service Zones have privacy and security policies and procedures in place to guide and direct team members on safeguarding, appropriate access, use and disclosure of client individually identifiable information, confidential information, and PHI.

This policy describes the sanctions to be taken by the Human Service Zone when Human Service Zone team members violate the privacy of client individually identifiable information, confidential information, or PHI, or fail to comply with the Human Service Zone privacy and security policies and procedures. This policy applies to all Human Service Zone team members and is also intended to ensure compliance with the HIPAA Regulations 45 CFR §§ 164.530(e) and 164.308(a)(1).

In the event that a Human Service Zone team member violates the privacy of client individually identifiable information, confidential information, or PHI, or fails to comply with DHHS' privacy and security policies and procedures, that team member shall be subject to corrective and disciplinary actions. The corrective and disciplinary actions imposed must be determined on a case-by-case basis, depending on the nature, severity, and frequency of the violation. Each violation must be reviewed to ensure fair and consistent application of sanctions.

The Human Service Zones have established the following violation categories to guide its corrective and disciplinary actions for violations of privacy of client individually identifiable information, confidential information, or PHI:

- Category 1: Accidental or inadvertent violation.
 - This is an unintentional violation of the privacy of client individually identifiable information, confidential information, or PHI or failure to comply with the Human Service Zones privacy and security policies and procedures that may be caused by carelessness, lack of knowledge, lack of training, or other human error.
- Category 2: Failure to follow established Human Service Zone privacy & security policies & procedures.
 - This is a violation due to poor job performance or lack of performance improvement. Prior occurrences of Category 1 violations and frequency of such violations are factors.
- Category 3: Deliberate or purposeful violation without harmful intent.
 - This is an intentional violation due to curiosity or desire to gain information, for personal use or benefit.
- Category 4: Willful and malicious violation with harmful intent.
 - This is an intentional violation causing client or organizational harm.

The Human Service Zones have the option to designate more severe sanctions for team members that violate the privacy of client individually identifiable information, confidential information, or PHI, deliberately fail to comply with the Human Service Zone's privacy and security policies and procedures, or based on the number

of past violations. Sanctions that may be imposed for violations of this policy include:

- Verbal warning by the team member's supervisor with summary documentation placed in the team member's official personnel file or supervisor file;
- A written warning letter to the team member's official personnel file or manager file;
- Attendance and completion of additional training;
- Suspension without pay;
- Demotion, job reassignment or job re-structuring; and
- Dismissal.

In the event a team member violates the privacy of client individually identifiable information, confidential information, or PHI or fails to comply with the Human Service Zone's privacy and security policies and procedures and does not admit to wrongdoing, the disciplinary action must be more severe. The team member may also be subject to criminal investigation and prosecution or civil monetary penalties for violations of state or federal confidentiality laws and regulations.

Any team member who becomes aware of or suspects a violation is required to notify the team member's immediate manager. If the violation involves PHI, the team member shall also comply with the DHHS Privacy and Security Notification Policy Chapter 110-02. The Human Service Zones shall not take retaliatory action against any team member who reports a violation with the Human Service Zones or a HIPAA violation with the U.S. Department of Health and Human Services, Office of Civil Rights. The Human Service Zone shall not intimidate, threaten, coerce, discriminate against, or take other retaliatory action against a workforce member who files a complaint, testifies, or participates in an investigation, or opposes any act or practice that violates confidentiality or privacy practices and who has acted in good faith believed that the practice is unlawful.

A Human Service Zone team member who fails to report either a suspected or actual violation in accordance with the DHHS' Privacy and Security Notification Policy is subject to corrective and disciplinary actions.

The Human Service Zones shall document all corrective and disciplinary actions and the documentation must be placed in the team member's official personnel file or supervisory file. The documentation must be retained for six years after the team member's final date of employment. For matters not covered by this Section and for additional assistance, please refer to the other sections of this policy manual.

Reference: [NDAC 4-07-20.1](#), [4-07-19](#)

Chapter 13: Grievance Complaints – Filing and Appeal Procedures

Updated: 3/2023

Introduction

Updated: 3/2023

It is the policy of the Human Service Zones to provide a means for Human Service Zone team members to have their complaints or grievances heard and resolved at the level of supervision most directly associated with the team member's work unit.

These internal grievance and appeal procedures serve as a supplement to the administrative rules in [NDAC 4-07-20.1](#) and [4-07-20.2](#) and provide a complete process for all matters not appealable to the Human Service Zone Board.

A team member of the Human Service Zone may file a work-related complaint or grievance by following the procedures outlined in this chapter. If the complaint or grievance is not appealable to the Human Service Zone Board, the decision of the Zone Director or Designee is final.

It is the responsibility of all parties in a complaint action to be fully aware of the time limits imposed by this chapter and the potential consequences of failing to meet those limits.

Section 1. Scope of Chapter

Human Service Zone Team Member Responsibilities

Updated: 3/2023

Human Service Zone team members are responsible for complying with the procedures in this chapter and all additional procedures required by N.D. Administrative Code for filing a grievance or appeal.

A team member may be assisted by a representative of their own choosing at any point in the process. If the team member chooses another team member as their representative, the selected team member must use annual leave to attend any meetings regarding the grievance. DHHS Human Resources is available to answer questions team members may have about the formal grievance procedure.

Zone Director or Supervisor Responsibilities

Updated: 3/2023

Supervisors must make a good faith effort to resolve a team member complaint at their level. They must attempt to provide a fair and reasonable resolution to team member complaints within a reasonable time period. The immediate supervisor may wish to confer with the next higher-level manager in the process of resolving the issue. When the resolution sought is not within the authority of a manager to grant, the issue must be reviewed within the chain of command.

Retaliation against a team member for filing a grievance is prohibited.

Alternative Dispute Resolution or Mediation

Updated: 3/2023

Alternative dispute resolution commonly referred to as mediation may be used to resolve disputes that occur within the Human Service Zone. All parties involved in the dispute must agree to the use of mediation before mediation begins.

During the time period when team members involved in a dispute are utilizing mediation, the time limits of the internal grievance procedure must be suspended. If a resolution is not agreed to by the participants at the conclusion of the mediation process, the time limits of the grievance procedure must be restarted.

The mediator shall determine the date of conclusion of the mediation process and notify the parties. Mediation records are exempt from open records in accordance [with NDCC 54-44.3-14.1](#).

Extension of Time Limits

Updated: 3/2023

The steps comprising the internal grievance process contain time limitations. A Human Service Zone team member should be allowed a reasonable amount of time to process a grievance during regular working hours without loss of pay. Occasionally, situations will arise beyond the control of management or the team member that will prevent compliance with the time limitations. Time limitations may be extended for team members or managers by the Zone Director or Designee.

Requests for extensions must be received by the Zone Director or Designee prior to the established deadline.

Section 2. Grievance Procedure

Grievance Procedure for Non-Employer Actions

Updated: 3/2023

The internal grievance process is for grieving complaints with the Human Service Zone up through the Human Service Zone Board. There are three steps to the internal grievance process involving grievances that are the result of a non-employer action such as reprisal, discrimination, and/or harassment, etc. Internal grievances are to proceed on to each successive step until the Human Service Zone team member is satisfied with the outcome at that step, does not file a timely appeal, or exhausts the right to file a grievance or appeal. The Human Service Zone internal grievance procedure for non-employer actions applies to all Human Service Zone team members.

Failure on the part of the team member to grieve the Human Service Zone's decision within the time prescribed shall be construed to be acceptance of the determination. The grievance will be considered completed and the same grievance shall not be accepted thereafter.

Grievances involving claimed discriminatory or retaliatory behavior or actions may be brought through the chain of command. If the actions complained of involve higher levels in the chain of command, grievances may be brought directly to the HR Representative within the host county.

If needed, a workplace investigation may be conducted in response to a complaint within sixty days. Should a workplace investigation be needed, the team member will be notified within appropriate time limits listed below. The team member will also be notified based on the time limits below once the investigation has been finalized. The Zone Director or designee will notify the team member within five (5) working days of the receipt of the complaint if an investigation will be conducted. The Zone Director or designee will provide a response to the team member within 15 working days following the completion of the investigation report. If it is determined that an investigation is not needed, the Zone Director or designee will review the written material and determine whether there was a reasonable basis to believe the allegations were true and support the team members' allegation or support the action of management.

Step One: A Human Service Zone team member who has a complaint that is the result of a non-employer action should first discuss it with their immediate supervisor. If discussion and any subsequent action the manager may take fails to effectively resolve the complaint, the team member may file a written grievance, with the immediate manager within five (5) working days of the incident or grievable action, or within five (5) working days after informal discussion with the immediate manager has failed to resolve the grievance.

The supervisor, upon receipt of a written grievance, shall inform the Zone Director or designee and must respond to the complaint in writing within ten (10) working days of receipt of the written complaint from the team member.

Step Two: The Human Service Zone team member, if dissatisfied with the response or action taken by the immediate supervisor, or if no response is received from the immediate supervisor within the ten (10) working day response period, may continue the formal grievance process by filing the grievance form with the next level manager within ten (10) working days from receipt of the immediate supervisor's response or within ten (10) working days following the supervisor's response period if no response is received. The next level manager must receive the continued grievance within ten (10) working days from the date of service of notice of the immediate supervisor's response. The date of service of notice is the date the notice was mailed, or the date transmitted by electronic means, or absent proof of the date of mailing or delivery through electronic means, the date of actual delivery. The Human Service Zone shall prepare a certificate of service, or provide reliable means, to show proof of the date of mailing, transmittal by electronic means, or hand delivery.

The next level manager, upon receipt of a written grievance, shall notify the team member's supervisor of receipt of the complaint, properly review the issue, and give a written response to the team member within ten (10) working days of receipt of the grievance from the team member.

Step Three: The Human Service Zone team member, if dissatisfied with the response or action taken by the next level manager, or if no response is received from the next level manager within the ten (10) working day response period, may continue the formal grievance process by filing the grievance form within the chain of command within five (5) working days from receipt of the last response or within five (5) working days following the next level managers response period if no response is received. The next manager within the chain of command must receive the continued grievance within five (5) working days from the date of service of notice of the division director's response. The date of service of notice is the date the notice was mailed, or the date transmitted by electronic means, or absent proof of the date of mailing or delivery through electronic

means, the date of actual delivery. The Human Service Zone shall prepare a certificate of service, or provide reliable means, to show proof of the date of mailing, transmittal by electronic means, or hand delivery.

The next manager within the chain of command shall notify the managers within the team member's chain of command of receipt of the grievance, properly review the issue, and give a final written response to the team member within 15 working days of receipt of the complaint from the team member. The final written decision of the Zone Director or designee ends the Human Service Zone internal grievance procedure.

Official response from steps two (2) and three (3) to the grievance from management must be within ten (10) working days of receipt of supporting information from requested parties.

Grievance Procedure for Employer Actions

Updated: 3/2023

An employer action is considered to be a decision to dismiss, demote, or suspend a team member without pay, forced relocation, reduction-in-force, reprisal, or discrimination in employment. The Human Service Zone internal grievance procedure for employer actions applies to all regular status Human Service Zone team members.

A regular team member is given a formal opportunity to respond prior to a decision to dismiss, demote or suspend the team member without pay. Following the final decision in the pre-action process, the team member may grieve the decision through the internal grievance process. A regular team member may appeal the Zone Director or designee's decision as outlined in step three of this section.

A team member in probationary status may not grieve a decision to dismiss, demote or suspend the team member without pay through the internal grievance process. A probationary team member may not appeal a lawful dismissal, demotion, or suspension without pay from employment through the Human Service Zone Board except claims of discrimination or reprisal.

There are three steps to the grievance process involving employer actions. Grievances are to proceed until the team member is satisfied, does not file a timely appeal, or exhausts the right to file a grievance or appeal.

Failure on the part of the team member to grieve the Human Service Zone's decision within the time prescribed shall be construed to be acceptance of the determination at that point and the same grievance shall not be accepted thereafter.

Step One: A regular team member who is grieving the result of an employer action, may file a written complaint, using a [team member grievance form](#). Unless a waiver of the agency grievance process is obtained under the provisions of Section 3 of this chapter, the written grievance must be filed with the Zone Board Vice Chair or designee within 15 working days from the date of notice of the employer action, from the date of the reprisal action, or from the date of the alleged discriminatory action. The team member must also provide a copy of the grievance to the person who made the decision being grieved.

Failure to begin the procedure within time limitations may cause the team member to lose the right to appeal to the Zone Board.

The Zone Board Vice Chair or designee will acknowledge receipt of the grievance within 15 working days of receipt and request from the person who made the decision a complete copy of all material upon which the decision was based, including any written information provided to management by the team member prior to the decision. Generally, the information considered will be confined to the information submitted. However, the Zone Board may determine to further investigate the issue(s).

Step Two: If needed, an investigation will be conducted within 60 working days of the receipt of the complaint. The Zone Board Vice Chair or designee will notify the team member within 15 working days of the receipt of the complaint that an investigation will be conducted. The Zone Board or designee will provide a response to the team member within 15 working days following completion of the investigation report.

If it is determined that an investigation is not needed, the Zone Board Vice Chair or designee will review the written material and determine whether there was a reasonable basis to believe the allegations were true and support the action of management. The Zone Board Vice Chair or designee will issue a written response to the team member within 15 working days of Zone Board's receipt of the written supporting information. The written decision of the Zone Board Vice Chair or designee ends the Human Service Zone internal grievance procedure.

