

***WELLS COUNTY NON-SOCIAL  
SERVICE***

**EMPLOYEE POLICY MANUAL**

**ISSUE DATE: January 2015**

**REVISED: April 2016, June 2017, March 2018, February 2019, August 2020**

Welcome employee!

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

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

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

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

Sincerely,

Board of Commissioners  
Wells County, North Dakota

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**40 INTRODUCTORY STATEMENT**

*Effective Date: January 2015*  
*Revised: April 2016*

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

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

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

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

**\*\*\*\*\*PLEASE NOTE\*\*\*\*\***

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

**\*\*\*\*\***

**THE WELLS COUNTY SOCIAL SERVICES DEPARTMENT IS GOVERNED BY STATE POLICY AND THEREFORE IT IS NOT CONSIDERED A PARTICIPATING DEPARTMENT UNDER THESE POLICIES.**

**\*\*\*\*\***

**WELLS COUNTY NON SOCIAL SERVICES EMPLOYEES**  
**EMPLOYEE ACKNOWLEDGMENT FORM**

*Effective Date: January 2015*  
*Revised: April 2016*

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

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

I have entered into my employment relationship with Wells County voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or Wells County can terminate the relationship at will, with or without cause, at any time, so long as there is not violation of applicable federal or state law. I understand and agree that nothing in the employee handbook creates, or is intended to create a promise or representation of continued employment and that employment at Wells County is employment at will, which may be terminated at the will of either Wells County or myself. Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document.

Social Service employees are not considered as at will employees and as a consequence will be provided a notice of termination and the right to a hearing in job loss situations.

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

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

\_\_\_\_\_  
EMPLOYEE'S SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
EMPLOYEE'S NAME (TYPED OR PRINTED)

**101 NATURE OF EMPLOYMENT**

*Effective Date: January 2015*

*Revised: April 2016*

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

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

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

**DISCLAIMER**

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

**Social Service employees:**

**Social Service employees are covered by the North Dakota Merit System and in addition to applicable County policies, will adhere to the North Dakota Administrative Code. Social Service employees are not considered as at will employees and in the event of job loss situations will be provided a notice of termination and the right to a hearing.**

**102 EMPLOYEE RELATIONS**

*Effective Date: January 2015*

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

Our experience has shown that when employees deal directly with supervisors, the work environment is excellent, communications are clear and attitudes are positive. We believe that Wells County has amply demonstrated its commitment to responding effectively to all employee concerns. Employees are free to bring issues of concern to the Board of County Commissioners after an attempt is made to resolve the concern with their supervisor.

**103 EQUAL EMPLOYMENT OPPORTUNITY**

*Effective Date: January 2015*

*Revised: April 2016*

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

**Veteran's Preference:** Qualified veterans shall have preference for employment with Wells County as set forth in Chapter 37-19.1 of the North Dakota Century Code.

**105    HIRING OF RELATIVES**

*Effective Date: January 2015*

*Revised: April 2016*

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

The policy of Wells County is as follows:

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

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

**108 CONFLICTS OF INTEREST**

*Effective Date: January 2015*

*Revised: April 2016*

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

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

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

An employee of the County shall not hold any position, nor serve on any board in which such interest or position would conflict with the duties assigned to that individual and/or that individual's office either by constitution or statute.

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

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

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

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

## **WELLS COUNTY NON SOCIAL SERVICES EMPLOYEES**

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

**110 OUTSIDE EMPLOYMENT**

*Effective Date: January 2015*

*Revised Date: April 2016*

An employee may hold a position with another organization as long as he or she discloses that situation and satisfactorily performs his or her job responsibilities with Wells County. Employees should consider the impact that outside employment may have on their health and physical endurance. All employees will be judged by performance standards and will be subject to the County's scheduling demands, regardless of any existing outside work requirements.

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

Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals outside the County for materials produced or services rendered while performing their jobs or from the use of County owned facilities, materials, equipment or tools used while off duty, unless approved in advance by the Commissioners.

Eligible employees who are elected to local public offices such as City Mayor, City Council, Township Board or School Boards, will be excused from work with pay to attend meetings of those bodies which occur during regular working hours.

Eligible employee classification(s):

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

**114 DISABILITY ACCOMMODATION**

*Effective Date: January 2015*

The County is committed to complying with the Americans with Disabilities Act (ADA) and ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis.

Hiring procedures have been reviewed and provide persons with disabilities meaningful employment opportunities. Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position.

Reasonable accommodation is available to all disabled employees, where their disability affects the performance of job functions. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual.

Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as in job assignments, classifications organizational structures, position descriptions, lines of progression and seniority lists. Leave of all types will be available to all employees on an equal basis.

The County is also committed to not discriminating against any qualified employees or applicants because they are related to or associated with a person with a disability. The County will follow any state or local law that provides individuals with disabilities greater protection than the ADA.

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

## 201-1 EMPLOYMENT CATEGORIES

*Effective Date: January 2015*

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

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

- **NONEXEMPT** employees are entitled to overtime pay under the specific provisions of federal and state laws.
- **EXEMPT** employees are excluded from specific provisions of federal and state wage and hour laws (i.e. Fair Labor Standards Act).

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

- **REGULAR FULL-TIME:** Employees who are not in a temporary or introductory status and who are regularly scheduled to work the organization's full-time schedule (35 hours or more per week). Generally, they are eligible for the employer's full benefit package, subject to the terms, conditions and limitations of each benefit program. (For purposes of classification and eligibility for benefits, all elected officials are considered to have the same benefits entitlements as full-time employees.)
- **SEASONAL FULL-TIME EMPLOYEES:** Employees who are not in a temporary or introductory status and who are regularly scheduled to work the organization's full-time schedule (40 hours or more per week) during a portion of the year. They are ineligible for the employer's benefit package with the exception of employees who have completed at least two (2) full seasons will receive holiday benefits of holidays occurring during the time period they work and a single medical insurance policy covering the time period worked. A full season is defined as working at least 700 hours in one season. Employees are subject to termination of employment on a seasonal basis.
- **REGULAR PART-TIME:** Employees who are not in a temporary or introductory status and who are regularly scheduled to work less than the full-time work schedule but at least 20 hours per week. Regular part-time employees are eligible for a prorated percentage portion of the employer's benefit package subject to the terms, conditions, and limitations of each benefit program in direct relation to the average number of hours the employee works. Prorated would be calculated on a monthly basis with average weekly hours of 20-27.5 at 50%, 27.75-34.75 at 75%.
- **PART-TIME:** Employees who are not in a temporary or introductory status and who are regularly scheduled to work less than 20 hour per week. While they do receive all legally-mandated benefits (such as workers' compensation and Social Security benefits), they are ineligible for any of the employer's other benefit programs.

## WELLS COUNTY NON SOCIAL SERVICES EMPLOYEES

- **INTRODUCTORY:** Employees who are being evaluated to determine whether further employment in a specific position or with the organization is appropriate. Employees who satisfactorily complete the introductory period will be notified of their new employment classification.
- **TEMPORARY:** Employees hired as interim replacements, to temporarily supplement the work force or to assist in the completion of a specific project. Employment assignments in this category are of a limited and indefinite duration. Employment beyond any initially stated period does not in any way imply a change in employment status. “Temporary” employees retain that status until notified of a change. While temporary employees receive all legally-mandated benefits (such as workers’ compensation insurance and Social Security), they are ineligible for any of the employer's other benefit programs.
- **CASUAL:** Employees who have established an employment relationship with the organization but who are assigned to work on an intermittent and/or unpredictable basis. While they receive all legally-mandated benefits (such as workers’ compensation insurance and Social Security), they are ineligible for any of the employer’s other benefit programs.

**202 ACCESS TO PERSONNEL FILES**

*Effective Date: January 2015*

Personnel files are the property of Wells County and access to the information they contain is restricted. Generally, only officials and representatives of the Commissioners who have a legitimate reason to review information in a file are allowed to do so. With reasonable advance notice, an employee may review material in his or her file but only in the County Auditor's offices and in the presence of the individual appointed by the Commissioners to maintain the file, unless otherwise mandated by state law.

**204 PERSONNEL DATA CHANGES**

*Effective Date: January 2015*

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

**205 INTRODUCTORY PERIOD**

*Effective Date: January 2015*

*Revised: April 2016*

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

All new and rehired (after 6 months absence) employees work on an introductory basis for the first 180 calendar days after their date of hire. Any significant absence will automatically extend the introductory period by the length of the absence. If the Commissioners determine that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee, the Commissioners may extend the introductory period for a specified period.

Employees who are promoted, demoted, or transferred within the County must complete an introductory period of the same length with every reassignment to a new position. Employees in these situations who, in the sole judgment of management, is not successful in his or her new position can be removed from that job during the introductory period.

Introductory employees will assume “regular” status upon satisfactory completion of the introductory period. During the introductory period, new employees are eligible for those benefits that are required by law, such as workers’ compensation insurance and Social Security and employees are eligible for any other employer-provided benefits, subject to the terms and conditions of each benefit program. See your supervisor for clarification of these benefits provisions.

The introductory period is considered fulfilled for any part-time employee who works 1,000 hours or more in a 12 month period and is promoted to full-time employment status within the same department and same job classification.

**209 PERFORMANCE EVALUATION**

*Effective Date: January 2015*

*Revised: April 2016*

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Formal performance evaluations are conducted at the end of an employee's initial period in any new position. This period, known as the introductory period, allows the supervisor and the employee to discuss the job responsibilities, standards and performance requirements of the new position. Formal performance reviews may be conducted annually to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths and discuss positive, purposeful approaches for meeting goals. If deemed necessary in individual situations, performance evaluations may be conducted on a more frequent basis. Employees cannot assume they will necessarily receive a wage or salary increase each time their performance is reviewed.

**301 EMPLOYEE BENEFITS**

*Effective Date: January 2015*

*Revised: April 2016*

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

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

The following benefit programs are available to eligible employees:

- Benefit Conversion at Termination (COBRA Insurance)
- Bereavement Leave
- Family Medical Leave
- Holidays
- Jury Duty Leave
- Medical Insurance (\$250 deductible paid by the employer for the employee only)
- Retirement (This benefit is limited conditions as mandated by PERS eligibility format)
- Sick Leave
- Uniform Allowance (Sheriff's Department only)
- Vacation Benefits
- Witness Duty Leave

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

**303 VACATION BENEFITS**

*Effective Date: January 2015*

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

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

Vacation benefits are awarded on the basis of length of service and may not be taken until after the year for which they are awarded.

Employees are strongly encouraged to take their vacation. It is the County's intent that vacation time be taken as a benefit to both the employee and the Company. Employees may carry over up to 80 hours vacation time. Any vacation hours over 80 at the end of the year will be forfeited.

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

Vacation benefits are awarded on the following schedule:

<b>Vacation Benefits Eligibility Table</b>		
<b><u>LENGTH OF SERVICE</u></b>		<b><u>VACATION DAYS PER YEAR AVAILABLE</u></b>
0 to 12 months		0 days
After 12 months	(1 Year)	7 days
After 24 months	(2 Years)	14 days
After 36 months	(3 Years)	15 days
After 72 months	(6 Years)	16 days
After 84 months	(7 Years)	17 days
After 96 months	(8 Years)	18 days
After 120 months	(10 Years)	20 days

Employees who have satisfied all eligibility requirements must submit vacation requests to their supervisor in advance. Conflicts in vacation dates will be decided on the basis of the date the request was received or seniority. Requests will be evaluated based upon various factors, including anticipated operating requirements and staffing considerations during the proposed period of absence.

If a holiday occurs during a vacation period, the employee may elect to extend their vacation by one day or take a vacation day at another time.

Upon non-disciplinary termination of employment with appropriate notice, employees will be paid for unused vacation benefits.