Step Three: The team member, if dissatisfied with the response or action taken by the Zone Board or designee or if no response is received from the Zone Board or designee within the response period, may appeal the complaint to HRMS and have their appeal heard by the Office of Administrative Hearings (OAH).

The appeal must be filed with the HRMS director by completing an Appeal to HRMS form ([SFN 3096](#)). The appeal form must be delivered, mailed, or transmitted by electronic means and must be received in the HRMS office by 5:00 p.m. within 15 working days of service of the notice of results of the agency grievance procedure or within 15 working days from the date of the waiver of the grievance procedure. The date of service of the notice shall be considered to be the date the notice was mailed or the date transmitted by electronic means, or absent proof of the date of mailing or delivery through electronic means, the date of actual delivery. The Human Service Zone shall prepare a certificate of service, or provide reliable means, to show proof of the date of mailing, transmittal by electronic means, or hand delivery.

The HRMS director shall within two working days submit a written request to the director of Office of Administrative Hearings (OAH), to conduct a hearing on behalf of HRMS and shall forward a copy of the appeal form to the Zone Board or designee and the DHHS Human Resources Division.

Official response for step two (2) to the grievance from management must be within ten (10) working days of receipt of supporting information from requested parties.

OAH will consider the appeal in accordance with [NDAC 4-07-20.1-08](#).

Section 3. Waiver of the Human Service Zone Grievance Process

Updated: 9/2022

An agreement to waive the Human Service Zone's grievance procedure and appeal directly to HRMS to have the appeal heard by OAH is allowed if both the team member and the Zone Director or designee agree, in writing, to waive the procedure. Upon obtaining the waiver, the team member may appeal directly to HRMS in accordance with [NDAC 4-07-20.1-08](#).

The team member's waiver request must be in writing, as must the Zone Director's or designee's approval or denial of the waiver request. [Team Member Request for Waiver of Internal Grievance Procedure](#) is used for a waiver. The Zone Director or designee and the team member must sign the waiver within 15 working days from the date of the employer action. If the waiver is approved, the team member may file a written appeal directly to HRMS to have their appeal heard by OAH. The appeal must be delivered, mailed, or transmitted by electronic means and must be received in the HRMS office by 5:00 p.m. within 15 working days from the date of the approved waiver. An additional 15 working days is not available if the requested waiver is denied.

Therefore, a Human Service Zone team member should act early to allow for a possible waiver denial and still allow time to initiate the internal grievance process within 15 working days of the employer action.

Performance Evaluation Appeals

Updated: 3/2023

Performance evaluations are not grievable beyond the Zone Director unless the performance evaluation results in a demotion, dismissal or other loss of benefits or pay; or the team member alleges discrimination or reprisal in the review. Alleged discrimination or reprisal may be grievable using the Human Service Zone's internal grievance procedure.

Limitations for Reduction-In-Force Appeals

Updated: 3/2023

A regular team member may appeal a reduction-in-force only on the basis that the Human Service Zone did not utilize a uniform comparative analysis as required by [NDAC 4-07-11-03](#) or that the reduction-in-force was conducted in a discriminatory manner that would violate the State's policy against discrimination as stated in [NDCC 14-02.4-01](#).

A former regular team member who was reduced in force may appeal a denial of reemployment only on the basis that the Human Service Zone did not follow [NDAC 4-07-11-07](#) or that the denial of reemployment was conducted in a discriminatory manner that would violate the State's policy against discrimination as stated in [NDCC 14-02.4-01](#). The assessment of whether an individual meets the qualifications necessary for successful performance shall remain with the Human Service Zone.

Section 4. Classification and Pay Grade Appeals

Updated: 3/2023

An appeal of any classification action or pay grade assignment must be submitted and processed in accordance with current rules in [NDAC 4-07-03](#) and [4-07-04; NDAC 59.5-03-02](#). Individuals may contact DHHS Human Resources for interpretation and guidance in initiating a classification or pay grade appeal.

Section 5. Discrimination Grievance Procedure for Applicants

Updated: 3/2023

The Human Service Zones have established a grievance procedure for applicants for positions in the Human Service Zones and team member applicants who believe they have been subject to discrimination on the basis of race, color, religion, sex, national origin, age, genetics, the presence of any mental or physical disability, status with respect to marriage or public assistance, participation in lawful activity off the employer's premises during nonworking hours, which is not in direct conflict with the essential business-related interests of the employer, or political opinions or affiliations. These procedures are a supplement to the rules in [NDAC 4-07-20.2-04](#).

Procedure for Applicants

Updated: 3/2023

An applicant with an alleged discrimination complaint may file a grievance with the Zone Director or designee. The grievance must be in writing and filed within 15 working days of the alleged discriminatory action. If needed, an investigation will be conducted. A response from the Zone Director or designee will be provided to the complainant within 15 working days from the receipt of the complaint or 15 working days from the completion of the investigation report if an investigation was deemed necessary. The decision of the Zone Director or designee ends the administrative complaint process. Grievances from applicants for non-classified jobs are not appealable beyond the Zone Director or designee.

If an applicant for a classified job is dissatisfied with the decision of the Zone Director or designee, or if no response is received from the Zone Director or designee within the 15 working day response period, the applicant may file an appeal with the director of HRMS under the provisions of [NDAC 4-07-20.2](#).

Procedure for Team Members Who Are Applicants

Updated: 3/2023

For team members who are applicants, unless a waiver is obtained in accordance with Section 3 of this chapter, the complaint must be filed with the Zone Director or designee.

If needed, an investigation will be conducted within 60 working days following the filing of the complaint. The applicant will be notified within 15 working days of the filing of the complaint that an investigation will be conducted. A response of the Zone Director or designee will be provided to the applicant within 15 working days following completion of the investigation report. The decision of the Zone Director or designee ends the administrative complaint process.

If a Human Service Zone team member applicant for a classified job is dissatisfied with the decision of the Zone Director or designee, or if no response is received from the Zone Director or designee within the 15 working day response period, or if a waiver of the Human Service Zone internal grievance process is obtained in accordance with Section 3 of this chapter, the applicant may file an appeal with the director of HRMS under the provisions of [NDAC 4-07-20.2](#). The appeal form must be delivered, mailed, or transmitted by electronic means and must be received in the HRMS office by 5:00 p.m. within 15 working days of service of the notice of results of the agency grievance procedure or within 15 working days from the date of the waiver. The date of service

of the notice shall be considered to be the date the notice was mailed or the date transmitted by electronic means, or absent proof of the date of mailing or delivery through electronic means, the date of actual delivery.

Section 6. Reprisal

Updated: 3/2023

Introduction

Updated: 3/2023

Acts or threats of reprisal (retaliation) are a violation of the Human Service Zone policy. Reprisal means an unfavorable employment-related action taken against an applicant or team member by an appointing authority for appealing to HRMS or the State Personnel Board; for exercising the team member's rights under the Public Employee Relations Act, N.D.C.C. 34-11.1-04; for testifying before a legislative committee; or for requesting timely assistance under the employee assistance program.

There are three essential elements of a retaliation claim:

- engaging in a legally protected activity;
- an adverse employment action, such as suspension, demotion, or termination; and
- a causal connection between engaging in the protected activity and the adverse employment action.

Examples of adverse employment actions include but are not limited to harassment, intimidation, threats, or coercion.

Reprisal against an applicant for a classified position is prohibited.

Reprisal against a team member who seeks assistance from the Human Service Zone, DHHS, HRMS, the State Personnel Board or through the team member assistance program; files a claim of discrimination, including sexual harassment; exercises rights under the Public Employee Relations Act; or testifies before a legislative committee is prohibited.

Direct or indirect reprisal against anyone who, in good faith, raises or points out workplace compliance related violations or issues is also prohibited.

There shall be no reprisal against any participant or witness in a workplace investigation or a complaint, grievance or compliance violation. Any team member who retaliates against another team member in violation of the law and or this policy is subject to disciplinary action up to and including termination of employment.

Procedure

Updated: 3/2023

The Human Service Zone requires the reporting of problems and prohibits reprisal for reporting such problems. Allegations of reprisal will be investigated.

A Human Service Zone team member who has a complaint of reprisal by anyone at work, including any manager, coworker, or the public, must report such conduct to their manager immediately. If the complaint involves the team member's manager, or if the team member for any reason is uncomfortable reporting to the immediate manager, the team member must report the incident directly within the chain of command. The

team member may also contact the host county HR or DHHS Human Resources, if applicable, for assistance with the issue.

An applicant for a classified position who alleges reprisal may file a grievance with the Zone Director. The grievance must be in writing and filed within 15 working days of the alleged reprisal action. An investigation will be conducted. A response of the Zone Director or designee will be provided to the applicant within 15 working days following completion of the investigation report.

If the applicant for a classified position is dissatisfied with the decision of the Zone Director or designee, or if no response is received from the Zone Director or designee within the 15 working day response period, the applicant may file an appeal with the director of HRMS under the provisions of [NDAC 4-07-20.2](#).

Chapter 14: Separations and Re-Employment

Section 1. Separation

Updated: 3/2023

The Human Service Zones strive to ensure that team member separations, including resignations, retirements, and dismissals, are handled in a professional manner with minimal disruption to the workplace.

Resignation

Human Service Zone team members are expected to notify the supervisor in writing of their intent to resign as soon as possible. The supervisor must immediately forward the Human Service Zone team member's written resignation to the Zone Director or Zone Designee. The Human Service Zone will accept resignations of Human Service Zone team members at any time. Team members are encouraged to consider informing managers of their plans or intent to resign or retire a minimum of two weeks in advance of their final day of employment or as early as possible to facilitate replacement planning and training. **Annual leave cannot be utilized to extend the team member's last day of work.**

The supervisor will notify the Zone Director and the local Human Resources Representative office by sending a copy of the resignation or retirement letter and any other pertinent information. The manager should also encourage the team member to contact appropriate resources such as the North Dakota Public Employees Retirement System (NDPERS) as soon as possible.

Dismissal

Zone Directors must consult with the host county HR Representative, host county State's Attorney and DHHS Human Resources prior to taking any action related to the dismissal of a Human Service Zone team member. There are many considerations connected with dismissal, also known as "discharge," of a Human Service Zone team member. The Chapter 11 Discipline policy discusses dismissal in greater detail.

Communications and Property

Updated: 3/2023

When a team member separates from employment, all Human Service Zone property must be returned, including but not limited to computers, laptops, monitors, books, furniture, headphones, work related documents, building keys, magnetic access cards, agency identification, and credit cards. If applicable, ensure the appropriate parties are made aware of the separation.

Employment Separation Checklist

During the interval from the time the notice of intent is given until the final day of employment, the Zone Director/Designee and Human Service Zone team member are required to complete the [Human Service Zone Termination Checklist](#). The checklist must be completed and submitted to the HR Representative or Zone Director on or before the date of separation, and no later than 30 days after the date of separation.

Deductions and Insurance Benefits

This section will be addressed in the Human Service Zone's Policy Addendum.

Final Salary and Unused Leave Payment

If payroll is notified of the pending separation prior to the payroll deadline, the final salary payment will be paid on the next standard payroll cycle following the month of leaving employment. If payroll is not notified of the separation prior to the payroll deadline, the Human Service Zone team member may be overpaid and subject to repayment. The salary will be prorated if only a partial month is being paid.

Transfer to Another State Agency

Updated: 3/2023

A Human Service Zone team member who transfers between Zones and state agencies with time off between the date the team member leaves a position and the date the team member begins employment in the new position must take annual leave or leave without pay in order to avoid a break in service. The team member who transfers to a different state or Zone agency, must make arrangements for leave with the exiting and receiving agency prior to the effective date of the transfer.

Section 2. Retirement

A Human Service Zone team member separation is considered retired when one of the three applies:

- Human Service Zone team member is age 55 (age 60 if hired on or after 1/1/16) or older and has 3 years of eligible service credit;
- Human Service Zone team member meets the rule of 85 (rule of 90 with minimum age of 60 if hired on or after 1/1/16); or
- Human Service Zone team member is age 65 while actively employed with the Human Service Zone.

Zone Directors should encourage Human Service Zone team members to contact appropriate resources such as the Public Employees Retirement System (PERS) and the appropriate Benefit Administrator for your Human Service Zone as soon as possible to plan for a successful retirement.

PERS Retirement consults and seminars are made available to all Human Service Zone team members statewide. Human Service Zone team members are not compensated for travel time to and from PERS retirement meetings, however they are compensated for time in attendance at the meetings.

Section 3. Reduction-In-Force (RIF)

Updated: 3/2023

The decisions of the Human Service Zones regarding where and how its resources, including its team members, will be assigned are necessarily management decisions. Decisions on reduction-in-force are made in the context of overall budget cuts and reallocation of work. A Reduction in Force (RIF) is a Human Service Zone team member's loss of employment as a result of a reduction in funding, lack of work, curtailment of work, or reorganization. The RIF policy will be initiated when it is determined by the Department Executive Director that a RIF is necessary in a designated division or work unit within a division. (NDAC 4-07-11-021)

A Human Service Zone team member may not be subjected to a RIF while there are emergency, temporary or probationary Human Service Zone team members serving in the same classification within the designated division or work unit. Human Service Zone team members must be notified, in writing, that their position may

be eliminated due to a RIF. A RIF may not be used as a substitute for addressing disciplinary issues and must be made in a nondiscriminatory manner. (NDAC 4-07-11 03 & 05 & 06)

The RIF policy will be initiated when it has been determined by a Zone Director, with concurrence of the DHHS commissioner, that a RIF is necessary in a designated division(s) or work unit(s) of a division(s) because of a reduction in funding, lack of work, curtailment of work, or because of reorganization.