**305 HOLIDAYS**

*Effective Date: January 2015*

*Revised: April 2016*

Wells County will grant holiday time off to all employees on the holidays listed below.

- New Year's Day (January 1)
- Martin Luther King Jr. Day (third Monday in January)
- President's Day
- Good Friday
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Veteran's Day
- Thanksgiving (fourth Thursday in November)
- The day after Thanksgiving
- Christmas (December 25)

Any other day appointed by the President of the United States or the Governor of the State of North Dakota, or by resolution of the Board of County Commissioners.

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

Eligible employee classification(s):

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

Some recognized holidays that fall on a Saturday may be observed on the preceding Friday. Some recognized holidays that fall on a Sunday may be observed on the following Monday. (In accordance with provisions of the North Dakota Century Code.) County offices close at noon on December 24. This is an office closure, not a holiday. Noon closure only applies on December 24 if it falls on a Monday through Thursday.

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

If an eligible employee is required and approved by a supervisor to work on a recognized holiday, he or she will receive their holiday pay, plus the hours they work, at regular pay.

Paid time off for holidays will not be counted as hours worked for the purposes of determining whether overtime pay is owed.

**306 REPORT OF INJURY**

*Effective Date: January 2015*

*Revised: April 2016*

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

**Employee Responsibilities**

1. Injuries on the job are a serious matter regardless of how large or small the scope of medical treatment required to treat the condition. It is the responsibility of every employee to report all work-related injuries and accidents to their immediate supervisor and Risk Manager. If necessary, medical first aid must be administered immediately and without delay.
2. An incident is a situation where an employee has an injury, accident or exposure and does not feel the need to seek medical attention. Under these circumstances it is critically important that an employee contact the Risk Manager immediately to ensure the incident is properly reported to Workforce Safety and Insurance (WSI) within 24 hours. If medical attention is required at a later date, the employee is required to contact the Risk Manager prior to scheduling a medical appointment. Failure to report an incident or injury within 24 hours of its occurrence may result in denial of the claim.
3. Wells County has Designated Medical Providers (DMP) throughout the county to provide medical care to any injured employee. Each employee has the option of choosing an alternate DMP, however this notification must be made to the Risk Manager in writing prior to seeking treatment for a work related injury. Failure to designate a DMP in writing may result in loss of coverage for the injury.
4. Employees with medical work restrictions will not be allowed to work or perform functions exceeding these restrictions while on or off duty.

**Claims Management**

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

## **Return to Work**

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

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

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

## **Coverage**

While the County supports the use of County Wellness Programs, any injuries that incurred while participating in programs are not covered under our Workforce Safety and Insurance policy.

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

**307 SICK LEAVE BENEFITS**

*Effective Date: January 2015*

Wells County provides paid sick leave benefits to all eligible employees for periods of temporary absence due to illnesses or injuries.

Eligible employee classification(s):

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

Eligible employees will accrue sick leave benefits at the rate of 12 days per year for a full-time employee (1 day per month, a day to be defined as an 8 hour day). Part-time employees will accrue prorated sick leave benefits, i.e. if you work half-time you will accrue 6 days per year.

An eligible employee may use sick leave benefits for an absence due to illness or injury sustained by either that employee or a family member who resides in the employee's household.

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

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

Sick leave benefits will be used to supplement any state disability insurance or workers' compensation benefits that an employee is eligible to receive. The combination of any such disability payments and sick leave benefits cannot exceed the employee's normal earnings.

Unused sick leave benefits will be allowed to accumulate without limit. Because sick leave benefits are intended to provide income protection in the event of an actual illness or injury, unused sick leave benefits cannot be used for any other paid or unpaid absence and will not be paid off at the time of termination of employment.

Regular full-time employees who do not use any sick leave benefits during the year will be granted one paid personal day off to be used within one year. Regular part-time employees will receive a prorated amount of paid time off.

**309 BEREAVEMENT LEAVE**

*Effective Date: January 2015*

If an employee wishes to take time off due to the death of an immediate family member, the employee should notify his or her supervisor immediately. Unpaid time off will be granted to allow the employee to attend the funeral and make any necessary arrangements associated with the death.

Up to three days of paid bereavement leave for funerals of immediate family members will be provided to eligible employees in the following classification(s):

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

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

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

The employer defines "immediate family" as the employee's spouse, parent, child, sibling; the employee's spouse's parent, child or sibling; the employee's child's spouse; grandparents or grandchildren.

**311 JURY DUTY**

*Effective Date: January 2015*

Wells County encourages employees to fulfill their civic responsibilities by serving jury duty when required. Employees in an eligible classification may request up to two weeks of paid jury duty leave over any one year period. Jury duty pay will be calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence, less any court awarded fees.

Employee classifications that qualify for paid jury duty leave:

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

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

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

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

Accrual for benefits calculations, such as vacation, sick leave or holiday benefits, will not be affected during unpaid jury duty leave.

**312 WITNESS DUTY**

*Effective Date: January 2015*

*Revised: April 2016*

Wells County encourages employees to appear in court for witness duty whenever summoned to do so. Employees in an eligible classification may request paid witness duty leave. Witness duty pay will be calculated on the employee's base pay rate, minus any witness fee or mileage paid by the court. Employee classifications that qualify for paid jury duty leave:

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

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

When an employee is summoned as a witness and the department is not a party to the action they shall be eligible for witness duty leave upon approval less any witness fees and mileage. If for any reason the employee is not on authorized leave or on duty, they may collect witness fees and mileage from the proper party.

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

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

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

**313 BENEFIT CONTINUATION (COBRA)**

*Effective Date: January 2015*

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

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

**401 TIMEKEEPING**

*Effective Date: January 2015*

*Revised: April 2016*

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

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

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

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

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

**403 PAYDAYS**

*Effective Date: January 2015*

*Revised: April 2016*

Pay days vary throughout the County. Your supervisor will advise you of your regular pay day. Each paycheck will include earnings for all work performed through the end of the previous payroll period.

Wells County utilizes direct deposit for employee paychecks.

**405 EMPLOYMENT TERMINATION**

*Effective Date: January 2015*

*Revised: April 2016*

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

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

Employees will receive their final pay in accordance with applicable state law.

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

**408 PAY ADVANCES**

*Effective Date: January 2015*

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

If a regular payday falls during an employee's vacation, the employee may receive his or her earned wages after returning from vacation.

**409 ADMINISTRATIVE PAY CORRECTIONS**

*Effective Date: January 2015*

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

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

Once underpayments are identified, they will be corrected in the next regular paycheck.

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

**410 PAY DEDUCTIONS**

*Effective Date: January 2015*

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

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

**501 SAFETY**

*Effective Date: January 2015*

*Revised: April 2016*

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

To assist in the effort to provide the safest possible work environment for employees, customers and visitors, the Risk Manager has appointed a safety committee composed of representatives throughout the County. The committee will assist the Risk Manager with all aspects of the NDACo Risk Management Safety Program.

Wells County is a member of the NDACo Risk Management program. In accordance with the recommendations of this program, Wells County has Designated Medical Providers (DMP) throughout the county to provide medical care to any injured employee. Each employee has the option of choosing an alternate DMP. This notification must be made to the Risk Manager in writing prior to seeking treatment for a work related injury. Failure to designate a DMP in writing may result in loss of coverage for the injury. A complete listing of Wells County DMP is available from the Risk Manager.

Employees are expected to obey safety rules and to exercise caution in all their work activities. They are asked to immediately report any unsafe conditions to their supervisor and the Risk Manager. Not only supervisors, but employees at all levels of the County are expected to report and attempt to correct, unsafe conditions as promptly as necessary.

All accidents that result in injury must be immediately reported to their supervisor and the Risk Manager – regardless of whether or not the employee seeks medical attention. Such reporting is necessary to comply with laws and initiate insurance and workers' compensation procedures.

Each employee shall be required to attend all mandated training sessions as scheduled by the Risk Manager, unless prior approval is granted allowing the employee to forgo the training. Such requests must be made in writing to the Risk Manager. Failure to attend such mandated training without approval may result in disciplinary action by the Board of County Commissioners, including suspension and/or termination.

**General Safety Rules**

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

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

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

*Effective Date: January 2015*

The work week for the County shall be defined as beginning at 12:01 a.m. Sunday and ending at 12:00 midnight the following Saturday.

Work schedules for employees vary throughout the County. Supervisors will advise employees of their individual work schedules.

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

County Offices will be closed to the public at noon on the last working business day of the year.

**503 WORKPLACE VIOLENCE**

*Effective Date: April 2016*

**Objective:**

Wells County is committed to preventing workplace violence and to maintaining a safe work environment. Wells County has adopted the following guidelines to deal with intimidation, harassment, or other threats of or actual violence that may occur onsite or offsite during work-related activities.

**Prohibited Conduct:**

All employees, customers, vendors and business associates should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, “horseplay” or other conduct that may be dangerous to others. Conduct that threatens, intimidates, or coerces another employee, customer, vendor or business associate will not be tolerated. Wells County resources may not be used to threaten, stalk or harass anyone at or outside the workplace. Wells County treats threats coming from an abusive personal relationship as it does other forms of violence.

Indirect or direct threats of violence, incidents of actual violence and suspicious individuals or activities should be reported as soon as possible to a supervisor, Department Head or member of the County Commission. When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident.

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

**Investigations and Enforcement**

Wells County will promptly and thoroughly investigate all reports of threats of violence or incidents of actual violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as possible. To maintain workplace safety and the integrity of its investigation, the County may suspend employees suspected of workplace violence or threats of violence, either with or without pay, pending investigation.

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

*Effective Date: January 2015*

*Revised: April 2016*

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

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

*Effective Date: January 2015*

*Revised: February 2019*

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

Overtime compensation is paid to all nonexempt employees in accordance with federal and state wage and hour restrictions.

As required by law, overtime pay is based on actual hours worked. Time off on sick leave, vacation leave or any leave of absence will not be considered hours worked for purposes of performing overtime calculations.

Failure to work scheduled overtime or overtime worked without prior authorization from the supervisor may result in disciplinary action, up to and including possible discharge.

In the event of a "Declared Disaster" in the County, overtime for salaried workers will be paid at the discretion of the county commissioners for those working directly with the disaster.

### **Law Enforcement Overtime Compensation Requests**

#### **Purpose and Scope:**

It is the policy of the Sheriff's Office to compensate non-exempt salaried employees who work overtime either by payment of wages as agreed and in effect through an employment agreement or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete his daily logs and turn in his monthly time sheet with explanation of overtime recorded on daily logs. This office pays overtime at the rate of Straight time from 160-171 hours worked, and 1 ½ time for anything over 171 hours.

Under certain conditions, exempt employees in the Sheriff's Office may be paid overtime when:

1. The overtime is reimbursed to the county by another agency; and
2. The overtime work is separate and distinct from the exempt employee's regular duties and responsibilities and the overtime does not interfere with the exempt employee's regular duties and responsibilities.

#### **Office Policy:**

Because of the nature of law enforcement work, and the specific needs of the Office, a degree of flexibility concerning overtime policies must be maintained.

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All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then a supervisor should be told about the overtime worked when you are finished or on the next day.

Short period of work at the end of the normal day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime compensation.

*Effective Date: January 2015*

*Revised: April 2016*

### **County Owned Vehicles**

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

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

Employees who are requested to use their personal vehicle to conduct official business shall be authorized to submit a claim for mileage in accordance with County reimbursement policies. Every County employee should be cognizant and protective of a positive image for Wells County. The improper, careless, negligent, destructive, or unsafe use or operation of County vehicles as well as excessive or avoidable traffic and parking violations, can result in disciplinary action up to and including termination.