When a RIF is necessary, the Zone Director, with concurrence of the DHHS commissioner, will:

- Determine the Human Service Zone to be affected by the RIF.
- Determine the number of positions to be reduced and the classifications affected.
- Review vacant positions, in these classifications, within the designated Human Service Zone.
- Emergency, temporary and probationary Human Service Zone team members in a Zone, must be reduced before a regular status, non-probationary Human Service Zone team member is reduced.
- A RIF analysis is not needed if a vacant position is being reduced, or there is only one Human Service Zone Human Service Zone team member in the classification within the division/unit that will be impacted by the RIF, but the facts and the reasons for the RIF must still be documented.
- If more than one classified Human Service Zone team member occupies a position within the designated classification, division or unit, impacted by the RIF, a written RIF analysis must be conducted.
 - Based on a newly completed application form from the Human Service Zone team member, the RIF analysis must show a comparison of the Human Service Zone team member's:
 - Knowledge
 - Skills
 - Length of classified service
 - Other related experience
 - Level of performance with the knowledge, skills and experience that the Human Service Zone will need to accomplish the work being done following the RIF
 - The Human Service Zone must maintain documentation of the reason for the RIF and the RIF analysis. (NDAC 4-07-11-03 & 04)

Reassignment

In place of a RIF, the Human Service Zone may reclassify or reassign the Human Service Zone team member to a vacant position for which they qualify, at the same or lower grade as their current position. If an impacted Human Service Zone team member does not accept the reassignment then their employment will be terminated. (4-07-05-05.1)

Notification & Appeals

Human Service Zone team members in positions who will be terminated due to a RIF will be given written notice at least two weeks in advance of the effective date of the RIF, and longer notice if possible. In this written notice, a Human Service Zone team member must be informed that they may grieve the RIF internally to the Human Service Zone Board by completing the [Human Service Zone team member Grievance Form](#). Human Service Zone team members may only file a grievance on the grounds that the Human Service Zone did not utilize a uniform comparative analysis for the RIF, as required by NDAC 4-07-11-03, or that the RIF was conducted in a discriminatory manner in accordance with NDCC 14-02.4-01. The Human Service Zone Board

must receive the completed [Human Service Zone team member Grievance Form](#), within 15 working days of the date on the written notice. Failure to file an internal grievance within the required time limitations will cause the Human Service Zone team member to lose the right to appeal the action to Human Resource Management Services. Please see the Grievance Process for more information. (NDAC 4-07-20.1)

Section 4. Reemployment Following a RIF

An individual who has lost employment due to a RIF with the Human Service Zone shall be offered reemployment with the Human Service Zone if all of the following conditions are present:

- A regular position vacancy in the same classification, or a lower classification in the same series, occurred and the vacancy will be filled by someone other than a current Human Service Zone team member.
- The individual meets the minimum qualifications of the vacant classification and successfully completes any specified required examinations, including an oral interview.
- No more than one year has lapsed since the individual lost employment due to the RIF.
- The individual is not currently employed by the Human Service Zone in a regular status position.
- A Human Service Zone team member's years of Human Service Zone employment must be deemed continuous if the Human Service Zone team member's work is terminated because of a reduction in force and the Human Service Zone team member is reinstated in any agency, unit, or entity within two years. (NDAC 4-07-11-07 & 08)

A Human Service Zone team member affected by a RIF and rehired within 2 years must be credited with the amount of sick leave hours the Human Service Zone team member had accumulated at the time of separation, less any amount for which the Human Service Zone team member had subsequently been paid. (NDAC 4-07-13-11)

Chapter 15: Infant at Work

Please see your Human Service Zone's Policy Addendum as your Human Service Zone may have opted-out of the Infant at Work Program.

An infant, under six months of age, may accompany their parent to the office during normal work hours with prior approval from the Zone Director as well as the Human Service Zone's Human Resource Director or Designee via email. The [Infant at Work Request Form](#) must be filled out and submitted to the Zone Director or Zone Designee for consideration of bringing the infant to work.

Traditional childcare arrangements may be necessary before the infant is six months of age if the child would benefit from a less restrictive environment. The parent(s) must provide appropriate furniture for the infant's care (E.g., crib, playpen, swing, changing table). The parent shall make their workstation suitable and safe for the baby and the baby shall be located primarily at that workstation during the workday. The infant should not be left alone at any time. For short periods of time, such as bathroom breaks, the infant may be in another Human Service Zone team members' workspace if the parent and the Human Service Zone team member agree upon the arrangement. Alternate Care Providers are permitted to watch the infant if the parent is unable to care for the infant for a prolonged period of time (not to exceed 1.5 hours within any four-hour period). Please include your Alternate Care Providers on the request form under other information. When an infant accompanies a parent to work, used cloth diapers must be stored in a closed container and taken home daily. Used disposable diapers must be wrapped appropriately and discarded in an appropriate container provided by the parent and placed in an area not used by Human Service Zone team members for office or meeting space.

The Human Service Zone team member and Zone Director will evaluate this arrangement weekly. If, in the opinion of the Human Service Zone team member and Zone Director or Designee, the infant's presence is disruptive to the work environment, or negatively affects the productivity of the Human Service Zone team member or other Human Service Zone team members, the Human Service Zone team member must make alternative childcare arrangements. Disruptions of the work environment also include excessive visiting of the infant by co-workers. The Zone Director weekly review form (SFN 54320) will be used to evaluate the infant at work agreement.

An infant may not travel in Human Service Zone vehicles. If the parent's job includes travel, he or she will need to make childcare arrangements for those days of travel. An infant may not come in contact with clients.

Both the Human Service Zone team member requesting to bring an infant to the workplace and the infant's other parent will be required to sign waivers of liability, indemnification, and medical release forms. The waiver form (SFN 59429) must be signed by the team member and other parent, if applicable, and submitted to the Zone Director or Zone Designee.

Chapter 16: Weather

Basic Provisions

Emergencies or inclement weather conditions, especially during winter months, require careful observation to ensure that decisions made by management demonstrate the Human Service Zone's concern about the safety of its Human Service Zone team members while at the same time maintaining essential services. All local emergencies and inclement weather policies will be included in the Human Service Zone Policy Addendum.

Reporting to Work During Emergencies or Inclement Weather

During an emergency or inclement weather condition, unless otherwise notified by an authorized official, each Human Service Zone team member shall report to work as scheduled at the appointed time.

Human Service Zone building closures are subject to official local determination procedures and may vary by location.

Human Service Zone emergency on-call procedures shall be determined by each Human Service Zone.

Reporting Late or Leaving Early During Emergencies or Inclement Weather

A Human Service Zone team member who either reports to work late, or who leaves work early during an emergency or inclement weather condition while the Human Service Zone team member's place of work remains open, must be charged appropriate leave for the time not worked.

No Pay Reduced

The Human Service Zone may not reduce the pay of a Human Service Zone team member who is released from work due to an emergency or inclement weather condition by an authorized official for those hours the Human Service Zone team member was not required to work.

Human Service Zone team members Not Scheduled to Work

A Human Service Zone team member not scheduled to report for work at the Human Service Zone office that closes due to an emergency or inclement weather condition may not be provided additional compensation or time off due to the Human Service Zone office closing. However, a Human Service Zone team member who had previously been granted leave for time off on a day when the Human Service Zone office is subsequently closed due to an emergency or inclement weather condition may not be charged leave for that day.

Procedures during Emergencies and Inclement Weather

Each Human Service Zone should prepare specific procedures describing how the Human Service Zone's inclement weather policy will be implemented locally. Procedures must include, who will declare that the emergency or inclement weather policy is in effect; how the information will be communicated to the Human Service Zone team members; the process for dispatching emergency vehicles; and other similar information offering guidance to supervisory Human Service Zone team member.

Your local Human Service Zone will be in contact with Human Service Zone team members based on local policy.

Chapter 17: Teleworking

Updated: 3/2023

All Human Service Zone team members will be required to work from their assigned office space. If telecommuting is requested, it will need to be approved by the Human Service Zone Director on a case-by-case basis.

If approved, the following guidance will apply:

Participation in a telecommuting agreement is discretionary on the part of the Zone Director and voluntary on the part of the Human Service Zone team member. Telecommuting is not a Human Service Zone team member benefit, right or entitlement and arrangements focus on the business needs of the organization and Human Service Zone team members who desire workplace flexibility.

Eligibility

Telecommuting may be requested by regular and temporary, full-time and part-time, Human Service Zone team members who:

- Have demonstrated that they are meeting or exceeding expectations and has a current evaluation on file documenting this performance;
- Have demonstrated the ability to work independently and manage their own time and workload; and
- Have a workspace suitable to perform work and is free from interruption and provides reasonable security and protection for government property.

Requests to telecommute prior to completion of six months of employment will be considered on a case-by-case basis

City of Home Base

The default home base for all Human Service Zone team members is the county where the position is housed. The home base is determined by the Zone Director in consultation with DHHS Human Resource Division and the local Human Resource Representative. This refers to where the position is based, not necessarily where the actual work is performed.

- For example, if you work for Buffalo Bridges Human Service Zone, you will work in either the Jamestown or Valley City office.

The home base can only be changed if the Human Service Zone needs a position to be located elsewhere in the Human Service Zone. To request a home base other than the default listed above, the Zone Director must provide the business rationale for why a position needs to be located elsewhere.

Telecommuting agreements are not required for positions where:

- The Human Service Zone team member is working from home or in an alternate location less than 20 hours a week or on a short-term basis (less than 3 months).
- The Human Service Zone has approved a change in home base; the Human Service Zone team member is working at a Human Service Zone office.

Telecommuting agreements are required for positions where:

- The Human Service Zone team member requests to work from home or an alternate location for 20 or more hours per week and longer than 3 months, and the Human Service Zone does not need the position to be located away from the Home Base.

Travel Time and Reimbursement Related to Telecommuting

Travel from the Human Service Zone team member's home or alternate work location to the assigned home base is not considered work time, nor is it eligible for reimbursement of per diem, travel and lodging.

If Human Service Zone vehicle access is available, the Human Service Zone encourages use of Human Service Zone vehicles for work related travel whenever possible, *not including* travel from the Human Service Zone team member's home to the home base. Use of personal vehicles for business travel is not prohibited but requires authorization by the Zone Director or Zone Designee and must follow Human Service Zone travel regulations and procedures. Mileage expenses for personal vehicle usage are paid out of the Human Service Zone budget.

Examples:

1. A Human Service Zone team member telecommutes from Grand Forks and the home base is Bismarck.
 - a) The Human Service Zone team member must drive their personal vehicle to the home base in Bismarck when required to attend meetings or extended projects there;
 - b) Travel time is not considered work time; and
 - c) The Human Service Zone team member is not eligible for travel reimbursement.
2. A Human Service Zone team member telecommutes from home in Minot, the home base is Bismarck and the Human Service Zone team member needs to travel for work. Travel to Bismarck for required meetings and extended projects must be separated from travel around the Human Service Zone for other business.
 - a) Travel to Bismarck home base:
 - The Human Service Zone team member must drive their personal vehicle to the home base in Bismarck when required to attend meetings or extended projects there;
 - Travel time is not considered work time; and
 - The Human Service Zone team member is not eligible for travel reimbursement.
 - b) Travel to other locations around the Human Service Zone:
 - The Human Service Zone team member may use a Human Service Zone fleet vehicle from the Minot Human Service Zone fleet;
 - Travel time is considered work time; and
 - The Human Service Zone team member is eligible for travel reimbursement.
3. The Human Service Zone needs a Rolette position to be located in Devils Lake. This was requested and the home base was officially changed to Devils Lake.
 - a) A telecommuting agreement is not required.
 - b) The Human Service Zone team member may use a Human Service Zone vehicle from the Devils Lake for work related travel, including to Rolette.
 - c) Travel time is considered work time beginning and ending in Devils Lake.
 - d) Human Service Zone team member is eligible for travel reimbursement beginning and ending in Devils Lake.

Inclement Weather

- **Human Service Zone team members with approved agreements to work at home** - If the assigned home base is closed due to an emergency or inclement weather, a Human Service Zone team member telecommuting from home *must continue to work at their home office or take annual leave*. If there is an emergency that prohibits the Human Service Zone team member's ability to continue working from home, such as a power outage, the Human Service Zone team member must notify the supervisor as soon as possible. The supervisor must then consult with the payroll administrator regarding the closure and leave guidelines specific to that Human Service Zone team member.
- **Human Service Zone team members with approved agreements to work at an alternate location (other than their home)** - If the nearest Human Service Zone regional office is closed due to an emergency or inclement weather, a Human Service Zone team member telecommuting from an alternate location will follow the same office closure and leave guidelines given to that office.