### **Use of Equipment**

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

1. It shall be the responsibility of all County employees to advise the immediate supervisors whenever equipment is in such operating condition that it hinders their job or subjects the employee to a safety hazard.
2. Personal use of County equipment, property and/or facilities shall not be permitted without supervisor approval.
3. No personal vehicles or property shall be serviced or stored in county-owned facilities without supervisor approval.
4. Employees who use County equipment and/or facilities for personal use without supervisor approval are subject to disciplinary action.
5. No personal vehicles may be serviced or property use for personal reasons during normal work hours.

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

*Effective Date: January 2015*

*Revised: April 2016*

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

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

### **Conventional Mail and Telephone Systems**

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

Employees are specifically requested to refrain from use of a cellular phone while driving a vehicle. Should the need arise to answer or initiate a call with a cellular phone while driving, the employee is directed to pull safely to the side of the road, stop forward or backward motion of the vehicle and then communicate via the cellular phone.

### **Authorized Software and Hardware**

1. Software that has been licensed by Wells County or that has been authorized to conduct business is allowed on Wells County's personal computers (PC's) and servers. All software purchases and installation must be preauthorized.
2. No software, including screen saver software, wallpaper or any other freeware, shareware, demo software or games, which have not been purchased by the County, are to be installed or downloaded on any computer without specific authorization.
3. Wells County reserves the right to audit any computers for unauthorized or unlicensed software. Personal software (licensed or unlicensed) is not allowed for use on Wells County computers or servers. Any unauthorized or unlicensed software will be removed from the system. An individual may not:

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- a. Make unauthorized copies of any copyrighted software or data; duplicating and distributing copies of software that is not proscribed in the license is illegal.
  - b. Make copies of the user manual as well as copying system diskettes is also illegal. Distribute copies of sound recordings (e.g. MP3s) or images, which is also copyrighted, is illegal.
  - c. Make alterations to the software source code.
  - d. Provide use of the software in a multiple CPU or user arrangement to users who are not individually licensed.
4. All hardware modifications and repairs must be approved and completed by an authorized source.
  5. Employees should take precautions to protect his/her User ID and password, including screensaver passwords, as all employees are responsible for his/her workstations. All passwords must be registered with each employee's supervisor.

### **Virus Protection**

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

### **Internet Usage**

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

## WELLS COUNTY NON SOCIAL SERVICES EMPLOYEES

permission from the copyright holder. Any authorized file or file attachments must be scanned with virus detection software before installation and/or execution.

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

### **E-Mail and Electronic Communications**

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

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Charitable endeavors such as the United Way may be communicated through electronic means provided they are endorsed and approved by the County Commission.

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

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

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

**601 MEDICAL/FAMILY LEAVE**

*Effective Date: January 2015*

*Revised: April 2016*

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

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

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

**Eligibility:** Active employees who have been employed by the County for at least 12 months and who have worked at least 1,250 hours during the previous 12 months are eligible for Family Medical Leave. The 12 months of employment need not be continuous and shall include time spent on military service covered by USERRA. An employee's eligibility is measured as of the date leave will begin. If an employee who is otherwise eligible for FMLA reaches the 12 month mark while on leave, the period of leave prior to meeting the 12 month threshold is non-FMLA and the period of leave after the 12 month threshold is FMLA.

Employees will be required to use accrued paid sick leave for eligible situations and may use vacation leave to cover some or all of the FMLA. Any leave which exceeds the combination of sick and/or vacation leave shall be unpaid pursuant to FMLA. The employer is responsible for designation if such paid leave counts as FMLA leave.

**Length:** Leave will be available for the period of time certified by the physician and approved by the County, but not to exceed 12 workweeks in the 12 month period. Military Caregiver leave shall not exceed 26 workweeks in a single 12 month period beginning on the first day of such leave. The method used to calculate a leave year will be the 12 month period measured forward from the date the employee first takes FMLA leave. This method entitles an employee to 12 weeks of leave during

## WELLS COUNTY NON SOCIAL SERVICES EMPLOYEES

a year that begins on the first day FMLA leave is taken. After completion of 12 months from that date, the next 12-month period begins the next time FMLA is used.

Regularly scheduled part time employees are eligible for up to 12 weeks of leave (or 26 weeks where applicable) based on their normal part time workweek.

A Parenting FMLA leave shall be taken in a continuous block of days, unless advance written approval is obtained from the County to allow parenting leave to be taken in more than a single continuous block of days. If such leave is requested and granted, it must be in full day increments. When such leave is approved, the employee may be required to transfer temporarily to an alternate position with equivalent pay and benefits. Parenting FMLA must end within 12 months of the birth or placement of the child.

Leave due to an employee's own serious health condition or that of the employee's spouse, child or parent may be taken on an intermittent or reduced leave schedule when medically necessary. The minimum length of each period is one hour. The County may require those taking intermittent leave to transfer temporarily to an alternative position with equivalent pay and benefits. In addition, those using intermittent leave must make a reasonable effort to schedule leave so as not to unduly disrupt County operations.

If an employee notifies the County that they do not intend to return to work after their leave, their termination date will be the end of the leave period.

The aggregate number of workweeks of Military Caregiver leave to which a husband and wife may be entitled if they both are County employees may be limited to 26 workweeks during a single 12 month period if the leave is all Military Caregiver leave or is a combination of Military Caregiver leave and any other type of leave authorized by this policy.

### **Notice Obligations:**

- A. **Foreseeable Leave:** Where the need for leave is foreseeable, the employee must provide at least 30 days' notice to the County before the leave is to begin. If the leave is to begin in less than 30 days, the employee must notify the County as soon as practicable. Failure to comply with this notice requirement may result in the delay or denial of leave. For leaves due to qualifying exigency, notices must be provided as soon as practicable regardless of how far in advance leave was foreseeable.
- B. **Unforeseeable Leave:** Where the need for leave is unforeseeable, the employee must give notice to the County immediately, absent extenuating circumstances.

Failure to comply with this notice requirement may result in the delay or denial of leave. This requirement should not be confused with any required call-in procedures for reporting absences, which is a separate obligation.