Dependent Care

A Human Service Zone team member may not provide primary care for children, elders or others who would otherwise require a provider's care during agreed upon telecommuting hours. Arrangements must be made for dependent care during the agreed upon work hours. If at any time a Human Service Zone team member is known to be providing dependent care or otherwise not performing work-related duties, the Human Service Zone team member will be charged appropriate leave or have their pay reduced accordingly. A Human Service Zone team member who has a sick child at home on a scheduled telecommuting day must use sick leave or annual leave for that portion of the day when caring for the child.

Risk Management

Any work-related accident or injury must be brought to the immediate attention of the Human Service Zone team member's supervisor. Workers' compensation coverage will be provided for the Human Service Zone team member while in the telecommuting arrangement when injuries arise out of or in the course of the Human Service Zone team member's regular work duties. The agency assumes no liability for injuries occurring to the Human Service Zone team member at the work site when the injuries do not arise out of or in the course of the Human Service Zone team member's regular duties. The Human Service Zone team member is liable for any injuries sustained by visitors to their work site.

Management Responsibilities

- Approve or disapprove the Human Service Zone team member'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 Human Service Zone team member; ensure that customer service will not be negatively impacted;
- Maintain regular contact with Human Service Zone team member; address work-related issues;
- Monitor and evaluate the efficiency and effectiveness of the program;
- Evaluate and monitor cost/benefit effectiveness of the telecommuting arrangement;
- Assess the portability of the Human Service Zone team member's workload away from the traditional or previous office;

- Develop, amend, and implement performance standards and measurements for work performed; monitor, evaluate, and manage Human Service Zone team member's work performance;
- Employ appropriate management, operational and technical information system security controls at the alternate work site and certify these security controls are adequate for security needs prior to implementation; and
- If Federal Tax Information (FTI) is being accessed at the alternate work site, conduct periodic inspections of alternate work sites during the year to ensure that safeguards are adequate. The results of each inspection should be fully documented. The IRS reserves the right to visit alternative work sites with conducting safeguard reviews.

Human Service Zone Team Member Responsibilities

- Abide by all work-related policies and regulations, work behavior, and expectations as required of any regular Human Service Zone team member of the organization;
- Maintain proper management, retention, and confidentiality of information and records. Disclose information and records only to those authorized to have knowledge or access to information;
- Protect all government records and data containing Federal Tax Information (FTI) against unauthorized disclosure, access, mutilation, obliteration, and destruction. All records and data must be kept under lock and key when not in the possession of the Human Service Zone team member. Files containing FTI must be secured in a way that renders these records and data inaccessible to anyone other than the Human Service Zone team member;
- Provide the Human Service Zone with access to all work-related documents, files, computer and workstation without prior notice;
- Assure the worksite is equipped and maintained in a manner to complete work as assigned;
- Observe agreed-upon hours of work in accordance with policy;
- Maintain a telephone line at the alternate work location and furnish the employer with the number, so that during business hours the Human Service Zone team member is accessible in case security problems arise;
- Maintain access to appropriate computer equipment;
- Maintain safe conditions in the work area and, if working at home, have adequate homeowners/renters insurance as required by Human Service Zone's Risk Management;
- Be responsible for lost, stolen, or damaged equipment owned by the Human Service Zone;
- Spend previously agreed-upon time in the assigned home base; and
- Attend required meetings.

Termination of Agreement

Any telecommuting arrangement can be discontinued at any time at the either the request of the Human Service Zone team member or the agency. A telecommuting arrangement may be suspended temporarily due to operational needs of the agency.

Requesting a Telecommuting Arrangement

Click here for the [Telecommuting Agreement](#) form.

Chapter 18: Non-Discrimination to Clients

This policy is maintained by the Department Legal Advisory Unit. Please contact the Department Legal Advisory Unit with any questions.

Updated: 7/2020

Authority:

1. Nondiscrimination Provisions of the Omnibus budget Reconciliation Act (OBRA) of 1981 (federal block grants). 45 C.F.R. Part 96;
2. Food and Nutrition Act of 2008. 7 U.S.C. §§ 2011 et seq.; and 7 C.F.R. §§ 272.4 & 272.6;
3. The Low-Income Home Energy Assistance Act of 1981. 42 U.S.C. § 8625;
4. Refugee Assistance Program. 8 U.S.C. § 1522;
5. Refugee Resettlement Program. 45 C.F.R. § 400.145;
6. Title VI of the Civil Rights Act of 1964, as amended. 42 U.S.C. §§ 2000d et seq.; and 45 C.F.R. Part 80;
7. Section 504 of the Rehabilitation Act of 1973, as amended. 29 U.S.C. §§ 701 et seq.; 29 U.S.C. § 794; 28 C.F.R. Part 41, and 45 C.F.R. Part 84;
8. Age Discrimination Act of 1975, as amended. 42 U.S.C. §§ 6101 et seq., and 45 C.F.R. Parts 90 and 91;
9. Civil Rights Restoration Act of 1987, as amended. 20 U.S.C. § 1681;
10. Title II of the Americans with Disabilities Act of 1990, as amended. 42 U.S.C. §§ 12131 et seq.; and 28 C.F.R. Part 35;
11. North Dakota Human Rights Act, N.D.C.C. chapter 14-02.4;
12. Interethnic Adoption Act. 42 U.S.C. § 1996b;
13. Family Violence Prevention and Services Act. 42 U.S.C. § 10406;
14. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (LEP);
15. Title IV of the Public Health Services Act (Community Service Assurance Provisions of the Hill-Burton Act). 42 U.S.C. §§ 291 et seq.; and 45 C.F.R. Part 124; and
16. Individuals with Disabilities Education Act (IDEA). 20 U.S.C. §§ 1400 et seq.; and 34 C.F.R. Part 300.

Purpose

It is the purpose of this chapter to ensure compliance with federal and state non-discrimination laws for applicants, clients, and members of the public accessing human services program information or benefits through the Human Service Zone.

It is also the purpose of this chapter to ensure that applicants, clients, and members of the public are not discriminated against based on **race, color, religion, national origin, age, sex, political beliefs, disability, or status with respect to marriage or public assistance**. This chapter serves as a source of information for the Human Service Zone and the general public by setting out the civil rights administrative policies and procedures and linking the reader to applicable laws.

Policy

The Human Service Zone makes available all services and assistance without regard to race, color, religion, national origin, age, sex, political beliefs or affiliations, disability, or status with respect to marriage or public assistance, in accordance with federal and state civil rights laws. Persons who contract with or receive funds to provide services for the Human Service Zone are obligated to abide by the provisions of these laws. The

Human Service Zone makes its programs accessible to persons with disabilities. The Human Service Zone will comply with the Department's Manual Service Chapter 300.

Roles and Responsibilities

Human Service Zone, Zone Director, and Host County General Responsibilities

The Human Service Zone, Zone Director, and Host County retain the responsibility to ensure that all local offices within the Human Service Zone comply with all State and Federal Civil Rights statutes and regulations as listed in this chapter, and in the Department's Manual Service Chapter 300. The Human Service Zone, Zone Director, and Host County shall assist the Department in compliance with federally mandated annual audits, reporting requirements, and investigations.

Complaints

Refer to Department's Manual Service Chapter 300 regarding complaints made by applicants, clients, or members of the public accessing human services program information or benefits of any federally-funded program administered through the Department alleging discrimination in the provision of services or programs on the basis of race, color, religion, national origin, sex, age, disability, political beliefs, status with respect to marriage or public assistance, or participation in lawful activity off the Human Service Zone's or Department's premises during non-working hours which is not in direct conflict with the essential business-related interests of the Human Service Zone or Department. The Zone Director must have a procedure in place to submit, in accordance with the Department's Manual Service Chapter 300, any locally filed civil right/ADA complaints for applicants, clients, and members of the public accessing human services program information or benefits to the Department's Office of Civil Rights.

Disciplinary Actions and Sanctions

Policy

It is the policy of the Human Service Zone and Department that any individual employed who intentionally does not carry out the provisions of this service chapter, Department's Manual Service Chapter 300, and the Host County's policies and procedures within the scope of their responsibility will be disciplined.

Record Keeping

The Human Service Zone will maintain on file and make available for public inspection for at least three years following completion, its self-evaluation and transition plan.

The Human Service Zone will also submit such reports as may be required by the Department or federal government to assure compliance with the regulations and will permit access by appropriate Department or federal officials during normal business hours to its facilities, records and other sources of information as may be pertinent to ascertain compliance.

Chapter 19: Acceptable Use of Electronic Communication Devices (ECD)

Updated: 7/2020

This policy is created and maintained by the Department and North Dakota Information Technology (NDIT). Questions regarding this policy should be referred to the Department, NDIT, or the Human Service Zone's information technology service provider. The Department and NDIT acknowledge that Human Services Zones are at various stages of compliance and Human Service Zones acknowledge they will continue to work toward compliance.

All Human Service Zone team members are required to read this policy and sign an "Acceptable use of Department Information Technology Resources and Human Service Zone Acknowledgment" form (SFN #).

DEFINITIONS

"Confidential Information" means individually identifiable information or client identifying information.

"Department-owned Device" means a mobile device purchased with Department funds or otherwise acquired by the Department, and which is the property of the Human Service Zone or Department.

"Employee" means regular and temporary personnel, consultants, contractors, volunteers, trainees, interns, and other persons whose conduct, in the performance of work for the Human Service Zone or Department, is under the direct control of the Human Service Zone or Department, whether or not they are paid by the Human Service Zone or Department.

"Individually Identifiable Information" means information collected from an individual that is created or received by the Human Service Zone or Department and relates to:

- A. The past, present, or future assistance or services applied for or received by an individual under any program administered by or under the supervision and direction of the Human Service Zone or Department, that identifies the individual or with respect to which there is a reasonable basis to believe the information can be used to identify the individual; or
- B. A report or any other information obtained, concerning an applicant or a provider of or an individual applying for or receiving assistance or services under any program administered by or under the supervision and direction of the Human Service Zone or Department.

"Information Technology (IT) Resources" means all Human Service Zone or Department equipment, technologies, and information resources used for information collection, processing, transfer, storage, and communications. This includes: computer hardware and software; electronic communication devices; and services such as modems, email, networks, telephones, voicemail, internet connections, facsimile transmissions, video, cameras, mobile computing devices, printers, multi-function printers, and multimedia materials.

"Instant Messaging" (IM) means a software tool that allows real-time electronic messaging, video sharing, or chatting. Instant messaging services use "presence awareness," indicating whether people on one's list of

contacts are currently online and available to chat.

"Mobile Device" means any device made for portability, capable of transmitting and receiving voice, data, video, or text communications without connecting to a wired network and includes: mobile/cell phones; smartphones; personal digital assistants (PDAs); laptops computers; notebooks; tablets including Apple iPad, Microsoft Surface, or any other tablet computer; Apple iPods or other MP3 players; and cameras and video cameras.

"Mobile Device Management Solution" is software used by the Human Service Zone or Department to allow for the remote management of mobile devices, including software or application distribution (Apps), policy management, device security, and the ability to wipe or sanitize the mobile device, if necessary.

"Personally-owned Device" means a mobile device that was purchased by an individual and was not issued by the Human Service Zone or Department.

"Portable Storage Device" means readily-transportable items used to store data in electronic form (whether temporarily or long-term), including data sticks ("flash drives" and "thumb drives"), floppy disks, compact discs (CDs, DVDs, and SD's), and plug-in external drives.

"Removable Media" refers to portable electronic storage media such as magnetic, optical, and solid-state devices, which can be inserted into and removed from a computing device, and that is used to store text, video, audio, and image information. Such devices have no independent processing capabilities.

"Smartphone" means a mobile device that includes cellular voice, messaging, scheduling, email, and internet capabilities. Smartphones may also permit access to application stores, where aftermarket applications can be purchased. The smartphone vendor may have a software developer kit that allows developers to use native application program interfaces (APIs) to write applications. Examples include iOS, Android, and Windows Phone.

"Social Media" refers to websites that facilitate user participation, networking, and collaboration through the submission of user generated content. In general, this includes tools such as: blogs, wikis, microblogging sites, social networks, including Twitter and Facebook, video sharing sites, and bookmarking sites.

"Social Networks" refers to websites promoting a "circle of friends" or "virtual communities" where participants are connected based on various social commonalities such as familial bonds, hobbies, or dating interests.

"Text messaging" (SMS) means the sending of messages (maximum of 160 characters) or videos over a cell phone, smartphone, or through a web-based interface to one or more cell phone or smartphone recipients.

SCOPE AND PURPOSE

Human Service Zone's information technology service provider or NDIT provides direction and technical expertise to all Human Service Zones or Department divisions and facilities to ensure the Human Service Zone's or Department's IT Resources are used appropriately and in accordance with Human Service Zone, Department,

Human Service Zone's information technology service provider, and NDIT policies and procedures. This includes protecting the confidentiality, integrity, and availability of Human Service Zone and Department information and the systems that handle the information.

The Human Service Zone and Department encourages the proper use of its IT Resources for conducting Human Service Zone or Department business as an effective and efficient tool within the framework of applicable federal and state laws, federal regulations, administrative rules, and Human Service Zone and Department policies.

Users of Human Service Zone or Department IT Resources hold positions of trust both in preserving the security and confidentiality of Human Service Zone and Department information and in safeguarding Human Service Zone or Department IT Resources. Any potential loss of Human Service Zone or Department information or IT Resource availability can have a significant impact on the Human Service Zone's and Department's ability to fulfill its mission. The requirements outlined in this Policy are to assist users in understanding the expectations with regard to appropriate use, and consequently will help minimize some of the risks that are inherent with the daily use of Human Service Zone and Department IT Resources.

As technology continues to change and progress, this policy will apply to other Human Service Zone and Department IT Resources.

STANDARD

The Human Service Zone, Department, Human Service Zone's information technology service provider, and NDIT will monitor the use of Human Service Zone or Department IT Resources in such a manner as to prevent or detect abuse and reduce legal exposure. All electronic communications are subject to North Dakota's Open Records Law.

All use of Human Service Zone and Department IT Resources must comply with Human Service Zone, Department, Human Service Zone's information technology service provider, and NDIT policies, standards, procedures, and guidelines, as well as any applicable federal and state laws, federal regulations, and state administrative rules, copyright laws, and licensing agreements. Please also check the Human Service Zone's Policy Addendum for additional IT policies.

Unacceptable Use

Any use of Human Service Zone or Department IT Resources that disrupts or interferes with Human Service Zone or Department business, incurs an undue cost to the Human Service Zone or Department, could potentially embarrass or harm the Human Service Zone or Department, or has the appearance of impropriety is strictly prohibited.

The following list is not intended to be exhaustive but is an attempt to provide a framework for activities that constitute unacceptable use of Human Service Zone or Department IT Resources. Users, however, may be exempted from one or more of these restrictions during their authorized job responsibilities, with supervisor approval.

Unacceptable use includes the following:

1. Connecting unapproved mobile devices and portable storage devices to the Human Service Zone or NDIT network or any Human Service Zone or Department IT Resources;
2. Connecting Human Service Zone or Department IT Resources to unauthorized networks;
3. Connecting to any wireless network while physically connected to a Human Service Zone or NDIT wired network;
4. Installing, downloading, or running unauthorized software;
5. Connecting to commercial email systems e.g., Gmail, Hotmail, Yahoo (risk in using commercial email services as email is often used to distribute malware);
6. Using Human Service Zone or Department IT Resources to circulate unauthorized solicitations or advertisements for non-Human Service Zone or non-Department purposes including religious, political, or not-for-profit entities;
7. Providing unauthorized third parties, including family and friends, access to Human Service Zone or Department information, Human Service Zone or Department IT Resources, or facilities;
8. Using Human Service Zone or Department information or Human Service Zone or Department IT Resources for commercial or personal purposes, in support of "for-profit" activities or in support of other outside employment or business activity (e.g., consulting for pay, business transactions);
9. Violating or supporting and encouraging the violation of local, state, or federal laws;
10. Downloading, duplicating, disseminating, printing, or otherwise using copyrighted materials, such as software, texts, music and graphics, in violation of copyright laws;
11. Accessing or participating in any type of personals, advertisements, or services, such as or similar to dating services, matchmaking services, companion finding services, pen pal services, escort services, or personal advertisements;
12. Downloading, distributing, displaying, transmitting, duplicating, storing, posting, or printing any communications, material, or correspondence that is threatening, obscene, harassing, pornographic, offensive, defamatory, discriminatory, inflammatory, illegal, or intentionally false or inaccurate;
13. Organizing, wagering on, participating in, or observing any type of gambling event or activity;
14. Impeding the Human Service Zone's, Department's, Human Service Zone's information technology service provider, or NDIT's ability to access, inspect and monitor Human Service Zone or Department IT Resources (e.g., inappropriately encrypting or concealing the contents of files or electronic communications, inappropriately setting or manipulating passwords, or physically concealing devices);
15. Tampering with, disengaging, or otherwise circumventing Human Service Zone or Department IT security controls;
16. Engaging in information technology related activities that are unauthorized or outside of one's job duties, or both, and that could result in a security incident (e.g., denial of service attacks, attempts to intercept or collect data, introduction of malicious software, or network monitoring or scanning);
17. Concealing or misrepresenting one's name or affiliation to mask unauthorized, illegal, fraudulent, irresponsible or offensive behavior in electronic communications, or attempting to represent the Human Service Zone or Department in matters unrelated to official authorized job

- duties or responsibilities;
18. Accessing or disseminating confidential information without authorization, including, sending confidential information to external email, calendaring, or social media accounts;
 19. Posting Federal Tax Information (FTI) with or without an authorization to social media, networking, or other public websites;
 20. Distribution malicious software;
 21. Accessing and use of social networking sites using Human Service Zone or Department IT Resources, unless it is part of the employee's work duties and approved by the employee's supervisor;
 22. Allowing for remote activation of collaborative computing devices on Human Service Zone or Department IT resources that has access to FTI; and
 23. Failing to provide an explicit indication of use to Users physically present at the Human Service Zone or Department IT Resources that has access to FTI (example: if a User starts to record a Teams meeting, all Users of that meeting will need to receive a message on screen telling them that they are being recorded).

COMPLIANCE

Abuse and Inappropriate Use

Use of Human Service Zone or Department IT Resources that interferes with work obligations or Human Service Zone or Department business is prohibited. Human Service Zone or Department IT Resources shall not be used for purposes unrelated to the Human Service Zone's or Department's mission and objectives.

Human Service Zone or Department IT Resources, including devices, networks, data, software, email, and system accounts, are provided to conduct official Human Service Zone or Department business. Authorized users must act within the scope of their employment, contractual, or other relationship with the Human Service Zone or Department and must agree to use Human Service Zone or Department IT Resources efficiently, responsibly, professionally, ethically, and lawfully, using approved applications, tools, and mechanisms. Users, regardless of their relationship with the Human Service Zone or Department, as a condition of receiving access to Human Service Zone or Department IT Resources, agree to abide by all applicable federal and state laws, federal regulations, administrative rules, and Human Service Zone and Department policies.

It is the responsibility of all Zone Directors and supervisors to implement and ensure compliance with the laws, rules, policies, procedures, standards, and license agreements applicable to the use of Human Service Zone or Department IT Resources within their functional areas.

It is the responsibility of the user of Human Service Zone or Department IT Resources to ascertain, understand, and comply with the laws, rules, policies, procedures, standards, and license agreements applicable to their use of those Human Service Zone or Department IT Resources.

Consequences of Violation of Policy

Any Human Service Zone or Department employee found to have violated this Policy may be subject to loss of access to those Human Service Zone or Department IT Resources and may also be subject to disciplinary action up to and including termination. In addition, employees may be subject to civil action or criminal prosecution

as a result of inappropriate use or misuse of Human Service Zone or Department IT Resources.

Any contractor, vendor, or other agent of the Human Service Zone or Department performing work for or on behalf of the Human Service Zone or Department found to have violated this Policy may be subject to consequences specified in the contract or other agreement governing their engagement by the Human Service Zone or Department, up to and including termination of the contract. In addition, contractors may be subject to civil action or criminal prosecution as a result of inappropriate use or misuse of Human Service Zone or Department IT Resources.

Personal Use

Human Service Zone or Department IT Resources are provided for business use. However, limited personal use of Human Service Zone or Department IT Resources such as the Internet and email is permitted with supervisory approval, if the usage does not have an adverse impact on job performance, Human Service Zone or Department IT Resources, or Human Service Zone or Department business and in compliance with Human Service Zone or Department policy. Supervisors may further restrict personal use of Human Service Zone or Department IT Resources where appropriate. Excessive personal use of Human Service Zone or Department IT Resources may result in disciplinary action up to and including termination.

The user is responsible for understanding how their personal use may impact Human Service Zone or Department IT Resources as well as Human Service Zone or Department business activities, and for complying with all applicable laws, policies, rules, and license agreements. The Human Service Zone or Department is under no obligation to provide support for the personal use of Human Service Zone or Department IT Resources.

OWNERSHIP AND PRIVACY

All data, text, images, or other information created, compiled, processed, stored, transmitted, received, used, or archived using Human Service Zone or Department IT Resources for Human Service Zone or Department business belongs to either the Human Service Zone, Department, or both, except for those items whose ownership is protected by law. All data stored or transmitted on a Human Service Zone or Department IT Resource may be subject to review, investigation, and public disclosure.

When using Human Service Zone or Department IT Resources, the user shall have no expectation of privacy. Access and use of the Internet, including communication by email and instant messaging and the content thereof, are not confidential, except in certain limited cases recognized by state or federal law.

The Human Service Zone or Department reserves the right to monitor, access, and disclose all information generated and actions performed using Human Service Zone or Department IT Resources. Files, messages (including attachments), and logs may be retained and used as evidence in litigation, audits, and investigations. The user is responsible for all activity originating from their username or account.

Human Service Zone or Department IT Resources are on loan to employees so that essential job functions may be performed. Upon separation from Human Service Zone or Department employment or contract termination, all Human Service Zone or Department supplied Human Service Zone or Department IT Resources, and the

associated information shall be returned to the Human Service Zone or Department.

DAMAGED, STOLEN, LOST, OR POTENTIALLY COMPROMISED DEPARTMENT IT RESOURCES

If a Human Service Zone or Department IT Resource is damaged, fails, or is believed to have been stolen or lost, it must be immediately reported to the employee's supervisor and to the Human Service Zone's information technology service provider or NDIT. Any incident in which an employee has reason to believe a Human Service Zone or Department IT Resource may have been compromised must also be immediately reported to the employee's supervisor and to the Human Service Zone's information technology service provider or NDIT. Reports of damaged, stolen, lost, or potentially compromised Human Service Zone or Department IT Resources are to be reported to the Human Service Zone's information technology service provider or NDIT Service Desk. Employees must also follow the Human Service Zone's Risk Management Policy.

IDENTIFICATION AND AUTHENTICATION (USER ID AND PASSWORD)

The Human Service Zone and Department are responsible for protecting its data and information systems. Identification and authentication are the first lines of defense to protect against unauthorized access, destruction, or theft. All users must be properly identified and verified prior to being granted access to Human Service Zone or Department IT Resources and computer networks.

Log-in to State servers and applications is controlled by the assignment of a unique single USER ID assigned by NDIT. USER IDs will be locked after three (3) consecutive invalid logon attempts within a one hundred twenty (120) minute period. Locked accounts will auto-unlock after a one hundred twenty (120) minute period. User may contact NDIT Service Desk to unlock access to State servers.

Access to all State servers or applications is password protected. A password shall be unique to each USER ID, must be at least eight (8) characters in length, and include at least:

- one (1) number;
- one (1) character in lower case and one (1) in upper case; and
- one (1) non-alphanumeric (special) character.

To ensure that a compromised password is not misused on a long-term basis, passwords must be changed every sixty (60) days for all accounts. Passwords must also have a minimum life of one (1) day, and a minimum history of twenty-four (24) passwords cannot be used.

A user must immediately change their password if the password is suspected of being disclosed or known to have been disclosed to an unauthorized party, and must report the possible compromise as quickly as possible to their supervisor and Human Service Zone's information technology service provider or NDIT, by contacting the Human Service Zone's information technology service provider or NDIT Service Desk. Users must also change their password when prompted by the computer system. Default passwords shall be immediately changed when assigned. Employees must also follow the Human Service Zone's Risk Management Policy.

Users are responsible for safeguarding their USER IDs and passwords. USER IDs and passwords should not be printed, written down, stored online or given to others. Users are responsible for all activity performed with

their USER IDs and passwords. USER IDs and password may not be utilized by anyone but the individuals to whom they have been issued. Users are forbidden from performing any activity with a USER ID or password assigned to someone else.

USER IDs and passwords will be disabled immediately after an employee has been terminated or when an employee transfers to a new position and no longer requires access to previous information. The supervisor of the user is responsible to request Human Service Zone's information technology service provider and NDIT to terminate or modify computer access. This is done by following the Human Service Zone's information technology service provider's requirements and having the approved security requestor for the Human Service Zone email the SFN #428 County Security Request form to dhscountyrequests@nd.gov.

INFORMATION SYSTEMS ACCESS AND SECURITY

Responsibility for information security on a day-to-day basis is every Human Service Zone or Department employee's duty. Specific responsibility for information security is NOT solely vested in the Human Service Zone's information technology service provider or NDIT.