**Retroactive Designation:** The County will retroactively designate an employee's absence where, in the County's opinion, circumstances make such a designation appropriate.

### **Continuation of Pay and Benefits:**

- A. **Vacation/Sick-All** benefits accrued before, and not used during an employee's leave will remain.

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- B. Use of Paid Leave-Employees will be required to use sick leave during FMLA and may use vacation to complete an FMLA leave.
- C. Paid vacation and paid sick leave will run concurrently with FMLA and may not be used to extend leave under this policy.
- D. Holidays-Employees will not be paid for holidays during FMLA.
- E. Wages and Salary-Any wage or salary increases otherwise due during leave shall be suspended during leave without retroactive adjustment upon the employee's return to work. If the employee does not return to work, any final pay shall be based on the last rate paid before leave commenced.

### **Procedure to Obtain FMLA**

An employee requesting leave should obtain and complete the necessary leave forms and attach the required certifications and submit them to their Department head within the designated amount of time.

Failure to give a 30 days advance notice for a foreseeable leave, failure to give timely notice for unforeseeable leave, or failure to produce requested certification(s) within the time designated may result in the delay or denial of the leave.

### **Activities Prohibited During FMLA**

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

### **Administration**

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

**603 PERSONAL LEAVE**

*Effective Date: January 2015*

In accordance with the guidelines set forth in this policy, Wells County may provide unpaid personal leave to eligible employees who wish to take time off from work duties to fulfill personal obligations and who have completed 365 days of consecutive service.

The employee classification(s) eligible for personal leave:

- Regular full-time employees
- Part-time regular employees

Personal leave may be granted for a period of up to 30 calendar days. Pending the Commissioner's approval, employees must take any available vacation leave prior to the effective date of the personal leave of absence.

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

The County will continue to provide insurance benefits.

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

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

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

*Effective Date: January 2015*

*Revised: April 2016*

**ND State Law Provisions:**

All employees of this State or political subdivision who:

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

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

NDCC 37-01-25

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

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

1. Has provided advance notice, either written or oral, of the need for the leave, unless notice is unreasonable or impossible;
2. Has received an honorable discharge;
3. Has taken a total of less than five years of military leave during the time of employment with the County.
4. Has applied for reemployment or reported back to work in a timely manner, depending on the length of the leave:

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- a. Less than 31 days: must report back to work not later than the first regular work day following discharge and an eight-hour period allowing for safe transportation from place of service to the employee's residence.
- b. More than 30 but less than 181 days: must reapply for employment within 14 days of discharge;
- c. Over 180 days: must reapply for employment within 90 days of discharge.

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

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

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

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

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

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

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

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

### **DISCHARGE OR DEMOTION:**

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

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

*Effective Date: January 2015*

*Revised: April 2016*

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

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

**701 EMPLOYEE CONDUCT AND WORK RULES**

*Effective Date: January 2015*

*Revised Date: April 2016*

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

1. **Reprisal.** The Public Relations Act, as provided for in State Law, provides that an employee may, without fear of reprisal, report in writing to the employee’s Department Head, or other related County officials the existence of a job-related violation of state or federal law or, rules, or misuse of public resources. Any employee who intentionally furnishes false information is subject to disciplinary action, including suspension or dismissal.
2. **Appearances of Impropriety.** Wells County employees and officials should avoid any action which would result in or create an appearance of using public office for private gain, giving preferential treatment to any business or person, losing independence or impartiality, making decisions outside official channels, or adversely affecting public perception of the integrity of Wells County or any of its departments or programs.
3. **Prohibited Activities.** Wells County employees may not engage in conduct that violates local, state, or federal law, or applicable standards of conduct that has or could have a direct effect on the employee’s ability to carry out his or her duties and responsibilities. In addition, officials, managers and supervisors may not engage in any business activity with subordinates that could compromise a working relationship.
4. **Employee Conduct.** Wells County considers a consistently positive, cooperative, self-motivated, courteous, and professional attitude to be an essential function of every position. Employees have an obligation to serve the public in a fair, impartial and respectful manner. Each employee must understand that when in contact with the public, the employee projects an image of Wells County and its employees. Instances where the public has been offended will be reported to the supervisor. Employees whose conduct shows a lack of respect or professionalism will be disciplined. Even while off-duty an employee should remember that as an employee of Wells County, the employee’s activities may reflect upon Wells County and may affect the employee’s ability to perform their job
5. **Dress Code/Appearance:** Appearance and dress should be in keeping with the job being performed, both for safety reasons and to reflect a positive image for the county. Should an employee arrive for work wearing clothing or accessories which, in the opinion of their supervisor, is inappropriate, they may be required to go home and change prior to commencing work.
6. **Inclement Weather:** A decision to close the County offices due to inclement weather shall be at the discretion of the Sheriff and/or County Road Foreman, either of whom may consult with the Chairman of the County Commission, either or both will make the necessary arrangements to notify employees. Should an employee choose not to attend work due to inclement weather when the County offices are still open, that employee will have that time off charged to either vacation or leave without pay or make arrangements with the immediate supervisor to make up the time.

## WELLS COUNTY NON SOCIAL SERVICES EMPLOYEES

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

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

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

Employment with Wells County is at the mutual consent of the County and the employee and either party may terminate that relationship at any time, with or without cause and with or without advance notice.

Grievance procedures for employees of Wells County shall be in accordance with the provisions of the North Dakota Century Code.

## 702-1 DRUG AND ALCOHOL USE

*Effective Date: January 2015*

*Revised: April 2016, June 2017*

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

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

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

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

All employees are absolutely prohibited from unlawfully manufacturing, distributing, dispensing, possessing or using controlled substances in the workplace. The following is a partial list of controlled substances. Personnel can provide a complete listing and explanation of controlled substances.