- The privileges of all users, systems, and programs must be restricted based on the need-to-know.
- Access to Human Service Zone or Department information systems must always be authorized by the designated owner of such information system and must be limited on a need-to-know basis to a reasonably restricted number of people.
- Workstations must be placed in work area in such a manner that limits the ability of others viewing information. Privacy screens are encouraged and mandated if necessary due to physical restrictions. While in use, computer monitors are to be turned away from public viewing areas or the view of the screen is to be blocked as much as possible.
- After no activity on a computer workstation for ten (10) minutes, the system will lock the screen and suspend the session. Reestablishment of the session will take place only after the user has provided the proper password. If the computer system to which they are connected or which they are currently using contains confidential information, users shall not leave their computer workstation or terminal unattended without first logging-out or invoking a password-protected screen saver.
- Human Service Zone team member shall not be given local administrator rights unless given a second, privileged account that will only allow access to what is needed. The privilege accounts follow the Department's password requirements, with the added requirement of a minimum of 15 characters in length.
- All users shall log out of computer systems when not in use to reduce the risk of unauthorized access to confidential information.
- If use of a shared computer is required, each user shall log off the system prior to relinquishing the computer to the next user.
- All employees must be provided with sufficient training and supporting reference materials to allow them to properly protect Human Service Zone or Department IT Resources. Human Service Zone's information technology service provider or NDIT- Information Security will provide refresher courses and other materials annually to remind employees of their obligations with

- respect to information security.
- Remote access to confidential information is only allowed through a secure connection. Any connection from an open wireless network is prohibited unless a secure connection is approved by Human Service Zone's information technology service provider and NDIT is used. Please note that Office 365 is encrypted, and password protected with Human Service Zone's information technology service provider's or NDIT's multifactor authentication methods. All access to outside systems or networks is also prohibited unless there is a secure encrypted connection and it is approved by Human Service Zone's information technology service provider or NDIT. When access to outside systems or networks is approved, resources or systems provided by other agencies or partners may only occur using methods and tools approved by Human Service Zone's information technology service provider or NDIT.
 - All confidential information must be saved on the secured servers and not on a computer's local drive. Confidential information may be saved on an encrypted mobile device if approved by a supervisor and Human Service Zone's information technology service provider or NDIT.
 - Electronically sharing desktop screens with other individuals utilizing approved Human Service Zone's or Department software must be carefully utilized. Selecting the wrong screen or window can inadvertently display confidential information to the recipient. The employee shall:
 - Choose a single window to screen share;
 - Close all unnecessary applications, files, documents, tabs, etc. prior to starting the session;
 - Disable any notifications that can be seen or set to "Do Not Disturb" if possible;
 - Verify and re-verify the correct document or file is selected prior to screen sharing;
 - Employees new to screen sharing should conduct a test run with a coworker before screen sharing in real time; and
 - Ensure that when going between programs or when closing and opening new files, confidential information has not been saved on the desktop i.e. shortcuts with names etc.

AUTHORIZED SOFTWARE/HARDWARE

Only software that has been licensed by the Human Service Zone or Department or that has been authorized to conduct Human Service Zone or Department business is allowed on Human Service Zone or Department IT Resources. All software purchased and installed must be preauthorized through Human Service Zone's information technology service provider or NDIT. Human Service Zone's information technology service provider and NDIT maintain a list of approved software standards. Hardware purchases must also follow the approved hardware list, as maintained by Human Service Zone's information technology service provider and NDIT. Requests to have software, including shareware, added to the approved list can be submitted to Human Service Zone's information technology service provider by following its requirements and NDIT through the online Work Management System (WMS).

Unauthorized downloading of software is prohibited. All software downloads will be done through specific authorization from Human Service Zone's information technology service provider, NDIT, or designee.

Only hardware that has been purchased by the Human Service Zone and approved by NDIT or Department can be used to access state data and any state resources. Only personally-owned mobile devices approved by the

Human Service Zone, Department, and NDIT are allowed to be attached to the network or Department-owned equipment.

The Human Service Zone, Department, Human Service Zone's information technology service provider, or NDIT shall routinely audit IT Resources and remove all unauthorized or unlicensed software. Personal licensed software is not allowed on Human Service Zone or Department IT Resources, unless special permission has been granted from Human Service Zone's information technology service provider or NDIT. Employees must adhere to all software and information copyright laws.

MALICIOUS SOFTWARE

Malicious software (malware) is any software that gives partial to full control of a IT Resource to do whatever the malware creator wants. Malware can be a virus, worm, trojan, adware, spyware, root kit, etc. The damage done can vary from something as slight as changing the author's name on a document to providing full control of the IT Resource to the malware creator. Most malware requires the user to initiate its operation. Some courses of attack include attachments in emails, browsing a malicious website that installs software after the user clicks ok on a pop-up, and from vulnerabilities in the operating system or programs. Malware is not limited to one operating system.

Malware types can be categorized as follows:

- Viruses, worms, trojans, and backdoors seek to infect and spread themselves to create more havoc.
- Adware and spyware seek to embed themselves to watch what the user does and act upon that data.
- Root kits seek to give full access of your machine to the attacker to do what they want.

Malware can cause major potential problems to hardware and software, and can come from nearly any source (email, Internet, passing of files, etc.). It is essential that all employees be proactive and use Human Service Zone's information technology provider or NDIT approved removable media.

The symptoms of malware include considerably slower response time, inexplicable loss of files, changed modification dates for files, increased file sizes, and total failure of a system. In order to prevent malware from being transmitted through the system, unauthorized downloading of software and shareware from the Internet and other sources is prohibited. Creating or spreading malware or intentionally causing damage to a Human Service Zone or Department IT Resource is a serious violation and cause for disciplinary action up to and including termination.

Human Service Zone's information technology service provider or NDIT is responsible for installing and configuring anti-malware software to automatically check systems for malware on a regular basis. If a user suspects infection by malware, they must immediately stop using the involved IT Resource and immediately contact the Human Service Zone's information technology service provider or NDIT Service Desk. Employees must also follow the Human Service Zone's Risk Management Policy. Removable media used with the infected computer or mobile device must not be used with any other computer or device until the malware has been successfully eradicated. The infected computer or device must also be immediately isolated from internal

networks. Because malware is very complex, users must not attempt to eradicate malware themselves.

Only qualified Human Service Zone's information technology service provider or NDIT staff are permitted to complete this complex task in order to minimize both data destruction and system downtime.

USE OF LAPTOP COMPUTERS AND OTHER MOBILE DEVICES

This policy applies regardless of whether the Human Service Zone or Department owns or purchased the mobile device and service, and whether the device or service is on or off-site.

The use of mobile devices is supported and encouraged for Human Service Zone or Department business use. Mobile devices are at greater risk of loss, theft, and unauthorized access to client information. All mobile devices used to access the State network, whether personally-owned or Department-owned, must display reasonable physical security measures. Users are expected to secure all mobile devices used for this activity whether or not they are actually in use or being carried.

Inventory

Human Service Zone's information technology service provider or NDIT shall maintain a written inventory of all personally-owned mobile devices with mobile device management solution installed and Department-owned devices used to access, save, store, transmit, or receive confidential information. Any new mobile device or changes in use of an existing mobile device must be promptly reported to Human Service Zone's information technology service provider requirements or NDIT Service Desk. Failure to do so may result in disciplinary action.

Shared Mobile Devices

Shared mobile devices might be available throughout the Human Service Zone and may be checked out by employees for specific work-related activities. Each Human Service Zone is responsible for maintaining checkout procedures. Written acknowledgment of purpose and duration of checkout will be recorded and signed by the employee who is requesting the mobile device. Failure to return the mobile device in the specified duration may result in disciplinary action.

Mobile devices that are located in areas accessible to the public, must be physically secured to discourage theft. Users are expected to secure all mobile devices whether or not they are actually in use or being carried.

The use of mobile devices to create, receive, maintain, or transmit confidential information is prohibited, unless the mobile device or files are encrypted, and password protected to safeguard against unauthorized access. The use of mobile devices to create, receive, maintain, or transmit Federal Tax Information (FTI) is expressly prohibited. Please note that Office 365 is encrypted, and password protected with Human Service Zone's information technology service provider's or NDIT's multifactor authentication methods. The electronic transmission of confidential information through unsecured means is prohibited, unless the client has executed the revised *"Request for Confidential Communication by Alternative Means or Alternative Locations"* form (SFN #1977) or another form with substantially similar language and requests and accepts the conditions and risks of receiving unencrypted electronic communications. In the case of an emergency situation or other extraordinary circumstance, the Human Service Zone team member should document the circumstances and

make note that signed form needs to be obtained at a later date.

Personally-Owned Mobile Devices

Employees should not use personally-owned mobile devices during working hours except for emergency purposes, official Human Service Zone or Department business, in a limited amount where it will not affect their daily work activities, or during their regular break time. Any use of a personally-owned mobile device other than noted above, should have supervisory approval. The use of a personally-owned mobile device for non-Human Service Zone or non-Department business should not be excessively used for talking, emailing, IM, and text messaging, surfing the internet, playing games, or any other activity. Personally-owned mobile devices are not to be used for taking inappropriate pictures or videos during work hours. Misuse or excessive use of a personally-owned mobile device may result in disciplinary action. It is permissible to use Office 365 on a personally-owned mobile device for Human Service Zone or Department business as long as Human Service Zone's information technology service provider's or NDIT's multifactor authentication methods are utilized. The following restrictions on the use of personally-owned mobile devices do not apply to Office 365 use to access, transmit, or receive confidential information with Human Service Zone's information technology service provider's or NDIT's multifactor authentication methods:

- Personally-owned mobile devices must never be connected to the internal State network without the approval of NDIT.
- Employees are prohibited from accessing, saving, storing, transmitting, or receiving confidential information on a personally-owned mobile device until Human Service Zone's information technology service provider or NDIT has approved, inventoried, and installed the Human Service Zone's or Department's mobile device management software on the mobile device.
- The Human Service Zone or Department assumes no liability for the theft, loss, or damage of any personally-owned mobile device possessed by employees on county or State property.

Personally-Owned Mobile Device for Human Service Zone or Department Business

The Human Service Zone or Department has defined practices, responsibilities, and procedures for the use of personally-owned mobile devices, approved for conducting Human Service Zone or Department business to access, save, store, transmit, or receive confidential information. The user trades some control over their personally-owned mobile device, unless the user is only accessing, transmitting, or receiving confidential information through Office 365 with Human Service Zone information technology service provider's or NDIT's multifactor authentication methods. It is important that the consequences and obligations of this arrangement are well understood by the user. These obligations include:

- User agreeing that the personally-owned mobile device may only be used for Human Service Zone or Department business purposes only during approved working hours, and that access during overtime work hours must be pre-approved by the supervisor;
- User understanding the technology and security of mobile devices evolves rapidly and a personally-owned mobile device may be determined an unacceptable security risk and prohibited from use at a later date;
- User accepting that the personally-owned device may be remotely wiped (the wiped action may delete all information on the personally-owned device, both personal and work related) and the personally-owned device may be reset to the original factory settings, if the personally-owned device contains Human Service Zone's or Department's confidential information;

- User understanding that he or she is solely responsible for backing up any personal content on the personally-owned mobile device, as that information cannot be guaranteed to be protected by selective wipes;
- User agreeing to keep the personally-owned mobile device updated and in good working order;
- User accepting that Human Service Zone information technology service provider or NDIT will set the standards for operating system and application version control and agrees to abide by those standards;
- User acknowledging that the Human Service Zone or Department will in no way be responsible for damaged, lost, or stolen personally-owned mobile devices;
- User agreeing to allow Human Service Zone information technology service provider or NDIT to install the Human Service Zone's or Department's mobile device management system and any other software deemed necessary by Human Service Zone information technology service provider or NDIT upon the Human Service Zone's or Department's request;
- User accepting that enterprise work may be tracked to meet the legal and fiduciary responsibilities of the Human Service Zone or Department; and
- User understanding that the Human Service Zone or Department may terminate an agreement to use a personally-owned mobile device at any time, with or without cause.

Eligibility: The decision regarding whether a personally-owned mobile device may be used for Human Service Zone or Department business to save, store, access, transmit, or receive confidential information (excluding accessing, transmitting, or receiving information through Office 365 with Human Service Zone information technology service provider's or NDIT's multifactor authentication methods) must be based on a documented business need and appropriate management approval. Prior to use of a personally-owned mobile device for Human Service Zone or Department business to save, store, access, transmit, or receive confidential information (excluding accessing, transmitting, or receiving information through Office 365 with Human Service Zone information technology service provider's or NDIT's multifactor authentication methods), either a *"Mobile Device Request and Agreement (Department-Owned and Personally-Owned Mobile Devices)"* form (SFN #1970) or *"Mobile Device Request and Agreement form (Personally-Owned Mobile Devices)"* form (SFN #1971) must be completed by the employee and approved by the employee's supervisor and the Zone Director or Zone Designee. If approved by the Zone Director or Zone Designee, the request will then be sent to Human Service Zone information technology service provider or NDIT for approval of the personally-owned mobile device.

Given these facts, Zone Director or Zone Designee and supervisors should look to limit the approval of personally-owned mobile devices to employees that meet these suggested guidelines:

- Senior management, where necessary to improve productivity and to ensure that they are accessible at all times.
- Other essential employees that are critical to the Human Service Zone or the delivery of a service, that must be reachable, and whose work is primarily completed away from the office.

Reimbursement of expenses incurred by approved users will be based on the approved Human Service Zone budget.

User Role and Responsibilities: Despite individual ownership of the mobile device, the user is expected to

assume certain responsibilities for any personally-owned mobile device that contains Human Service Zone or Department information or connects to Human Service Zone or Department IT Resources. Employees must comply with the following:

- User is required to enroll their personally-owned mobile device with Human Service Zone information technology service provider or NDIT if the device may be used for Human Service Zone or Department business to save, store, access, transmit, or receive confidential information (excluding accessing, transmitting, or receiving information through Office 365 with Human Service Zone information technology service provider's or NDIT's multifactor authentication methods);
- User is required to access, transmit, or receive information through Office 365, if available, with Human Service Zone information technology service provider's or NDIT's multifactor authentication methods;
- The Human Service Zone's or Department's mobile device management system must be installed on the personally-owned mobile device if used to save, store, access, transmit, or receive confidential information (excluding accessing, transmitting, or receiving information through Office 365 with Human Service Zone information technology service provider's or NDIT's multifactor authentication methods). Human Service Zone information technology service provider or NDIT will provide the initial connection, setup, and configuration of the personally-owned mobile device. However, due to the variety and complexity of mobile devices, operating systems, and carrier services, Human Service Zone information technology service provider or NDIT is not required to provide technical support for the personally-owned mobile device or service;
- User must maintain a personally-owned mobile device compatible with technical specifications as determined by the Human Service Zone, Department, Human Service Zone information technology service provider and NDIT. The specifications will be reviewed periodically and, based upon security and support requirements, necessary modifications will be made;
- User is responsible for paying all charges incurred for the purchase and maintenance of the personally-owned mobile device. This includes paying charges for cell phone or smartphone use, internet access, damage requiring replacement, technical support, and warranty plans.
- Upon request, user must allow the installation or update, or both, of the Human Service Zone's or Department's mobile device management software and any necessary add-ons pertaining to the mobile device management software, on the personally-owned mobile device;
- The personally-owned mobile device functionality must not be modified unless required or recommended by Human Service Zone information technology service provider or NDIT;
- The use of a personally-owned mobile device that is "jailbroken", "rooted", or has been subjected to any other method of altering or disabling built-in protections or compromising in any way the device operating system, is not permitted and constitutes a violation of this policy;
- User must accept that, when connecting the personally-owned mobile device to Human Service Zone or Department IT Resources, the Human Service Zone's and Department's security policy will be enforced on the device. The security policy implemented may include policy elements such as passcode, passcode timeout, passcode complexity, and encryption;
- User must accept that, when connecting the personally-owned mobile device to Human Service Zone or Department IT Resources, the Human Service Zone, Department, Human Service Zone

information technology service provider, and NDIT will establish and enforce standards for operating system and application version levels and will from time to time require the user to update the operating system or applications to approved versions;

- User must accept that the Human Service Zone, Department, Human Service Zone information technology service provider, and NDIT has the right to wipe the personally- owned mobile device, if the personally-owned device contains Human Service Zone's or Department's confidential information and it is lost, stolen, retired, no longer in use by the user, compromised, or when a separation from or change in employment occurs;
- User is solely responsible for backing up any personal content on the personally- owned mobile device, as that information cannot be guaranteed to be protected by selective wipes;
- User must take appropriate precautions to prevent others from obtaining any access to client information on the personally-owned mobile device;
- User is responsible for all transactions made with their credentials, and are prohibited from sharing individually assigned passwords, PINs or other credentials;
- The personally-owned mobile device and all information contained on the device have the potential of being subject to legal discovery if it contains Human Service Zone, Department, or other public business. User is responsible for promptly, and without alteration, handing over the personally-owned mobile device and necessary device access codes upon notification that the personally-owned mobile device containing Human Service Zone, Department, or other public business is needed for discovery or other litigation purposes or at the request of the Human Service Zone, Department, Human Service Zone information technology service provider or NDIT; and carrier services, Human Service Zone information technology service provider or NDIT is not required to provide technical support for the personally- owned mobile device or service;
- User must maintain a personally-owned mobile device compatible with technical specifications as determined by the Human Service Zone, Department, Human Service Zone information technology service provider, and NDIT. The specifications will be reviewed periodically and, based upon security and support requirements, necessary modifications will be made;
- User is responsible for paying all charges incurred for the purchase and maintenance of the personally-owned mobile device. This includes paying charges for cell phone or smartphone use, internet access, damage requiring replacement, technical support, and warranty plans.
- Upon request, user must allow the installation or update, or both, of the Human Service Zone's or Department's mobile device management software and any necessary add-ons pertaining to the mobile device management software, on the personally-owned mobile device;
- The personally-owned mobile device functionality must not be modified unless required or recommended by Human Service Zone information technology provider or NDIT;
- The use of a personally-owned mobile device that is "jailbroken", "rooted", or has been subjected to any other method of altering or disabling built-in protections or compromising in any way the device operating system, is not permitted and constitutes a violation of this policy;
- User must accept that, when connecting the personally-owned mobile device to Human Service Zone or Department IT Resources, the Human Service Zone's or Department's security policy will be enforced on the device. The security policy implemented may include policy elements such as passcode, passcode timeout, passcode complexity, and encryption;
- User must accept that, when connecting the personally-owned mobile device to Human Service

Zone or Department IT Resources, the Human Service Zone, Department, Human Service Zone information technology service provider, and NDIT will establish and enforce standards for operating system and application version levels and will from time to time require the user to update the operating system or applications to approved versions;

- User must accept that the Human Service Zone, Department, Human Service Zone information technology service provider, and NDIT has the right to wipe the personally- owned mobile device, if the personally-owned device contains Human Service Zone's or Department's confidential information and it is lost, stolen, retired, no longer in use by the user, compromised, or when a separation from or change in employment occurs;
- User is solely responsible for backing up any personal content on the personally- owned mobile device, as that information cannot be guaranteed to be protected by selective wipes;
- User must take appropriate precautions to prevent others from obtaining any access to client information on the personally-owned mobile device;
- User is responsible for all transactions made with their credentials, and are prohibited from sharing individually assigned passwords, PINs or other credentials;
- The personally-owned mobile device and all information contained on the device have the potential of being subject to legal discovery if it contains Human Service Zone, Department or other public business. User is responsible for promptly, and without alteration, handing over the personally-owned mobile device and necessary device access codes upon notification that the personally-owned mobile device containing Human Service Zone, Department or other public business is needed for discovery or other litigation purposes or at the request of the Human Service Zone, Department or NDIT; and
- User may not provide access credentials for a personally-owned mobile device connected to the Human Service Zone or Department internal systems to any other individual, and the device must only be granted access after the user has agreed to the terms and conditions by signing either a "Personal Mobile Device Request and Agreement (*Department-Owned and Personally-Owned Mobile Devices*)" form (SFN #1970) or "*Mobile Device Request and Agreement form (Personally- Owned Mobile Devices)*" form (SFN #1971).

Loss or Theft: Upon loss or theft of a personally-owned mobile device or prior to trading in or deactivating the personally-owned mobile device with mobile device management solution installed or if it contains Human Service Zone's or Department's confidential information, user must notify the Human Service Zone information technology service provider or NDIT Service Desk. This allows the personally-owned mobile device to be remotely wiped over the network before cancelling any mobile operator services. The act of remotely wiping data from the personally-owned mobile device does not cancel the service in effect for the device. It is the employee's responsibility to contact their carrier and cancel any individual voice and data services after the remote wipe of the personally-owned mobile device is completed. Employees must also follow the Human Service Zone's Risk Management Policy.

User Privacy: Mobile Device Management software installed on the personally-owned mobile device allows the Human Service Zone, Department, Human Service Zone information technology service provider, and NDIT to see the last four (4) digits of the phone number, application inventory list of managed State applications, make/model of phone, and carrier.

The Human Service Zone, Department, Human Service Zone information technology service provider, and NDIT **DO NOT** have access to location, full phone number, application data, or other data stored outside of the managed State applications. Apple nor Microsoft allows tracking any location unless a Phone is lost and only for state owned phone, not personal phones. Human Service Zone information technology service provider and NDIT have put in place appropriate physical, electronic, and managerial procedures to restrict access to this private information to a limited set of administrators.

Security Criteria: All Human Service Zone and Department information that is stored on the personally-owned mobile device must be secured using mandated physical and electronic methods at all times (excluding accessing, transmitting, or receiving information through Office 365 with Human Service Zone information technology service provider's or NDIT's multifactor authentication methods). User must take the following physical security preventative measures to protect Human Service Zone and Department data and systems:

- User must abide by standard information security directives for the personally-owned mobile device at all times;
- User must comply with directives to update or upgrade system software and must otherwise act to ensure security and system functionality. User must also adhere to mandates to delay system software upgrades when presented with a formal instruction, until noted otherwise;
- The Personally-owned mobile device must not be left unsecured or unattended, even for a short period of time;
- User is responsible for notifying the Human Service Zone information technology service provider or NDIT Service Desk prior to sending a personally- owned mobile device for repair or replacing a personally-owned mobile device with mobile device management solution installed or if it contains Human Service Zone's and Department's confidential information; and
- Before connecting to the network or accessing Human Service Zone or Department information, the personally- owned mobile device must meet the following security criteria. This will be enforced through the State's Mobile Device Access standard (Standard ST013-07.2). The standard states the personally-owned mobile device:
 - Shall use a PIN that is a minimum of six (6) digits and has a maximum life of ninety (90) days.
 - Shall automatically lock after five (5) minutes of inactivity.
 - Shall be disabled after ten (10) successive invalid sign on attempts. If a personally-owned mobile device becomes disabled, this means the device has all local information erased and must be reconfigured to connect to the State's servers.

Termination of Employment: Upon termination of employment, Human Service Zone information technology service provider or NDIT will perform a selective wipe, when possible, of Human Service Zone or Department applications and data from all personally-owned mobile devices if the personally-owned device contains Human Service Zone's or Department's confidential information. Should a selective wipe not be possible, Human Service Zone information technology provider or NDIT will perform a complete wipe of all personally-owned mobile devices with the Human Service Zone's and Department's confidential information on them. It is the user's responsibility to back up personal application and personal data (only) prior to this event, and to restore only personal information after the personally-owned mobile device has been cleared of contents.

Individuals are not authorized to restore any application or data that originated through the relationship with the Human Service Zone and Department. Any attempt to restore such information will be subject to legal action against the individual.

Human Service Zone information technology service provider or NDIT will verify that all Human Service Zone and Department confidential information has been removed from the personally-owned mobile device.

Terminated employees shall sign documentation verifying that they have no Human Service Zone and Department confidential information stored on a personally-owned mobile device or in the employee's possession.

PROCUREMENT AND USE OF DEPARTMENT-OWNED MOBILE DEVICES

While extremely useful under the right circumstances, mobile devices can also be very expensive to purchase and operate. Consequently, Zone Directors and Zone Designee and supervisors need to be attentive to and responsible for the proliferation of mobile devices.

Given these facts, Zone Directors or Zone Designee and supervisors should look to limit the issuance of Department-owned mobile devices to employees that meet these suggested guidelines:

- Senior management, where necessary to improve productivity and to ensure that they are accessible at all times.
- Other essential employees that are critical to the Human Service Zone or the delivery of a service, that must be reachable, and whose work is primarily completed away from the office.

Employees who are interested in a Department-owned mobile device should make a request to their supervisor and Zone Director or Zone Designee with a business case as to why the mobile device would benefit them by completing a *"Mobile Device Request and Agreement (Department-Owned and Personally-Owned Mobile Devices)"* form (SFN #1970) or *"Mobile Device Request and Agreement form (Personally-Owned Mobile Devices)"* form (SFN #1971). If approved by the supervisor and Zone Director or Zone Designee, the request should then be sent to Human Service Zone information technology service provider or NDIT for procurement and installation. An *"Acceptable use of Department Information Technology Resources Acknowledgment"* form (SFN #1972) must also be executed and signed by the employee.

It is the responsibility of the employee, who is connecting to the Human Service Zone's or Department's network via a mobile device or service to ensure that all components of their wireless connection remains as secure as their network access within the office. It is imperative that any wireless connection, including to a mobile device and service used to conduct Human Service Zone or Department business, be utilized appropriately and responsibly.

Employees are prohibited from making modifications of any kind to a Department-owned mobile device and installed wireless hardware or software without the express approval of Human Service Zone information technology service provider or NDIT. Repair of Department-owned mobile devices must be referred to Human Service Zone information technology service provider or NDIT.

Employees using a mobile device and service for remote wireless access must, without exception, use secure remote access procedures. This will be enforced through the State's Mobile Device Access standard (Standard ST013-07.2). The standard states the mobile device:

- Shall use a PIN that is a minimum of six (6) digits and has a maximum life of sixty (60) days.
- Shall automatically lock after five (5) minutes of inactivity.
- Shall be disabled after ten (10) successive invalid sign on attempts. If a device becomes disabled, this means the device has all local information erased and must be reconfigured to connect to the State's servers.

The user must immediately notify their supervisor and the Human Service Zone information technology service provider or NDIT Service Desk within twenty-four (24) hours, if the device has been lost, stolen, or of any incident or suspected incidents of unauthorized access or disclosure of confidential information or Human Service Zone or Department IT Resources, databases, networks, etc. Any misplacement of a Department-owned device for at least twenty-four (24) hours must also be reported. Employees must also follow the Human Service Zone's Risk Management Policy.

Human Service Zone information technology service provider or NDIT reserves the right to, without notice, completely wipe the Department-owned mobile device or turn off any access to the network, or both, in situations that put the Human Service Zone's or Department's systems, data, users, or clients at risk. This includes the deletion of all email, calendar entries, messages, contacts, photos, music, movies, personal documents, and any other media stored on the Department-owned mobile device.

Access and use of social networking sites is prohibited on Department-owned mobile devices. The use of mobile devices to store or save confidential information is prohibited, unless encrypted and password protected.

REMOVABLE MEDIA DEVICES

Removable Media devices mean readily-transportable items used to store data in electronic form (whether temporarily or long-term), including data sticks ("flash drives" and "thumb drives"), compact discs (CDs, DVDs, and SD's), and plug-in external drives.

The use of removable media devices to store or save confidential information is prohibited, unless the device or files are encrypted, and password protected to safeguard the information against unauthorized access. Federal Tax Information is explicitly prohibited from storage.

Wherever available, secure online file transmission procedures must be used in preference to a portable storage device to send confidential information directly to authorized external recipients.