- Narcotics (heroin, morphine, etc.)
- Cannabis (marijuana, hashish)
- Stimulants (cocaine, diet pills, etc.)
- Depressants (tranquilizers)
- Hallucinogens (PCP, LSD, designer drugs, synthetic or imitation drugs etc.)
- Misuse of prescription drugs intended for the employee or others

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

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

Employees who are on prescription drugs as dictated by their medical provider, that in turn may impact their ability to safely perform their work, are required to inform their supervisor of the drug being used and its potential side effects so that appropriate precautions can be taken to ensure everyone's safety. Any employee convicted of violating a criminal drug statute in this workplace

## WELLS COUNTY NON SOCIAL SERVICES EMPLOYEES

must inform the County of such conviction (including pleas of guilty and nolo contendere) within five days of the conviction occurring. Failure to so inform the County subjects the employee to disciplinary action, up to and including termination for the first offense.

By law, the County will notify the federal contracting officer within 10 days of receiving such notice from an employee or otherwise receiving notice of such a conviction.

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

**DRUG TESTING POLICY** (This policy applies to all of our employees and parallels DOT/FHWA and FTA regulations and guidelines)

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

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

### **POLICY STATEMENT**

Wells County has developed, in agreement with regulations issued by the Department of Transportation and the Federal Highway Administration, Federal Transit Administration under authority of Congress via the Omnibus Drug and Alcohol Testing Act, the following policy for our employees:

Effective immediately, no employee or a contract driver with Wells County shall be on duty if the employee uses or tests positive for, any controlled substance, including alcohol. Any employee testing positive for alcohol at a level of .02% but below .04%, will be considered medically unfit to work and will be suspended without pay, until such time as they perform a return to duty test and test below .02% and for a period of not less than twenty-four (24) hours (FTA requirements are for eight hours minimum). Any employee testing positive for the specific agents described below or alcohol at a level of .04% or above will be considered to have failed the test and be medically unfit to work. A person who refuses to submit to testing shall not be permitted to work since such a refusal shall be considered to be a positive test. Regardless of the actual or potential alcohol test results, it is a requirement of the DOT that no safety sensitive employee consume alcohol within four (4) hours of reporting for duty.

## **DRUG TESTING**

All employees will be asked to undergo random testing for alcohol and on five groups of drugs: Amphetamines, Opiates, Phencyclidine, Cocaine and Marijuana. These are the drug groups specifically targeted by the FTA and DOT/Federal Highway Administration for testing purposes.

**The employee may also be tested for forms of synthetic drugs.** The County will pay the costs of the pre-employment drug testing and post accident reasonable cause and random drug and alcohol tests.

Employees of Wells County will pay the costs of all other drug and alcohol tests within each twelve month calendar period. Additionally any employee of the County whose employment is terminated, for any reason, prior to the completion of their first ninety calendar days of employment, shall be responsible for reimbursing the County all for costs associated with that employee's drug and/or alcohol testing incurred by Wells County to that point.

## **IMPLEMENTATION SCHEDULE**

Testing will occur at various periods of time. All candidates for hiring will be required to participate in drug testing as a pre-qualification test prior to employment. No candidate for hiring with a positive drug test will be employed. A qualified supervisor can institute a drug or alcohol test on the grounds of reasonable cause or suspicion of drug or alcohol usage. A random testing program will also be utilized, 50% of the employees are tested randomly per year for drugs and 25% of the employees are tested randomly for alcohol per year. Following a reportable accident while on the job, the employee may be asked to undergo testing.

## **ACCESS TO TESTING RESULTS AND CONFIDENTIALITY**

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

## **RESULTS OF A POSITIVE TEST**

Following the first positive test, Wells County reserves the right to immediately terminate the employment of that employee. If the driver is an Owner/Operator or Independent Contract Driver, the County may immediately disqualify them from any further driving for Wells County or terminate the contractual relationship with the Independent Contractor supplying the driver or Owner/Operator. Employees thus terminated are still obligated to undergo an evaluation by a Substance Abuse Professional (SAP) and must successfully complete the treatment program prescribed by that SAP. Additionally they must successfully pass a return to duty drug/alcohol test and participate in a follow-up unannounced screening program no less often than six (6) tests in a twelve (12) month period. Wells County assumes no responsibility financially or otherwise for the terminated employee's compliance with the above.

## EMPLOYEE ASSISTANCE PROGRAM

The Employee Assistance Program will contain an educational and training program for employees and also for supervisors which addresses controlled substances. A written statement will be on file at the principal place of business of the County that outlines the employee assistance program. The training program will include a discussion of the effects and consequences of alcohol and controlled substances on personal health, safety and the work environment, the manifestations and behavioral effects that may indicate controlled substance use or abuse, documentation of the training given employees and supervisory personnel and documentation that the above personnel received at least 60 minutes of training. The above is to be construed as the minimum form of Employee Assistance Program that the County can add to at its discretion. Supervisors must receive sixty (60) minutes of alcohol awareness training and sixty (60) minutes of drug awareness training.

## DEFINITIONS

**Controlled Substance** is any substance listed on Schedules I to V as periodically amended by the Federal government and alcohol.

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

## RELATIONSHIP TO FEDERAL REGULATIONS AND LAWS

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

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

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

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

Physician-prescribed medications are permitted, provided they do not adversely affect job performance or the safety of the employee or other individuals in the work place.

*Effective Date: January 2015*

*Revised: April 2016*

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

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

### **Definitions**

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

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

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

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

## WELLS COUNTY NON SOCIAL SERVICES EMPLOYEES

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

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

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

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

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

### **Complaint Procedures**

An employee who feels that he/she has been subject to workplace harassment, sexually harassed or has witnessed harassment has several avenues of reporting the behavior and is encouraged to use the County procedure to resolve any sexual or other unlawful harassment. If unreported, the County is

## WELLS COUNTY NON SOCIAL SERVICES EMPLOYEES

severely limited in maintaining a workplace free of sexual or other unlawful workplace harassment. Employees are not required to deal directly with an offending individual(s) in seeking resolution.