In the event that it becomes essential to place confidential information on a removable media storage device or where use of removable media storage device is the only viable option for transferring information, the user must first receive approval from Human Service Zone information technology service provider or NDIT Service Desk. Human Service Zone information technology service provider or NDIT will ensure that the device meets proper security requirements. Once approved, copying to the device needs no further approval.

The user must immediately notify their supervisor and the Human Service Zone information technology service provider or NDIT Service Desk of the occurrence of any of the following:

- Misplacement, theft, or loss of removable media on which confidential information was stored or could be accessed;
- Misplacement, theft, or loss of a removable media containing confidential information sent to an external recipient which has failed to reach its destination;
- Actual or suspected use of the removable media to gain unauthorized access to confidential information; and
- Any other incident involving a removable media under the user's control which represents an actual or potential compromise to the security of confidential information.

ELECTRONIC COMMUNICATIONS

Any electronic communication by a Human Service Zone or Department employee conducting Human Service Zone or Department business must be done through approved Human Service Zone or Department IT Resources in a manner that ensures the Human Service Zone or Department appropriately retains a record of the communication in accordance with state and federal records management rules and regulations and Human Service Zone and Department policy.

Electronic communications include:

- Electronic mail (email);
- Instant messaging (IM); and
- Text messages (SMS).

Since the internet is inherently unsecure, employees shall comply with the Human Service Zone's or Department's policy regarding the transmission of confidential information via electronic communication. Employees shall use professional and appropriate language in all electronic communications. Sending abusive, harassing, threatening, menacing, discriminatory, pornographic, disrespectful, or otherwise offensive or embarrassing electronic communications is prohibited.

The act of deleting a message and document may not totally obliterate it. Deleted messages and documents may be stored in the system for an indefinite duration. Employees shall compose electronic communications keeping in mind that they may someday be used as evidence in court. Courtesy and professionalism should replace slang, intentional misspellings, abbreviations, and over-familiarity.

The Human Service Zone, Department, Human Service Zone information technology service provider, and NDIT reserve and intend to exercise the right to review, audit, intercept, access, and disclose all electronic communications.

Department Email

The Human Service Zone and Department approved email system is Microsoft Outlook, which is provided as part of Office 365 system, if available to the Human Service Zone. Human Service Zone and Department employees shall comply with State, Human Service Zone, and Department policies when using the email

system. Compliance is the user's responsibility.

Employees shall avoid the appearance of impropriety and avoid the appearance of leveraging the stature of the Human Service Zone or State in the use of their assigned Human Service Zone or State email address. Human Service Zone or State email addresses shall not be used for personal communications in public forums such as or similar to non-work- related listservs, discussion boards, discussion threads, online forums, or blogs.

Users shall report receipt of suspicious emails using the "Phishing Alert" button, if available.

Email communications between and amongst employees relative to employee events, fundraisers, charity drives, etc. are limited as noted below. Other such events and emails must be approved by the Zone Director, Zone Designee, or Department's HR Director prior to being sent.

Approved:

- Employee recognition events (years of service, retirement, new hire, promotion, etc.);
- Charitable fundraising efforts limited to United Way and American Cancer Society/Relay for Life;
- Local Jeans Day or COSE events;
- Client-related emails (i.e. searching for a used car for a client. However, you need to remember to keep confidentiality in mind);
- Birth/adoption of children by staff (remember to keep confidentiality in mind); and
- Community fundraising efforts (Red Cross, Flood Relief, Salvation Army).

Not Approved:

- Selling of personal goods/services (i.e. rummage sales, housecleaning services, furniture sales, home sales);
- Gambling (includes football pools); and
- Illegal activities.

Limited Use:

- In situations involving school-age children's fundraisers, this information can be left in Human Service Zone or Department locations that have a general break/coffee area. The email system may be used to notify co-workers that a fundraiser is taking place, and all printed material should be left in a general break/coffee area. The email system should not be used to describe the fundraiser, solicit sales, etc. It should simply serve as a reminder that something is taking place and where to find additional information;
- Fundraisers for community members/family members (i.e. pancake and sausage breakfast);
- In situations where an employee has completed an Outside Employment Agreement (SFN #1890) and has a relationship established with other employees, minimal use of the email system is permissible with supervisory approval. Primary examples of this situation are Tupperware, Pampered Chef, Mary Kay, or other catalog-type companies; and
- Many employees order from wholesale companies. The email system may be used to notify employees that a catalog is available. As with any such activity, the ordering and distribution of such items must take place before/after working hours or on employee break times.

Requirements for all emails containing confidential information

Please follow the following guidelines for sending any email containing confidential information:

1. Confidential information is not to be included in the subject line of the message;
2. Confidential information is to be limited to the minimum necessary;
3. The message must include the below confidentiality notice and contact information to whom a recipient can report a misdirected message; and
4. Verify the recipient's address and check and double-check that the address is correct.

-----Confidentiality Statement-----

This transmission is intended only for the use of the individual to whom it is addressed and may contain information that is made confidential by law. If you are not the intended recipient, you are hereby notified any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please respond immediately to the sender and then destroy the original transmission as well as any electronic or printed copies. Thank you.

Additional requirement for sending emails containing confidential information

All emails containing confidential information sent outside the Human Service Zone's and Department's email system (nd.gov) must be encrypted, with exceptions stated below. This is achieved by using the secure email system provided by Human Service Zone information technology service provider or NDIIT.

Note on sending emails inside the state's email system

Sending Emails within the Human Service Zone or Department and Among State Agencies: Any email that is sent between nd.gov addresses or within a Human Service Zone is considered secure and therefore, does not need to be encrypted. You are still required to follow the guidelines set forth above under "Requirements for all emails containing confidential information".

Emailing clients

Email with Clients. Email communications with clients are only permitted if the client or the client's legal representative if applicable, has specifically agreed to such form of communication in writing. The client's written permission is required prior to any email communication taking place using the Department's revised "Request for Confidential Communication by Alternative Means or Alternative Location" form (SFN #1977) or another form with substantially similar language (such as, the SFN #405, SFN #1909 or SFN #958 applications). The form must be retained in the client's record. The email must be encrypted unless the client has requested unencrypted (unsecure) email, and the client has signed the "Unencrypted Email or Text Messaging" Section of the SFN #1977 form or another form with substantially similar language acknowledging and accepting the risks involved with sending confidential information unencrypted (unsecure).

Failure to implement the above procedures when emailing confidential information will result in disciplinary action, up to and including termination.

Personal Email

Downloading, installing, or using personal, consumer-grade email software to conduct Human Service Zone or Department business via the public Internet or for personal use involving Human Service Zone and Department

IT Resources is prohibited. If there is a business need for email usage, the potential user shall request access to the Human Service Zone's and Department's email system. With supervisory approval, using an external email account for transmission or connectivity testing purposes is an exception to this provision.

Access to personal email using Human Service Zone and Department IT Resources is forbidden, unless prior approval has been granted by the Zone Director, Zone Designee, Department, Human Service Zone information technology service provider, and NDIIT for business purposes.

Private, Web-based email accounts shall not be used to conduct Human Service Zone and Department business. In certain management approved circumstances, use of a private Web-based email account for Human Service Zone and Department business may be acceptable. An example of such type of use may be to access information regarding professional association benefits.

Instant Messaging (IM), Text Messaging, and Calling from Cell Phones or Smartphones

Only Human Service Zone, Department, Human Service Zone information technology service provider, and NDIIT supported IM solutions are permitted for communication between User, another Human Service Zone team member, Department employees, or client. Downloading, installing, or using personal, consumer-grade IM software is strictly prohibited for communication between User, another Human Service Zone team member, Department employees, or client.

All mobile devices used to send text messages to clients will have Microsoft Intune mobile device management software installed. This will allow the Human Service Zone, Department, Human Service Zone information technology service provider, or NDIIT to install, manage, secure, and delete the apps that will be used for secure texting. The apps that will be managed will be "*Signal*" and "*Google Voice*". No other apps or data that reside on the cell phone or smartphone will be managed by the Human Service Zone, Department, Human Service Zone information technology service provider, or NDIIT.

Signal is a simple and secure messaging and calling app that is free to install and free to use. *Signal* allows employees to securely text clients using end-to-end encryption, ensuring confidentiality. The *Signal* app will be configured so that a new message notification will not show message content. Clients also need to install *Signal* on their device in order to securely communicate via text with Human Service Zone or Department employees.

Google Voice is an app that allows the user to create a second cell phone or smartphone number on the current cell phone or smartphone. This allows Human Service Zone or Department employees to have a second cell phone or smartphone number from which they can text or call from without having to share their personal cell phone or smartphone number when communicating with clients.

Employees shall follow the below guidelines when communicating using IM, text messages, or calling from an employee's personally-owned or Department-owned cell phone or smartphone to a Human Service Zone team member, Department employees, or client:

- Unencrypted IM or text messages between Human Service Zone employees, Human Service Zone employees and Department employees, Department employees, Human Service Zone

employees and providers, or Department employees and providers shall not contain confidential information;

- Unencrypted IM, text messages, or calling from cell phone or smartphone between Human Service Zone, Department employees, and clients shall only occur if the client has executed the revised *"Request for Confidential Communication by Alternative Means or Alternative Location"* form (SFN #1977) or another form with substantially similar language requesting and accepting the conditions and risks of receiving unencrypted electronic communications.
- Employees shall not store first and last names in an address book or contact list used for sending IM, text messages, or calls from a cell phone or smartphone. Store first name plus last initial only. Employees shall confirm that the contact number of the client is recorded correctly;
- First and last names shall not be used in IM or text messages;
- Employees shall delete IM or text messages after communication is completed and necessary information is documented appropriately;
- Any mobile device used for sending messages must be password protected and must be secure at all times, including at home and work;
- Employees are not to "reply" to a client's original message unless the client has executed the revised *"Request for Confidential Communication by Alternative Means or Alternative Location"* form (SFN #1977) or another form with substantially similar language requesting and accepting the conditions and risks of receiving encrypted or unencrypted electronic communications;
- Messages are to be professional at all times and abbreviations are not to be used;
- Messages are to be brief. Any message that exceeds 160 characters will transition into two messages;
- The employee is to ensure that clients and the public have clear expectations regarding two-way communications. i.e. how quickly you will respond and guidelines for urgent matters;
- IM, text message, or receiving a call from a cell phone or smartphone with clients require the client's written permission using the Department's revised *"Request for Confidential Communication by Alternative Means or Alternative Location"* form (SFN #1977) or another form with substantially similar language. The client's written permission is required prior to any communication taking place; and
- If the client wishes to communicate via unencrypted (unsecure) IM, text message or receiving a call from a cell phone or smartphone, the client must sign the "Unencrypted Email or Text Messaging" Section of the form SFN #1977 or another form with substantially similar language acknowledging and accepting the risks involved with unencrypted (unsecure) communications.

Any electronic communication containing confidential information that is misdirected or is thought to be sent to the wrong recipient whether within the Human Service Zone, Department, or within State government or outside of State government, shall be reported immediately to the employee's supervisor. The employee must also file a risk management incident report in accordance with the Human Service Zone's policies and procedures.

Telephone (voice – non-cell phone or smart phone)

Information may be released over the telephone in the same manner that it may be released in person, in accordance with the applicable federal and state laws, federal regulations, administrative rules, and Human

Service Zone and Department policies governing the disclosure of the confidential information and will be documented as appropriate.

- When calling or receiving a call, take reasonable steps to confirm the individual's identity.
- Before disclosing confidential information, employees shall confirm the identity of the individual he or she is speaking with and ensure that they are authorized to receive the information.
- Calls shall be conducted in a manner that preserves an individual's privacy rights to the greatest extent possible. Whenever possible, calls should be made and received in non-public areas. Whenever possible, employees shall also seek out an area that is away from others and limit the volume of one's voice when communicating confidential information.
- Voicemail messages containing confidential information shall be limited to the name of the person for whom the message is being left, a request that the person return the call, the first name of the individual whom the person may ask for when returning the call, if applicable, and the telephone number where the call may be returned.
- Employees shall password protect their voicemail to prevent unauthorized access to voicemail messages containing confidential information. Employee shall set up their own voicemail and password.

Fax Machines, Printers and Copy Machines

Fax machines, printers and copiers used to create or transmit confidential information must be placed in a restricted area secured from the general public. Employees shall make certain that printed materials containing confidential information are promptly removed and not left unattended on fax machines, printers, or copiers.

Employees shall ensure that disclosure of confidential information is in accordance with the applicable federal and state laws, federal regulations, administrative rules, and Human Service Zone and Department policies governing the disclosure of the information.

Employees shall always use a fax cover sheet alerting the recipient that the fax contains confidential information and that he or she should notify the sender if the fax was received in error, and double verify the fax numbers prior to use.

If uncertain about the security on the receiving end, when faxing confidential information employees should call to alert the recipient and confirm receipt at the intended destination.

The employee must report the incident in accordance with the Human Service Zone's policies and procedures.

FORMS

- *Mobile Device Request and Agreement (Department-Owned and Personally-Owned Mobile Devices)* form (SFN #1970)
- *Mobile Device Request and Agreement (Personally-Owned Mobile Devices)* form (SFN #1971)
- *Acceptable use of Department Information Technology Resources Acknowledgment* form (SFN #1972).
- *Request for Confidential Communication by Alternative Means or Alternative Locations* form (SFN #1977)