1. An employee who feels that he/she has been subject to sexual, unlawful or workplace harassment should clearly state to the individual that his/her behavior is offensive to them.
2. If you are unable to confront your alleged offender or the behavior persists after confronting the alleged offender; go to your immediate supervisor who shall immediately notify the Department Head.
3. If the immediate supervisor is involved in the alleged harassment, the incident should be reported directly to the Department Head and/or the Board of Wells County Commissioners.
4. If the complaint involves the Department Head, the incident should be reported directly to the Board of Commissioners.
5. If the complaint involves a member of the Board of Commissioners, the incident should be reported directly to the State's Attorney.
6. The Board of Commissioners will assign a committee or designate an appropriate individual to conduct an investigation in a fair, prompt and complete manner.

### **Protection against Retaliation and Reprisal**

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

### **Discipline**

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

*Effective Date: January 2015*

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

*Effective Date: January 2015*

*Revised: April 2016*

Employees are responsible for all property, materials or written information issued to them or in their possession or control. All property must be returned by employees upon request or in the case of resignation, on or before the last day of work.

*Effective Date: January 2015*

*Revised: April 2016*

Resignation is a voluntary act initiated by the employee to terminate employment with Wells County. Although advance notice is not required, the County requests at least two weeks written resignation notice from all employees stating the reason for termination.

*Effective Date: April 2016*

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

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

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

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

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

All departments' reduction in force recommendations must be in writing to the Wells County Commission. Final reduction in force will be made by the Wells County Commission. Employees who are terminated pursuant to the reduction in force policy will be given a minimum of one month's notice and offered a severance package. Severance package will include one month's salary and one month's benefits from date of dismissal.

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

*Effective Date: April 2016*

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

When using Social Media:

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

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

*Effective Date: April 2016*

**Purpose:**

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

**Objective:**

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

**Policy:**

**Employee Guidelines:**

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

**Non-Employees**

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

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

**WELLS COUNTY NON SOCIAL SERVICES EMPLOYEES**

**Seat Belt Policy**

In order to increase employee safety and because seat belts are the best protection against injury or death in a crash Wells County has enacted a seat belt policy, effective November 2014 (revised). We are committed to employee safety, and recognize that the simple act of buckling up reduces the chance of serious injury or death by 40% to 60% and can save money for our County.

Wells County recognizes that seat belts are extremely effective in preventing injuries and loss of life. We care about our employees, and want to make sure that no one is injured or killed in a tragedy that could have been prevented by the use of seat belts.

It will be Wells County policy that seat belts shall always be used by both drivers and passengers while traveling on official company business. Employees are strongly encouraged to use their seat belts off the job as well. The purpose of this policy is to establish mandatory belt use as an organizational priority and designate responsibility for implementation and enforcement.

- Following the seat belt policy is to be considered a condition of employment with Wells County. Failure to abide by this stated policy will be considered a breach of that condition of employment and subject the person in violation to disciplinary action, including suspension and possible termination.

I acknowledge that I have received a written copy of the seat belt policy, that I fully understand the terms of this policy, that I agree to abide by these terms, and that I am willing to accept the consequences of failing to follow the policy.

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Employee Signature

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Date

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Employee Name (printed)

**Distracted Driving Policy**

In order to increase employee safety and eliminate unnecessary risks behind the wheel, Wells County has enacted a Distracted Driving Policy, effective November 2014 (revised). We are committed to ending the epidemic of distracted driving, and have created the following rules, which apply to any employee operating a company vehicle or using a cell phone while operating a personal vehicle:

- County employees may not use a hand-held cell phone while operating a vehicle – whether the vehicle is in motion or stopped at a stop sign or traffic light. This includes, but is not limited to, answering or making phone calls, engaging in phone conversations, and reading or responding to emails, instant messages, and text messages.
- If County employees need to use their phones, they must pull over safely to the side of the road or another safe location.
- **Emergency vehicle cell phone use may be exempt for phone use only.**
- Additionally, County employees are required to:
  - Turn cell phones off or put them on silent or vibrate before starting the car.
  - Consider modifying voice mail greetings to indicate that you are unavailable to answer calls or return messages while driving.
  - Inform clients, associates and business partners of this policy as an explanation of why calls may not be returned immediately.
- Following the Distracted Driving Policy is to be considered a condition of employment with Wells County. Failure to abide by this stated policy will be considered a breach of that condition of employment and subject the person in violation to disciplinary action, including suspension and possible termination.

I acknowledge that I have received a written copy of the Distracted Driving Policy, that I fully understand the terms of this policy, that I agree to abide by these terms, and that I am willing to accept the consequences of failing to follow the policy.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Name (printed)

**Drug and Alcohol Driving Policy**

**WELLS COUNTY NON SOCIAL SERVICES EMPLOYEES**

In order to increase employee safety and to maintain a safe, healthy and efficient working environment for all its employees, Wells County has enacted a drug and alcohol policy, effective November 2014 (revised).

Being under the influence of drugs or alcohol, while on-the job, is a serious safety and health risk (and may be in violation of state law) not only to the user, but to all those who work with the user.

While on Wells County property, attending business-related activities, on duty or operating a vehicle or equipment owned by Wells County, the use, possession, sale, transfer or distribution of any illegal drug or alcohol is strictly prohibited. Any employee who is in violation of this policy may be subject to disciplinary action.

Physician-prescribed medications are permitted, provided they do not adversely affect job performance or the safety of the employee or other individuals in the work place.

Wells County recognizes that employees may wish to seek professional assistance in overcoming alcohol or drug problems. Please contact your supervisor for more information about benefits and/or referral sources available.

- Following the drug and alcohol policy is to be considered a condition of employment with Wells County. Failure to abide by this stated policy will be considered a breach of that condition of employment and subject the person in violation to disciplinary action, including suspension and possible termination.

I acknowledge that I have received a written copy of the drug and alcohol policy, that I fully understand the terms of this policy, that I agree to abide by these terms, and that I am willing to accept the consequences of failing to follow the policy.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Name (printed)